

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
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Report Author	Ext	Date	Doc ID
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