



<b>REPORT TO:</b>	Environment and Performance Committee
<b>DATE:</b>	October 2022
<b>SUBJECT:</b>	Housing Standards Enforcement
<b>PURPOSE:</b>	To address ongoing issues and concerns of Councillors and residents at the standard of some rented accommodation across the Borough of Boston, predominantly within the town area but also in rural areas and the impact such accommodation has within their neighbourhoods including issues of fly tipping and anti-social behaviour and also the poor quality of accommodation provided and the impact it has on the residents.
<b>KEY DECISION:</b>	Yes
<b>PORTFOLIO HOLDER:</b>	Councillor Martin Griggs
<b>REPORT OF:</b>	Assistant Director – Wellbeing and Community Leadership
<b>REPORT AUTHOR:</b>	Jonathan Challen – Safer Communities Service Manager
<b>WARD(S) AFFECTED:</b>	All
<b>EXEMPT REPORT?</b>	No

## SUMMARY

The condition of many properties in the private rented sector is putting the health of some of our most vulnerable residents at risk. In addition to presenting some of the poorest housing conditions, the properties within the private rented sector are presenting many challenges across a number of services both within the Council and with our external partners.

There are options available for the Council to consider in relation to enforcement within the private sector, requiring long term political support and financial investment/commitment to funds that would be generated through this activity.

## **RECOMMENDATIONS**

1. To lobby Central Government to introduce a mandatory requirement for all privately rented accommodation to be registered with Local Authorities, including those rented through letting agents.
2. To consider the introduction of a Selected Licensing Scheme for specific wards within the Borough of Boston.
3. As an alternative to Recommendation 2, to consider the reinvestment of income received through fixed penalty notices issued to private landlords to fund posts within the Housing Standards Team to carry out proactive inspection work within the private rented sector.
4. For Corporate & Community to consider the following as a future topic – An investigation in to the issues being faced by the migrant community of Boston, to include; housing, education, employment, access to public services and funding, translation services.

## **REASONS FOR RECOMMENDATIONS**

1. To enable Local Authorities to maintain an accurate record of private sector landlords in order to expedite the process of urgent enforcement activity when required.
2. To ensure the standard of accommodation within the private rented sector is brought up to at least the minimum standard contained within the Housing Act.
3. To ensure the standard of accommodation within the private rented sector is brought up to at least the minimum standard contained within the Housing Act.
4. To ensure that all residents living and working within the Borough of Boston are being kept safe and awarded the same opportunities to thrive and develop.

## **OTHER OPTIONS CONSIDERED**

None

## **1. BACKGROUND**

- 1.1.** Concerns relating to the standard of accommodation within the private rented sector were raised at a number of member-led meetings during December 2021 / January 2022. As a result of this the Environment and Performance Committee agreed to form a Member's Task and Finish Group to investigate the topic. The group was convened with a membership of Councillor Paul Goodale (Chairman) and Councillors Judith Welbourn and Stephen Woodliffe. Lead Officer for the review was the Safer Communities Service Manager and the clerk, the Democratic Services Officer. The portfolio Holder was also in attendance in support of the review. Five consultation meetings were held with external representatives, alongside the Council's own officers.

**1.2.** The rationale for the review was to investigate whether officers are being provided with the appropriate regulatory power in order to improve the quality of living for many residents within the rented sector in the Borough of Boston, to hold landlords accountable for the condition and standard of their properties and if applicable to introduce / look at the possibility of alternative licensing options for rented accommodation. It is anticipated that the outcomes contributing to the community would be as follows:

- Improved housing standards in private rented accommodation
- Improved health of the residents within the Borough
- Reduction in incidents of environmental crime
- Improve the appearance of the Borough

**1.3.** Under the Housing Act officers from the Housing Standards Team utilise two primary sections to carry out enforcement work:

- Housing Health and Safety Rating Scheme – Assessing the 29 hazards that may be present in a home and determining whether the risk to the occupant(s) warrants the intervention of enforcement action, e.g. improvement notice, prohibition orders, emergency remedial action.
- Mandatory House in Multiple Occupation (HMO) Licensing Scheme – requiring landlords of larger HMOs, rented out to 5 or more people who form more than 1 household, to register with the Local Authority, provide relevant certification, co-operate with programmed inspections and maintain the property to the standards contained within the guidance of the act.

**1.4.** Under a Selected Licensing Scheme a Local Authority can define a geographical area, covering some or all wards, that would be subject to specific requirements of the Housing Act. Under such a scheme all landlords of private rented properties, regardless of whether they are a single household or multi-occupied, would be required to register their property with the Local Authority, provide proof of specific detailed documentation e.g. gas safety, electrical safety, energy performance etc. and cooperate with the requirement for regular checks to be carried out by the Housing Standards Team. The cost of administering such a scheme would be covered by licensing fees, paid by the landlord of the registered property. Any set up costs for the scheme, for the evidence gathering, rationale and stakeholder consultation can also be recuperated through the licence fee.

## **2. REPORT**

**2.1.** In order to obtain all of the evidence required to complete the investigation the following organisations were invited to attend one of a series of meetings, either in person or remotely. Those unable to attend were given the option to make written submissions to the group. The organisations invited are listed below in paragraph 2.2

## 2.2.

Organisation	Attendees	Comments
Boston Borough Council	Housing Standards Team	Represented by 4 officers
	Community Safety Team	Represented by 2 officers
	Planning Department	Represented
	Waste Services	Represented
	Environmental Health	Represented
	Empowering Healthy Communities	Represented
West Lindsey DC	Housing and Environmental Enforcement	Represented
Lincolnshire Police	Community Beat Team	Represented
Lincolnshire Fire and Rescue	Prevention and Protection Team	Represented by 2 officers
Community Leaders	Leader of the Polish Community	Written representation
	Leader of the Lithuanian Community	Represented
Letting Agents	W H Brown Belvoir	2 Letting Agents represented by 3 officers plus 1 written representation
Schools	2 local schools	Written representation
Central Government	Matt Warman MP	Unable to attend – apologies sent
Local Gangmasters	Gangmaster Managers	All declined
Other agencies	Centrepont Outreach	Did not attend but all raised issues relation to negative issues being experienced by migrant communities
	Churches	
	Voluntary Groups	

2.3. Notes from the sessions conducted with all of the above representatives can be found in the appendices.

2.4. The key points established from the evidence given are set out below

## 2.5. Selective Licensing

Members received evidence on Selective Licensing Schemes that have been operating in Gainsborough and Stoke on Trent. The main points from this evidence received are set out below:

- Selective licensing is the only tool that provides a broad access to properties in the private rented sector.
- Selective Licensing Schemes require landlords to register any private rented accommodation with the Council along with records and relevant documentation relating to the property. Inspections of the properties would be carried out by officers from the Council to check for compliance.

- Selective licensing is contentious, the introduction of any scheme divides opinion with stakeholders.
- Any scheme would need to be evidence based and its designations thoroughly justified, it should not be a paper exercise and must include enforcement initiatives and support from partners.
- In the event of introducing a scheme that covered less than 20% of the Borough the Council would need to consult with stakeholders prior to implementation.
- In the event of introducing a scheme that covered more than 20% of the Borough the Council would need to also consult with the Secretary of State by submission to the Department for Communities and Local Government.
- There is a financial risk to any initial evidence gathering and the costs for any initial proposals which are not approved are non-recoverable.
- Initial costs incurred for the evidence gathering / rationale of any scheme can be reimbursed to the Council via licensing fees, in the event of a scheme being introduced. Licensing Fees would also include the operation running costs of administering the scheme.
- Selective Licensing will not solve wider issues, such as anti-social behaviour environmental crime, nuisance etc. which require support from other service areas and partners.

## **2.6. Landlord / responsible person details**

At present there is no requirement for a landlord to register their details with any regulatory body such as the Council. As part of the investigation process all enforcement officers have the power to request ownership details. Although it is an offence to withhold any request for information from an enforcing authority it can often be non-forthcoming, especially in protracted cases. Due to the high level of housing demand in the Borough there is a high level of sub-letting being carried out which is further protracting the situation, thus adding time to any enforcement activity. This is being experienced across all enforcement services within the Council as well as external partners such as Police and Fire & Rescue colleagues. Having some form of central register of private sector landlords would assist all those involved in enforcement activity both within the Council and externally.

## **2.7. Migrant population**

A recurring theme running through most of the evidence gathering sessions related to barriers being experienced by residents from migrant communities, living within the Borough. Issues identified included:

- Language barriers and education of residents in relation to specific issues, e.g. separation of waste.
- Fear of retribution should a complaint be made.
- Reluctance to talk to anyone in authority.
- Understanding of rights and standards that can / should be expected, particularly in relation to housing standards.
- Cultural dynamics within families.
- Definition of family groups, extending beyond close immediate family, particularly important when dealing with Houses in Multiple Occupation

## **2.8. Condition of the private rented sector**

The evidence has confirmed the concerns that the most of the poorest housing conditions are being found within the private rented sector. Notwithstanding the fact that there are also many properties in the private sector that provide good quality essential accommodation, the challenges being faced are multifaceted and extend beyond the hazards contained within the housing act. Evidence obtained highlighted that individual properties are presenting challenges across many internal services, such as waste management, fly-tipping, noise, anti-social behaviour, etc. as well as to our external partners. The present situation of higher than average demand for rented property within the Borough is also making it easier for unscrupulous private sector landlords to rent out sub-standard property.

## **2.9. Areas of good practice**

During the evidence gathering it was noted that despite all of the pressure being presented officers from the Housing Standards Team are working efficiently and drive up the standards in the private rented sector. Anonymised information was given to the Task and Finish Group in relation to a number of enforcement cases that are currently progressing through the enforcement process, demonstrating that officers from the Housing Standards Team are utilising all powers available to them when necessary. In addition to this members of the group received information on the joint work carried out by officers from the Housing Standards Team, in conjunction with colleagues from Lincolnshire Police and Lincolnshire Fire and Rescue, based on intelligence generated from each of the organisations. This work has generated enforcement activity on some of the worst properties in the Borough and has highlighted the importance of the information sharing arrangements that are in place between the organisations.

## **3. CONCLUSION**

- 3.1.** The Housing Standards Team is currently carrying out its statutory functions in line with the Housing Act. In order to carry out any further proactive inspection work there would be a requirement for extra resources to be allocated to the team.
- 3.2.** In order for the Council to consider the introduction of a Selective Licensing Selective Licensing Scheme there would need to be both financial and political support for a prolonged period of time. An initial investment of £100,000 would be required to provide the evidence required to carry out an effective consultation with stakeholders. The costs for any initial proposals which are not approved are non-recoverable, however should a Selective Licensing Scheme be introduced the Council may decide to recover the initial costs as part of the licence fee.

## **EXPECTED BENEFITS TO THE PARTNERSHIP**

Whilst this report is specific to the housing conditions in the private rented sector within the Borough of Boston, the themes highlighted as part of the evidence gathering are being experienced in the East Lindsey and South Holland Districts. Any further evidence gathering conducted as part of a rationale for considering a Selective Licensing Scheme could be replicated across the Partnership to run concurrently, albeit the results may differ for each Council area.

## **IMPLICATIONS**

### **SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP**

None

## **CORPORATE PRIORITIES**

The review encompasses each of the 4 key corporate priorities:

1. People
2. Future prosperity and inclusive growth
3. Environmental awareness and accountability
4. Delivering high quality services and maximising the use of technology to support residents.

## **STAFFING**

Extra staffing resource would be required to implement recommendations 2 or 3. The level of staffing required would be subject to further evidence gathering, required to establish the likely number of properties that would need to be licenced / inspected.

## **CONSTITUTIONAL AND LEGAL IMPLICATIONS**

In the event of introducing a scheme that covered more than 20% of the Borough the Council would need to also consult with the Secretary of State by submission to the Department for Communities and Local Government.

## **DATA PROTECTION**

None at present. Should any of the recommendations regarding the introduction of a registration scheme or selective licensing be supported then this would have implications for data protection due to the addition of records with personal details. This would be managed within the current practices being followed by the Housing Standards Team.

## **FINANCIAL**

There is a financial risk to any initial evidence gathering (£100,000) and the costs for any initial proposals which are not approved are non-recoverable. Should a Selective Licensing Scheme be introduced the Council may decide to recover the initial costs as part of the licence fee.

## **RISK MANAGEMENT**

There is a risk that conditions in the private rented sector may deteriorate if the decision is made to continue with the status quo.

## **STAKEHOLDER / CONSULTATION / TIMESCALES**

In the event of any proposal to introduce a selective licensing scheme, the Borough Council would be duty bound to consult with key stakeholders. In the event of introducing a scheme that covered more than 20% of the Borough the Council would need to also consult with the Secretary of State by submission to the Department for Communities and Local Government.

## **REPUTATION**

None

## **CONTRACTS**

It is anticipated that the evidence gathering and rationale report for identifying whether Selective Licensing would be a feasible option, and subsequent identification of specific ward areas, would need to be outsourced.

## **CRIME AND DISORDER**

Crime and Disorder (including anti-social behaviour) would play a key role in the evidence gathering for the justification of any initiative, whether that is a formal selective licensing scheme or a proactive inspection project.

## **EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING**

None

## **HEALTH AND WELL BEING**

The health and wellbeing of residents is at the forefront of all the work carried out by the Housing Standards Team.

## **CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

Part of the remit of the Housing Standards Team is to ensure that private rented properties can be effectively and efficiently heated and insulated.

## **ACRONYMS**

HMOs – Houses in Multiple Occupation



## APPENDICES

*(If none then insert the word 'None' and delete the below text/boxes).*

Appendices are listed below and attached to the back of the report: -

APPENDIX A	Notes of meeting held 9 June 2022
APPENDIX B	Notes of meeting held 14 June 2022
APPENDIX C	Notes of meeting held 28 July 2022
APPENDIX D	Notes of meeting held 16 August 2022
APPENDIX E	Notes of meeting held 30 August 2022
APPENDIX F	Note of consultation exercise

## BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

## CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

## REPORT APPROVAL

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**FINANCE PROFORMA**

PROFORMA FOR APPROVAL OF THE RELEASE OF RESOURCES

(CAPITAL AND REVENUE BUDGETS)

FROM:

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS  
IN RESPECT OF THE ATTACHED

REPORT:

REPORT DATE:

<b>OPTION 1</b>	£ Year 1 2020/21	£ Year 2 2021/22	£ Year 3 2022/23	£ Year 4 2023/24	£ Year 5 2024/25
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**Revenue**

**Total Revenue Cost**

**Funding required:**

Total capital cost      £

Revenue cost              £

**Considered by:**

Enter committee here

Enter Council or  
Cabinet/Executive here

**Date:**

**Financial Services Comments**

**Risk**

**Procurement**

**Value for Money Efficiency**

This FP is valid for 3 months from FP date	If this FP is no longer required please advise Finance	If there are changes to the original report it may invalidate this document, it must be reviewed by Finance.