

Sustainable Communities Overview & Scrutiny Panel

Date: 17th March 2020

Agenda item:

Subject: Support to Private Rented Sector Tenants

Lead officer: Steve Langley, Head of Housing Needs

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and Transport.

Contact officer: Steve Langley, Head of Housing Needs

Recommendations:

A. No decision will be required as the report is for information only.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

The purpose of this report is to set out how the Council provides advice and support to private renters in Merton.

2 DETAILS

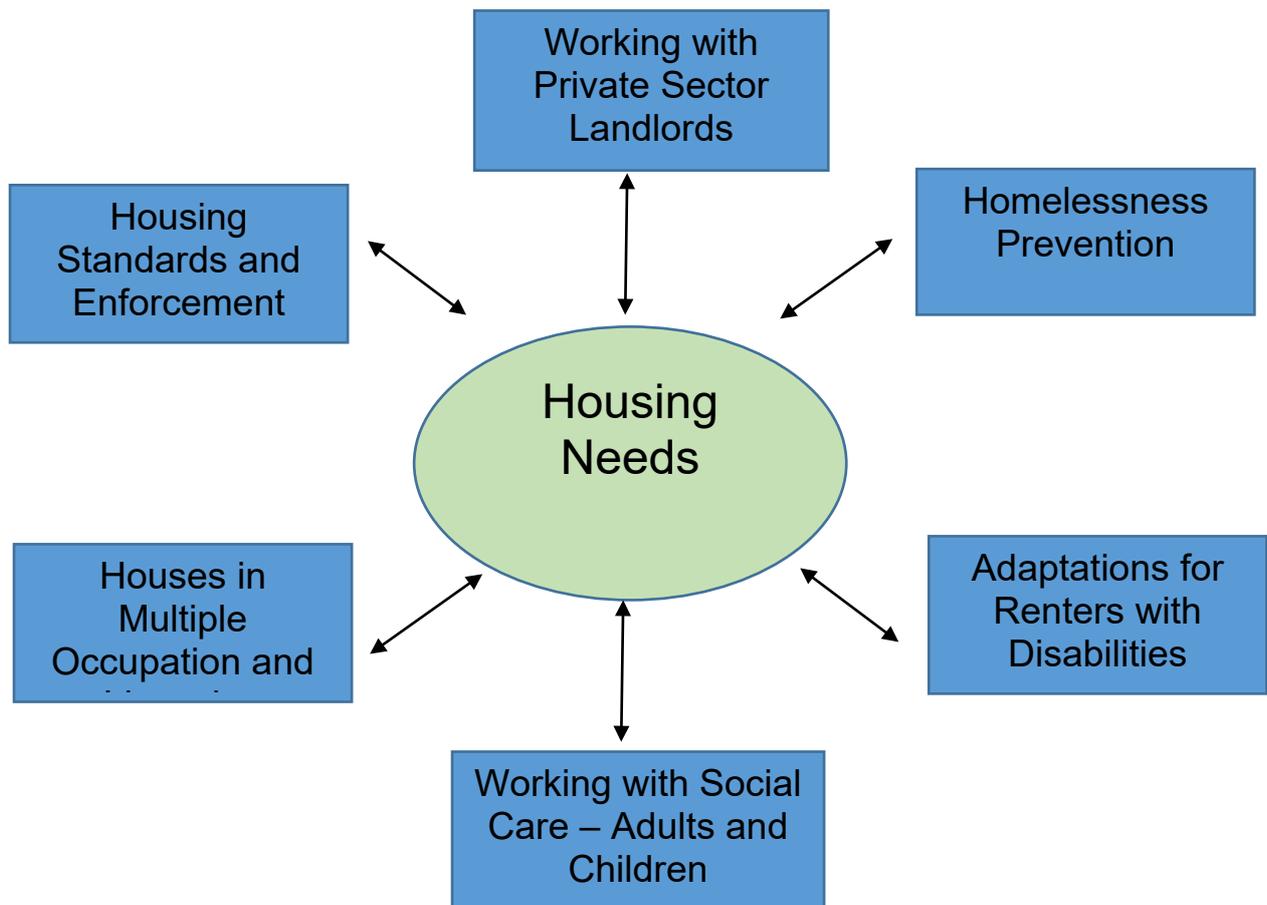
The Merton context.

Private sector housing plays a significant part in the housing provision within Merton accounting for 24.8% of supply and it is recognised that for the vast majority of private renters they occupy their homes peacefully and quietly without any need for interventions by the Council and its officers.

The Private Rented Sector is complex with 140 Acts of Parliament containing more than 400 individual regulations. It is important therefore that there is a joined up and co-ordinated approach in resolving private rented difficulties.

Private Sector support broadly falls into 6 areas:-

- Working with private sector landlords
- Housing standards and enforcement
- Houses in Multiple Occupation
- Homelessness Prevention
- Adaptations to renters with disabilities
- Working with Social Care (Adults and Children)



2.1. **Housing Standards and Enforcement**

Private sector housing plays a significant part in the housing provision within Merton. It is recognised that the majority of this housing is in good condition and well managed, however nationally the conditions in the private rented sector (PRS) tend to be less satisfactory than any other occupancy type. The Council has a responsibility to deal with unsatisfactory housing that presents health and safety hazards to the occupier.

It is not disputed that the private rented sector should provide high standards, secure swift and effective access to justice and that the large volume of powers to protect tenants from poor housing are being used.

The Council takes a proactive approach to dealing with “rogue landlords” and improving housing conditions in the borough, thus seeking to ensure that private renters can occupy their homes safely.

Housing Enforcement Activity during 2018/19

Number of cases

Labels	Count of Ref
C013 - Licensing Consultation	2
C014 - Planning Consultation	1
EMPT - Pro-active Empty Property	3
F&V - Filthy & Verminous	3
GPAY - Grant Repayment Query	13
HDIS - Housing Disrepair	311
HIMI - Immigration Housing Survey	1
HMOA - HMO Advice	245
HMOG - General HMO	269
HOTH - Housing - Other	110
HS08 - H&S Advice	1
HS09 - General	1
MEN - Members/ MP Enquiry	51
P001 - Rats	52
P002 - Mice	24
P003 - Cockroaches	3
P005 - Other	1
PDRA - Drainage	33
PTEN - EH TEN Consultation	1
REFU - Refuse/Rubbish	113
URGE - Urgent Housing Request	13
WID - Works in Default	2
(blank)	
Grand Total	1253

Upon consideration of all available evidence the Council has a number of options to resolve a private tenant's difficulties: Take no action, offer informal action/advice, serve a statutory notice, issue a formal caution, prosecute, carry out works in default.

2.2. Houses in Multiple Occupation (HMO's) & Licensing

Some privately rented houses are let to people from several different families, either as bedsits or as shared houses. Houses like this are known as Houses in Multiple Occupation (HMOs).

HMOs provide a valuable source of rented housing to primarily single people in our area. However, this form of housing can be problematic due to fire safety issues and poor standards such as dampness, lack of affordable heating etc.

HMOs present higher risk accommodation particularly when considering fire safety. For that reason larger HMOs (housing 5 or more people) require a licence. At the present time there are 180 licenced HMOs in the borough and officers are working hard to identify any others to safeguard the occupiers.

Identifying, inspecting and licensing of HMOs became more challenging when the requirement to licence was extended in October 2018, where previously there was no requirement to register these dwellings.

Landlords operating licensable HMOs without a licence are committing a criminal offence. It is our legal responsibility to monitor and enforce the new law to improve housing conditions for the tenants.

The housing enforcement team identified 3 dwellings which were required to have a licence but the Landlord failed to apply. All three cases were to the subject of a criminal investigation and all three landlords were prosecuted. Offences included failure to licence an HMO, fire safety and HMO Management Regulations.

Selective Licensing Development

The council is currently exploring and investigating data to determine the legal viability of introducing a Selective Licensing scheme within the borough.

The selective licensing scheme is a discretionary one, which would require all private landlords (with certain exemptions operating within a designated zone) to operate under the terms of a licence awarded by the Council.

Licence conditions typically include a range of requirements aimed at ensuring that properties are safe and are managed in a satisfactory way.

Such a scheme would provide the Council with an additional tool to help better regulate privately rented accommodation and to uplift standards of management within the area. Selective licence schemes last for five years and there is a fee payable to apply for the licence which covers the cost of the administration and implementation of the scheme, including any required enforcement activity for non-compliance.

Civil Penalties

Section 23 and 126 and Schedule 9 to the Housing and Planning Act 2016 amended the Housing Act 2004 so as to provide for the imposition of civil penalties as an alternative to prosecution for certain specified housing offences.

This power is set out at section 249A of the Housing Act 2004, which states that a “local housing authority” may impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person’s conduct amounts to a relevant housing offence in respect of premises in England. A relevant housing offence for these purposes means one of the following offences under the Housing Act 2004.

- Failure to comply with an Improvement Notice.
- Offences in relation to the licensing of Houses in Multiple Occupation.
- Offences in relation to licensing of houses under Part 3 of the Act if the Council adopted selective or additional licensing in the future.
- Contravention of an overcrowding notice.
- Failure to comply with management regulations in respect of Houses in Multiple Occupation.
- Breach of a banning order.

Only one penalty, of up to £30,000 may be imposed on a person in respect of the same offence.

The Council has a number of cases in the pipeline where a Civil Penalty / Prosecution may be necessary and appropriate. A Civil Penalty Notice for a Housing Act 2004 breach of regulations has been served. The Notice is currently within the statutory review period that is provided for the Landlord to challenge the Council. This period will end on the 25th February.

2.3. Adaptations for Private Renters with Disabilities

Disabled Facilities Grants (DFGs) are available from the Council to pay for essential housing adaptations to enable disabled people, including private renters, to stay in their own homes. The funding comes from Central Government.

How it works

It is a means tested grant, so targets the most help to those who cannot afford to adapt their homes.

To apply, a tenant has to be assessed initially by an Occupational Therapist (OT). Their role is to determine what works are necessary and appropriate to meet the tenant/his/her family’s need.

The next stage of the process is a technical assessment to see if the recommendation made by the OT can be implemented in the property. We need to assess if the works are reasonable and practical to be undertaken. The funding of DFG is provided by Central Government and distributed locally as the Better Care Fund.

This process ensures that any home adaptations we carry out are part of the overall health and care system to deliver joined up services.

2.4. **Prevention of Homelessness**

The prevention of homelessness, for private renters is a central plank to the work of the housing team. As the table below sets out the number of homelessness preventions have remained fairly consistent.

2016/17	2017/18	2018/19	Dec 2019 ytd
458	465	504	371

Officers carry out an assessment of each person's individual needs and look at what housing options are available to prevent their clients from becoming homeless. These include:

- Advice on security of tenure.
- Advice on Protection from Eviction.
- Legal Advocacy on tenant's behalf with private landlords.
- Negotiating with hosts to allow clients to continue to stay with them.
- Offering incentives to Landlords to renew tenancies
- Increasing the security of the homes of the victims of domestic violence via the sanctuary scheme to allow them to stay.
- Home visits to confirm the circumstances of the client.
- Rent and mortgage rescue scheme to pay arrears where clients meet the criteria
- Increased priority on the Council's waiting list where the requirements of the council's Housing Allocations and Nominations Policy are met.
- Offers of accommodation from the Council's Rent Deposit Scheme.
- Arranging local supported housing / hostel places for single people.

The Council also provides advice and assistance to private renters who visit the Council's offices. Housing Officers are available on a drop-in basis, or alternatively can contact officers via email or telephone. In addition the Housing Advice website provides advice and assistance on a range of private sector matters including security of tenure, illegal eviction etc.

2.11 SUMMARY

There has been a shift in activity within the Housing Enforcement Team from responsive to proactive. An inspection regime has been introduced for the known poor areas of housing to be inspected and hazards identified in a co-ordinated way. As part of this shift in activity, and given that resources in the team are small, we are seeking to increase capacity by recruiting additional staff.

Our renewed enforcement approach has been communicated to landlords and their agents through the local Landlords Forum.

3 ALTERNATIVE OPTIONS

3.1 Not applicable as report is for information only.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. Not applicable as report is for information only

5 TIMETABLE

5.1. Not applicable as report is for information only

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. Not for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. Not for the purposes of this report

9 CRIME AND DISORDER IMPLICATIONS

9.1. Not applicable

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- None.

12 BACKGROUND PAPERS

12.1. None