



Report to Policy Committee

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Tel: 07825072954

Report of: Janet Sharpe

Report to: Housing Policy Committee

Date of Decision: March 2023

Subject: Private Sector Housing Regulation

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below: -				

Purpose of Report:

The city of Sheffield has 242,624 households of which 60,000 are privately rented properties. Improving the living conditions in private rented properties is a priority for our city. This report acknowledges resolutions made at the special meeting of the Council 14 December 2022:

- *Adopting Selective Licensing schemes throughout the city, noting that issues in private sector housing have a considerable impact on social housing with badly maintained neighbourhoods leading to even greater pressure on council housing repairs, and believing that the city's neighbourhoods are being let down by rogue private landlords.*

And that previously on 26 July 2022 the issue of regulation of private landlords was

raised at the North East LAC resulting in a referral to the Housing Policy Committee:

- *It was mentioned that the North East Community Plan had little mention of how private landlords had a devastating effect on the community. It was added that Selective Licensing was also a total failure. Therefore, what strategic actions does the LAC intend to take.*

This report is for noting, it provides a detailed update on the performance of the live Selective Licensing scheme in the London Road, Abbeydale Road & Chesterfield Road (LAC) designated area. In addition, it sets out the challenges we face and the responsibilities of the Private Housing Standards team in respect of regulation of private sector housing of all tenures. And, to provide an update on the work that Private Housing Standards deliver across the city including the powers and legislation available to the service to ensure properties in the private rented sector are safe and well managed.

Recommendations:

It is recommended that the Housing Policy Committee:

1. Notes the London Road, Abbeydale Road & Chesterfield Road (LAC) Selective Licensing Project Highlight Report for the period 1 November 2018 to 1 February 2023.
2. Notes progress made, highlight any issues of concern or future priorities in respect of Selective Licensing
3. Notes that the London Road, Abbeydale Road & Chesterfield Road (LAC) Selective Licensing Final Report will be presented to the committee in December 2023

Background Papers:

Appendix A: London Road, Abbeydale Road & Chesterfield Road (LAC) Selective Licensing Project Highlight Report

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	
	Finance: <i>Helen Damon</i>	
	Legal: <i>Stephen Tonge</i>	
	Equalities & Consultation: <i>Louise Nunn</i>	
	Climate: <i>Nathan Robinson</i>	
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission: <i>Ajman Ali</i>	
3	Committee Chair consulted: <i>Douglas Johnson</i>	
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<table border="1"> <tr> <td>Lead Officer Name: <i>Darryl Smedley</i></td> <td>Job Title: <i>Neighbourhood Intervention and Tenant Support</i></td> </tr> </table>	Lead Officer Name: <i>Darryl Smedley</i>
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1. Progress on the Current Selective Licensing Designation on London, Abbeydale and Chesterfield Road (LAC)

1.1 On the 1st November 2018 a Selective Licensing designation came into force on London / Abbeydale and Chesterfield Road (LAC) for a period of 5 years. We are now in the final year of the scheme which will end on the 31st October 2023. This designation was approved by Cabinet based on evidenced gathered by Private Housing Standards which highlighted serious and extensive issues with property condition and management in the area.

1.1.1 Selective Licensing – Performance Indicators

We are in the final year of our current LAC Selective Licensing scheme. Whilst implementing Selective Licensing is not a statutory duty, in designating and areas to Selective Licensing we are now duty bound to ensure the licences are processed and managed appropriately. Though we not legally obliged to inspect all the properties in the scheme we have made commitments to do so ensure full compliance. There are around 420 licensable properties within the current designation area. The Cabinet Report which sought approval for the scheme sets out the performance measures and a clear list of performance indicators was established. Attached as *Appendix A: London Road, Abbeydale Road & Chesterfield Road (LAC) Selective Licensing Project Highlight Report* showing performance against these indicators to date.

2 Enforcement and Regulation work delivered by Private Housing Standards across the city

2.1.1 According to the 2023 BRE Stock Condition Survey, Sheffield has around 249,624 properties in the city, Private Housing Standards are responsible for the regulation of private sector housing of all tenures, including over 60,000 privately rented properties. The local authority has a statutory duty to ensure that private properties are safe and free from Category 1 hazards and discretionary powers to act on Category 2 hazards as defined by the Housing Health Safety Rating System (HHSRS) and to address statutory nuisance.

The resources of the team have reduced over the past 10 years while the sector has grown significantly. The existing service has 13.6 full time equivalent Inspecting Officers which equates each officer being responsible for the regulation, safety and responsible management for over 4,400 properties. Any property requiring enforcement action is time consuming for the officer leading.

Our core duty is to ensure that properties in the private sector are safe

and well managed and to ensure that legislation is applied as appropriate. Details of services we deliver are set out below.

I. Request for Service (RFS) - Housing Act 2004

This is our core service where we reactively respond to complaints about property condition from tenants, members of the public, elected members and partner services such as health services, South Yorkshire Police, South Yorkshire Fire Rescue etc. The main duty of the Housing Act 2004 is set out under section 5 which triggers a duty on the local authority once a Category 1 hazard is identified.

We provide advice to tenants and investigate reports of property condition by inspecting under the Housing Health and Safety Rating System (HHSRS). Where Category 1 or high Category 2 hazards are identified we work with landlords to ensure remediation work is carried out. Generally, landlords will work with us on an informal basis to carry out required works but where landlords do not, we do not hesitate to take formal actions such as serving of formal enforcement notices. Where these are not complied with, we do not hesitate to progress to prosecution or serving of the Financial Penalty.

II. Selective Licensing – London Road, Abbeydale Road and Chesterfield Road (LAC) – Housing Act 2004

This designation came into force on the 1st November 2018 and is in its final year. **Attached as Appendix A: London Road, Abbeydale Road & Chesterfield Road (LAC) Selective Licensing Project Highlight Report showing performance against these indicators to date.**

III. Mandatory House in Multiple Occupation (HMO) Licensing – Housing Act 2004

Mandatory Licensing of HMOs places a duty on the Local Authority by the Housing Act 2004. We are duty bound to process, licence and enforce where HMOs are required to be licensed. We must ensure that HMOs that are required to be licensed are so licensed, meet the conditions set out in their licence and enforce against landlords that breach conditions or evade licensing. All applicants are subject to fit and property checks. There are currently around 2,500 licensed HMOs across the city.

IV. Tenancy Relations - Protection from Eviction Act 1977

We provide a service that protects tenants from illegal eviction and retaliatory eviction. We carry out assessments of occupancy status and advise tenants if they are served with notices to leave to ensure they are correctly served. We work with the sector to provide general support and advice to tenants and landlords in relation to tenancy law.

V. Snug (Sheffield Student Accommodation Registration Scheme)

In 2013 we introduced our Snug registration scheme This is a voluntary scheme which was established in partnership with Sheffield Hallam University, the University of Sheffield and respective Student Union. All properties that apply for Snug registration are inspected to ensure they meet the Snug standards in terms of property condition and management. Any properties which landlords want to register and advertise through Sheffield Hallam University or the University of Sheffield (or both) need to be Snug approved. Properties will not be advertised or promoted until they are approved. There are currently 19,310 bedspaces within Snug, which is 522 properties. 476 of these are HMOs and 46 are purpose built student accommodation (PBSA).

VI. Private Rented Solutions (PRS)

The Private Rented Solutions team source properties in the private sector to help the Council discharge it's homeless duty. Where a property puts forward a property to this scheme Private Housing Standards carry out inspections to ensure that they are safe and we carry out fit and proper checks on the landlords.

VII. Empty Properties

We work with owners of problematic, long term empty properties to offer support and advice to bring them back into use. Where this can't be achieved informally, we take enforcement action of empty homes to serving formal enforcement such as Compulsory Purchase Orders.

VIII. Fire Safety in Blocks over 18m

Since the Grenfell tragedy we have taken steps to ensure the safety of residents who reside in high rise, high risk blocks across the city. We work in partnership with South Yorkshire Fire Rescue (SYFR) who have the lead on the enforcement relating to high-rise fire safety. We have established the Fire Safety Board which is attended by all appropriate internal stakeholders and South Yorkshire Fire and Rescue (SYFR). This Board coordinates at a strategic level the fire safety risk across all tenures in the city. In addition, we meet regularly with DLUHC and SYFR to report on high risk, high rise building.

IX. Homes for Ukraine

The Government launched the Homes for Ukraine scheme in March 2022. At this point Local Authorities were tasked with inspecting sponsor properties by applying the Housing Health & Safety Rating System (HHSRS).

Since the start of the scheme as of February 2023 we have inspected 377 properties which has supported the successful rehousing/resettling of 616 individuals in Sheffield.

3 Challenges in the Private Sector

- 3.1 It is important to note that the majority of landlords in the city offer good quality, well managed accommodation but it is vital that we focus on the minority that do not. As a service we pursue rogue landlords and will proactively identify properties within their portfolios to ensure the safety of the tenants.

We work proactively with landlord groups and regularly attend the National Residential Landlord Association meetings to engage with their members, share updates and consult with their members. We are also looking to strengthen our links with communities through groups such as the Local Area Committees to encourage and enable discussion and action on issues at a local level.

- 3.2 There are a number of current and future challenges for the service. A key challenge has been the reductions in staff resources over the past 10 years. With a smaller team and increasing demand it will be a greater challenge to deal with the continued growth in the sector.

A key issue in the sector is availability and recruitment of qualified and/or competent senior officers. This is a national issue that impacts our ability to recruit successfully to the senior technical enforcement roles within the service and to support the growing demand and need in our city.

Acknowledging these challenges, as part of our workforce development plan we introduced an apprenticeship in partnership with Leeds Beckett University on their Environmental Health Degree course. We currently have 2 apprentices undertaking this degree and are committed to continuing this partnership with another intake this year.

- 3.3 Following the tragic death of Awaab Ishak our approach and action in respect of damp and mould in properties across all tenures is of the utmost importance. The extent of damp and mould in the private sector is not fully known so we are working to explore how we can better identify this city wide. In addition, we are improving how we record the prevalence of damp and mould when we receive complaints or carry out inspections to better track and report on these cases. Our work feeds into the Damp and Mould Task Force which brings together internal and external partners to carry out a full review of how we address reports of damp and mould across all tenures.

In our capacity as regulator of housing standards we use our statutory powers and duties of investigation and enforcement powers to ensure that landlords take action on properties where damp and mould is found. Where they do not take action we ensure appropriate enforcement action is taken. We are also carrying out a full review of information we provide to tenants to minimise condensation in the homes which is the leading cause of damp and mould.

3.4 We value our engagement with Government departments on areas where regulation could be improved. It is critical that we contribute to the thinking around increasing standards across the sector and identify priority areas where changes could be made. A commitment to increase standards and expectations will empower our service to take proactive action.

We believe that we have adequate enforcement powers to address concerns in the private sector. The greater challenge is insufficient resource available to meet the increase demands. We have been lobbying Government across several areas:

- Additional long term resources ringfenced for Council's Private Housing Standards Team so that the service can meet the demands of this growing sector and proactively address significant issues.
- Targeted, short term funding to support the team in increasing resources to proactively meet address demands such as the introduction of new regulation and priorities such as damp and mould to enable us to focus on tackling rogue landlords in our city.
- Introduction of a mandatory landlord register with appropriate powers so that we know where private rented properties are and can easily identify ownership. This will help in terms of data but also increase our ability to target rogue landlords.
- Implementation of Decent Homes into the private sector that must ensure it is effective increases standards and works with existing legislation to ensure that it is effective and is enforceable.
- Selective Licensing review, the Government carried out a review which we fed into and feel that many of the issues identified still need to be rectified. A response from Government in terms of the outcome of this review and any planning improvements would be welcomed.

4. **Financial Implications**

4,1 Where a Local Authority approves a Selective Licensing designation the costs of running the scheme is recouped through a licence fee. This is to ensure that any scheme is not a burden on the public purse. The licence fee for the current Selective Licensing scheme on LAC was set out in the Cabinet Report which was approved on the 18th June 2018.

There are no cost implications from this report.

5. How does this decision contribute?

(Explain how this proposal will contribute to the ambitions within the Corporate Plan and what it will mean for people who live, work, learn in or visit the City. For example, does it increase or reduce inequalities and is the decision inclusive? does it have an impact on climate change? does it improve the customer experience? is there an economic impact?)

5.1 There is not decision required from this report.

6. Has there been any consultation?

(Clearly indicate the degree and character of public engagement and participation which has been undertaken on the issue. Refer to the Consultation Principles and Involvement Guide. Indicate whether the Council is required to consult on the proposal and provide details of any consultation activities undertaken and their outcomes.)

6.1 Extensive consultation was carried out prior to the Selective Licensing designation being recommended to Cabinet.

There is no consultation required for this report.

7. Risk analysis and implications of the decision

7.1 Equality Implications

7.1.1 None

7.2 Financial and Commercial Implications

7.2.1 None

7.3 Legal Implications

7.3.1 This report provides a summary overview and update of the various PRS regulatory activities the Council is engaged upon as regulator of PRS housing standards in the City under Housing Act 2004 and associated safety legislation. Save for this report in places describing the legal duties and powers that bind and are available to the Council as regulator (which are accurately presented) there are no legal implications per se arising from this report which merely seeks to inform and update members. Precise legal duties and powers including the compliance and use of them, or otherwise, should be set out and considered in individual reports relating the various topics covered only briefly in this overview report.

7.4 Climate Implications

7.4.1 None

7.5 Other Implications

7.5.1 None

8. Alternative options considered

(Outline any alternative options which were considered but rejected in the course of developing the proposal).

8.1 None

9. Reasons for recommendations

9.1 Notes the London Road, Abbeydale Road & Chesterfield Road (LAC) Selective Licensing Project Highlight Report for the period 1 November 2018 to 1 February 2023.

To note progress made, highlight any issues of concern or future priorities in respect of Selective Licensing

To receive a London Road, Abbeydale Road & Chesterfield Road (LAC) Selective Licensing Final Report in December 2023

To set out the challenges facing the Private Housing Standards team in responding to the challenges of the city-wide condition in private sector housing in Sheffield.

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