



CS3 THSS Local Authority Delivery Partner Concept: Inspections

Introduction

Home Safe's purpose is to 'help improve the Private Rented Sector in a sustainable way through the quality of housing and standard of tenancy management.' Our staff demonstrate a commitment to this purpose every day in the work we do with our Local Authority partners and our member landlords.

We do so because of a deep and passionate recognition that the homes in which we live have a powerful influence on our state of mind, our health and our wellbeing. We want to see more homes within the PRS, that are safe, secure, warm and that are ultimately healthier for individuals, for society and for local communities as a whole.

The first case study we published explained the concept behind Home Safe to give a broader understanding of what we do. This case study looks at our inspections and, as always, this element of our service has benefitted from the lessons learned from previous schemes and allowed us to refine and improve subsequent schemes.

We are, therefore, now in a position to be able to offer a very streamlined and efficient inspection service to assist Local Authorities in delivering cost effective and successful landlord licensing schemes in terms of improving landlord behaviour in a way they have traditionally found difficult to do.

Furthermore, we feel the quality and quantity of inspections we can now achieve will greatly assist our Local Authority partners whether they opt for the full Delivery Partner service or not.

All our inspections are based on the HHSRS and conducted by qualified HHSRS inspectors but they are not full Housing Act inspections that Local Authority EHOs would traditionally carry out. The reason for this is our inspections have a slightly different purpose and we have no enforcement powers.

The purpose behind our inspections is to gauge satisfactory landlord behaviour – are they facilitating the inspection and conducting remedial works in a timely fashion? If the answer to either of these questions is 'no' then we deem that to be unsatisfactory landlord behaviour (for which we have a process to manage) and, if unresolved, then we will bring it to the attention of the Local Authority.

How we monitor the completion of remedial works and manage non-compliance are covered in separate case studies.



Carl Agar
Chief Executive

Objective

To make landlord licensing enforcement more efficient and effective for Local Authorities.

Given that selective and additional licensing is introduced to change landlord behaviour, we believe that behaviour will not change unless appropriate enforcement is used (otherwise why licence?), but crucially, against the most deserving. The vast majority of the PRS supports this approach as long as it is against the most deserving. However, Local Authorities have traditionally found this a challenge due to a combination of having to follow onerous processes, having limited resources and not being able to easily identify those most deserving of their attention.

The Home Safe approach, with professional knowledge and experience of both the private rented sector and Local Authority sector, provides support for Local Authorities. As their Delivery Partner, it allows them to identify and concentrate on the worthiest offenders. It means any enforcement action is more easily achieved, transparent, fair (aimed at those most deserving), conclusive (less open to challenge) and therefore more efficient and effective.

Context

In 2015, the set of reasons for which Local Authorities could introduce selective licensing was expanded to include poor property conditions.

This was roundly welcomed and made a lot of sense as most designations are in areas where property conditions are poor.

It did however create an anomaly in that part 3 of the 2004 Housing Act, giving the power to introduce selective licensing, was intended to deal specifically with pervasive ASB and low demand (the original criteria for introducing licensing). As such the condition of the property was not a concern of the Part 3 selective licensing framework and the Act makes it clear that hazards are to be dealt using Part 1 powers.

So, the reasons for introducing licensing were expanded but no change was made to the discretionary licensing provisions to reflect this.

This probably explains why Local Authorities have traditionally found inspections within licensing a difficult area.

This is where we feel the Home Safe Delivery Partner approach makes a lot of sense. We arrange and conduct inspections, based on HHSRS, and grade issues as either High, Medium or Low priority.

We then have systems in place, enshrined in our membership T&Cs, to monitor remedial works in a timely manner. All these processes are agreed with the Local Authority from the outset.

Our experience is that approximately 90% of issues are resolved but where they are not, we can refer these to the Local Authority so they can take formal enforcement action if they choose.

"The benefits of such a scheme are that it keeps costs down, reduces administrative burdens, and ensures that inspections are continually progressing."

MHCLG Independent Review of the Use and Effectiveness of Selective Licensing 2019



What we do

Upon completion of the inspection, reports are sent to the landlord and include photographic evidence. Failing issues are graded as either high, medium or low priority and our T&Cs require, within 5 working days (or sooner if there is immediate danger) a plan of action to be agreed on when the high and medium priority issues will be remedied within a reasonable timescale.

We then require 'evidence' of the completed remedying of high priority issues and written 'confirmation' of the remedying of medium priority issues. There is a breach process for landlords who fail to facilitate access, submit an agreed plan of action or provide the evidence and/or confirmation of remedial works.

Regular contact means the Local Authority can intervene at any time when enforcement action is the next likely step. This allows their focus to be on enforcement rather than on the compliant landlords who will facilitate access and remedy defects.

This could also lead to a request for evidence/declarations that landlords are complying with the mandatory conditions of their licence, possibly along with the conditions regarding ASB and their regular inspections. Where they cannot provide this evidence or declarations it is a conclusive licence condition breach from which a civil penalty can be applied and this will generate an income to replace the Part B fee but, crucially, an income at the point of involvement of the Local Authority

We do support landlords in dealing with other issues, such as ASB and generally problematic tenants and there is more detail of this on our website at www.thehomesafescheme.org.uk

"Where the Delivery Partner approach has been successful is in undertaking a significant number of health and safety inspections of their members' premises, bringing a significant number of serious hazards to the attention of the licence holders. The ability to task officers to concentrate on such inspections without the distractions that routinely divert council officers from performing such tasks is a recognised advantage of the Delivery Partner approach."

Doncaster MBC 'End of Scheme Review' 2021

"I found The Home Safe Scheme to be extremely helpful as the Council's Selective Licensing Delivery Partner. They gave invaluable advice and support on the implementation, introduction and operation of the Council's Selective Licensing Scheme. Their balanced advice, inspections, reporting, and support to their landlord members, really helped them to understand legal requirements and to comply without the need for Council intervention or enforcement. This resulted in significant improvements within the designated private rented sector."

David Addy, former Senior Housing Licensing Officer, Great Yarmouth Borough Council.