

REPORT TO: Executive Board

DATE: 13th December 2012

REPORTING OFFICER: Strategic Director, Communities

PORTFOLIO Health & Adults / Community Safety

SUBJECT: Scrutiny review of Anti Social Behaviour in the Private Rented Sector

WARDS: Borough

1.0 **PURPOSE OF REPORT**

1.1 The purpose of this report is to advise Executive Board of the outcomes of the Safer Policy and Performance Board scrutiny review into anti social behaviour in the private rented sector and to seek approval for the recommendations of the group.

2.0 **RECOMMENDATION: That Executive Board:**

- i) Comment on the findings of the scrutiny review;**
- ii) Endorse the scrutiny review and its recommendations and the progress made to date.**
- iii) A further report will be presented to the Board should additional resources be required for any of the recommendations.**

3.0 **SUPPORTING INFORMATION**

3.1 Background

3.1.1 The scrutiny review was instigated in response to a number of issues relating to the private rented sector including poor property conditions, anti social behaviour caused by private tenants and absentee landlords who were reluctant to take action against tenants who caused problems. The review was undertaken by a Safer PPB topic group which was chaired by Councillor Pamela Wallace.

3.1.2 The review consisted of a number of meetings of the topic group which were also attended by relevant officers from Housing, Environmental Health and Community Safety disciplines who responded to questions from Members. Members also visited Wirral

Borough Council to meet with officers from their Housing Standards and Anti-social Behaviour Teams.

3.1.3 The full findings of the review are set out in the report at Appendix A which also contains the topic brief, a summary of local authority powers and duties to tackle poor conditions and anti-social behaviour in the sector and the circumstances when these can be used, notes from the Wirral visit and an action plan drawn up from the recommendations outlined below.

3.1.4 The findings and recommendations were originally presented to Safer Halton PPB in March 2012, however, further work was necessary to consider the practical, legal and cost implications of implementing the original recommendations of the group. An update report was subsequently presented to the November meeting of the Board which outlined activity that had taken place to date. Following advice from Legal Services one of the original recommendations of the group was changed as outlined in 3.2.12 below.

3.2 Recommendations

3.2.1 *Recommendation 1 – Increase Council Tax charges on properties that have been empty over 6 months*

This ties in with the Government's consultation on the technical reforms of Council Tax which goes further in suggesting that homes that have been empty for over two years are charged a Council Tax premium. Halton submitted a response to the consultation and we are currently waiting for the new legislation to be published.

3.2.2 *Recommendation 2 – Develop a targeted management approach to the issue in West Bank and Halton Lodge*

A steering group was formed in May 2012 to oversee and monitor progress in implementing the action plan and co-ordinate activities. The group is chaired by the Divisional Manager for Environmental Health, Public Health and Health Protection and consists of officers dealing with housing enforcement, Landlord Accreditation, Community Safety and Policy. One of the first tasks for the group in implementing a targeted approach was to collate baseline information on the number of complaints from private tenants (in 2011/12 there were 223 complaints and in 2010/11 there were 236) and applications for landlord accreditation and then to develop a set of performance indicators with which to track progress.

3.2.3 *Recommendation 3 – Hold information events for landlords and tenants*

The group initially explored whether it was possible to hold the annual Merseyside wide Landlords Expo in Halton and whether

there were any events taking place in West Bank that officers could attend to give advice. Unfortunately, the venue for the Expo had already been agreed (in Liverpool) and there were no suitable events planned in West Bank. As an alternative, half day surgeries were held in Widnes and Halton Lea Direct Link offices during the last week in October. These were advertised via the local press, with the landlords' survey referred to at 3.2.6 and via leaflets left in public offices. Unfortunately, only two private landlords and no tenants attended the drop in events.

3.2.4 *Recommendation 4 – Invite landlords to provide contact details to the Council*

Landlords were asked to give contact details for entry into the prize draw as part of the landlords survey referred to at 3.2.6.

3.2.5 *Recommendation 5 – Promote the benefits of joining the Landlord Accreditation Scheme*

Using homelessness prevention funding, a "Guide to the Private Rented Sector" has been developed. The guide, attached as Appendix B, gives general advice to landlords and tenants about private sector tenancies and contains useful local contacts for related services and complements the information in the Tenants Handbook which is aimed at existing and prospective tenants.

3.2.6 *Recommendation 6 – Undertake a survey of private landlords throughout the Borough*

The purpose of the survey was to gain greater understanding of the private rented sector, promote the Landlord Accreditation Scheme and other services and to consult landlords about changes introduced by the Localism Act 2011 which enable local authorities to fulfil their statutory homelessness duty via an offer of private rented accommodation. The survey was sent to all private landlords known to the authority (e.g. through Housing Benefit, the Landlord Accreditation and the Bond Guarantee Schemes) and was also advertised in the local press with a copy available on the Council's website or on request in October 2012. A prize draw for £100 B and Q vouchers was offered as an incentive for landlords to respond. Over 50 responses were received and at the time of writing this report the results of the survey are being analysed.

3.2.7 *Recommendation 7 – Provide advice to landlords on how to deal with anti-social tenants*

A section on the services of the Community Safety Team, giving advice on the assistance they offer relating to anti-social tenants, has been included in the attached Guide to the Private Rented Sector.

3.2.8 *Recommendation 8 – Introduce a Healthy Homes approach in target areas*

The Halton Healthy Homes Network was launched in February 2012 and now contains over 80 members from a range of statutory, voluntary and community organisations. The aim of the network is to raise awareness of the health impacts of living in poor housing conditions and the help that is available to affected residents. To date, three quarterly newsletters have been circulated to members along with occasional emails containing more urgent information. Initially the focus of the network has been mainly on energy efficiency issues, particularly in light of the Government's new finance frameworks for heating and insulation work but the aim long term is to develop targeted approaches to referrals in particular "hotspot" areas.

3.2.9 *Recommendation 9 – Make full use of enforcement powers in target areas to tackle poor condition*

Fortunately, the vast majority of complaints about poor conditions in the private rented sector are resolved by the landlord following an approach by an enforcement officer. This negates the need for costly and often protracted court action. However, in conjunction with colleagues from Legal Services, the enforcement team will seek recourse to its enforcement powers where informal approaches fail and, where appropriate, publicise these cases to serve as a deterrent to other would be rogue landlords. Cases requiring such action are fairly few and far between. In 2011/12, 215 cases were resolved informally with only 8 requiring formal action. In 2010/11, the figures were 232 and 4, respectively.

3.2.10 *Recommendation 10 – Encourage Council staff and staff from partner agencies to report empty properties*

It is anticipated that should efforts to secure additional staffing capacity within the enforcement team be successful a strategic approach to dealing with long term empty homes can be developed including an on line reporting tool for staff and residents to report empty properties. This would enable checks to be undertaken against Council Tax and Housing Benefit records to identify possible empty property fraud and action to be taken with a view to bringing the property back into use.

3.2.11 *Recommendation 11 - Explore the possibility of bringing in additional staffing resources to assist*

Originally a number of options were put forward to secure additional staffing resources e.g. secondment, volunteering, work experience. However, after further consideration of these options it became

apparent that it would be unlikely that the staff would have the necessary skills and technical knowledge required, for example, to undertake housing inspections. Since the original PPB meeting in March 2012, the possibility of transferring suitably trained and experienced staff from another part of the organisation has been identified and at the time of writing the report is being explored.

3.2.12 *Recommendation 12 – The existing Landlord Accreditation Scheme be retained*

Originally the group had recommended that the existing Landlord Accreditation Scheme be changed to a Property Accreditation Scheme in line with Wirral Borough Council's scheme. However, following advice from Legal Services that the proposed change could result in a risk to the Council, the Safer Halton PPB reconsidered this recommendation at its meeting of November 2012. Consequently the recommendation is that the existing Landlord Accreditation Scheme is retained in its current form. The Board further recommended that funding be identified to undertake a poster campaign for the scheme.

3.2.13 *Recommendation 13 – Work with the Fire Brigade to support a change in legislation that would make it a legal requirement for private landlords to install hard wired smoke detectors in their properties*

There is an ongoing campaign for the Government to introduce legislation to this effect, including a recent call for action from the coroner of West Sussex following three separate house fires in which the residents, whose smoke alarm batteries had failed, were killed. Landlords of licensable houses in multiple occupation must already provide hard wired smoke alarms under the Housing Act 2004, however, officers will lend their support to campaigns on behalf of the Council for this requirement to be rolled out to all privately rented properties as and when the opportunity arises.

Members may be interested to know that as part of the Energy Act 2011 it will be illegal to rent out a property that does not meet a minimum standard of energy efficiency (currently proposed to be Energy Performance Certificate rating E) by 2018.

4.0 **POLICY IMPLICATIONS**

4.1 Improving conditions in the private rented sector is one of the priorities in Halton's emerging Housing Strategy which has been informed by the work of the topic group.

4.2 The Council will be in a more advantageous position to address a range of health issues relating to housing when it becomes responsible for public health in 2013. In the future, consideration will

be given to the public health agenda within this context.

5.0 **FINANCIAL IMPLICATIONS**

5.1 The proposed project can be delivered within existing staffing resources.

5.2 A small budget (circa £200) will be required to undertake a poster campaign to advertise the Halton Healthy Homes Network.

6.0 **IMPLICATIONS FOR THE COUNCILS PRIORITIES**

6.1 **A Healthy Halton**

Poor housing conditions can have an adverse effect on health, consequently, improving the housing stock can bring about positive health benefits.

6.2 **Employment, Learning and Skills in Halton**

None identified.

6.3 **Children and Young People in Halton**

Research suggests that poor housing conditions can have an adverse impact on educational attainment.

6.4 **A Safer Halton**

A key aim of the topic group is to provide support and advice for private landlords whose properties are occupied by anti-social tenants.

6.5 **Halton's Urban Renewal**

Improving housing conditions has a positive effect on the visual appearance of neighbourhoods and a positive impact on climate change.

7.0 **RISK ANALYSIS**

7.1 None identified.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 The recommendations aim to improve conditions in the private rented sector which is likely to house a disproportionate amount of vulnerable and marginalised groups.

9.0**LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

Document	Place of Inspection	Contact Officer
Safer PPB Report March 2012	Runcorn Town Hall	Strategic Director Communities
Safer PPB Report November 2012	Runcorn Town Hall	Strategic Director Communities