



Chartered Institute of
Environmental
Health

Sefydliad Siartredig
Iechyd yr
Amgylchedd

Communities and Culture Committee: Making the Most of the Private Rented Housing Sector

Response to the Call for Evidence on the Private Rented
Housing Sector

November 2010

Sefydliad Siartredig Iechyd yr Amgylchedd

Fel **corff proffesiynol**, rydym yn gosod safonau ac yn achredu cyrsiau a chymwysterau ar gyfer addysg ein haelodau proffesiynol ac ymarferwyr iechyd yr amgylchedd eraill.

Fel **canolfan wybodaeth**, rydym yn darparu gwybodaeth, tystiolaeth a chynghor ar bolisiau i lywodraethau lleol a chenedlaethol, ymarferwyr iechyd yr amgylchedd ac iechyd y cyhoedd, diwydiant a rhanddeiliaid eraill. Rydym yn cyhoeddi llyfrau a chylchgronau, yn cynnal digwyddiadau addysgol ac yn comisiynu ymchwil.

Fel **corff dyfarnu**, rydym yn darparu cymwysterau, digwyddiadau a deunyddiau cefnogol i hyfforddwyr ac ymgeiswyr am bynciau sy'n berthnasol i iechyd, lles a diogelwch er mwyn datblygu arfer gorau a sgiliau yn y gweithle ar gyfer gwirfoddolwyr, gweithwyr, rheolwyr busnesau a pherchnogion busnesau.

Fel **mudiad ymgyrchu**, rydym yn gweithio i wthio iechyd yr amgylchedd yn uwch ar yr agenda cyhoeddus a hyrwyddo gwelliannau mewn polisi iechyd yr amgylchedd ac iechyd y cyhoedd.

Rydym yn **elusen gofrestredig** gyda dros 10,500 o aelodau ledled Cymru, Lloegr a Gogledd Iwerddon.

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Dylid cyfeirio ymholiadau am yr ymateb hwn at:

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The Chartered Institute of Environmental Health (CIEH) supports drives to professionalise the Private Rented Sector (PRS); the key aim must be to improve standards in the sector for the benefit of tenants and thereby to raise standards of public health generally.

Environmental health officers working in local housing authorities (LHAs) are responsible for maintaining standards in the private rented sector. The Human Rights Act requires a proper balance of support and enforcement. The CIEH welcomes the Communities and Culture Committee review of a housing sector that is rapidly growing as a consequence of the inability of many people living in Wales to buy their own homes and of the low level of affordable social housing.

In this response the CIEH will firstly address the specific questions raised by the Communities and Culture Committee in the call for evidence letter of 8 October 2010 in the order of raising and will then make more general comments regarding the PRS in Wales.

1. How can better use be made of the private rented sector (PRS) so that it will become a tenure of choice and contribute more effectively to meeting housing need in Wales?

- 1.1 We feel that we should record that in some cases the PRS is a tenure of choice, citing by way of example students renting accommodation in privately owned and managed Halls of Residence, and hospital staff living in hospital accommodation tied to their employment. In such cases there is a close connection between the tenant and the housing provider and often this is the tenure of first choice. We recognise however that in many cases the PRS is the tenure of last choice for tenants, and that very often it is those in greatest need who look to the PRS for their accommodation.
- 1.2 The Welsh Assembly Government should take a much more active role in developing and promoting different types of tenures in the PRS, such as active support for 'Rented Rooms in Homes' schemes and 'Working week tenancies' to increase the menu of tenancy types, making the PRS more flexible and better suited to cope where people are working away from home bases during the week or only require accommodation for part of a week.
- 1.3 The true size of the PRS in Wales is not known, due in part to the fact that it is managed and marketed in a plethora of different ways. The sector ranges from property owning and managing landlords of significant size operating over a broad geographical areas to small private landlords who may have only one property let through an advert in a local newsagent window. There would be considerable benefit in having available a comprehensive register of property in the PRS, such that local availability, variety, tenure type etc could be determined for a given area and tenants seeking accommodation are able to take the wider view as to availability of property knowing that the LHA is aware of the property on offer and will have ensure that it is safe and without risk to health.
- 1.4 We suggest that Welsh Assembly Government should work with LHAs and RSL to actively promote the PRS, through property management schemes – e.g. LHAs or RSLs manage private stock for rent on behalf of owners, ensuring that such property is safe and free from risk to the health and safety of tenants.

2. What can be done to address the poor condition of some properties and standards of property management within the PRS?

- 2.1 It is clear in the CIEH view that LHAs should first and foremost take a strategic approach in dealing with the PRS. A crucial part of this is to ensure that LHAs undertake their statutory duties under Section 3 of the Housing Act 2004. Such an approach should be based on local evidence with a combination of enforcement and incentive with effective consultation through accreditation schemes.
- 2.2 The CIEH believes that too few LHAs use the HHSRS strategically. Considerable improvements in the standards and quality of local PRS stock can be achieved by such an approach which will, by definition, be targeted at the worst properties containing the most serious hazards to the health and safety of tenants.
- 2.3 Reactive services (i.e. responding primarily to tenants' complaints) do not address priorities; issues identified in tenant complaints are not necessarily ones which should receive priority attention over other more serious issues which remain unreported. Complaints are generally not made by transient tenants (who frequently occupy high risk properties in multiple occupation) and from tenants who, justifiably or not, fear retaliatory eviction.
- 2.4 Enforcement activity is an available tool and should be used together with advice and education. Enforcement, properly used in accordance with the Compliance Code (established under the Legislative and Regulatory Reform Code of Practice Order 2007) will, by definition, be constructive and balanced; it should also cultivate a climate of co-operation and engagement with local landlords.
- 2.5 It is important that LHAs target their activities on properties owned and managed by landlords in whom they have little or no confidence, as these present a greater risk to the lives and the health of tenants than compliant landlords with whom it is easier to engage in a business relationship. The CIEH strongly supports Landlord Forums and similar initiatives but stresses that the members of such groups are in the main self selecting are likely to be those landlords in whom LHAs will have confidence and will have established a relationship. It is important that LHAs focus on those landlords who chose not to participate in such initiatives as these are more likely to be those owning and managing properties that give rise to concern.
- 2.6 It is important however to recognise that comparing advice and enforcement represents a false dichotomy for LHAs that struggle to achieve the necessary balance with limited resources. The key barriers to effective delivery remain funding and recruitment.

3. Is there sufficient engagement with the PRS through voluntary initiatives like Accreditation Schemes and Landlords Forums to help raise standards across the sector or is more enforcement and regulation needed? Do these efforts need more strategic co-ordination at a national level?

- 3.1 The CIEH strongly supports and is a partner in Landlord Accreditation Wales. As a national scheme it ensures consistency and raises standards in the PRS by promoting good practice, disseminating guidance and through the use of a Continuing Professional Development programme for landlords. We also endorse the policy adopted by some

higher education establishments and hospital of restricting advertising of rented accommodation to only landlords participating in the scheme. We are also aware the most, if not all of the LHAs in Wales have active Landlords Forums which raise and tackle local issues through partnership working. We recognise that schemes such as Landlord Accreditation Wales and participation in Landlords Forums are likely to engage with that part of the PRS most likely to be receptive to LHA requirements, and that those landlords who elect not to participate in or engage with such scheme in the main are those most likely to be operating on the sector of the PRS that will be of concern to the LHA.

- 3.2 Whilst it is important that LHAs engage with the 'compliant' PRS through initiatives such as discussed in 3.1 above it is of critical importance that the 'less or non-compliant' PRS is tackled to ensure that the health of those tenants living in accommodation belonging to landlords operating in this sector is not compromised. The CIEH does not believe that further regulation is necessary, rather it is the case that LHAs should ensure that they are using the powers that are available to them and are acting strategically, targeting their enforcement action in a strategic way to ensure that greatest priority is given to areas of greatest need.
- 3.3 National strategic co-ordination can only help to raise standards, but must not be over prescriptive or require LHAs to divert resources to demonstrate compliance with the strategic policy from tackling unacceptable housing standards.
4. Is security of tenure an obstacle to developing the PRS further? Are there any other critical barriers preventing access to the PRS? How can these be overcome?
 - 4.1 CIEH cannot identify any barriers preventing access to the PRS, quite the reverse, as it is often the tenure of last resort. The bottom 5% of the PRS provides accommodation to the most vulnerable sector of society which often cannot access any other form of accommodation. The requirement to provide a financial bond can be a barrier to access to some parts of the PRS, but this is not such an obstacle as to make the sector as a whole inaccessible.
 - 4.2 There is no evidence of which CIEH is aware to suggest that greater security of tenure in the PRS constitutes an obstacle to the further development of the sector. In the view of CIEH it is important that tenants should have adequate security of tenure to ensure that they can make complaint about poor conditions that may affect their ongoing health, safety and welfare without fear of retaliatory eviction. As noted in our response in 2.3 above tenants must feel secure in their right to complain, however at the bottom of the PRS there is a level of tenant that is 'under the radar' of all forms of officialdom and does not wish to draw attention to itself by complaining, and will therefore accept conditions which are detrimental to their health, safety and wellbeing in order to secure some sort of accommodation however unsatisfactory. Increasing security of tenure will not assist such tenants, tackling the issues faced in this lower level of the PRS can only be done by proactive strategic intervention by LHAs.

5. Can you identify any “quick wins” (that wouldn’t require new legislation) which could have an immediate impact on improving the PRS?

5.1 Identification and sharing of good practice between LHAs and sharing experience and expertise, including trading places schemes for officers would give Wales ‘quick wins’. We recognises that much engagement between LHAs already takes place through the Wales Heads of Environmental Health Housing Technical Panel with which CIEH is closely engaged.

6. What can Wales, and the Welsh Government, do to prepare for the changes to Housing Benefits announced by the UK Government?

6.1 This is not an area in which CIEH has expertise, therefore no comment is made.

7. How can more empty homes be brought back into occupation as rented accommodation?

7.1 Bringing more empty homes into the market as rented accommodation requires appropriately targeted LHA strategies supported by adequate assignment of resources. The strategies should employ all of the powers to take over and manage empty properties that LHAs have at their disposal and should be designed to work to minimum time frames to ensure that action, once commenced proceeds as rapidly as possible such that vacant property owners are aware that lack of action on their part will result in their property being taken over and actively managed by the LHA. There are a number of LHAs where this sort of action has achieved impressive results, e.g. Liverpool City Council, and sharing of Best Practice and information will be beneficial.

7.2 A clear statement of intent by Welsh Assembly Government regarding action on empty properties in Wales would assist in focusing the attention of property owners on empty properties that they may own. Welsh Assembly Government should also bring pressure to bear on the finance providers in Wales to seek to ensure that owners of empty properties seeking money to allow them to improve property and bring it back into the accommodation bank are not prevented from doing so by lack of access to finance.

It is clear that the PRS will have an increasingly important role to play in Wales in the current financial climate, with home owners who lose their jobs will look to the PRS in the event of them being unable to maintain payments on their properties. Given the local impact that job large scale job losses will have it is unlikely that the local PRS will be able to cope with sudden and complex demand for property.

The CIEH is of the view that Welsh Assembly Government should consider taking a wider view than reliance only on the PRS to provide accommodation. We consider that Welsh Assembly Government should consider a package of housing rescue schemes, such as mortgage to part ownership schemes with the possibility of buy-back that would have the effect of keeping families in their homes, with the associated benefits of children being able to remain in schools and within their social networks and reducing the impact of job loss on mental health and well being of home owners.

There should also be active support for and promotion of 'Rented Rooms in Homes' schemes, raising its profile and assisting home owners who may wish to let out rooms in their property but may be unsure about how to go about doing so and the implications. This would provide additional income for home owners as well as supplementing the choice available in the PRS.

