

Housing Living Standards

Committee name	Residents' Services Select Committee
Officers reporting	Debbie Weller, Head of Housing Strategy & Policy Rod Smith, Head of Housing Management Mark Billings, Director of Housing Gary Penticost, Director of Operational Assets
Papers with report	None
Ward	All

HEADLINES

The Council has responsibilities for housing standards both as the largest residential landlord in the Borough and for enforcing standards within private sector housing. This report provides information regarding the legislative and policy framework for housing standards and upcoming changes and an update on actions being taken in Hillingdon to address poor standards of living in both private housing in the Borough and within the Council's housing stock. Particular attention is given to issues relating to damp, mould and condensation.

RECOMMENDATIONS:

That the Committee:

- 1. Notes the contents of the report and the actions being taken by officers.**

SUPPORTING INFORMATION

Legal Framework

1. Local housing authorities have a duty under the Housing Act 2001 to keep housing conditions in their area under review with a view to identifying any action that may need to be taken under the Act (section 3 (1)).
2. There are statutory provisions governing private landlords' repairing and maintenance obligations in addition to other specific requirements, for example, in relation to gas and electrical safety. Enforcement of standards in private rented housing is primarily through the HHSRS, a risk-assessment based regulatory model used by local authority environmental health officers.
3. Under the Housing Act 2004, the Council has a duty to inspect homes if they have a reason to suspect the presence of a Category 1 or 2 hazard. When a local authority inspects and finds a category 1 hazard, it has a duty to take appropriate enforcement action. In the case of category 2 hazards, it has the power but not a duty to take appropriate enforcement action which, among other things could include an improvement notice requiring a landlord to take

remedial action; issuing a prohibition order prohibiting the letting of premises specified in the order; and in, the case of category 1 hazards, taking emergency remedial action to remove an imminent risk of serious harm.

4. If a landlord fails to comply with an improvement notice or prohibition order, they are liable upon conviction to a fine of up to £5,000. As an alternative to prosecution, local authorities can issue civil penalties of up to £30,000 for certain specified housing offences, including failure to comply with an improvement notice, although not for failure to comply with a prohibition order.
5. A local authority can also apply to the First-tier Property Tribunal for a banning order against a private landlord convicted of a banning order offence. Amongst other things, an order can ban a landlord from letting housing in England, and a failure to comply with an improvement notice or a prohibition order are both banning order offences. Anyone who breaches an order is liable to imprisonment, a fine, or both. Alternatively, the local authority can impose a civil penalty of up to £30,000, if it is satisfied beyond reasonable doubt that the person has breached a banning order.
6. If a local authority decides that a particular area is badly affected by poor housing conditions, it may designate that area as subject to a selective licensing regime. Subject to limited exemptions, a licence must be held by the appropriate responsible person (usually the landlord or managing agent) in respect of all privately rented homes in the designated area. Local authorities may inspect licensed properties and enforce compliance with the conditions of the licence. Where a scheme, either by itself or in combination with other designations made by the same local authority, would cover more than 20% of privately rented homes in the local authority area, the approval of the Secretary of State is required.
7. The Housing Act 2004 also provides for licensing to be extended by a local authority to include HMOs not covered by mandatory licensing. Additional licensing can be introduced where the local authority believes that a significant proportion of HMOs are poorly managed and giving rise to problems for residents or the general public. The local authority must consult those who are likely to be affected.
8. The Homes (Fitness for Human Habitation) Act 2018 requires private sector landlords to ensure their properties are fit for human habitation at the beginning of the tenancy and throughout. The Act provides tenants with the means to take legal action against their landlord.
9. The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 established a minimum level of energy efficiency of Energy Performance Certificate (EPC) Band E for private rented homes. Letting of private rented properties which fall below EPC E is prohibited. Landlords are required to improve the property energy efficiency rating to E or register an exemption.
10. Section 33 of the Deregulation Act 2015 prevents landlords from issuing a section 21 eviction notice within 6 months of having been served with an improvement notice by a local authority in relation to Category 1 or Category 2 hazards.

Regulatory Requirements

11. New social housing legislation will make major changes to the way stock owning local authorities are regulated. The Social Housing Regulation Bill will complete its passage through Parliament shortly and the RSH expects to implement the new approach from April 2024. The Regulator of Social Housing (RSH) Consumer Standards apply to local authorities as well as other Registered Providers. Through the Bill's measures, the Government intends to strengthen the regulatory regime to change the behaviour of social housing landlords to focus on tenants' needs. It also aims to ensure landlords are held to account for their performance.
12. A consultation on new Consumer Standards is expected during summer 2023. The RSH has advised that the themes covered will be:

Safety	Quality	Neighbourhood
Landlord's safety within the home and in communal areas	Quality of the home, communal spaces and services to tenants	Landlords' role, working with other agencies, to contribute to the wellbeing of neighbourhoods in which tenants live
Transparency	Engagement and accountability	Tenancy
Landlords' role in making information accessible to tenants including roles and responsibilities within landlords, so tenants know who is responsible for matters relating to consumer standards	Engagement between landlords and tenants, including how complaints are handled. Landlords' accountability to tenants and treating tenants with fairness and respect	Requirements on landlords in respect of tenancies, including allocations policies and opportunities for tenants to move

13. The new Tenant Satisfaction Measures (TSM) Standard has already been published and requires that from April 2023 all registered providers of social housing must collect and provide information to support effective scrutiny by tenants of their landlord's performance in managing their homes and neighbourhoods. There is a requirement that the TSMs are published annually and reported to the RSH.

Summary of Tenant Satisfaction Measures	
<u>TSMs collected from tenant perception surveys</u>	
TP01	Overall satisfaction
TP02	Satisfaction with repairs
TP03	Satisfaction with time taken to complete most recent repair
TP04	Satisfaction that the home is well maintained
TP05	Satisfaction that the home is safe

TP06	Satisfaction that the landlord listens to tenant views and acts upon them
TP07	Satisfaction that the landlord keeps tenants informed about things that matter to them
TP08	Agreement that the landlord treats tenants fairly and with respect
TP09	Satisfaction with the landlord's approach to handling complaints
TP10	Satisfaction that the landlord keeps communal areas clean and well maintained
TP11	Satisfaction that the landlord makes a positive contribution to neighbourhoods
TP12	Satisfaction with the landlord's approach to handling anti-social behaviour
<u>TSMs generated from management information</u>	
CH01	Complaints relative to the size of the landlords
CH02	Complaints responded to within Complaint Handling Code timescales
NM01	Anti-social behaviour cases relative to the size of the landlord
RP01	Homes that do not meet the Decent Homes Standard
RP02	Repairs completed within target timescale
BS01	Gas safety checks
BS02	Fire safety checks
BS03	Asbestos safety checks
BS04	Water safety checks
BS05	Lift safety checks

Recent and forthcoming government and regulator activity concerning housing standards

14. The Government's white paper, A fairer private rented sector, was published in June 2022. It included commitments to:

- Halve the number of non-decent rented homes by 2030 and require privately rented homes to meet the Decent Homes Standard for the first time
- Introduce a new single Ombudsman that all private landlords must join
- Introduce a new digital Property Portal to make sure that tenants, landlords and local authorities have the information they need
- Strengthen local authorities' enforcement powers
- Abolish section 21 of the Housing Act 1988 and end 'no-fault' evictions

15. The purpose of the proposed property portal is to:

- Provide councils with a trusted and consistent intelligence source;
- Enable landlords to understand and demonstrate compliance with the legal requirements; and
- Better inform tenants before they agree a tenancy.

16. Tenants will have access to necessary information about their landlord's identity and compliance with key legislative requirements. Landlords will be legally required to register all their properties on the portal and local authorities will be empowered to take enforcement action against those who do not.
17. The private rented sector reforms require legislation. Government Ministers have said the Bill will be introduced "in this Parliament".
18. The Government has committed to upgrade as many PRS homes as possible to EPC Band C by 2030 where practical, cost effective and affordable and in 2020 consulted on a suite of policy proposals towards achieving this, including a £10,000 cap on how much landlords would need to spend before being considered compliant. The Government is analysing responses.
19. In September 2022, the government launched a public consultation on its proposed Decent Homes Standard (DHS) for the sector. It said it would need to: (a) meet the current statutory minimum standards for housing (this includes being free of category 1 hazards); (b) be in a reasonable state of repair; (c) have reasonable facilities and services; and (d) provide a reasonable degree of thermal comfort. The Government says the standard is very similar to the standard for the social rented sector but includes small adjustments to reflect the "more diverse" property types in the PRS. In particular, it does not include the requirement for kitchens and bathrooms to be of a certain age and reflects the existing requirement that every home in the PRS meet the minimum energy efficiency standard (MEES).
20. In its consultation on the DHS, the Government proposed that landlords use the property portal to self-declare whether their property was decent and said it would deter unscrupulous landlords from "knowingly or recklessly providing false or misleading information" by making it an offence liable to prosecution and a civil penalty of up to £30,000. Local authorities would be responsible for investigating complaints relating to the DHS and for reporting on improvement and enforcement activity. The Government says it will provide a suitable timetable for implementation to give landlords time to make the necessary improvements. It is also considering a cap on costs arising from criteria B, C and D (it does not think a cap appropriate for criteria A), similar to that which applies to landlords' compliance with the MEES.

Damp, Condensation and Mould

21. Damp and mould in housing have received considerable recent interest following the inquest into the death of two year old toddler Awaab Ishak who died from a respiratory condition caused by mould in a Rochdale Boroughwide Housing (RBH) flat. Despite complaints, action to treat and prevent the mould had not been undertaken.
22. Damp and mould are a cross tenure housing issue with implications for both the councils' responsibilities as a landlord and for enforcing standards within private sector housing.
23. There had already been concern regarding damp and mould before to the Coroner's report which was published in November 2022. The Housing Ombudsman had issued a Spotlight report 'Damp and Mould; It's not lifestyle' in October 2021. The report recognises challenges for landlords in tackling this problem including overcrowding, poverty, and the age and design of homes and identifies best practice and innovation in the sector. It also recognises other

deep-rooted reasons why landlords are sometimes falling short that require changes in culture, behaviour and approach by them; from being reactive to proactive, and from inferring blame to taking responsibility.

24. Prior to the Spotlight report, Hillingdon had already instituted some changes to become more proactive in relation to damp and mould. Prompted by the introduction of the Homes (Fitness for Human Habitation) Act 2018, new processes for damp, condensation and mould management in the Council's own housing stock were introduced, including empowering operatives to report issues outside of their trades.
25. Following the Spotlight report an internal officer working group was established to carry out a further review of the Council's approach. The current position in Hillingdon was documented against each recommendation made in the report along with agreed actions and progress made. There is considerable good practice shown including:
- Use by operatives of "I have a concern" surveys on PDAs to record issues associated with the property.
 - Back-office staff empowered to recommend decants temporarily or permanently when considered necessary.
 - A draft Hillingdon Damp and Mould Policy and Operational Practice Note.
 - A risk-based approach is in place and improvements to the evidence base included as an agreed action.
 - There are no restrictions in place preventing the reporting and completion of repairs during regeneration programmes.
 - Staff have been reminded to treat the repair and look at the root cause of the problem rather than focus on any individuals that may have been involved.
 - Operatives have been tasked to identify areas where fans/ventilation need to be installed to assist with condensation management.
 - Work has taken place to identify reporting categories within a new GOSS complaints system.
 - When property inspections take place, full photographic evidence is taken, along with notes detailing what is required to resolve the issue.
 - Clear actions and outcomes are identified to resolve issues utilising in-house DLO or by obtaining quotations for works. If works are large, options are considered for recommending decants.
 - Voids teams review the property repair history prior to refurbishment to apply preventative measures before new tenants arrive.
 - Continued reporting of damp will not affect attendance.
26. Since November last year, the Council has received and responded to requests for information from both the Government and the Regulator of Social Housing sent to all local authorities and other social housing providers concerning damp, condensation and mould. In February 2023 the Housing Ombudsman has also published a One year on follow up report: Spotlight on damp and mould – it's not lifestyle.
27. Additionally, a cross-service group of officers has been established to take forward actions regarding damp and mould across social and private rented housing sectors. Regular

progress meetings are held and updates provided to Strategic Housing Board and the Cabinet Member for Residents' Services and the Deputy Leader of the Council and Cabinet Member for Property Highways & Transport. An action plan incorporating and building on the work following the Spotlight report has been developed.

28. Works to the Council's own housing stock has, in recent years, had a strong focus on health and safety with works prioritising fire safety both prior to and since the Grenfell fire tragedy. The focus on health and safety is being extended to other areas of work, including in relation to damp and mould. An evidence-based approach is taken to understanding the extent of damp and mould. This includes identifying those properties most likely to be affected and those households that may be particularly impacted by exposure to damp.
29. Hillingdon Council currently has 9,961 tenanted council owned rented properties. Based on a 4.8% prevalence rate for London as a whole for council properties, there would be an estimated 478 households that could be expected to be affected by damp and mould.
30. Overcrowding increases how susceptible a home is and is one of the most significant risk factors for condensation. The oldest and youngest and people living with disabilities and respiratory conditions are most vulnerable to the impacts of damp and mould. Officers are also very aware of the impact that fuel poverty and poverty in general can have for people living in cold, damp homes. Living in fuel poverty increases the likelihood of living in a damp home because if a home is not properly heated, it is more likely to develop condensation. The cross-service group includes staff involved with tenancy management and welfare support so that attention to these wider issues forms part of the response.
31. Officers have identified some specific issues that are particularly associated with damp and mould in Council homes and are using the information they have available to identify where there is a higher risk of damp and mould occurring and inform future works to stock. This includes homes that have solid wall construction or are of a non-traditional build and homes that have metal framed windows. Officers have mapped this information across the Borough to inform priorities. This information is also being viewed alongside information regarding occupants to identify risk factors.
32. Whenever inspections are carried out in a Council property, any issues that come to light, including damp and mould related, that require immediate attention, are reported to the repairs team so that a relevant job can be raised. The relevant information is also added to officers' evidence base in relation to stock condition.
33. There is increasing investment being made in planned works programmes, many of which will bring benefits in terms of reducing susceptibility to damp and mould. These include roofing programmes, window replacement, planned domestic boiler replacements and heat recovery units, cavity wall and loft insulation. Measures are accompanied by sufficient ventilation, which is critical to prevent damp, especially for those properties which are overcrowded. The Council has successfully bid for funding under the Social Housing Decarbonisation Fund to invest further in insulation, new windows and ventilation and is working with "Warmfront" to identify suitable properties for cavity and solid wall insulation.
34. All these programmes of work will assist in ensuring that properties are well insulated and

ventilated and consequently less likely to be affected by damp and mould. The Council is also in the first phase of delivering regeneration programmes on the two regeneration sites in the Hayes area of the Borough.

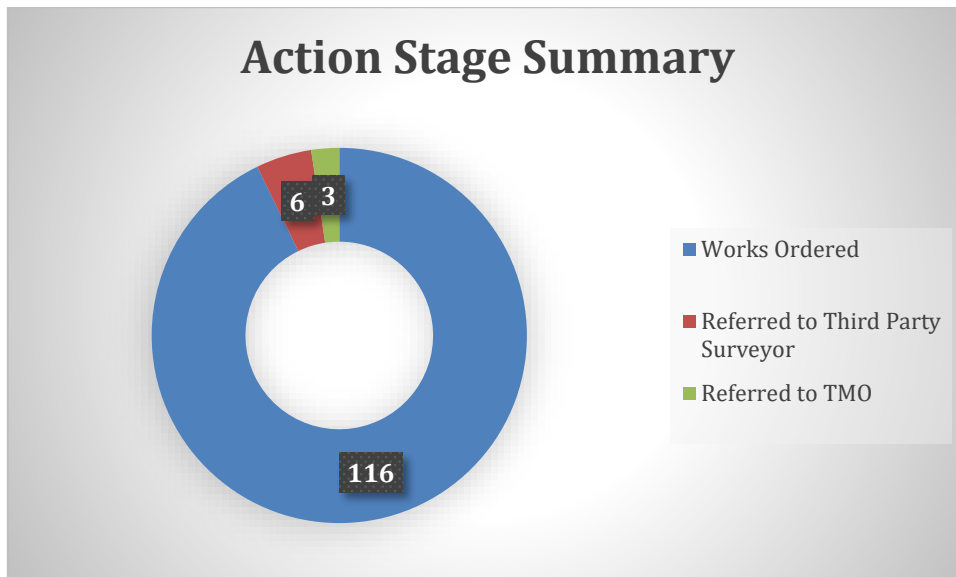
- 35. To ensure that individual damp and mould cases are identified and dealt with promptly officers have also been reviewing the start to finish process for addressing damp and making improvements. The process ensures that all relevant information about damp and mould in a property is kept in one place and that the case remains open and reviews are undertaken until resolution has been achieved. An active tracker is in place for all damp and mould cases reported to ensure that progress is closely managed.
- 36. Improvements are also underway in how officers communicate with residents regarding damp and mould. This includes reviewing the information on the Council’s website; revising the leaflet made available for dealing with damp and mould; looking again at how officers can raise awareness at tenancy sign up and investigating new communication materials e.g. videos.
- 37. A new tracking system has been put in place for damp, condensation and mould cases in the Council’s own stock. Within February, 115 new damp, mould, and condensation (DMC) issues were raised. A decrease from the previous months, this trend is expected to continue to lower as the weather improves with the lighter and warmer days approaching reducing overall condensation issues presenting to residents.

- The total received by the service via the new tracking system is 294 DMC reports.
- At first point of contact the service provides a damp leaflet for residents to follow. If there was a previous report, dependent on the severity and the household circumstance, an inspection may be raised at this point. 114 properties are currently at this stage. In all circumstances, if the problem remains unresolved a subsequent inspection will be arranged.
- 49 properties are awaiting an inspection with the majority scheduled to occur within 10 working days of being reported.

	Feb-23	Totals
Total New reports of damp, mould and condensation related issues	115	294
All Time reports of damp, mould and condensation related issues	294	
Total with damp Leaflets - Pre Action Stage	114	174
Total properties awaiting inspection	49	96
Total inspections completed - Action stage	125	195
Issued raised with all actions completed awaiting follow up - Post action	2	4
All actions completed - Resolution confirmed	4	4

- 125 properties have already been inspected and works scheduled to go ahead (this is broken down into several sub-categories, for instance 116x properties have follow up works scheduled which includes but is not limited to upgrades of ventilation units, mould washes, replacement of first generation aluminium windows and drainage clearance or replacement works etc, 3x properties have been referred to Housing Management for assistance with engagement and 6x have been referred to specialist surveyors.

Action Stage Summary



- 2 properties have had all works completed and the repairs planning team will make follow up calls to see if the issue has been resolved. If the residents confirm the issue still exists, the service will raise a return inspection for the resident.
- 4 properties have confirmed the issue has been resolved with no further issues presenting. In order to provide reassurance, the Service has purposely made it difficult to reach this stage. With DMC cases the issue can reoccur and by keeping the report live within the system officers ensure a constant recheck of live cases.

Damp and mould in the private sector

38. The predominant housing tenure in Hillingdon is owner-occupation. Private rented sector (PRS) housing accounts for around 28,000 homes in Hillingdon. Some areas of the Borough have a greater prevalence of private rented sector housing than others and these areas also correspond with those that are more likely to exhibit poor housing conditions. They are generally areas of greater population density. It is estimated that there is a prevalence rate of around 8% of the private rented sector properties that are affected by damp. Across Hillingdon, this amounts to around 2,200 private rented sector properties in total.
39. Hillingdon Council complies with the statutory requirement to take action where category 1 hazards under the Housing health and safety rating system (HHSRS) are found. In addition, officers have particular regard to high scoring (bands D and E) category 2 damp and mould hazards.
40. When a complaint about damp and mould is received, officers will initially gather information regarding the complaint from the person complaining and will then contact the landlord. If the issue appears to be serious, officers will notify the landlord and interested parties of their intention to carry out an inspection under section 239 of the Housing Act 2004. For less serious complaints officers provide advice to both landlords and tenants regarding how to deal with damp and mould. The Council's Private Sector Housing Enforcement Policy makes it clear

that the Council will take enforcement action in relation to both category 1 and serious category 2 hazards. The Council is able to take enforcement action against Housing Associations as well as private landlords in relation to HHSRS hazards, but officers would expect tenants to make use of the Housing Association's own complaints process before involving the Council.

41. The advisory information that the Council makes available, such as information on the website and a damp and mould leaflet, have recently been reviewed and updated. The Private Sector Housing Team has a comprehensive procedure for new requests coming into the team. This includes information regarding the appropriate questions to ask to respond suitably to damp and mould cases.
42. With regards to temporary accommodation, officers have introduced a procurement framework that aims to ensure that all landlords contracted provide accommodation of a good standard. This includes accommodation provided for out of borough placements. If a complaint is made, an inspection can be arranged quickly to ensure that the property reaches required standards.
43. Temporary accommodation also receives specific attention via the Setting the Standard pan London inspection service for shared and 1 bedroom accommodation.

Other Programmes of Work in Council Owned Homes

Planned works programme

44. The Council agreed to significantly increase planned investment in Council housing stock as part of the 2022/23 to 2027/28 MTFF. Key priorities of the planned works programme are:
- Kitchens and bathrooms. During the Decent Homes programme in the early 2000s a significant proportion had kitchen and bathroom replacements. These properties will require replacement works over the next five years.
 - Windows. Many of the early replacements of single glazed windows to double glazed windows used aluminium instead of UPVC frames. These are no longer considered to be adequate due their low thermal performance, in some instances their contribution to the accumulation of damp and the difficulty in repairing them. Many of these aluminium framed windows will become due for replacement in the next 15 years; however, as many of these as possible will be brought forward for replacement within the next 5 years.
 - Due to the age profile of the Council's housing stock, there is currently a large number of properties which will require the roof structure and covering to be replaced over the next few years. The replacements will be targeted based on age and reports of issues recorded by the Council's repairs department.
 - Automatic Opening Vents (AOVs): These are a window with a specialist mechanism typically found within medium and high-rise blocks which automatically open when a fire is detected to vent smoke along fire escape routes. All AOV within blocks will be targeted for early replacement as part of the Building Safety Strategy which has been adopted by the Council.
45. To make efficient use of the available budgets on blocks and reduce interruption to

leaseholders and tenants, where possible component replacement works will be grouped. For example, this may include roof replacement, windows replacement and cyclical decorations being carried out under single construction works contractor. This will in some instances involve bringing elements of the works forward.

Compliance and Maintenance

46. Over the last five years, following the tragedy at Grenfell, a programme of fire safety works has been undertaken initially on all high-rise blocks with applicable and suitable works also being carried out on medium and low-rise blocks.
47. Inspections of the electrical wiring are carried out of all tenanted properties every five years alongside a programme of the replacement of any outdated consumer control units (fuse boards). Where recommended by the electrical inspection the electrical wiring is being replaced in properties alongside the CCU upgrades.
48. Yearly gas safety checks are undertaken on all tenanted properties with a gas supply in conjunction with the boiler inspection. For efficiency, any boilers that are found to no longer be serviceable during these checks are replaced.
49. All blocks with communal areas have been resurveyed for the presence of asbestos and all works are carried out in accordance with the management plan and the Control of Asbestos Regulations 2012.
50. All passenger lifts are thoroughly examined by a competent person at monthly intervals. Compliance entails having an in-date Insurer's Compliance Certificate (carried out bi-annually by a Contractor issued by the Insurer) in place for each passenger lift.
51. Legionella Risk assessments and Water quality assessments are undertaken on all HRA tenanted stock in accordance with statutory requirements.
52. Fire Safety Risk Assessments (FRA) are undertaken annually on all High rise and sheltered Housing blocks. All works identified as a requirement in the FRA are actioned via planned or reactive works budgets. Works include new communal and front entrance fire door sets, new communal and emergency lighting, smoke, heat & CO detectors installed along with fire rated fuse boards. Sprinklers systems have also been installed in 6 No of the Council's High-rise blocks; the remainder are to be demolished.

Building Safety

53. A newly resourced Building Safety Team is being established to work alongside existing staff to supplement the existing maintenance and compliance staff. While the Building Safety Regulator is implementing a more stringent regulatory regime for higher risk residential buildings of 18 metres or more than six storeys initially, the likelihood is that safety measures will extend to medium and low-rise buildings.
54. As a building owner of 11 high-rise buildings, the Council will compile and maintain safety case files for these dwellings.

Sustainability and Decarbonisation

55. The Government's Clean Growth Strategy 2017 sets out a target of making all fuel poor homes to be upgraded to Energy Performance Certificate (EPC) Band C by 2030 and for as many homes as possible to be EPC Band C by 2035 where practical, cost-effective, and affordable. All London Councils have committed to an additional more challenging target of upgrading their housing stock to average EPC B by 2030.
56. The Retrofit London Housing Action Plan sets out a path to bring forward a cross-tenure home retrofitting programme in London that can achieve an average EPC B rating by 2030. Retrofit London is a cross tenure initiative, and the programme acknowledges that funding retrofit is arguably the biggest barrier to delivering at scale, if at all. The estimated investment in the London economy to deliver an average of EPC B by 2030 is nearly £50bn. HRA funding is constrained but covers a range of activities which can support the decarbonisation of homes. A retrofit "fabric first" whole home assessment approach is being taken whereby an assessment of the energy efficiency of the whole home is assessed alongside how the home is used by the occupants to prepare property specific retrofit works. The retrofit works will then focus on improving the insulation and ventilation of the property and look at suitable low carbon space heating technologies.
57. Good progress has been made on working towards improving energy efficiency. Through the Green Homes Grant funding received in 2020, 206 properties received cavity wall insulation, 424 properties loft insulation and 175 properties had single glazed windows replaced with highly thermally efficient UPVC double glazed windows. Grant funding of £1.58m has been received through the Social Housing Decarbonisation Fund Wave 1 which will be used to retrofit up to 158 using a fabric first whole home approach.

Private rented sector Licensing and Enforcement

58. The Council's Private Sector Housing Team is responsible for delivering the Council's statutory functions in the private housing sector; this covers raising housing standards in the private rented sector including properties owned and managed by Registered Providers (Housing Associations). The team focuses its efforts on properties where the worst housing conditions are found, which is usually in houses in multiple occupation (HMO's). HMOs are the properties at the lower end of the private rented housing market, where the poorest and most vulnerable tenants are housed and typically where standards of management are lowest. Poor housing conditions include damp and mould growth, lack of heating, inadequate fire precautions and falls within the property.
59. At the end of February 2023 there were 751 licensed HMOs in Hillingdon and investigations are underway regarding a further 310 suspected HMOs. Any that have not sought licensing and subsequently found to be an HMO will face enforcement action which may include a Civil Penalty for failure to license and possible breaches of Management Regulations. Between 1 April 2022 and 21 March 2023 there have been 116 HMO licensing applications.
60. The Council is currently exploring options to use stock modelling to update its evidence base concerning the private rented sector. This will enable further consideration to be given towards

taking forward potential discretionary licensing proposals.

61. Between 1 April 2022 and 21 March 2023 the team have carried out 751 inspections of 498 individual properties. Of these, 300 were to check the suitability of properties under the Homes for Ukraine scheme, 340 were in response to disrepair complaints, and 111 were HMO inspections. There have been 30 Improvement Notices issued for private rented properties in the Borough. There have been 7 Prohibition Orders served. One Civil Penalty has been issued, a potential further 15 current cases may result in Civil Penalties.
62. Dedicated ongoing consultancy support is in place to support the team in relation to cladding and other fire safety issues in mid to high rise dwellings in the private sector. This includes carrying out inspections, surveys and assessments, liaising with the Joint Inspection Team and London Fire Brigade and taking forward enforcement action as appropriate.

Barriers to Private Rented Sector Enforcement

63. DLUHC commissioned research to explore local authority enforcement in the PRS. The headline report¹, published in June 2022, concluded that whilst the power and enforcement measures available to local authorities are valuable tools, authorities face significant barriers to tackling poor conditions in the PRS, including:
- Lack of knowledge of the private rented stock – preventing informed, strategic decision making;
 - Limited enforcement capacity – restricting some local authorities to just ‘fire-fighting’;
 - Lack of political or corporate commitment to improving housing conditions – making it difficult to robustly enforce standards; and
 - Issues relating to the legal framework, such as the range and complexity of laws relevant to enforcement work.
64. The Public Accounts Committee’s 2022 inquiry² into the regulation of private renting also highlighted that a lack of capacity was constraining local authorities’ use of enforcement powers:

‘Many local authorities take a light touch or “fire-fighting” approach, as they do not have the capacity to protect tenants and ensure landlords comply with regulations. For example, tenancy relations officers provide valuable support to tenants experiencing illegal eviction or harassment, but very few local authorities can afford to have them. Only 10 landlords and letting agents have been banned by local authorities since new powers were introduced in 2016. Shelter reports that 80% of local authority officials said they did not have sufficient numbers of staff working on licensing and enforcement to ensure that the landlords in that area were compliant with their legal responsibilities. The Department does not know what basic level of resource is needed for local authorities to regulate their rental markets against legal standards.’

¹ [Local authority enforcement in the private rented sector: headline report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111)

² [Regulation of private renting - Committees - UK Parliament](https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/inquiries/2022-23/regulation-of-private-renting/)

65. The Committee recommended DLUHC should conduct a realistic assessment of the resources needed for local authorities to regulate effectively.
66. There are severe staffing difficulties in local authority private sector housing teams, with most struggling to recruit experienced environmental health officers. In 2018 the Chartered Institute of Environmental Health Officers estimated that across the country there were 2.2 environmental health officers for every 10,000 properties, and said the figure was probably even worse today.
67. Most local authorities are making very little use of their power to issue civil penalties. This has been linked to difficulties collecting the money. Collection is said to be complex and uncertain and, in some cases, the guilty company just gets dissolved. There are similar concerns about the ability of local authorities to recover costs from prosecutions.
68. The majority of local authorities do not have any selective licensing regimes in place. Most West London boroughs do have selective licensing in place. Many have called on the Government to scrap the need for the Secretary of State's approval. Establishing selective licensing is a resource hungry process.

How this report benefits Hillingdon residents

The quality of housing has significant impacts on the lives of residents.

Financial Implications

There are no direct financial implications resulting from the recommendations of this report.

Legal Implications

Legal Services confirm there are no legal impediments with authorising the recommendation to note the contents of the report and the action being taken by officers.

BACKGROUND PAPERS

None.