

HOUSING COMMITTEE

11 SEPTEMBER 2018

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Report Title	Private Sector Housing Renewal Policy
Purpose of Report	To recommend to Committee the adoption of a revised Private Sector Housing Renewal Policy for 2018-23
Decision(s)	The Committee RESOLVES to: Adopt the Private Sector Housing Renewal Policy 2018-23.
Consultation and Feedback	Consultation has taken place with; Members Parish and Town Councils Other Gloucestershire Councils Gloucestershire Clinical Commissioning Group Gloucestershire Branch of the NLA Gloucestershire Care Services NHS Trust Gloucestershire Association for Voluntary and Community Action Age UK Director of Public Health Gloucestershire Citizens Advice Bureau Foundations Members of the public through the SDC website
Financial Implications and Risk Assessment	There are no financial implications arising directly from this report. Lucy Clothier, Principal Accountant Tel: 01453 754343 Email: lucy.clothier@stroud.gov.uk
Legal Implications	As stated in the report, the Council must have in place a published Private Sector Housing Renewal Policy in order to enable it to provide assistance for the purpose of improving living conditions within the district. The draft policy referred to in the report has not been inspected in detail, however, on an initial review; the policy appears to be thorough with no concerns arising from it. Any issues which do arise on a more detailed review will be advised to the report author prior to the committee meeting. R2108D2408C2408. Mike Wallbank, Solicitor E-Mail: Mike.Wallbank@stroud.gov.uk
Report Author	Maria Hickman, Housing Renewal Manager Tel: 01453 754454 Email: maria.hickman@stroud.gov.uk

Options	Not to adopt a policy - this would mean that the Council would be unable to deliver improvements to private sector housing in the district.
Performance Management Follow Up	As part of normal section management process
Background Papers/ Appendices	Appendix A Private Sector Housing Renewal Policy 2018-23

1. BACKGROUND

- 1.1 The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 places a duty on a Local Authority to publish a Private Sector Housing Renewal Policy and to review that Policy at least every 5 years.
- 1.2 The policy must detail any assistance the Local Authority will make available under article 3 of the Order for housing renewal in the private sector. This includes assistance for homeowners and tenants living in the private rented sector and social housing, but does not include tenants living in council owned stock.
- 1.3 The current policy was adopted in September 2013 and is therefore now due for review.

2. CURRENT SITUATION

- 2.1. The profile of the private sector has changed significantly both nationally and locally within the last 5 years with an exponential growth in the private rented sector in particular due mainly to the lack of affordable housing. This has led to an increase in the number of private landlords taking advantage of vulnerable tenants by offering them overcrowded and very poor condition accommodation knowing that they have very little choice in the market (rogue landlords). At the other end of the scale with savings investment returns being very low in the banking sector many have decided that a better investment can be found in the private rented sector. This has led to an increase in the number of private landlords who lack the appropriate knowledge and sometimes finance required to adequately meet their obligations as landlords.
- 2.2. As a district with severe pressure on the limited stock of privately rented property available particularly to those on low incomes due to high market rents, there is a genuine fear by tenants of retaliatory eviction if they approach the Council for help with improving their housing conditions.
- 2.3. In the past the private rented sector has largely been occupied by single or childless couples, however, due mainly to rising house prices, there are an increasing number of families now forced to occupy this sector.

- 2.4. Central Government have introduced several legislative changes in the last 5 years with the intention of assisting Local Authorities in improving conditions in the private rented sector.
- 2.5. In addition, there remain elderly, disabled and vulnerable occupants of the owner occupied sector who need assistance from the Council.

3. Policy Changes

3.1. The aims and objectives have been revised so as to give greater priority to the private rented sector with the limited resources available to the council. The policy seeks to introduce all legislative changes introduced by Central Government mainly in the Housing and Planning Act 2016 to better equip local authorities to improve the private rented sector.

3.2. These changes include;

3.2.1. Retaliatory Eviction

The landlord cannot use the “no fault” possession procedure for 6 months after a genuine complaint about the condition of the dwelling has been made.

3.2.2. Civil Penalties

An alternative to prosecution where a landlord has failed to meet their legal obligations with regard to housing conditions whereby the LA can apply a fixed penalty fine of up to £30,000.

3.2.3. Extension of Mandatory HMO Licensing

Houses in Multiple Occupation represent the biggest risk to the occupants and are often occupied by the most vulnerable. Currently mandatory licensing only applies to properties that consist of 3 storeys or more. From the 1st October 2018 the number of storeys element will be removed. Currently only 19 such properties meet the licensing criteria, it is likely that up to 200 will need to be licensed under the new criteria. The current scheme for which there is a licensing fee of £450 for a 3 year license has been revised to meet these changes. With the resources available to the council and the significant increase in the number requiring licensing the license period has been increased to the maximum of 5 years and the fee charged reviewed so as to adequately reflect the councils costs at £830.

3.2.4. Agents Redress Scheme

A requirement for letting agents to join a government sanctioned redress scheme to ensure tenants and prospective tenants are dealt with fairly and to give them a clear means of seeking assistance if they are unhappy.

3.2.5. Smoke and Carbon Monoxide

A requirement for adequate detection to be in place.

3.2.6. Minimum Energy Efficiency

From the 1st October 2018 landlords will not be able to let properties that have an Energy Performance Certificate Rating of F or G.

3.3. The council will continue to assist vulnerable owner occupiers where the condition of their property is affecting their health with advice, and Healthy Homes Loans and prioritising Disabled Facilities Grants.

3.4. Over the last 5 years the Council has established strong partnerships with the Gloucestershire Clinical Commissioning Group (CCG) and Gloucestershire County Council and will continue under the new policy to develop partnership projects such as the Warm & Well Scheme to address affordable warmth and fuel poverty.

3.5. With the lack of affordable housing in the district of all types the Council will continue to prioritise resources to bringing empty homes back into use especially for affordable housing.

3.6. The draft policy was sent out for consultation to a range of consultees both statutory and non statutory and included; Members, parish councils, Gloucestershire councils, Gloucestershire CCG, National Landlords Association, Director of Public Health, Age UK, Gloucestershire Association for Voluntary and Community Action and the general public.

4. Financial Implications

4.1 The Policy outlines the action the Council will take with regard to the resources available to provide assistance to private sector households in the district, so as to prioritise those resources appropriately.

5. Legal Implications

5.1 Article 3 of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 places a duty on a Local Authority to publish a Private Sector Housing Renewal Policy and review at least every 5 years.

6.0 RECOMMENDATION

5.1 That the Private Sector Housing Renewal Policy 2018-23 contained in Appendix A be adopted.

The policy document is available on the [Council's website](#).