



**CS5 THSS Local Authority
Delivery Partner Concept:
Supporting Local Authority
Enforcement**

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. Other case studies have covered our application process, inspections and how we monitor remedial works following inspections.

Having previously studied how our process filters out the worst performing landlords this study will look at how the outcome of this can inform the Local Authority on the most appropriate enforcement route. All this is scheme specific and set-up under the influence and control of the Local Authority.

As with other elements of our service offer, this element has benefitted from the lessons learned from previous schemes and allowed us to refine and improve subsequent schemes. This element however is the area where there has been the greatest learning and understanding of the critical nature of the right referrals at the right time to support the right enforcement action.

I believe the most successful scheme in the country, in terms of applications processed relative to scheme size and inspections completed (and in turn property standards improved) along with landlord engagement with the scheme, is run by Great Yarmouth Borough Council, the latest scheme we are involved in as the Local Authority's Delivery Partner.

I also believe this is due to our processes not only identifying those landlords most deserving of Local Authority attention but also identifying the most appropriate enforcement options. The former gives the scheme immense credibility within the sector and the latter makes enforcement easier and therefore more efficient and effective. This includes, crucially, being cost effective for the Local Authority.



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, the approach allows them to identify and concentrate on the worst 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 is also a case that there is an accepted link between poor property condition, poor landlord behaviour and ASB.

Poor property condition and what the Landlord does about it once aware is also the easiest way to objectively assess Landlord behaviour.

However, including poor property condition as a reason for introducing licensing did 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 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.

It does however seem incongruous to not check property condition as part of a credible licensing scheme, particularly given it is the easiest way to objectively assess landlord behaviour – the very thing licensing aims to change for the better.

"I would like to express my gratitude towards you and your very professional team in helping me resolve a number of issues as a landlord that I have experienced.

I believe The Home Safe Scheme is an asset to all landlords and would recommend that landlords sign up to your service. Your expertise, advice and support are very valuable and very much appreciated."

Kay Mitchell-Gough
Landlord (West Lindsey District Council scheme)

How it works

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. Any member not complying with these processes will be in breach of their T&Cs of membership.

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.

This could be by using powers under part 1 of the Act, recommended for the most serious of cases or, the Local Authority can use our processes to be satisfied as to whether landlord behaviour is satisfactory or not. For example, are they facilitating the inspections and conducting remedial works in a timely, engaging manner?

If not, it could prompt a request for the landlord to evidence or confirm by declaration, whichever is most appropriate, that they comply with all the mandatory conditions of their licence and possibly the ASB and 6-monthly inspections conditions. Where they cannot it is a clear and conclusive breach of a licence condition which can be met with a civil penalty.

This is where Home Safe can filter out those most deserving of appropriate, efficient and effective Local Authority enforcement action, whilst overall improving property standards. This is fair, transparent, conclusive and generating a revenue to cover Local Authority involvement.

“Where there are insufficient resources to support an effective enforcement regime, schemes become significantly less effective. In fact, in the course of this research, a lack of enforcement was identified as the single factor that compromises effectiveness more than any other.”

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

It is important that the parameters are set from which Home Safe will refer cases and we have developed a process for reporting who is in breach of their T&Cs of membership, if their inspection didn't take place, if there are any High Priority issues unresolved and whether the issue is a clear licence condition breach.

This allows the Local Authority to decide whether they need to be using part 1 powers or simply asking for evidence of compliance to licence conditions. Our processes not only filter out the worst performing landlords in an area but also indicate the most appropriate enforcement route a Local Authority should take and all this is set-up under the influence and control of the Local Authority.

“The Home Safe Scheme were invaluable in the implementation and running of a Selective Licensing scheme in one of the most deprived wards in the country. As our delivery partner, they took on the majority of administrative and inspection work at a greatly reduced cost compared with an in-house solution.”

Jason Williams
Former Manager, Private Sector Housing, Great Yarmouth Borough Council