

National Codes Tribunal

16th June 2014

13.45pm, at Devonshire Hall, University of Leeds

Meeting to consider a complaint against Malik Halls Ltd

Members of the Tribunal present: Mr John Martin (Chair); Ms Jane Crouch (Pvt Provider); Mr Mark Allen (Pvt Provider); Ms Victoria Lovegood (Unipol); Ms Jo Goodman (NUS); Ms Julie Hartley (Bradford University); Mr Andy Fitzpatrick (Bradford University SU); Mr Jake Volpe (Bradford University SU); Mr Liam Jowett (City of Bradford MDC);

Also present: The complainant, MH and Mr Othman Dakhil (Malik Halls Ltd)

In attendance: Simon Kemp (National Codes Administrator)

Report from the Tribunal

Details of the Complaint

The initial complaint was received on the 29th January 2014 from a tenant living in Malik Halls, Bradford, a large development managed and controlled by Malik Halls Limited. The complaint alleged that the following clauses of the Code had been breached:

3.0 - The accommodation had been advertised as possessing a 24 hour on-site maintenance capability, but it is not possible for tenants to report repairs over such time periods - either electronically or via a member of staff;

4.9 - Repair completion timescales as set down in the Code were not achieved in respect of problems pertaining to a blocked toilet and shower drain and the replacement of batteries in smoke detectors which were emitting a constant 'beeping' sound;

7.0 - The tenant's deposit was not properly protected under one of the approved protection schemes, in accordance with the regulations;

8.2 - The provider had failed to respond to correspondence sent by the tenant within the permitted timescales set down in the Code.

Other Matters that the Tribunal Took into Account

Malik Halls Ltd responded to the initial allegations within the 14 day time period allowed to them to do so. They acknowledged that they had failed to protect the complainant's deposit within the 30 day period from having taken the deposit, although they did provide evidence to show that the deposit was protected under the My Deposits scheme as soon as they were made aware of this. However, they disputed the other allegations and claimed that they had never advertised the development as having a 24 hour maintenance reporting facility; that the repairs requested to the blocked drains had been resolved within the permitted timescales and the problems with beeping smoke detectors had now been resolved; and that they had responded to the tenant verbally in relation to his correspondence.

As a result of the provider's admission that they had failed to protect the tenant's deposit within 30 days of taking the money, the Chair of the Tribunal suspended them from membership.

Following a decision of the National Codes Audit Panel to undertake a series of visits to all providers in Bradford who were (or had been until recently) members of the ANUK/Unipol National Codes, the two developments operated by Malik Halls Ltd in the city were inspected in May 2014. The verifier's report identified a number of action points that needed to be addressed, which included the replacement of batteries in smoke detectors that were beeping; the provision of evidence to show that all tenants' deposits have been properly protected; and the development of separate systems for the reporting of maintenance requests and the making of complaints, as currently the two are Interlinked.

Report of the Discussions

Both the complainant and a representative of the provider were present at the meeting and each took it in turns to make a statement to the Tribunal and then deal with questions raised by Tribunal members.

The complainant read out a prepared statement which detailed his main concerns about the way in which Malik Halls Ltd managed the accommodation during the time he lived there and he stated that his main reason for pursuing the complaint was to help ensure no other students suffered a similar experience. Members of the Tribunal then asked him questions relating to both the content of his statement as well as about the issues raised in the original complaint.

The representative of Malik Halls Ltd stated that he was uncertain as to how this matter had been able to escalate to the stage it had, as he believed all of the issues raised by the complainant to have now been resolved. He therefore invited the Tribunal to ask him questions, which they did. The Tribunal members asked for clarification on a number of issues, including how deposits were currently being protected; what steps were taken to deal with the reports of bleeping smoke alarms; whether they have in place a procedure for repair reporting and to explain perceived disparities between the evidence they had provided indicating that the drains problem had been dealt with in December 2013, when the problem that was included in the complaint was dated January 2014.

Decision

The Tribunal then discussed the issues. Questions were raised about the provider having adequate management systems, both maintenance and complaints. The panel also felt that there was little evidence that the local manager had a firm grasp on the day to day management and he appeared to be having problems coping.

Very broadly the Tribunal, having listened to the evidence, came to the conclusion that, on the balance of probabilities, the complainant was telling the truth about the difficulties that he had experienced whilst living in this accommodation. On the other hand, the representative from Malik Halls' evidence was inconsistent and confused and the Tribunal felt less able to support it. On the basis of the evidence presented, the Tribunal believes that Malik Halls should be excluded from the Code on the basis of deposit protection matters; dealing with disputes; the condition of the property at the start of the tenancy; and the evidence from the verification visit which suggest the problem of bleeping smoke alarms remains an on-going issue for this provider.

Overall, the Tribunal felt that there was a failure to adequately manage the building and that, as such, most of the original complaint should be upheld. The misrepresentation issue raised in the complaint was laid-aside.

The Tribunal therefore determined that Malik Halls Ltd should be removed from the Code for a minimum period of one year (from the date of the Tribunal). The Tribunal also placed some conditions on the provider should it wish to re-apply for membership after that date, namely that they provide evidence to show the failings in respect of deposit protection plus those in respect of repairs and complaints reporting systems have all been addressed. Also, and in addition to being subject to a another verification visit, the Tribunal decided that the National Codes Administrator should liaise with the students' unions of both Bradford University and Bradford College to check the level of complaints they had received from students about this provider.

Follow Up Action

A press release detailing the outcomes from the Tribunal is to be issued, which will be distributed to the both the local and student press as well as being posted on the National Codes' website.