



## Report to Safer and Stronger Scrutiny & Policy Development Committee

**Report of:** Janet Sharpe, Director of Housing and Neighbourhoods

**Subject:** Managing Migration Project (Ministry of Housing, Communities and Local Government Controlling Migration Fund) – Response for Scrutiny

**Author of Report:** Catherine Hughes, Service Manager Neighbourhood Intervention and Tenant Support

**Type of item:** The report author should tick the appropriate box

Reviewing of existing policy	
Informing the development of new policy	
Statutory consultation	
Performance / budget monitoring report	
Cabinet request for scrutiny	
Full Council request for scrutiny	
Call-in of Cabinet decision	
Briefing paper for the Scrutiny Committee	✓
Other	

### The Scrutiny Committee is being asked to:

Consider the response to the questions raised at the September meeting of this Committee:

- How the deployment of resources from the Council's Private Sector Housing Team are being used to tackle poor housing conditions and delivery its statutory obligations.
- To provide details of the Council bid submission to the Ministry of Communities, Housing and Local Government to support the work of the Private Sector Housing Team and re-assure members of the Scrutiny meeting that this does not compromise the Council's City of Sanctuary position.

**Category of Report:** OPEN

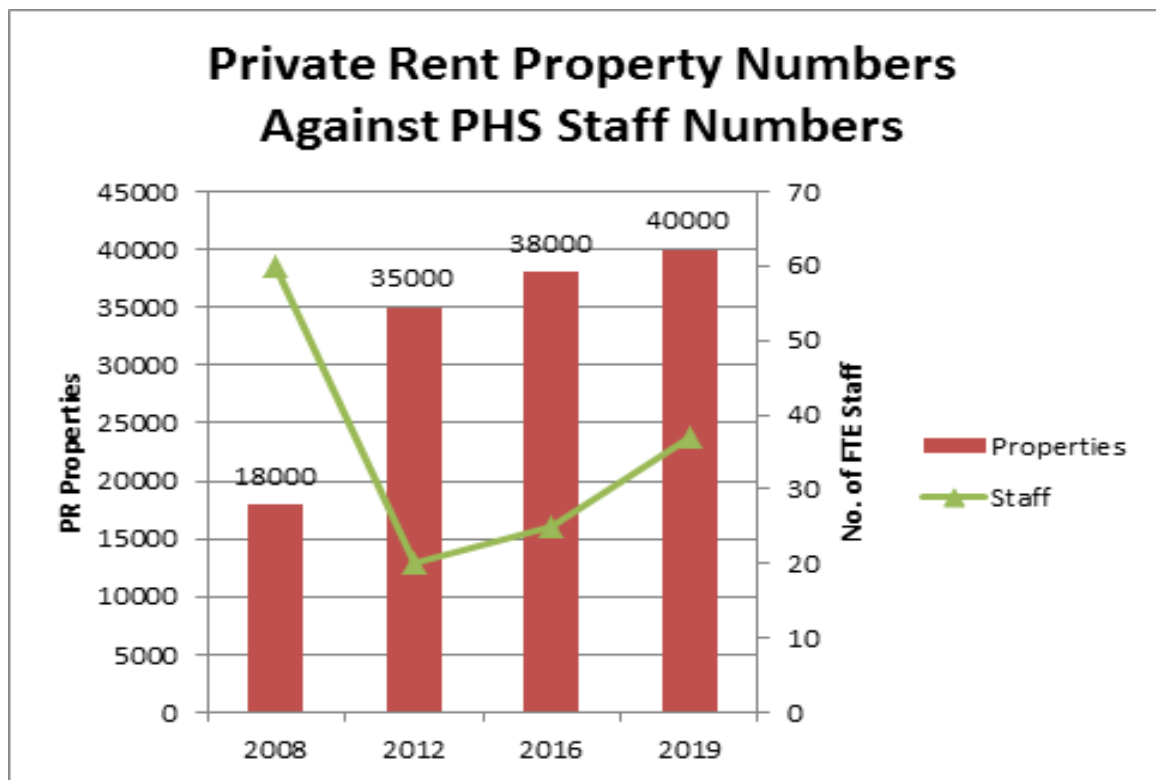
## **1. Purpose of the Report**

At the September meeting of Safer and Stronger Communities Scrutiny and Policy Development Committee Scrutiny meeting members of the Scrutiny Panel raised concern about the lack of resources following years of austerity that are now available in key areas to regulate the private rented sector and, concerns raised with regard to the Council's submission to the Ministry of Communities, Housing and Local Government (MCHLG) to intervene in the private rented sector in a way that does not compromise the Council's City of Sanctuary Policy and, our work to support vulnerable people in the city.

## **2. Background**

There are now well over 40,000 private rented properties in the city. This is around 19% of the city's housing stock. This sector has doubled in Sheffield in the last 10 years, and is predicted to reach 25% of all housing by 2025. Local Authorities have a legal duty to address poor housing conditions in the private rented sector. The Private Housing Standards service is the regulatory and prosecuting authority for this activity.

The graph below shows the sharp increase in the private rented sector against the reduction of resources, largely as a result of years of austerity and the rapid growth in the private sector housing sector in the city. This has therefore required the Council to prioritise its resources at tackling the poorest housing conditions in the city and, to make sure that it is delivering its statutory responsibilities. In 2008 there were 18,000 properties within the private sector with around 60 officers managing this work. In 2019 there are 40,000 properties and the service has a team of around 30 officers so the service has had to prioritise work to tackle the most serious statutory and regulatory breaches. However, despite this Sheffield has one of the strongest enforcement track records in the country for tackling housing conditions, using all the tools at their disposal to prosecute landlords who fail to maintain their homes and exploit their tenants.



The Council has also been successful in previous years in securing funding from the Government's Rogue Landlords and other funding to step up enforcement activity at a neighbourhood level which the Council has been able to reinvest the prosecution income into funding the service.

### 3. Managing Migration Project

The Controlling Migration Fund was launched by MCHLG in November 2016 to help local authorities mitigate the impacts of recent migration on communities in their area. It supports local areas facing pressures linked to recent and rapid migration.

Sheffield City Council in 2017 bid for £835,000 for Integrating Sheffield and has been successful with an £835,000 grant for investment in key activity up until March 2020. This project is known as the Sheffield Community Investment Deal (SCID).

The fund has been available since 2016, ending in 2020 and has 2 categories that are eligible for funding:

- A local service impact, with around £100 million funding pot available. This fund was established to help Local Authorities and their communities experiencing high and unexpected volumes of immigration to ease pressures on local services.
- An enforcement fund, with around £40 million available to direct enforcement action against people living illegally in the UK in order to reduce the pressure on local areas.

Sheffield Council submitted a further bid to MCHLG in 2018 for activity to be funded from the £100 million available **for local service impacts**. Sheffield Council has **not** submitted a bid to be funded from the enforcement fund, as

agreed with Cabinet Members Jayne Dunn in 2017 and Cabinet Member Jim Steinke in 2019.

Sheffield, as part of its most recent submission sought funding to further support the Council's SCID Programme (Sheffield Community Investment Deal), funding for Asylum Move-on activity, improving management and standards in the private sector housing (the purpose of this report) and the Welcome to Sheffield promotion programme.

Sheffield City Council was successful in securing the funding that it requested. A breakdown of the funding for each submission is as follows:

• Integrating Sheffield (SCID)	£835,000
• LAASLOs (asylum move on)	£100,000
• Improving private housing in the East	£577,680
• Welcome to Sheffield	£272,524

Total = £1,785,204

The purpose of this report is to confirm the detail of the Private Sector Housing submission to MCHLG (Local Service Impact).

#### **4. Improving Private Housing in the East: £577,680**

A bid entitled "*Addressing Impacts of Migration Linked to Private Rented Housing in Sheffield*" was submitted to the Ministry of Housing, Communities and Local Government on 1 October 2018 for £577,680 for activity to be undertaken from July 2019 to September 2020.

The private sector housing project aims were to:

- Create an ownership database for the East of the City, which has significant challenges, large numbers of private landlords and management companies which accounts for some of the poorest housing stock in the city.
- This database will improve the level of understanding of housing condition, management practices and tenant base. To work closely with landlords to improve the quality of homes, tackling any disrepair and putting support in place for both tenants and landlords in the East of the city. This will help the service recognise our good landlords in key locations but will also identify those where tenant safety is being compromised and will make sure that their tenants have the opportunity to live in their home without any intimidation or fear of losing their home.
- This project will build on the excellent proactive work that was undertaken by the Private Sector Housing Team when the Council introduced Selective and a Voluntary Licensing Scheme in 2014 (ended 2019) and ongoing targeted enforcement action to improve housing standards in the Burngreave Ward.
- This project will put measures in place to support the most vulnerable living in private sector rented housing. They can be more vulnerable to living in poor housing conditions and possible inappropriate landlord practices. This behaviour can also have negative consequences for the wider community and is often hidden from neighbours and local authorities.

Focus will be:

- Tackle poor housing conditions - improve private rented property conditions by proactive property inspections.
- Tenancy sustainment – taking a geographical focus to help maintain tenancies and ensure that both tenants and landlords are aware of their legal rights and responsibilities.
- Tackle anti-social behaviour issues – working closely with the Police, Sheffield Council's Safer Neighbourhood Services to intervene early into tenant and landlord disputes and/or community tensions.
- Providing a safe place for people to live – assisting and disrupting organised crime which can be identified as trafficking, forced labour, intimidation or exploitation and the project will provide a pivotal role in identifying inappropriate behaviour, ability of tenants to report incidents without fear of losing their home and coordinating activity with partner agencies to support vulnerable people.
- Reduce crime and fraud, extortionate rents, improved local intelligence for private sector housing in this geographical area.
- Re-iterate the social 'norms', culture barriers and to take a proactive approach to reduce community tensions at the earliest possible opportunity.

The housing team as always will be prioritising activity that is centred on ensuring safe housing conditions in the private rented sector. A particular focus of this project is on tenants who are unable to report any concerns due to language barrier or a lack of knowledge about their legal rights.

The role of the Private Sector Housing Team is not to seek proof of immigration status during visits or inspections but to ensure that tenants are living in safe and secure homes.

**Dedicated Team Approach:**

**The team of 10 for this area is currently made up of:**

Post	No.	Hours per week
Project Lead (office based)	1	20
Intelligence Officer (Crime)	1	20
Tenancy Sustainment Officer	1	37

**Current funded vacancies are as below:**

Post	No. of FT Posts
Intelligence Officer (Fraud)	1
Tenancy Relations Officer	1
Environmental Housing Practitioner	3
Environmental Support Officer	2

Day to day duties of the Officers currently in post:

- The team will conduct searches identifying landlords/managing agents and the tenure of each property as well as the numbers expected to be living in these homes. This is to ensure they are privately rented and to identify any signs of overcrowding.
- Officers will be visiting properties in the agreed priority areas (areas are identified by the number of Private Rented properties in the area and also then cross referenced by how many complaints/reports of disrepair we have received in the recent past).
  - During these visits officers engage with tenants and local residents where ever possible to inform our knowledge of the issues in any particular location. If invited inside properties the officers will conduct a walk around of the property and take pictures to identify if there are any issues that need further action and/or a full inspection by a qualified officer.
  - Engagement between landlords, tenants and Tenancy Sustainment Officers to sustain tenancies.
  - At no point will a tenant or anyone living or visiting the property be asked to prove their legal status.
  - Officers will work closely with other Council services, health and community organisations to improve the condition of properties and local environment.
  - Proactive working with other statutory agencies like Police, Fire, Health and Safety Executive (HSE) to address any immediate property risks and attend the monthly Neighbourhood Action Group meeting in partnership with residents and other services to share intelligence.
  - The next phase of the project will begin in late 2019, this will involve the recruitment of a Housing Officer and Senior Housing Officer with the remit of conducting targeted, and intelligence led housing inspections.

## 5. Progress to Date

The project has been running for 3 months and 442 properties have been visited and a number of referrals made. No referral has been made to UK Border Agency (Immigration Enforcement) as the Council has no direct relationship with this agency and Council officers are not checking immigration status during the visits. The referrals made to date are set out below;

No of referrals to Tenancy Support Officers	No referred for full inspection by PHS Officer	No of referrals to Environmental Services	No of referrals to Health & Safety Executive	No of referrals to local policing team	No of referrals to Gangmasters	No of referrals to other external agencies	Confirmation of other external agencies referred to	Total referrals made
5	19	5	2	6	1	4	RSPCA - 1	42
							Planning Team - 2	
							MAST - 1	

## 6. Relationship with Statutory Agencies

Local authorities have a statutory duty under section 129 of the Nationality Immigration and Asylum Act 2002 to supply information for the purpose of establishing where a person is when requested about someone who is suspected of committing certain immigration offences under the Immigration Act 1971 (overstaying, no leave to remain, breach of conditions of leave to remain, entry by deception, assisting illegal entry/overstaying/asylum seekers for gain, etc.) and of being resident in the local authority's area. This means that if the Home Office were to request information from us as a local authority on someone's immigration status we would have to supply this information, should we have it.

However, the Council's priority if they identify a vulnerable individual is to make a safeguarding referral where appropriate arrange a multi-agency meeting (including charitable organisations) to provide the level of support required to resolve an individual's circumstances to achieve a positive outcome for the individual.

### Private Housing Standards Service

This service does not have any direct contract or approved protocol with Immigration Enforcement (Formally UKBA) outside of the statutory duty to supply information when requested as set out above.

PSH service regulates poor housing conditions in the private rented sector to ensure the safety of tenants. As part of our inspection process it is not standard practice for this team to ask tenants to prove their immigration status. This is the responsibility of the landlord.

Officers are trained on how to identify signs of exploitation, trafficking and modern day slavery. Should we suspect that a tenant or other occupant is being subjected to this then the Council would contact South Yorkshire Police in the first instance and the safety of the tenant and/ or occupant is the Council's priority.

### Right to Rent

Since February 2016 all private landlords in England have had to carry out "Right to Rent" checks on tenants for all new tenancies.

Landlords found to be letting property to people without the right to reside in England can be fined up to £3000. Where landlords knowingly rent out a property to someone without the right to rent, then there are more severe, criminal sanctions. The Government produces a detailed guide as to what documents can be taken as proof of the right to rent.

The Council has no statutory role in the enforcement of the 'right to rent' and we do not have any kind of specialist knowledge of the right to rent regulations. The Home Office is the enforcement authority for both criminal breaches of the regulations and for those breaches which result in a civil penalty.

It is unlikely that Private Housing Standards Officers would become aware of any breaches of the regulations in the course of our duties as there are no circumstances in which officers ask tenants for proof of their immigration status.

In March 2019, the right to rent scheme was declared incompatible with Article 8 of the European Convention on Human Rights, and any further roll out of the scheme (it currently only applies to England and not the rest of Britain) without significant review and revision will not now take place. The judgement has been described as a major blow to the credibility and validity of the 'right to rent' scheme. However, the declaration of incompatibility does not affect the ongoing validity of the Immigration Act 2014, so obligatory 'right to rent' checks remain the law.

## **7. Other Authorities Approach**

Across Yorkshire and the Humber there have been a number of approved funding requests to the Migration Fund. The most comparable schemes are set out below;

### Nottingham

Has had the most CMF funding of any authority. The largest single grant was £2.43m to Nottingham City Council for its Nottingham Together programme, which includes tackling rogue landlords, increasing English language support, and reducing crimes such as modern slavery.

Nottingham City Council and partners were supported by the Controlling Migration Fund from the Ministry of Housing, Communities and Local Government (MHCLG). The fund supported a programme offering activities specially designed to connect communities, bring people together and make Nottingham a great place for everyone to live.

Nottingham has a strong partnership in place and the Council, the voluntary sector and the community have all worked together to deliver a range of exciting activities.

### Barnsley

Their £380,000 scheme is around housing and migration. They aim to focus activity on areas of high concentrations of private rented accommodation being accessed, predominantly, by migrants to Barnsley where there are issues, for example, around the local physical environment, fraud, exploitation and criminal activity. The remit will particularly focus on hearing and responding to concerns of the whole community on the impact of migration and promote understanding of local social, cultural and civic norms.

### Wakefield

This £393,834 project centres on central Wakefield where the resident community have reported concerns around worsening street scene, increasing intolerance, hate crime and overcrowded housing. This project will challenge problem landlords, ensure more migrants can speak English and improve relations between young communities through youth work and volunteering to make the streets presentable reducing community tensions and creating an inclusive and supportive community feeling in the target area.

Sheffield's private sector housing submission for improving housing conditions and landlord activity will help the city tackle at the earliest opportunity any



landlord or behaviour that puts at risk the ability of tenants to live in a safe and secure home. This funding supports the wider work of the SCID project and the Council's City of Sanctuary status by supporting organisations and investing in work that provides the protections for some of our most vulnerable individuals and families in society who at times reside in insecure private rented housing accommodation in the city.

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