



Overview and Scrutiny Task Group - Private Rented Housing Inspection

Agenda and Reports

For consideration on

Tuesday, 21st February 2012

In Committee Room 1, Town Hall, Chorley

At 6.00 pm

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16 February 2012

Dear Colleague

OVERVIEW AND SCRUTINY TASK GROUP - PRIVATE RENTED HOUSING INSPECTION - TUESDAY, 21ST FEBRUARY 2012

You are invited to attend a meeting of the Overview and Scrutiny Task Group - Private Rented Housing Inspection to be held in Committee Room 1, Town Hall, Chorley on Tuesday, 21st February 2012 commencing at 6.00 pm.

AGENDA

1. **Apologies for absence**
2. **Minutes of the last meeting held on Thursday, 2 February 2012 (attached). (Pages 1 - 4)**
3. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

4. **Advice on the Use of Data Held by the Council (Pages 5 - 8)**

A report of the Monitoring Officer is attached.

5. **Powers under Section 3 Housing Act 2004**

Verbal update from Simon Clark, Head of Health, Environment & Neighbourhoods.

6. **Information on Landlord Accreditation Schemes and Scrutiny Reviews undertaken by other Authorities**

Information to follow.

7. **Draft Scoping Document (Pages 9 - 10)**

Based on discussion at the last meeting, a draft scoping document has been drawn up and is attached for Members comments.

8. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Gary Hall
Chief Executive

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Democratic Services Manager
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Distribution

1. Agenda and reports to all Members of the Overview and Scrutiny Task Group - Private Rented Housing Inspection (Beverley Murray (Chair) and Alison Hansford, Harold Heaton, Steve Holgate, Hasina Khan, Paul Leadbetter and June Molyneaux for attendance.
2. Agenda and reports to Simon Clark (Head of Health, Environment & Neighbourhoods), Zoe Whiteside (Head of Housing), Kath Knowles (Housing Manager (Strategy)) and Carol Russell (Democratic Services Manager) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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کیجئے:

Overview and Scrutiny Task Group - Private Rented Housing Inspection

Thursday, 2 February 2012

Present: Councillor Beverley Murray (Chair) and Harold Heaton, Steve Holgate, Hasina Khan, Paul Leadbetter and June Molyneaux

Also in attendance: Simon Clark (Head of Health, Environment and Neighbourhoods), Zoe Whiteside (Head of Housing), Kath Knowles (Housing Strategy Manager) and Carol Russell (Democratic Services Manager).

12.RHI.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Alison Hansford.

12.RHI.2 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

12.RHI.3 PRIVATE RENTED HOUSING INSPECTION IN CHORLEY

Simon Clark, Head of Health, Environment and Neighbourhoods and Kath Knowles, Housing Strategy Manager gave a joint presentation on the current arrangements in Chorley for the inspection of private rented housing including the formal role and powers of the Council.

The housing conditions survey identified that there was an estimated 4100 private rented houses in the borough – 10% of the housing stock. Around a third of the Borough's private rented property is located in the neighbourhood area of Chorley Town East.

Simon Clark provided information on the Council's responsibilities in relation to housing standards and the hazard scoring system introduced by the DCLGs Decency Standards for Housing and the Housing Act 2004. The Council can only take enforcement action against landlords where private rented housing has Category 1 hazards - hazards that can cause harm. It was estimated that 15% of all private rented dwellings had Category 1 hazards - but unless complaints were received from tenants there was no mechanism to identify and deal with them. Category 2 hazards eg lack of amenity and disrepair cannot be enforced by the Council and are down to the landlord to repair.

The service provided by the Council in inspecting private rented accommodation is a reactive one, responding to complaints. There is no statutory duty to inspect – except in relation to Houses in Multiple Occupation – of which there are only a handful in the Borough. Statistics were provided for the number of housing service requests received by the neighbourhoods team – averaging about 500 per year. Of those only 50 to 60 a year had resulted in inspections and around 10 to 15 a year in notices being served.

Kath Knowles presented information on the legal rights of both tenants and landlords. Private rented accommodation offers far less security of tenure compared to social housing with the landlord only being required to give a tenant

2 months notice to leave. There are a number of safeguards in place to protect and assist tenants including a tenancy Deposit Protection Scheme and the Council's Rental Bond Scheme.

The Council's housing and health, environment and neighbourhoods teams worked together to deal with issues around housing standards and repairs and illegal eviction and harassment. There is also a Private Landlords Forum meeting quarterly to support and advise private landlords.

There were a number of opportunities to enhance work done to improve housing standards for tenants in private rented housing, including a proactive inspection regime. However the resources needed to provide this were very high and were therefore more common in areas with a large private rented stock with poor housing conditions. Landlord accreditation schemes were also in place in some areas but they had limited impact as they predominantly attracted the better landlords.

During discussion the following key issues and concerns were raised by members:

1. Where are the estimated 4100 private rented properties in the borough located? This information is only held by the Council Tax team and disclosure is limited by data protection legislation.
2. Concerns that an estimated 15% of private rented housing stock has Category 1 hazards.
3. Some mechanism of inspection in addition to responding to complaints about housing standards is required in order for landlords to feel that poor housing standards may be challenged by the Council, with the real possibility of enforcement action.

RESOLVED – That the following information be provided for the next meeting:

1. The Head of Governance be asked to advise on how information held by the Council on the location of private rented property could be shared to enable further inspection to be considered; and

2. That research be undertaken on the existence of Landlord Accreditation (or similar schemes) elsewhere in the north west and on any scrutiny reviews of private rented housing conditions which may have been undertaken nationally.

12.RHI.4 SCOPING THE REVIEW

The Chair advised on the need to scope the review, to clarify what Members wanted to achieve from it. It was generally agreed that the key objective was to improve housing conditions within the private rented sector in Chorley Borough. The desired outcomes were to encourage private landlords to tackle poor housing standards in their properties and to ensure that the Council took action where problems were known to exist.

RESOLVED – That based on Members discussion, the project outline for the review be drafted for consideration at the next meeting of the Task Group.

12.RHI.5 DATES OF FUTURE MEETINGS

It was agreed that the next meeting would take place on Tuesday 21 February 2012 at 6.00pm in Committee Room 1.

Chair

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Report of	Meeting	Date
Monitoring Officer	Overview and Scrutiny Private Rented Housing Inspection Task Group	21 February 2012

ADVICE ON THE USE OF DATA HELD BY THE COUNCIL

PURPOSE OF REPORT

- To advise the Overview and Scrutiny Private Rented Housing Inspection Task Group on the rights of Council Departments to share information.
- To provide a view on the viability of a none statutory inspection scheme for Private Rented Housing.

RECOMMENDATION(S)

- To note the content of the report.

EXECUTIVE SUMMARY OF REPORT

- The sharing of data or information held by the council by different departments is problematical when the sharing is not specifically authorised by Legislation.
- Assembling a database of tenanted property will not be straightforward and initially may not highlight problem properties.
- Access to any tenanted property will have to be voluntary.
- Any Inspection Scheme will have no enforcement powers (save for statutory health and safety or environmental health powers).

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy	x	Pride in Quality Homes and Clean Neighbourhoods	x
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

- The Overview and Scrutiny Task Group are investigating the possibility of implementing an inspection scheme for privately rented housing to be administered by the Council.
- To set up such a scheme the Council will require information concerning which properties within the borough are in fact tenanted.

11. The Council hold information which could be used as the basis for the database of leased properties. This is held by Housing Benefit and in some cases Environmental Health and or Building Control. The only reliable up to date information however would be the Housing Benefit records.
12. The scheme would have no statutory foundation and would be implemented under the General Power of Competence. As such it will be hard to adopt any scheme of regulation or sanction.

INFORMATION SHARING

13. The information held by the Housing Benefits team was supplied by residents for the purposes of obtaining Housing Benefit. This information, the name and address, is covered by the Data Protection Act 1998. The Council is therefore required to maintain the confidentiality of this information unless the Data Protection Principles (Schedule 1 of that Act) do not apply. Exemptions are provided by Schedule 2. Unfortunately, none of the exemptions apply. Whilst use of the data in this way may have benefits to the community, this in itself is not an exempting reason.
14. In order to enable the sharing of this information, the Council could provide an additional document for voluntary completion by any applicant seeking housing benefit. This would authorise Housing Benefits to share their personal data, name and address of rented property, with other teams in the Council. We could not compel the completion of this form.

THE PRIVATE HOUSING INSPECTION SCHEME

15. The Council have the power to set up an inspection scheme. This can be done either under the general wellbeing powers, as such a scheme would seek to enhance residents living conditions, or under the general power of competence which enables Councils to do anything an individual can, provided there is no statutory restriction preventing them.
16. There will be no requirement for landlords to register their properties with the Council for any inspection scheme. Any scheme would have to be administered on a voluntary basis, with landlords offering to participate.
17. This would limit the effectiveness of any scheme, as the poorest landlords are unlikely to register their properties.
18. The Council could seek to make it attractive to register properties by running any inspection scheme along side an approved landlord scheme. Such a scheme could keep a database of private properties available to let. Appearing on the database could be conditional on participating in the inspection scheme. This may save landlords advertising costs and provide a quicker process for letting their properties.
19. There are no statutory sanctions that can be imposed on landlords whose properties fail to attain the minimum standards set by the scheme. Further, the inspection scheme could not require any remedial works to be undertaken by landlords.
20. As with participation in the inspection scheme, landlords would have to voluntarily agree to comply with any requirements of the inspection scheme. Poor landlords are again likely to see this as a bar to joining the scheme.
21. Again this could be dealt with by setting up the suggested approved landlord database.
22. There would certainly be a cost in setting up and administering any inspection scheme in addition to a capacity issue for staff, particularly those required to undertake the inspections themselves.
23. If additional staff are required to discharge the function, members would have to consider how this will be funded. If the cost is passed onto the landlords, by making participation in any inspection scheme or property database fee paying, members should consider whether this will limit the interest of landlords in joining.

IMPLICATIONS OF REPORT

24. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

CHRIS MOISTER
MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	15 Feb 2012	***

Background Papers			
Document	Date	File	Place of Inspection
***	***	***	***

Report Author	Ext	Date	Doc ID
***	***	***	***

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DRAFT Scrutiny Inquiry Project Outline Template

OVERVIEW AND SCRUTINY REVIEW - PROJECT OUTLINE

Review Topic: RENTED HOUSING INSPECTION

Objectives:

To help improve private rented housing conditions in the borough

Desired Outcomes:

To improve housing conditions standards for tenants of private rented property in the Borough

Terms of Reference:

1. To identify the location of the 4100 private rented properties in the borough.
2. To try to identify those landlords in the borough who provide rented accommodation which is below acceptable housing standards
3. To look at inspection schemes, landlord accreditation and other similar schemes in place elsewhere in the north west.
4. To consider whether an inspection regime which is more proactive than just responding to complaints, should be investigated
5. To look at other mechanisms for informing tenants of their rights in relation to reporting poor housing standards to the Council.

Equality and diversity implications:

Risks:

	<p>Timescale:</p> <p>Start: 2 February 2012</p> <p>Finish: April 2012</p>
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Information Requirements and Sources:

Documents/evidence:

DCLG Decency Standards

Witnesses: (who, why?)

Consultation/Research: (what, why, who?)

Scrutiny reviews from other local authorities on this topic

Site Visits: (where, why, when?)

Officer Support:

Lead Officer: Simon Clark

**Democratic &
Member Services Officer: Carol Russell**

Likely Budget Requirements:

<u>Purpose</u>	<u>£</u>
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Total	_____
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Target Body¹ for Findings/Recommendations

Executive Cabinet

¹ All project outcomes require the approval of Overview and Scrutiny Committee before progressing
