

Nottingham Code Review - 2023

Review Process

The current Unipol Code for shared student houses in Nottingham expires on 31st July 2023. To ensure it remains in step with changes to legislation, local authority standards and best practice, the Code is reviewed every 3 years and then landlords are asked to re-join to affirm commitment to the new standards.

The review process included an open consultation of stakeholders and members, plus two meetings of the review panel, established to consider any proposed changes.

The review panel consisted of representatives of landlords, students, universities, the local authority, Police, fire authority and community groups.

The first Code Review Group meeting took place on 31st March 2023. Stakeholders and members of the Unipol Owners Consultative Group were asked to submit suggestions prior to the meeting, which were reviewed by the group, along with changes/updates proposed by Unipol.

Following the first meeting, the agreed changes were consolidated into a 'tracked changes' document, which was circulated to all current members, partners and stakeholders. An open consultation was held in May 2023 and 8 responses were received.

In addition to the consultation, separate bi-lateral meetings were arranged with Nottinghamshire Police and Nottingham City Council, to ensure that technical aspects of the Code were accurate and up to date with current regulations and legislation.

A second meeting of the Code Review Group was held on 6th June 2023. This meeting reviewed all of the consultation responses.

The draft copy of the Code has been produced which will be considered by the Unipol Board.

In this review, Unipol has sought to take advice to simplify the wording of some clauses to improve clarity. It is not the intention to alter the meaning or requirement, but to improve the legibility of the document for both students and landlords.

Principles of this Review

The Code Review Group were reminded of the principles of the Code Review:

- Standards may exceed legal minimums and should reflect landlords going above and beyond what is required under the law.
- The standards must be consistent with, but can exceed, those set by the local authority.
- The standards must be simple and secondary references, although unavoidable, should not proliferate - although web links can be added.
- The standards should not reflect very detailed operational procedures or refer to costs that will become outdated across the three year life of the Code.
- Wherever possible the Code should be clear about what standards it requires or, if this is not possible, clear guidance can be issued (as part of the Code's secondary documentation) that says what needs to be done.
- The Code must meet the four ANUK principles of Declaration, Verification, Continual Improvement and be able to respond to Complaints.
- It will be important to maintain a focus on management standards (the main cause of complaints from students) as well as initial physical standards.

- This is a specific Code for off street student houses and must relate to the needs and risks inherent in this part of the housing market.

Compromise and Consultation

Putting together a new Code is a complex and difficult matter. It is easy for a "wish list" of standards to accumulate from those who do not have to meet them. It is also easy for disagreeing parties within a review process to negotiate between themselves to find a solution that can be difficult to achieve from those being asked to meet the standards.

It is essential to remember that accreditation is voluntary and that whatever standards are set, owners have to be persuaded, voluntarily, to meet those standards. This will set real boundaries about what can and cannot be achieved. It is important to be conscious of the current market context in Nottingham, with an increasing number of students and a static number of HMOs. It is becoming harder to convince landlords to join accreditation, so we have to balance new requirements with the realities of the market.

As new standards come in, it is normal to have "feed-in" times that allow owners periods of time to meet specific standards where works or changes are likely to be required. These feed in periods are usually based on an assessment of the practicalities of doing works and an assessment of where risks are highest.

The Review Panel

The Review Panel was convened to examine all aspects of the Unipol Code and make recommendations for future changes to the Unipol Board. The Unipol Board will consider the standard put forward by the Review Panel, and then approve an agreed updated standard for the 2023-2026 Code cycle.

The Review Panel constituted of landlords, agents, student representatives, community representatives, member organisations of Unipol and statutory and non-statutory bodies who have an interest in the scheme and its continued operation. Members of the Review Panel were selected because of their knowledge and experience and the review relied on them considering Unipol's proposed changes and raising any amendment they think are necessary due changes in legislation, regulation and operational procedures. Although Unipol has presented a reviewed set of standards based on its knowledge of changes in these areas, it places some reliance on the expertise of the Review Panel to raise any pertinent points for inclusion.

The Review Panel was comprised of:

Faye Swanwick (Chair)
 John Taylor (Landlord)
 Paul Rowland (Landlord)
 Corrina Purves (UoNSU)
 Claire Baxter (Chair of Nottingham Code Audit Panel)
 Lyndsey Berry (UoN)
 Daisy Forster (UoNSU)
 Simon Chadburn (NCC)
 Maja Fletcher (Local Resident)
 Victoria TolmieLoverseed (Unipol Assistant Chief Executive – Standards)
 Vic Peckett (Unipol Code Complaints Investigator)
 Matt Allison (Unipol Codes Administrator)
 William Fish (Landlord)
 Igor Humphrey (Landlord)
 David Paterson (Landlord)
 Michael Lees (NTU)
 Max Oliver (NCC)
 Andrew Wilson (Landlord)
 Beckie Woodward (NTU)
 Jennifer Noctor (NTU)
 Nick Butler (Notts. Police)

Summary of changes to the Code document

- Updates to wording and language to improve readability.
- Addition of “References” appendix.
- Added reference to *Consumer Rights Act*: *“Tenancy agreements do not contain any unfair terms (as defined in the Part 2 of the Consumer Rights Act 2015) or any terms or conditions that conflict with the tenant’s statutory or common law rights or the provisions of this Code”*
- Requirement to provide *“How to Rent Checklist”* at commencement of tenancy.
- Wifi clause added: *“Where WiFi is referred to it should be made clear whether this is being provided within the rent or at an additional cost; it should also make clear exactly what sort of provision is being made available to users, especially where the ‘free’ elements cover only a base service and a charge is made for enhancements to this.”*
- No rent to be payable where a sole bathroom is not usable at the commencement of the tenancy: *“If rooms are not ready for occupation (“not ready” to be interpreted as where the property room/s cannot be used for their intended purpose) on the date that the tenancy begins, then suitable alternative accommodation will be provided by the member if required by the tenant. No rent will be payable for the room/s that are unusable during that period. A kitchen that is unusable would count as a 50% rent reduction. No rent should be payable if a sole bathroom is unusable for any period over 24 hours.”*
- Tenant data to be stored in accordance with GDPR: *“Tenant data will be fairly and lawfully processed in accordance with GDPR and the Data Protection Act 2018⁵. Members should register with the Information Commissioners Office as a data controller.”*
- Reference to the fact that *“Fire escape hatches are generally not considered to be a satisfactory secondary means of escape”* added.
- Reference to ‘Secured by Design’ standard added, following consultation with Notts Police: <https://www.securedbydesign.com/>.
- Reference to the Minimum Energy Efficiency Standards (MEES) added: *“Tenants are provided with a copy of a current Energy Performance Certificate for the property, with a minimum rating of EPC band ‘E’, as per Minimum Energy Efficiency Standards (MEES).”*
- Updated deposit and dispute sections in order to improve clarity.