

Ladywood District Committee

Information briefing

Report from: Peter Hobbs, Service Head PRS**Date:** 23 October 2015**Summary: NEIGHBOURHOOD CHALLENGE re: PRIVATE RENTED SECTOR****Background**

The Ladywood District has been provided with a District Profile for the area housing market. The profile shows that the PRS has grown significantly in the District and across the city as is predicted to continue to grow in scale over the next 5 years. It is now larger than Council housing as a tenure. Current Government policy is not likely to curtail this growth and for many citizens, especially young people, the PRS will be a sector of choice as they will not be able to afford owner occupation or get access to limited social housing resource.

Key Facts

- The District does contain a number of diverse and dynamic housing markets; encompassing city centre apartments, specialist student housing, traditional pre-1919 inner city terraced housing and post-war social housing.
- Private Rented Sector accounts for 14,224 households, (29.8% of total households)
- The PRS is diverse with 80% of Ladywood Ward PRS tenanted households being economically active, whereas only 40% in Aston
- The PRS in Soho also shows high levels of economic active heads of households and it is suggested this may be due to inward migration of EU citizens
- White and Chinese ethnic households predominantly reside in the PRS
- 25% of households in PRS in receipt of LHA, lower rate than city average of 40%
- Ladywood District has the highest rate of unintentional homelessness in the city, Aston has the highest rate across the city
- The number of empty private homes is increasing in the District probably due to flats in the city centre.
- The Council has issued 164 Licenses to HMOs where there is a statutory requirement
- The Council publishes a register of HMO licenses on the BCC Website

Enforcement of Standards in the PRS

The Council has a range of powers to tackle property conditions and to address illegal action by landlords and agents. The Council aims to resolve issues through advice and information and giving landlords the opportunity to respond to requests from tenants. Often in legislation enforcement is a last resort.

The Council does not have a register of all PRS properties although changes to Council Tax legislation may now require the tenure of properties to be identified.

The Council does, however, take legal action in serious cases and has prosecuted landlords and agents for illegal eviction, failure to apply for an HMO Licence and failing to ensure a property is in a safe condition and well managed

The PRS Team is set up as follows

1. HMO Licensing : Team Leader - Roy Haselden

General Enquiry Number: 0121 303 4009

This team ensures that certain Houses in Multiple Occupation are licensed and comply with fire safety and amenity standards and are effectively managed.

2. PRS Services: Team Leader – Andrew Greathead

General Enquiry Number: 0121 303 5341

This team deals with all requests for assistance from tenants and landlords in the PRS. Majority of the issues relate to disrepair and tenancy conditions such as notices to quit, threats of eviction or tenancy deposits

3. Private Sector Empty Properties: Team Leader – Matthew Smith

General Enquiry Number: 0121 303 7978

This team deals with private property empty for over 6 months and works with owners to try to get them back into use, tackles eyesore properties, issues of vandalism and ASB associated with this type of house and can use Compulsory Purchase Powers in the worst cases

Key Legal Powers

Housing Health and Safety Rating System

The key legislation is the HHSSRS which allows the Council to rate conditions in a house according to risk to health and safety of the tenant. The Council will serve notices for high risk categories (A_C), such as extensive dampness and mould growth, lack of heating or lack of fire precautions.

The current Council Enforcement Policy is to give priority to tackling high risk conditions. Many of the low risk repair issues, therefore, are not considered enforceable under the discretionary policy of the Council.

HMO Licensing

Certain types of shared houses (HMOs) are required to have a licence. The licence can set conditions to ensure the HMO has adequate fire precautions and amenities and is well managed. A licence lasts for 5 years and currently costs £1150 per property

Not all shared housing is required to have a licence and these include self-contained flats, HMOs less than 3 stories or less than 5 people sharing facilities.

Registered Providers who are regulated by the Homes and Communities Agency are excluded from licensing. Many of the city's Hostels are managed by RPs and are not in the licensing scheme.

Landlord and Tenant Act 1985 and Protection from Eviction Act 1977

This provides the Council with the power to prosecute landlords or agents who illegally evict a tenant. Often this type of case involves complex issues between landlord and tenant where relationships have broken down. The Acts also set out responsibilities on landlords and tenants to ensure a tenancy goes ahead successfully.

Town and Country Planning Act 1971 and 1990

This legislation gives the Council power to take action on empty properties that are a potential danger, or are having a detrimental effect on the local amenity.

Local Government Misc Provisions Act 1982

The Council has the power to deal with empty properties that are open to access.

Compulsory Purchase Order (CPO)

The Council has the power to CPO property and land and uses this power to target long term high risk empty properties. The Council brings forward a CPO order on average once per year with approx. 10 properties per Order but the threat of CPO often resolves the issue so in the end few properties are approved for CPO.

Partnership Working

Landlord Forum

The Council facilitates a Landlord Forum meeting once per year, generally responsible landlords attend but this is a useful means of discussing key issues and promoting good practice. The Landlord Forum Steering Group made up of representatives from sectors of the PRS meets every 6 weeks to discuss issues affecting the sector such as welfare reform and new ASB powers.

Homestamp

The Council is a member of the Homestamp consortia along with other W Mids Councils, WMFS and National Landlords Association (NLA). The partnership promotes good practice and provides advice and guidance on common standards across the W Mids. It supports the MLAS (see below) For more information go to

<http://homestamp.com/>

Midland Landlords Association MLAS

This organisation supports good practice in the PRS. In particular it works with local colleges and university accommodation agencies to ensure student housing is of a good standard and well managed.

Current Issues

Growth of PRS

This is predicted to continue and there will be demand pressures on all housing sectors. This may give rise to exploitation of private tenants over competition for lettings.

Consultation on Extending Licensing

The Council has powers to extend the licensing requirement and designate areas of their district subject to

- a) Additional licensing for HMOs where for a significant proportion of the HMOs in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.
- b) Selective licensing for PRS properties to tackle issues of potential low demand where there are problems of anti-social behaviour.

The Council is currently looking at whether there is sufficient evidence in neighbourhoods to justify use of these powers. The extended licensing can relate to single streets or small areas of PRS properties and not have to be across a Ward or District area

So far in the Ladywood District feedback suggests there are issues in Soho Ward and general concerns over hostels that house the most vulnerable citizens in the city.

This work will involve Place Managers, local elected members and stakeholder groups.

Impact of Welfare Reform

Clearly the changes to welfare provision are likely to impact tenants in the PRS esp single people and lone parents. Cross agency work is underway to look at the impacts and target resources to help those at greatest risk

Rogue Landlords

The Government is proposing to introduce new powers in the Housing and Planning Bill to tackle Rogue Landlords including banning them from managing property, recovering housing benefit from repeat offenders and developing a register of landlords. The Bill if approved will come into force after April 2016 at the earliest

Background information:

District Strategic Assessment 2012 - on the website Fairbrum
<https://fairbrum.files.wordpress.com/2012/10/draft-ladywood-strategic-assessment.pdf>

Ladywood District Profile presented to District Convention

Contact details:

Peter Hobbs, Service Head,
Email: Pete.hobbs@birmingham.gov.uk

Tel: 0121 675 7936