

Private Sector Housing Policies

[Meeting of Community Scrutiny Committee, Wednesday, 5th April, 2023 6.30 pm \(Item 75.\)](#)

Report of the Head of Community Services.

Minutes:

The Head of Community Services presented the report and highlighted that the outlined policies would make the district's private sector homes safer and more energy efficient, with greater powers to carry out enforcement.

Members wanted to know the number of sites and the number of officers the Council had to carry out checks and enforcements. Officers advised that the Council had been looking for additional resources to carry out more pro-active work. It was confirmed that at present, only complaints are investigated, so it had been a reactive service as opposed to a pro-active one. It was noted that the Council interacts with tenants who have expressed that they are not happy in order to approach landlords. A member felt that a complaint driven system could leave tenants in a vulnerable position and they could be afraid that landlords would retaliate if they became aware that they had been complained about. It was asked whether the Council would act if it was found that tenants had suffered reprisals from landlords after making a complaint. Officers advised that they could facilitate a conversation between tenant and landlord, but it would be hard to know if there had been reprisals.

A member asked how many private tenants were aware of their rights and officers responded that there may be many who were not aware, although there had been advertising around tenants' rights. It was asked whether landlords are informed by the Council that they are being investigated due to a complaint from the tenant and this was the case, although officers confirmed that tenants are made aware of their rights and that Government is currently looking into legislation around retaliatory evictions.

Officers advised the Committee that if a tenant was served with a Section 21, then the Council would be able to offer help and support via the Housing Choices service. A member suggested that statistics for instances like this be measured so that data would be available for members' consideration.

It was suggested that the Council don't disclose they are investigating a complaint to landlords and claim to be carrying out an investigation. Officers agreed that this was something which could be looked into.

A member raised concerns that funding used to increase staffing numbers to carry out inspections had come from the Disabled Facilities Grant.

One member said that they had been involved in a case whereby a retaliatory eviction had taken place and noted that this was not illegal. It was felt that landlords are given more protection than tenants therefore pro-active enforcement would be preferable to the current complaint driven system. The member also stated that they weren't convinced EPC ratings were given correctly and asked whether officers had any means to check EPC ratings. It was also mentioned that there seemed to be a lack of community consultation and the views of private tenants should have been sought.

A member asked if there had been any improvement on energy ratings in privately rented accommodation since the Task and Finish group had focused on this subject and suggested that statutory checks should be carried out along with blanket inspections, in order to remove

culpability from the tenants. Officers responded that pro-active inspection was dependent on capacity.

Members suggested that the penalties for first and subsequent offences were not clear and asked for clarification as to whether this applied to the landlord or the property. It was also noted that the fine would be limited to £5,000 and it was asked whether this would be over a period of time. Officers replied that as this was new legislation, they would review this to try and give more clarity.

RESOLVED THAT:

Community Scrutiny Committee comment on the following draft housing policies ahead of consideration by Cabinet:

- Housing Enforcement Policy
- Refresh of the General Enforcement Policy
- Civil Penalty Policy
- Minimum Energy Efficiency Standards
- Carbon Monoxide and Smoke Alarms
- Electrical Safety