

Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member for Places)	Executive Cabinet	21 November 2013

PRIVATE RENTED SECTOR HOUSING – POLICY FOR ENFORCEMENT OF STANDARDS

PURPOSE OF REPORT

- To seek Executive Cabinet approval for a policy relating to the enforcement of housing standards in the private rented sector.

RECOMMENDATION(S)

- It is recommended that Members approve the policy document at Appendix 1 relating to the proactive inspection of private rented sector housing.

EXECUTIVE SUMMARY OF REPORT

- The Neighbourhood Environmental Health Officers within the Health Environment and Neighbourhood Team have begun a proactive inspection programme to assess and where necessary take action to improve standards of accommodation in Chorley's private rented sector housing stock.
- The proactive approach arose out of an Overview and Scrutiny report on the issue in April 2012 and the resource to undertake a proactive programme was identified and work has started to build a database of private rented sector properties and commence inspections.
- In addition the O&S report recommended that a policy be developed to support the proactive programme to ensure consistency of approach and to allow all stakeholders to understand the Council's proactive approach.
- The policy is appended to this report as Appendix 1.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

7. A local private rented sector housing standards inspection policy will ensure a consistent approach to developing a proactive inspection programme and allow all stakeholders to understand the Councils approach.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. It would be possible to operate a proactive inspection programme with no underlying policy and rely solely on legislative and national guidance. However developing a local policy ensures our approach is tailored to local needs and available resources whilst recognising national and legislative guidance.

CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	√	An ambitious council that does more to meet the needs of residents and the local area	√

BACKGROUND

10. In April 2012 an O&S Task Group produced a report 'Private Sector Housing Inspection' where it was recommended that additional resource be directed to establishing a programmed private sector housing standards inspection service to augment the existing reactive housing standards work undertaken within the People and Places Directorate.
11. It was further recommended that a policy be developed to underpin the inspection programme, which sets out the rationale and process in undertaking inspections of privately rented properties.
12. This report presents the policy for approval.

PRIVATE RENTED HOUSING STOCK

13. The 2010 House Condition Survey estimates there are approximately 4500 privately rented properties in Chorley. The survey estimated that in the region of 10% were substandard either in relation to the legislatively based Housing Health and Safety Rating System (HHSRS) or the guideline minimum housing standards.
14. The Council's activity in relation to privately rented housing conditions had previously been based on a reactive approach, but it was recognised that relying on tenant complaints or officer knowledge was not addressing the issue of housing standards in this sector in a comprehensive way.
15. Since October 2012 officers in the Health Environment and Neighbourhood Team have begun to build up a database of private rented sector properties and commenced a programme of inspections.
16. A report to Executive Cabinet on 20 June 2013 provided Members with and update on this work and noted that "*Work will commence on the development of a private rented sector housing standards policy to ensure there is a consistent approach to undertaking*

programmed inspection work and a draft policy will be brought back to Executive Cabinet at a future date”.

17. The policy document is attached as Appendix 1 to this report.

DATA ISSUES

18. The policy sets out the methodology officers will use to build a database of properties in the privately rented housing sector. However Members will wish to note that there are limitations to establishing a comprehensive database due to a number of barriers.
19. Data Protection has been identified as an issue in relation to sharing information received through Housing Benefit claimants. The HB claim form captures whether the applicant is claiming for accommodation that is privately rented property. Currently this information is not shared with other teams within the Council and advice is being sought through the Councils Legal Team and Data Protection Officer in order to try and overcome this barrier as this data would provide the majority of the properties to be included in a programme of inspection.

TENANT ENGAGEMENT

20. The policy identifies a number of sources of intelligence and information in relation to Chorley’s private rented sector housing stock and in particular the engagement and support of tenants is seen as a key component. However a pilot survey of properties in an area known to contain a high density of private rented sector properties yielded a very poor response from tenants. Further work with the Councils Communications Team, local housing charities and the Councils Housing Options Team will be undertaken to engage with tenants in the sector. This will include seeking to establish a ‘Safer Homes Scheme’

LANDLORD ENGAGEMENT

21. The policy sets out the process for dealing with properties found to fall below the legal standards. Formal enforcement action is seen as a last resort and this is in line with national guidance on the provision of regulatory services. However there will be occasions where an imminent risk is evident and the only recourse is immediate enforcement to seek a resolution. In addition enforcement as a first course of action may be appropriate where the history of a landlord leads officers to judge that an informal approach is likely to be unsuccessful.
22. Officers within the Health and Neighbourhoods Team are engaged with the Landlords Forum which is facilitated by the Councils Strategic Housing Team. This will continue to ensure there is regular contact with landlords on an informal basis.
23. An element of the original O&S Task Group was to determine if any other landlord accreditation or registration scheme was appropriate in Chorley. The O&S Task Group determined the resource and effort required to establish and sustain such schemes was not appropriate given the level of housing stock in the private rented sector in Chorley.
24. There are no plans to review this position.

CENTRAL GOVERNMENT APPROACH TO THE PRIVATE RENTED SECTOR

25. Members may be aware that the Government have recently received the Communities and Local Government Select Committee Report into the private rented housing sector. The overall perspective of that report is that increased supply in the private rented housing sector is to be welcomed. There are a number of issues that the Government are indicating they may introduce which could, in due course, be relevant to the proposed policy:
- Introduction of a Tenants' Charter which would be a non-statutory accessible guide for tenants, providing them with a better understanding of what they can expect in terms of housing standards and the relevant agencies to approach if something goes wrong.
 - A model tenancy agreement, which would be developed in terms of a family friendly model which sets out landlord and tenant responsibilities in plain language but also encourages landlords to consider longer tenancies going beyond the statutory minimum periods
 - A review of the Housing Health & Safety Rating System (HHSRS) to ensure that there is a robust framework in place to check that tenants' homes are safe
 - Development of a Code of Practice for the management of private rented sector properties
 - Consultation on the extension of Rent Repayment Orders so that landlords found to have rented out a property with serious hazards can be compelled to repay any rent or Housing Benefit/Universal Credit they have received
 - A desire to avoid regulations that could act as a disincentive to prospective landlords considering investing in an area. Compulsory licensing or compulsory accreditation would fit into such a category of disincentive.
26. The proposed policy will therefore be subject to review when the Government introduce any changes outlined above or other changes that impact on the delivery of a private rented housing sector inspection programme.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

28. The costs of implementing the policy will mainly be staff time and this was considered as part of the recent Health, Environment and Neighbourhoods restructure, presented to the last Executive Cabinet, where sufficient resources were identified to undertake the service.

COMMENTS OF THE HEAD OF HOUSING SERVICES

29. Measures which will improve the overall standard of private sector housing have far reaching benefits, for both the tenant and also surrounding community. Working in partnership with private landlords is key as the lower end of the private rented sector provides a valuable supply of housing for customers who cannot access social housing for a variety of reasons and who otherwise would be homeless. Improving the standard of the housing with full landlord consent would be the ideal scenario, with enforcement action as the last resort where appropriate.

COMMENTS OF THE MONITORING OFFICER

30. There are no legal issues with the proposed policy. It does not limit the council's use of legal powers but provides a framework into which they are to be applied.

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

Background Papers			
Document	Date	File	Place of Inspection
O&S Task Group Report of Private Rented Sector Housing Inspection Programme	April 2012	O&S Minutes	Mod gov
Executive Cabinet Report – Update on Housing Standards Inspection Programme	20 June 2013	Exec Cabinet Minutes	Mod gov
Housing Act 2004	2004	OPSI Website	http://www.legislation.gov.uk/ukpga/2004/34/contents
Housing Health and Safety Rating System Enforcement Guidance:	2006	DCLG WebSite	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7853/safetyratingsystem.pdf and https://www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9

Report Author	Ext	Date	Doc ID
Simon Clark	5732	30 October 2013	Housing Stnd Insp Policy 2013