

Written evidence submitted by Association of Chief Environmental Health Officers in England

The Association was formally convened in 2021, and represents the Chief Environmental Health Officers of over 300 English Councils. We work very closely with the Chartered Institute of Environmental Health and the Local Government Association, each of which has a representative on our Board. We also enjoy close links with the Association of Chief Trading Standards Officers and the Association of Directors of Public Health

Introduction

The key facts at the start of the report illustrate some of the impact of the legislation available to councils in their role as enforcers of minimum standards and protectors of private tenants.

The fact that the proportion of private rented homes with serious health hazards is 260% of that in the social rented sector points to serious systemic failings in the way private renting is regulated.

Environmental Health Officers in local councils deal with these matters on a daily basis, and our perspective should enable these systemic failings to be addressed so that:

- Landlords know clearly what is expected of them,
- Good landlords, local communities and tenants are protected from the considerable negative impacts of very poor or criminal landlords,
- The health and wellbeing of private renters is enhanced
- The public purse is protected from the considerable financial harms that arise from poorly managed private rented homes.

The Association of Chief Environmental Health Officers in England wish to offer their support and the resource of its members to assist DLUHC in meeting the recommendations of the NAO Report on Regulation of Private Renting.

Our reflections on the NAO Report

The amount spent by government private renters housing in 2021 was 9.1 billion pounds. 29% of renters receiving Housing Support were living in non-decent homes, and there is very little that can be done by councils to prevent this because of the underlying structure of much of the legislation.

We believe that this illustrates the problematic way in which the legislation created for private rented housing is now unfit for purpose.

Example: It is not an offence for a landlord to rent a property that has category 1 hazards. Legal sanctions only become available if the conditions become known to the local EHOs, the landlord is instructed to remedy the problems, and they fail to do so.

In most other parts of society people are expected to maintain minimum standards, and it is an offence if they don't, eg:

- Road vehicles must be roadworthy,
- Drivers must be licensed, sober and fit to drive,

- Workplaces must be safe,
- Food businesses must meet hygiene standards,
- People must pay tax.

It is inconceivable that these examples would benefit from a change to 'fix it if we catch you', and relied on a significant and costly inspection and enforcement resource to achieve those minimum standards.

It is entirely unsatisfactory that housing support payments from the public purse can be made to landlords letting unsafe or non-decent homes.

Great progress could be made if national legislation was based on minimum enforceable standards, and a requirement not to let homes that did not meet those standards.

In our evidence to this Committee we hope to demonstrate the need to revise the purpose and approach of private rented legislation so that landlords can know and do what's expected of them, tenants can be guaranteed safe and decent homes, and public money is not spent subsidising those landlords willing to let substandard homes to people with little choice over where to live.

Experience of Environmental Health Officers

As the report found people are unnecessarily exposed to health and safety risks through their housing conditions and the behaviour of poor landlords, and the physical health, mental health and other problems due to this are ruining people's lives and placing a financial burden on the country.

Environmental health staff across England get daily, first-hand experience of some of the worst housing conditions in the country.

The report is correct in saying that councils decide how they use the powers available to them. What we argue for in this submission is that we need better powers, something that's beneficial to tenants, landlords and the public purse

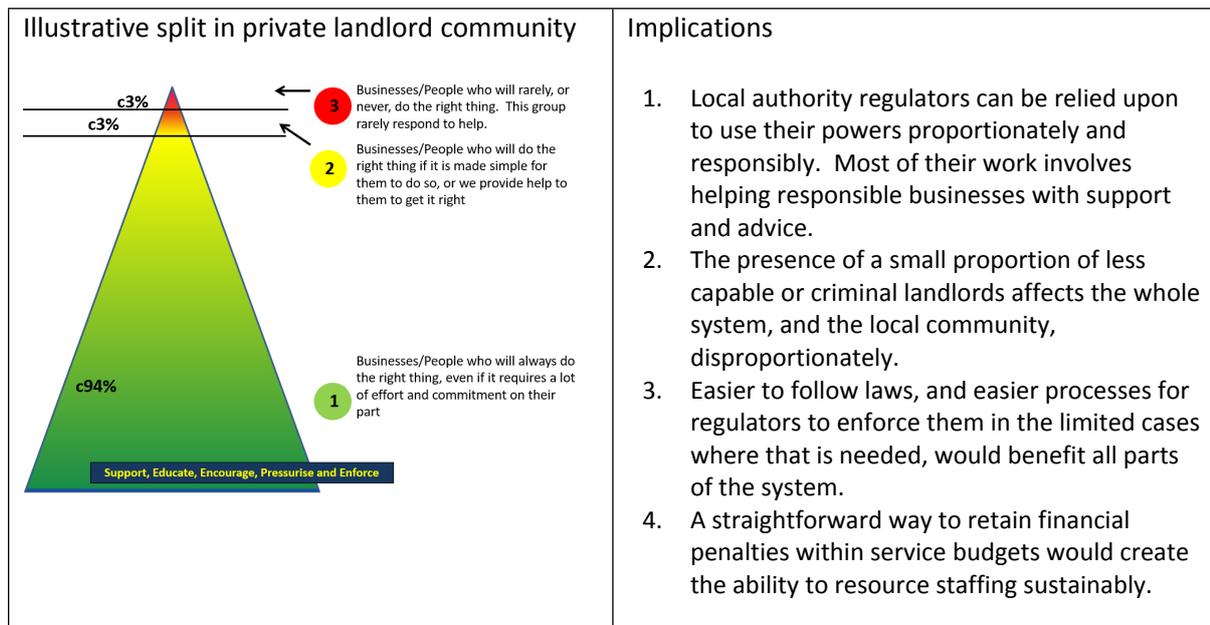
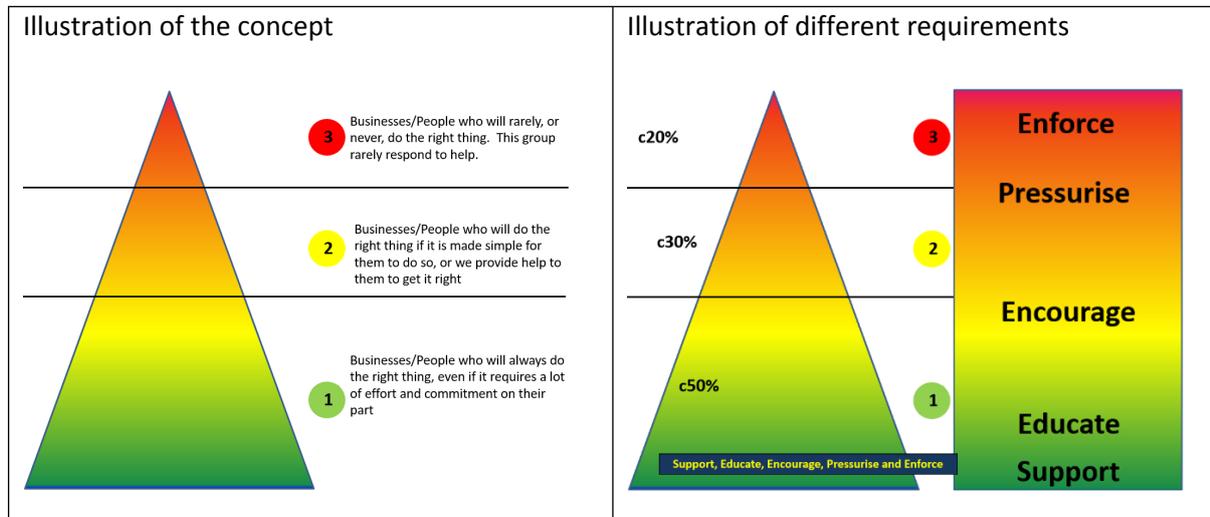
In our experience, the private landlords we encounter (of which there are more than 1.5 million in England), fall into a spectrum.

At the very good end of this spectrum there are many landlords who are professional, caring and provide excellent support and living conditions for their tenants. Moving across the spectrum from this group there are those who have small portfolios, or have little interest in managing their portfolios, but most of these are willing to take advice and support from the local environmental health staff and landlord associations. We feel that these parts of the spectrum are probably the group that will be members of trade bodies.

At the other end of the spectrum there are landlords who have little interest in conditions of their property and are solely concerned make money from letting them. Advice guidance and training has little impact on these landlords.

At the furthest end of the spectrum, very few landlords are very poor and a tiny minority are criminal, often trading their property in low demand areas to those wishing to operate drug operations, cannabis farms and cannabis drying rooms, brothels and dormitories for gangmasters. This is often the most viable way to give them an income in areas of low housing demand.

Different parts of this spectrum require different approaches, and the future vision and strategy must reflect this.



In terms of the finding of variability of enforcement between different councils, this will have a number of different causes.

In some, with good quality private rented properties commanding high rents there is a small market for poor landlords. In contrast, areas with high proportions of older property and low demand for those homes would expect to have a higher proportion of poor or criminal landlords, and to see significant evidence of the detriment to tenants and communities that go with that.

One of the other reasons for differing enforcement between councils is the varying resource and capability of the council teams to deal much of the existing and recent legislation. It is in this area we feel we can help DLUHC to create a strategy and new legislation that is clear for landlords and easier to use to protect tenants.

We agree with the report's finding that there are issues with different parts of the legislation falling to different agencies to enforce. Much of the more recent legislation in relation to the behaviour of landlords in relation to tenant fees, deposits and energy efficiency falls to Trading Standards services.

Of the 314 councils in England:

There are 128 'single tier' authorities, where Public Health, Housing, Environmental Health and Trading Standards services are part of the same organisation.

There are 30 'upper tier' authorities. In these councils sit Public Health and Trading Standards services

There are 181 'lower tier' authorities. Located within the geographical boundaries of an upper tier authority, these councils operate Housing and Environmental Health services.

Working arrangements between the upper and lower tier councils to deal with the different parts of housing legislation vary from place to place. Whilst not necessarily worse, the work is inevitable harder to coordinate in those areas.

Finally, the well-intentioned financial penalty system, where court cases are avoided and financial penalties for breaches of the law come to the council to invest in their service, isn't working well enough to allow proper resourcing of services.

Most councils adhere to single year budgeting, as championed by CiPFA. A case where an unsafe house is found, the legal process to improve conditions is followed, but a landlord fails to meet the requirement in an acceptable time can result in the authority receiving the financial penalty 12-26 months after the start of the process.

One council has calculated that the considerable red tape involved in the full process costs around £5,000 per case, with around 16 working days of officer time being taken up. In many cases the unpredictability of receiving the financial penalty means that it cannot be used if it arrives late in the financial year, and this translates into councils being unable to sustainably fund posts to carry out the work.

This could be fairly easily addressed by DLUHC and, if that is done, we would expect to see a significantly greater number of staff available to protect tenants and maintain reasonable standards of accommodation.

Recommendations from the report, and how ACEHO can help.

22 The Department is planning to introduce reforms to the private rented sector and our recommendations are aimed at supporting this process. The Department should do the following:

a Define an overall vision and strategy for the regulation of private renting. This should include consideration of how the sector should be regulated and how it is affected by other policy areas.

ACEHO suggestion or offer of support:

- ***Several of our members are operating their services using systems thinking principles, which greatly simplify vision and strategy. We could bring that experience and expertise to the DLUHC work to respond to this recommendation.***
- ***Our members have great experience of working across the full range of issues in the sector, many of which transcend the landlord/tenant/physical building aspects. Bringing that experience of working with public health, mental health services, homelessness and community safety would enhance the consideration of how other policy areas interact with the sector***

b Be more specific in setting out what its reform programme is intended to achieve. In doing so, it should set the desired outcomes, key performance indicators and success measures, and clearly demonstrate how they link to the overall vision for the sector.

ACEHO suggestion or offer of support:

ACEHO members are very clear about setting out programme intentions, and a clear purpose for our work. <https://bit.ly/StartWithWhySINEK>

Private Sector Housing team

The Vulnerable are quiet, often silent.
The Thriving are loud, articulate and determined to be heard.

Private Sector Housing team

WHY we do what we do.

Some time back we agreed that our common purpose was

“Help people to live better lives”

Everything we now do aims to achieve this

- This new thinking took a while to become commonly understood and adopted in the team.
- We did a process called ‘Bean Counting’ to help the team members clarify what was, and what wasn’t, important.
- We stopped doing some things altogether.

<p>a place where everyone thrives</p> <p>Our clients are normally from these groups</p> <p>Landlords are normally Thriving</p>	Thriving	19%	38,373 people
	Managing	18%	36,658 people
	Getting by	18%	36,079 people
	Only just coping	13%	26,500 people
	Very Vulnerable	17%	33,982 people
Extremely Vulnerable	15%	30,484 people	

One of the results of this systems thinking approach is a far more relevant and useful set of performance indicators and measures of success, linked back to the Vision or purpose

c Report publicly on progress against its aims for the sector and the impact of its legislative interventions. It should use regular reporting in an open and transparent way to enable public understanding and assessment of progress.

ACEHO suggestion or offer of support:

Engaging Environmental Health services, and our colleagues in Trading Standards, would make it very easy for DLUHC to gain feedback on progress directly from the front line.

d Improve the quality and availability of data in the sector to support good decision-making at both national and local level. It should work to understand the barriers it faces in getting good data and plan to address this in the reform programme.

ACEHO suggestion or offer of support:

Engaging Environmental Health services, and our colleagues in Trading Standards, would make it very easy for DLUHC to gain relevant and clear, timely data to support good decision making.

e Do more to identify and promote good practice among local authorities and support them to use it. To achieve this, the Department should work to understand the barriers local authorities face in regulating, and evaluate which tools are most effective in which circumstances. It should also ensure it has enough capacity to achieve this, as well as to provide an appropriate level of continued support.

ACEHO suggestion or offer of support:

Engaging Environmental Health services, and our colleagues in Trading Standards, would make it very easy for DLUHC to do this.

f Review whether current local authority enforcement powers are adequate. It should engage with stakeholders, particularly local authorities, to identify which powers and tools are or would be most helpful to local regulation, where they should be placed and how awareness of their use could be improved. This should include consideration of the different tools required to support landlords who want to comply as well as enforcing against those who do not.

ACEHO suggestion or offer of support:

This is our bread and butter, and we have a huge amount of wisdom to contribute if allowed, as do our colleagues in Trading Standards. As noted earlier, we work very hard to support good landlords, as well as supporting the tenants of poor landlords.

g Review whether current dispute resolution arrangements for private renters are appropriate. It should consider in particular whether the arrangements are accessible for all tenants, provide appropriate redress when things go wrong and give the Department sufficient insight into emerging issues.

ACEHO suggestion or offer of support:

Our colleagues in Trading Standards will have considerable experience in this role, as well as many of our own members.

h Improve its understanding of differential outcomes and experiences among private renters and use this to inform how support and intervention are targeted on those most in need. It should continue to develop its work to understand different types of tenants and use this understanding to design its regulatory approach.

ACEHO suggestion or offer of support:

We can provide access to allow surveying of tenants with whom we have worked.

January 2022