

RE: BETTER HOMES FOR ALL; TACKLING ROGUE LANDLORDS & IMPROVING PRIVATE RENTED HOUSING – A PROGRESS UPDATE

REPORT OF: Councillor R Overton- Deputy Leader & Cabinet Member for Communities, Housing & Enforcement

1. SUMMARY OF MAIN PROPOSALS

- 1.1 On 15th February last year Cabinet endorsed the recommendations contained in the ***Better Homes for All Report***, namely:-
- Implementation of enhanced standards and licensing conditions for Houses of Multiple Occupation (HMO's).
 - Major Pride in Our Community investment tackling hot spots across our borough where environmental standards needed improvement, until the new Ground and Cleansing contract could be retendered for by April 2019.
 - An increase in use of our powers and therefore the level of enforcement activity to tackle the minority of residents who take part in anti-social behaviour such as fly tipping, littering etc.
 - Supporting the bid to secure external funding to provide financial support to increase capacity within the councils' Public Protection Team to tackle poor housing disrepair and rogue landlords.
 - To approve the development and implementation of a revised landlord accreditation scheme.
- 1.2 This report provides an update for Cabinet on the progress that has been regarding the recommendations outlined above along with further actions in support of our ***Better Homes for All*** objective.
- 1.3 The first part of the report covers the work we are doing to tackle the small minority of private sector 'rogue landlords' who operate in our borough. The second part of the report outlines the work we are doing to recognise and celebrate the majority of private sector landlords who provide a valuable service to many residents through the provision of good quality and affordable housing. Those who have gone the extra mile have been recently recognised at our Better Homes for All Awards held in February 2019.

2 RECOMMENDATIONS

- 2.2 For Cabinet to note the progress outlined in this report in pursuit of ***Better Homes for All***.

3.0 SUMMARY IMPACT ASSESSMENT

Community Impact	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Protect and support our vulnerable children and adults. Ensure that neighbourhoods are safe, clean and well maintained. Improve the health and wellbeing of our communities and address health inequalities. Regenerate those Neighbourhoods in need and work to ensure that local people have access to suitable housing.
	Will the proposals impact on specific groups of people?	
	Yes	Borough wide impact however more focussed towards Private sector landlords including HMO landlords and residents taking part in Anti-Social Behaviour.
Target Completion/ Delivery Date	We have already started to make an impact and as such the work to achieve Better Homes for All is now embedded within the council and our day to day operations.	
Financial/ Value for Money Impact	Yes	In March 2018 Telford & Wrekin Council were notified that they had been successful in their bid to the Ministry of Housing, Communities and Local Government (MHCLG) for the Rogue Landlord Project. This secured £388,925 over 2 years to fund the cost of the Rogue Landlord Taskforce Team. £202,097 of this has been received in 2018/19 with the balance being paid in 2019/20. The additional costs incurred in respect of HMO licensing are being covered by additional license fee income generated as a result of the change in legislation. The remainder of the work outlined in this report can be met from within existing budgets. MLB 19.02.19 Capacity funding was secured for a Landlord Liaison Officer fixed term for 12 months to develop and deliver the new Landlord Accreditation Scheme and other elements of the Better Homes for All initiative. Due to the importance of this post, it has been extended for a further 12 months to 31/03/2020 funded from one off reserves. AEM 19.02.2019.
Legal Issues	No	There are no legal issues arising out of this report. Cabinet approved the use of the relevant enforcement powers being used by officers and set levels for financial penalties prior to the commencement of the work outlined within this report. Legal Services will review all new powers mentioned in the report with officers to ensure that the necessary authorisations and delegations are put in place in a timely manner and provide advice as and when required.
Other Impacts, Risks & Opportunities	No	The opportunities have been outlined separately within the report. There are no known risks.
Impact on Specific Wards	Yes	Borough Wide

PART B – ADDITIONAL INFORMATION

4.0 An Overview of our work in tackling Rogue landlords

4.1 Bid for external funding

- 4.2 We were successful in our bid to the Ministry of Housing, Communities and Local Government (MHCLG) securing £388,000 over 2 years enabling us to develop our new Rogue Landlord Taskforce Team (RLT). This has resulted in 3 additional officers undertaking proactive intelligence led interventions, working closely with partners including West Mercia Police, Shropshire Fire and Rescue, Health and Safety Executive, Gang Masters Licensing and Labour Abuse Authority, the Home Office and Her Majesty's Revenue and Customs.
- 4.3 During 2018, while responding to specific concerns raised by a number of key stakeholders we served 226 notices in respect of 60 properties under the Housing Act and related legislation. We also formally progressed 6 separate prosecutions for Housing Act Offences. During the early part of 2019 we have served 112 notices in respect of 31 properties of concern. Our actions are always considered and we continue to adopt an education first approach where appropriate however, we will take a much harder stance where the situation requires us to do so and therefore applying our powers accordingly.
- 4.4 The prosecutions referred to in 4.3 led to fines and costs in excess of £43,000 and £11,000 reclaimed in Housing Benefit paid as a result of fraudulent activity. Where it is appropriate to do so the landlords involved have also been added to the new national rogue landlord database. Telford & Wrekin were the first authority to add a landlord to this new national database.
- 4.5 We have been developing new policies and tools in order to implement the new powers now available to us under the new Housing and Planning Act. This includes the ability to serve Civil Penalties on landlords for breaches of certain housing provisions, with the maximum penalty being £30,000. These will now be considered as a speedier alternative to prosecution where appropriate however, we will still pursue prosecutions for the more severe of crimes. An additional Regulatory Solicitor has also been engaged ensuring we have the right legal support and advice to act quickly when using all of our enforcement powers and tools.
- 4.6 Officers have held several successful drop in sessions at Sutton Hill and Brookside Community Centres enabling a number of local residents to raise questions regarding any concerns they have about their accommodation. More of these are planned in other locations due to their success.
- 4.7 When putting in the bid for external funding the council adopted an innovative approach to tackling rogue landlords by including a Trading Standards Compliance Officer. This officer has been working on the intelligence available and developing tools to assist other council enforcement officers during their premise visits to ensure that Fees and Charges are displayed in private rented accommodation, ensuring tenants know exactly what they will be paying for and checking that there are no 'hidden extras'. We have also been checking to ensure landlords are signed up to a Redress Scheme, which is an alternative form of dispute resolution and checking to ensure properties with a lower Energy Performance Certificate (EPC) rating than E (F&G) are improved to a satisfactory standard where legislation permits.

4.8 Houses of Multiple Occupation

- 4.9 A national change in the legislation for HMO licensing took effect on 1st October, 2018. It introduced a requirement to licence any property which has five or more people sharing kitchen and bathroom facilities. We anticipate that this change will have affected between 300 and 400 properties across the borough. To date 148 landlords have applied for a licence and we have been inspecting premises and issuing licences to landlords who meet the enhanced licensing conditions approved by Cabinet on 15th February 2018. Landlords who do not come forward to licence may be prosecuted or have civil penalties imposed on them for failing to licence a HMO. We have recently prosecuted two landlords for failing to secure HMO licence's despite it being made very clear of their need to do so. A further communications campaign is to commence shortly reminding landlords of the new licensing conditions and the consequences of not licensing. We have also briefed council employees and our partners, particularly the police and Shropshire Fire and Rescue, in order to help spot properties which may meet the new criteria to be licenced as a HMO and they in turn are sharing their knowledge and intelligence with the HMO licensing team.
- 4.10 This coming year we expect and welcome new legislation which will assist us in our pursuit of Better Homes for All including:

The Tenant Fees Bill. This Act will lower the deposit cap to no more than five weeks' rent for properties with an annual rent of less than £50,000 and will restrict the circumstances in which agents or landlords can charge default fees when a tenant is late with their rent or has lost their key or security device and needs a replacement.

The Homes (Fitness for Human Habitation) Act 2018 received Royal Assent on 20th December. This Act will amend the current law to provide for where serious hazards exists within a property making it unfit. We expect guidance for local authorities as well as landlords and tenants ahead of the Act coming into force by the end of March 2019. It will effectively provide a higher set of standard for tenants to pursue their landlords privately through the civil courts for remedy and redress.

5.0 Enhancing Pride in Our Community

5.1 Enforcement of Anti-Social Behaviour & Environmental Crimes

- 5.2 Over the last 18 months the council has trained a number of officers and devolved enforcement powers to them in order to tackle Anti-Social Behaviour in known key hot spots.
- 5.3 As a result in 2018 we issued 283 fixed penalty notices for aspects of anti-social behaviour in particular fly tipping, fly posting, littering and graffiti all featuring high on the list. This is 4 times the amount of notices issued in 2017. We also issued 641 warning letters during 2018 as part of our education first approach and this compares to only 195 warning letters in 2015.
- 5.4 From our peak of fly tipping incidents in 2015 there has been a 40% overall reduction. Some of the streets that were originally in our top 10 streets of concern are no longer and this is as a result of our direct work with communities living in those streets where fly tipping and littering has been a challenge. Our work is helping to change attitudes and behaviours.
- 5.5 Our social media campaigns on both twitter and Facebook have gained a lot of resident engagement and support for our enforcement actions and successes, and we will continue our campaigns to continue to get the message across that we will not tolerate ASB in our borough.
- 5.6 We now have a 12 month programme in place where we task those in the community pay back service to work across a number of our housing estates to help clear litter and graffiti. We continue to work closely with our street champions and volunteers who help to identify

new areas of ASB concern that require our attention whilst also helping at the same time to tackle those hot spots through volunteer litter picking etc..

5.7 Our enforcement dashboard helps us to continue to identify current hot spots of ASB and our officers are tasked accordingly to work in those areas in order to continue to reduce the trends of ASB across our borough.

5.8 The new Grounds and Cleansing contract secured by Idverde which goes live in April will also help to address litter and ASB hot spots. The new contract delivers a major improvement in grounds maintenance and cleansing standards across the borough, with a greater focus on the cleansing and maintenance regimes for those areas of the borough known for higher degrees of ASB such as littering and dog fouling. The standards have previously been enhanced and funded through Pride in Our Community however these standards will now be sustained through the new core contract. Intelligence gathered by our enforcement teams, as well as data gathered regarding high footfall areas, was used to create the new cleansing standards for the borough.

6.0 Promoting the good work of Private Sector Landlords

6.1 Landlord Accreditation

In parallel with the targeted enforcement activity set out in Section 4, the Better Homes for All programme includes a range of initiatives to proactively encourage and promote good practice in the private rented sector, such as the Telford & Wrekin Landlord Accreditation Scheme, the Better Homes for All Awards and better support for tenants.

6.2 Telford & Wrekin Landlord Accreditation Scheme relaunched in August 2018 with the aim of improving standards in the private rented sector through education, support and advice to landlords and letting agents. The scheme also aims to provide reassurance to tenants on which landlord to choose for their future or current home. The scheme is voluntary and was developed in consultation with the private rented sector and includes a number of new elements that were requested by landlords and letting agents.

6.3 A newly appointed Landlord Liaison Officer (LLO) was appointed to develop the scheme and to actively engage with landlords and letting agents. The accreditation scheme provides an online portal for accredited members to join, sign up to a code of conduct and gain access to:

- A document portal – with useful documents and information to assist members in providing a professional service to their tenants
- Online advice system – for landlords and letting agents to ask questions relating to tenancy relations
- News blog – to update accredited members on relevant information, updated legislation and national and local housing-related news
- Online training – 3 modules have been designed on tenancy regulations and law, housing benefits and housing enforcement regulations relevant to landlords and lettings agents which they access via an online learning platform.

6.4 The accreditation scheme also offers a number of benefits to members such as; corporate gym membership, waste passes and access to the council's bulk collection scheme. Since the launch of the accreditation we now have 93 members. A marketing plan as part of the Better Homes for All programme has been developed to further increase awareness and take-up of the new scheme. The next phase is to develop an associate membership level for those landlords who use an accredited letting agent to manage their property.

6.5 We will continue to monitor the scheme and consult with current members on future improvements in order to develop the accreditation scheme further. We will also seek out additional opportunities to work with landlords, letting agents and partners to help improve

the private rented sector and to promote good landlords and letting agents who play a key role in meeting our housing needs in the Borough. In particular, we will continue to engage regularly with the Wrekin Landlords Association about Better Homes for All and other housing initiatives.

7.0 Supporting Tenants

7.1 In addition to working closely with landlords and letting agents, we have also improved the support available for tenants. This includes improved advice on our website <https://thf.telford.gov.uk/Home/Tenants>, an online reporting tool for repairs and information about how to create a free 'tenant passport' which provides tenants with a property CV including credit scoring linked to tenants' rental payments that they can share with prospective landlords.

8.0 Better Homes for All Awards

8.1 Another significant achievement has been the first Better Homes for All Awards which were based on nominations from the community for several categories including:

- Best Tenant
- Best Landlord
- Best Letting Agent

8.2 The awards were held on the 7th February 2019 at the Holiday Inn, Telford and were sponsored by the Wrekin Housing Trust. We received over 90 nominations from the community and winners were chosen based on the nominations sent in. In addition to these three categories, two other special commendation awards were provided; one by the Wrekin Housing Trust for one of their tenants who was nominated for their work supporting private sector tenants in the community and one by Telford & Wrekin Council acknowledging the commitment and support provided by a local letting agent in improving the relationships between the council and landlords. Positive feedback from this event has been received and the constructive working relationships we now have with landlords and letting agents is being recognised.

8.3 The aim of the awards was to celebrate some of the excellent tenants, landlords and letting agents we have in the borough and to help dispel the negative image of the private rented sector that is often portrayed in the media.

(Photo below: Better Homes for All Award Winners 2019)



Previous Minutes and Background Papers

15th February 2018 Cabinet Report : BETTER HOMES FOR ALL;
TACKLING ROGUE LANDLORDS & IMPROVING PRIVATE RENTED HOUSING

Legislation

Housing Act 2004

http://www.legislation.gov.uk/ukpga/2004/34/pdfs/ukpga_20040034_en.pdf

Anti- Social Behaviour, Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

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