

Minutes of the Committee of Management Meeting

held on Wednesday 24th June 2009, at University College London

Present: Mr John Daniels (Chair), Mr Mark Allen (UPP), Mr Michael Ball (ASRA), Mr Martin Blakey (Unipol Student Homes), Mr Jonathan Chandler (University of Greenwich), Mr Bob Crompton (Victoria Hall), Mr Heriberto Cuanalo (CRM Students, for Keith White), Mr Gavin Duncan (Opal), Mr Allan Hilton (Cass and Claredale), Mr Dennis Hopper (University of Leeds), Mr Paul Rowlinson (Sanctuary Management Services), Ms Sarah Wayman (NUS), Mr Brian Welsh (Liberty Living)

In Attendance: Mr Simon Kemp (National Code Administrator)

Apologies: Mr Jason Baines (Derwent Living), Mr Jeff Childs (Welsh Assembly), Mr Rob Damiao (Unipol), Mr Ian Fletcher (ANUK), Mr Paddy Jackman (CUBO), Mrs Ruth Hammond-Laing (LACoRS), Ms Kerry Mattock (Mainstay), Mr Alan Russell (Unite), Mr Robert Russell (AoC), Ms Geraldine Ward (University of Hertfordshire), Mr Keith White (CRM Students)

The Chair opened the meeting at 10.20am. He thanked UCL for agreeing to host the meeting and for providing lunch and asked members present to introduce themselves.

Minutes of the Previous Meeting

The minutes of the meeting held on March 18th 2009 were approved.

Matters Arising

Review of the Code for Non Educational Establishments – The CoM expressed some concerns about the proposal that the review be completed by January 2010 as this would not give sufficient time. It was therefore agreed to extend the period until September 2010. Dennis Hopper suggested that, as with the review of the Code for educational establishments, it might be helpful if one person were to co-ordinate the work of drafting the revised Code. The CoM agreed that this was a good idea. Martin Blakey reminded the CoM that there were two main reasons for reviewing the Code, one was to take account of any new legislative issues (such as the Fire Safety Order), the other was to incorporate new standards based on findings from the self-assessment and verification procedures. He therefore proposed that the first meeting of the review group be an ‘open forum’ at which new thinking on the content of the Code would be welcomed.

The CoM discussed the proposed content of the Review Panel and suggested a number of amendments. It was agreed to offer ASRA a place on the Panel and to include a representative of a private provider member who does not attend meetings of the CoM. The Chair reported a conversation with CLG in which they had stated that they did not wish to be formally represented on the Panel. Paul Rowlinson agreed to represent the not for profit providers on the CoM, whilst Gavin Duncan volunteered to represent the private providers with 5,000 plus bed spaces. NUS agreed to investigate ways of securing tenant representation on the Panel. The National Code Administrator was instructed to seek volunteers for the other places available on the Panel.

The CoM discussed the proposal that the Review Group should meet twice and agreed that more meetings than that would be required before the final version could be completed and sent to CLG for approval. It was also agreed that CLG be invited to attend meetings of the group once a revised document had been drafted.

Marketing and Publicity – Copies of some designs for a new National Codes logo were circulated at the meeting, some produced by Unipol and others by CRM. Members of the CoM felt that it was important that any new logo should convey a sense that the accommodation covered by it was of the highest standard and that it acted as a form of kite mark. It was agreed that the Unipol design with the thumbs-up symbol was generally preferred, but that it should also incorporate the ANUK logo and include the phrase ‘assured accommodation’.

Brian Welch reported on a survey he had carried out on students living in Liberty Living accommodation which had included a question on the Codes. He found that most of these tenants claimed not to know anything about the Codes, even though Liberty include leaflets about it in their tenant information packs, display posters in developments and refer to it on their website. The CoM agreed that more work was required to raise the profile of the Codes.

The National Code Administrator reported that some advertising space had been booked in *The Education Today Supplement*. It was agreed that drafts of the adverts would be circulated in advance to members of the CoM for comment.

Tenancy Deposit Protection – An exchange of emails between the Chair of the CoM, Martin Blakey and Lawrence Greenberg (from The Disputes Service) were included in the paperwork circulated in advance of the CoM meeting. In response to the Chair’s request for clarification from TDS on whether membership of the approved Codes was sufficient to permit on-going membership of TDS without having to join any other prescribed organisation, Lawrence replied that it would only be so if the member was also carried Client Money Protection Bonding.

The CoM did not think it was necessary to carry such bonding – Martin Blakey pointed out that Unipol did not have it as it was overseen by regulations set by the Charity Commission. It was reported that Unipol intends to launch a deposit protection scheme for accredited landlords, which will not require them to have any bonding arrangements.

Invite to Housing Minister – The National Code Administrator reported that the Chair of the CoM had written to the Parliamentary Under Secretary of State for Housing, Iain Wright, in April inviting him to attend this meeting of the CoM. No response was received and Mr Wright was then replaced in June by Ian Austin. It was proposed that a letter be sent to Mr Austin inviting him to attend the October CoM meeting and that CLG be asked to host that meeting.

The Chair reported that he had discussed with CLG the likelihood of Mr Austin accepting the invitation and their willingness to host the next CoM, but had received a very negative response to both questions. He felt that it was more likely that the Minister would attend a general event that discussed accreditation rather than one focused on the approved Codes.

Martin Blakey announced that the Accreditation Network UK (ANUK) was planning to have a re-launch event at the House of Commons in the autumn and suggested that Mr Austin be invited to attend.

Update on Code and CoM Membership

The National Code Administrator reported that the number of bed spaces covered by the private providers Code as of the middle of June 2009 was 111,420, an increase of just under 1000 (0.87%) since the last CoM meeting. He noted that applications from new members had slowed since the start of the year but that 2 new ones were working their way through the system. One application that was received at the start of the year from Westmanor Properties was deemed to have lapsed because the provider had failed to complete and return their self-assessment questionnaire within the allotted timescales.

Membership of the Code for educational establishments was reported to have decreased from 17,985 bed spaces in 2008 to 16,187 as of the middle of June 2009. The main reason for the decline was due to the fact that two colleges had not re-signed a members for 2009, one because it had ceased to accommodate students whilst the other gave no reasons for not re-joining. Another reason why numbers had decreased was because some members were either re-furbishing existing accommodation (so a loss of net bed spaces) or they had demolished it.

It was reported that an expression of interest in joining the Code for educational establishments had been received from the bursar of one of the Cambridge University colleges. The National Code Administrator is currently in discussions with him and will inform members of the CoM if one or more of that university's colleges decide to make a formal application for membership.

Revisions to Membership of the CoM

The Chair informed the meeting that the following changes to the membership of the CoM were proposed:

Ms Ama Uzowuru (NUS) is to be replaced by Mr Ben Whittaker;

Mr Rob Damiao (Unipol) is to be replaced by someone appointed by the Unipol Board when it meets in August;

Mrs Helen McNeely (AMOSSHE) is to be replaced with another person nominated from the AMOSSHE executive;

Mr Terence Treadwell (Co-Optee) has resigned from the CoM;

Mrs Jane Crouch (IQ Letting) has been appointed as their representative to the CoM as they have registered more than 2000 bed spaces.

It was announced that two applications had been received to fill two of the vacant co-opted posts – one from Ms Nikoline Camaj (Nido Student Living) and one from Mrs Yvonne Jones (Carlton North Wales). The CoM discussed these application and agreed that it would be beneficial to the work of the CoM to co-opt these people for a 12 month period. However, it was noted that the co-opted places were devised as a means of providing members of the Code with less than 2000 bed spaces a mechanism for involvement on the CoM. It was therefore agreed that a more formal process for the election of such members be devised.

The Chair welcomed the new members and thanked the retiring members for their service.

Fee Payment Arrangements for 2010

The National Code Administrator introduced a paper proposing timescales for the distribution of invoices and deadlines for the payments of fees relating to membership of the Codes for 2010. This included a proposal that invoices be paid within 30 days and, if not, a 10 day reminder would be issued. If the fees were not paid after that then that provider's membership would be suspended and a £400 re-joining fee charged.

Some members of the CoM thought that a 30 day deadline was tight but not unachievable. It was proposed that the invoices be issued on December 1st and that any reminders sent should contain an explicit statement about the re-joining fee. This was agreed.

Assessment and Verification

The National Code Administrator reported that the Audit Panel had met in June 2009 to discuss the outcomes of the verification visits that had taken place between February and early June, as well as to determine the number and type of visits to take place throughout the autumn of 2009.

A total of 27 verification visits to developments operated by 20 different providers were undertaken in the first half of 2009. In all but one case, the verifiers recommended that full membership be awarded as a result of the outcome of the visit. The Audit Panel also identified a couple of policy issues which it felt the CoM ought to discuss: 1) Whether providers could be able to quote directly from the verification report on their website; 2) Whether some good practice guides should be developed, based on the findings of the visits conducted so far.

The CoM did not think it would be a good idea to permit providers to quote directly from the verification reports, as these were confidential documents between the verifier and the provider. The CoM felt that it would only be appropriate for a provider to publicise on its website when a particular development had been verified.

The CoM were sceptical about the value of producing good practice guides and agreed that no further thought should be given to the idea.

NUS questioned the way in which the verification process assesses compliance with matters relating to equal opportunities and whether it is sufficient simply to check to see that the provider possesses policies and procedures for these, rather than getting direct feedback from tenants to test whether they felt such policies were being followed. The CoM felt that it was difficult to test such issues, although few felt that they received a lot of complaints that providers were breaching EO policies/procedures. It was agreed that verifiers should ask more questions to tenants during visits about EO issues in general.

It was reported that the Audit Panel had agreed on a programme of verification visits for the autumn of 2009 that focused on three particular aspects: 1) All new applicants, to be visited within 12 weeks of completing the self-assessment questionnaire (where practicable); 2) Developments belonging to existing members which are situated in

geographical locations that have not been visited previously – especially the south west of England, Wales and Scotland; 3) Providers verified last in the autumn of 2007 and which were required to address one or more action points.

Dennis Hopper informed the meeting that the University of Leeds was shortly to undergo an internal (external) audit and that Grant Thornton (who have been employed to do the audit) had requested the chance to audit their compliance with the educational establishment Code, in the same way that members of the UUK Code are audited. He suggested that a similar situation may arise at other institutions signed up to the educational establishment Code.

Annual Report to CLG

A draft version of the 2009 annual report to CLG was distributed via email in advance of the meeting and members were invited to comment on it before it was due for submission on June 30th. Members were invited to email any suggestions to the National Code Administrator and it was agreed that the final version would be sent to all members (and posted on the National Code website) as soon as possible after the deadline date.

The Chair informed the meeting that it had not been possible to include within it the type of impact reports that previous meetings had suggested ought to be provided, however, it was agreed that these reports be compiled as a separate document and then distributed to all members at the start of 2010.

NUS Accommodation Costs Survey

Sarah Wayman (NUS) reported that NUS and Unipol will shortly begin collecting data for the next edition of this survey. She noted that the pilot version had already been sent out and hoped that the survey proper would be distributed in July and August. The survey includes a question about the approved Codes of Practice.

Martin Blakey informed the meeting that the results from the survey would be launched in November and that members of the CoM would be invited to attend.

Large Development Rent Levels

Martin Blakey reported that rent levels for large developments will increase by 11% for 2009/10, then gave a brief presentation comparing rent levels in large developments in Nottingham.

Proposed Code Amendments

The National Code Administrator introduced a paper suggesting amendments to the Codes in respect of tenancy deposit protection and non-smoking procedures.

The CoM were reminded that although the Code for educational establishments was up-dated when it was revised to make reference to the tenancy deposit protection schemes, the other Code was not. It was therefore proposed that the wording used for the section on deposits from the educational establishment Code be imported directly into the other Code, albeit with a number of small changes. Members of the CoM questioned whether there needed to be more consistency between the proposals that deposits not covered by a TDP scheme should return deposits within 28 days and

those which were covered should return balances (when money from deposits was retained) within 8 weeks. It was agreed to look at the wording again and ask CLG for some guidance on this.

The NCA informed the meeting that the Audit Panel had suggested that the CoM might wish to consider making amendments to both Codes to include a requirement to put up 'no smoking' signs in communal areas. The CoM felt that as it was already a legal requirement that such signage was in place, there was no need to include it in the Codes.

TV Licensing Policy

Following discussions at the previous meeting about the TV Licensing Authority's policies in respect of large student developments, the National Code Administrator contacted TVLA and obtained some details on their policy – which was included in the meeting papers.

The CoM felt that this answered all of the questions that had been raised about the policy.

Swine Flu Procedures

AMOSSHE requested information on what procedures members of the Codes had put in place, if any, to deal with an outbreak of swine flu in one or more of their developments. Sanctuary Management circulated a copy of a set of questions and answers they had distributed to their tenants, which was included within the papers for the CoM meeting.

Members of the CoM reported that they were tending to distribute the information provided by the Department of Health and were addressing outbreaks where they arose. Dennis Hopper informed the meeting that the University of Leeds was currently working on its own policy and that, once signed-off, he would be happy for it to be distributed to members of the Codes.

It was suggested that providers would need a policy in place by the autumn, when more severe outbreaks were likely to occur.

Any Other Business

LACoRS Guidance on the Approved Codes – The National Code Administrator reported that LACoRS were in the process of developing some guidance for local authorities on the Codes. It was anticipated that this would be completed by November 2009 and it was agreed that a draft version be circulated to members of the CoM for comment.

Music License 'scam' – It was reported that Servite had requested some information on whether a recent request they had received from the Performing Rights Society for music licenses in their developments was a 'scam'. Paul Rowlinson informed the meeting that it was necessary for providers to have a music license for any music that was played outside of a domestic environment, including radios used by staff working in developments and incidental music used on by telephone systems when putting

people on hold. He also reported that stiff fines have been recently imposed on organisations who did not have them. It was agreed that the National Code Administrator distribute information to members about this and refer them to the PRS website.

Rugg Review Response – It was announced that ANUK were planning to hold a round-table meeting on Friday 10th July to discuss a response to the Rugg Review.

UCAS Accommodation Adverts – NUS raised some concerns about private providers advertising their accommodation directly to new students via emails from the Universities and Colleges Admissions Service. They thought this was misleading to the students concerned, some of whom had applied for accommodation directly with the university and college and thought the advert meant they had not been accepted into it. ASRA reported that they had sought clarification on what limits had been placed on adverts via UCAS. The CoM, although not opposed to providers advertising via UCAS, agreed that they needed to be careful in how such adverts were phrased and to whom they sent so as not to cause any confusion.

Date and Venue of Next Meeting

It was agreed that the next meeting would be on Friday 23rd October, at Liberty Living's Bedford development, starting at 10.30am.

The National Code Administrator was instructed to email members in order to get expressions of interest to host the 2010 meetings, which are scheduled for: Friday 19th February (in London); Thursday 24th June (out of London); and Friday 29th October (in London).

It was also agreed that the NCA would circulate possible dates for the 2009 National Code Conference.

The meeting closed at 13.33pm