

**Item**

**PRIVATE SECTOR HOUSING REPORT**

Councillor Mike Todd-Jones, Executive Councillor for Housing  
Housing Scrutiny Committee 15<sup>th</sup> March 2022

**Report by: Claire Adelizzi, Team Manager – Residential,  
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**Wards affected:**

All

Non-Key, this report is for note / comment only

## **1. Executive Summary**

- 1.1 In 2020 an independent feasibility study was conducted into the need for selective licensing of private rented properties within Cambridge City. The study was for the purpose of identifying if it was appropriate for the Council to implement a scheme, please see Appendix A - Feasibility Study Report Executive Summary & Recommendations.
- 1.2 The summary of the report findings recommended that selective licensing was not an appropriate tool within Cambridge. The report went on to make recommendations around other courses of action available to the Council to ensure continuous improvement of private rented sector homes within the city.
- 1.3 This was presented at Housing Scrutiny Committee in January 2021 during which the Executive Councillor for Housing approved the recommendations of the report including that an annual report be brought back assessing progress on the work in time for any new bids to be submitted for work in the budget for the following year, see Appendix B - Housing Scrutiny Committee minutes extract, item 21/10/HSC 19.01.2021.

1.4 This annual Private Sector Housing Report will seek to outline the following:

- Structure of the Council's Residential Team, Environmental Health, Environmental services.
- The work of the Residential Team in relation to improvement of private sector rented homes within the City in Q1 – Q3 2021/22 for which complete data is available.
- The Teams Operational Plan for 2022/23 in relation to private rented sector homes within the Environmental Health Operational Plan.
- Matters on the horizon in relation to the private rented sector for 2022 / 23 and beyond including Government reform.

## **2. Recommendations**

The Executive Councillor is recommended to:

2.1 Note the contents of this report, assessing progress on the work as outlined in the report and in time for any new bids to be submitted in the budget for the following year.

## **3. Residential Team, Work Activities 2021 / 22**

3.1 Cambridge City has 14 wards. The 2011 Census showed that there were 46,714 households in the city of which 26% or 12,258 were rented privately. Between Census 2001 and Census 2011 there was a 40% increase in the privately rented households in the city.

3.2 2021 / 22 has continued to be a challenging time for the Council including the Residential Team. The ongoing COVID - 19 pandemic, challenges with use of data, introduction of new ICT systems and officer procedures, coupled with staff vacancies within the team both continuing and new has meant that certain proactive work has inevitably been delayed.

3.3 Despite these challenges the current 7 FTE Enforcement officers within the team have continued their hard work and have secured a number of successful outcomes as shown in Appendix C – Residential Team Private Sector Housing Work Activities 2021/22.

This is based on complete data from Q1 – Q3 of 2021 / 22, Q4 data will be reported on at year end.

3.4 It is important to note that Enforcement Officers within the Residential Team cover a wide remit of work activities including not only enforcement of private sector housing standards but also enforcement of public health and statutory nuisance from one domestic property affecting another within the city.

3.5 In respect of the 112 private rented sector housing programmed inspections that have been carried out in this period as detailed in Appendix C – Residential Team, Work Activities:

- 109 have remained at a low-risk rating in terms of maintenance of standards and property management associated with them. Such D and E rated HMOs are subject to re-inspection by the Council once every 3 – 5 years.
- 1 has reduced from a high-risk B rated HMO with an annual inspection frequency to a D rated HMO with a re-inspection frequency of once every 3 years.
- 2 have remained as high-risk HMO's, 1 band B rated with an annual inspection frequency and 1 band A rated HMO with the highest re-inspection frequency of once every 6 months.

3.6 This indicates that standards of HMO's known to the Council are continuing to be maintained and improved through our intervention and that we have systems in place to ensure that higher risk HMOs within the city are closely monitored via our inspection regime.

3.7 In line with these work activities and when focusing on the councils work to improve private rented housing conditions within the city, Appendix C – Residential Team, Work Activities confirms that a total of 217 private sector housing related complaints were received, actioned, and investigated by the team during Q1 – Q3 of 2021 / 22.

3.8 In respect of the 82 of these private sector housing complaints received by the Council during this period relating to such housing reportedly being unfit for human habitation / in serious disrepair:

- 24 of these complaints are still under active investigation pending completion.
- 58 of these complaints have been responded to in line with service standards and have been closed. The majority of these complaints were resolved via informal intervention by investigating officers from the team in liaison with the complainants and the landlord / property manager responsible for the private rented properties being complained about. These outcomes are mirrored in Appendix C – Residential Team, Work Activities which details enforcement action that has been taken where necessary across this period where an initial informal approach has not led to resolution in a minority of circumstances.

3.9 These complaints have also been broken down into ward areas of the city within which the properties being complained of are within as follows.

**Table 1 – Number of private sector housing complaints, (unfit / disrepair), per ward area Q1 – Q3 2020 and 2021 comparison**

<b>Ward</b>	<b>No. of PRS Housing Complaints, (unfit / disrepair) 2021</b>	<b>No. of PRS Housing Complaints, (unfit / disrepair) 2020</b>
Abbey	6	6
Arbury	5	9
Castle	4	3
Cherry Hinton	5	8
Coleridge	6	8
East Chesterton	4	17
Kings Hedges	8	8
Market	6	8
Newnham	1	3
Petersfield	14	12
Queen Ediths	1	3
Romsey	7	20
Trumpington	6	13
West Chesterton	9	14

3.10 Table 1 above shows a comparison of the number of private sector housing complaints alleging a property to be unfit / in disrepair, (indicating concern about poor housing conditions within private rented accommodation), received per ward Q1 – Q3 of

2021 with the same period the previous year. In 2020 a higher number of 132 housing complaints of this nature were received by the Council. Housing complaints of this nature have been received within each of the wards within the city during both of these consecutive years and there are noticeable differences in the numbers of complaints relating to properties in individual wards year on year indicating that there is no set pattern / concentration in relation to this.

- 3.11 Additional analysis comparison has been undertaken in relation to this type of housing complaint received by the Council in 2019 during which period 118 housing complaints of this nature were received.
- 3.12 The pandemic therefore appears to have reduced the number of this type of private sector housing complaints received by the Council as we have moved into 2021 /22 something which may be due to tenant concern about inviting people into their homes as well as their concern about the Governments ban on evictions being lifted in England during the first half of the year and fear over retaliatory eviction.
- 3.13 The COVID 19 pandemic has also had an impact on time periods involved in resolution of complaint investigations in certain cases where there have been issues with access into properties owing to tenant concern as outlined above and them needing to self-isolate.
- 3.14 There have also been delays owing to the pandemic relating to progression of enforcement action via the Courts, for example the illegal eviction prosecution case detailed in Appendix C - Residential Team, Work Activities is still pending a hearing in March 2022 following the initial tenant complaint having been received by the Council in February 2021.
- 3.15 Pre – pandemic the Residential Team have secured numerous successful outcomes including prosecutions and issue of Civil Penalties for housing offences against portfolio landlords operating within the city. This has led to close monitoring of their activities by the Council as well as prompting them to review their portfolios and associated property management arrangements.

- 3.16 There has been one such case involving a private student accommodation provider in 2021 /22 that has led to a company review of management arrangements of the 37 HMOs that they operate in Cambridge and local property management being re-instated. Formal written warnings have now been issued in respect of this and property within their Cambridge portfolio will be re-inspected on an increased frequency to ensure that the effectiveness of this management arrangement can be closely monitored by the Council moving forward.
- 3.17 Appendix C – Residential Team, Work activities also confirms that there were 114 HMO specific complaints which differ from those alleging a privately rented property to be unfit / in disrepair in terms of its condition as analysed above. These complaints tend to relate to management concerns in respect of an HMO including inadequate provision / maintenance of fire safety measures such as fire alarm systems.
- 3.18 In respect of the 114 of these private sector housing complaints received by the Council during this period relating specifically to HMO's:
- 40 of these complaints are still under active investigation pending completion.
  - 74 of these complaints have been responded to in line with service standards and have been closed. The majority of these complaints were resolved via informal intervention by investigating officers from the team in liaison with the complainants and the landlord / property manager responsible for the private rented properties being complained about. These outcomes are mirrored in Appendix C – Residential Team, Work Activities which details enforcement action that has been taken where necessary across this period where an initial informal approach has not led to resolution in a minority of circumstances.
- 3.19 These complaints can also be broken down into ward areas of the city within which the properties being complained of are within as follows.

**Table 2 – Number of private sector housing HMO specific complaints, per ward area Q1 – Q3 2020 and 2021 comparison**

<b>Ward</b>	<b>No. of PRS Housing HMO Complaints, 2021</b>	<b>No. of PRS Housing HMO Complaints, 2020</b>	<b>No. of PRS Housing HMO Complaints, 2019</b>
Abbey	14	4	8
Arbury	2	4	8
Castle	2	0	0
Cherry Hinton	7	2	5
Coleridge	14	2	4
East Chesterton	5	5	8
Kings Hedges	6	3	9
Market	4	2	3
Newnham	0	1	0
Petersfield	23	6	9
Queen Ediths	20	2	2
Romsey	2	3	13
Trumpington	1	5	11
West Chesterton	13	4	3

3.20 Table 2 above shows a comparison of the number of private sector housing complaints relating specifically to HMO's, received per ward Q1 – Q3 of 2021 with the same period the previous two years. In 2019 a slightly lower number of 83 HMO complaints were received by the Council. In 2020 a much lower number of 48 HMO complaints of this nature were received, this is believed to be as a direct effect of the COVID-19 pandemic for the reasons set out previously within this report.

3.21 The increase in the number of housing complaints relating to HMO's received across this period of 2021 is encouraging in terms of the fact that tenants in this accommodation sector have accessed the services of the Council once again where necessary to raise concerns, the majority of which have been in relation to matters that have been successfully dealt with via informal action.

3.22 In relation to the recommendations as set out in the Appendix A – Feasibility Study Report Executive Summary

and Recommendations an update on progress towards these is as follows:

**Recommendation a** -Targeted enforcement of properties not meeting the Minimum Energy Efficiency Regulations, with EPC ratings below E.

In line with this, we have overcome challenges with use of data as outlined in 3.2 and preliminary work has already been done to date to produce an officer procedure and template documentation in respect of this for use when actioning such cases in line with the requirements of the regulations. Newsletter content and additional e-mail updates have also been forwarded to landlords / property managers that the team have an established contact list for bringing the requirements of the regulations to their attention and providing them with relevant contact details for the team in terms of any queries they may have related to this, and the Council delivered a landlord MEES webinar in 2021.

1 FTE officer who was involved in this piece of work left the Council in the latter part of 2021. Recruitment is now actively underway to secure a new permanent FTE enforcement officer to work within the team and progress outstanding targeted enforcement of properties not meeting the Minimum Energy Efficiency Regulations including any that may have registered an invalid exemption onto the exemptions register.

The outcome of this proactive targeted work will be reported via the Environmental Health Operational Plan and corporate KPI's for 2022/23.

**Recommendation b** - Procure software that can accurately assess category 1 hazards dealt with at ward/LSOA level.

Environmental Health migrated to a new database system Tascomi from April 2021 which has been configured to include the ability to record Housing Health & Safety Rating System assessments at ward level.

**Recommendation c** – Prior to Covid-19 lockdown, an enforcement group was going to be set up to share intelligence across regulatory services within the council as well as with external stakeholders including the Fire Service.



There is now a 3C 'Challenging Buildings in Cambridgeshire' group that meets monthly to share intelligence across regulatory services within the council as well as with external stakeholders including the Fire Service in relation to complex cases and progression of enforcement in relation to these as necessary. Additionally, the Councils Residential Team are in the process of resurrecting a 'County Housing Group' for representatives from each of the local authority private sector housing enforcement functions within Cambridgeshire to meet, share experience, discuss common themes / topics and any new legislation as well as develop a work plan of items to be progressed as a county in relation to private sector housing.

**Recommendation d** - Targeted proactive work around HMOs within the applicable LSOA's within the City and looking for correlations between those HMOs and other factors such as ASB/crime.

3.23 This proactive targeted enforcement work has been included within the Environmental Health Operational Plan to be progressed and reported back in 2022/23. It is anticipated that this proactive work will also ensure that any other of these properties that are identified through investigation to be unlicensed licensable HMOs are addressed and relevant enforcement action taken regarding this as necessary.

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#### **4. Private Sector Housing Matters on the Horizon 2022 / 23 and beyond**

4.1 Work is currently underway within the team to introduce a mechanism for customer feedback particularly in relation to investigation of housing complaints in order that this information can be collated and recorded in addition to details of investigations that are routinely recorded onto the Environmental Health data base system.

4.2 Since the Grenfell Tragedy in June 2017 the Councils Residential Team have worked in close partnership with Cambridgeshire Fire & Rescue Service and building management companies to ensure that 'high rise' buildings with external wall cladding systems within the city have taken necessary measures

to have these assessed / remediated as necessary and to ensure that the Government have been kept updated of this via necessary returns. Work in relation to this will continue in relation to 'low rise' buildings within the city as necessary moving forward.

4.3 2021 national Census data is due to be published around May 2022 which will provide a useful current data source to the Council including the Residential Team.

4.4 The Government have now released their 'Levelling up the United Kingdom White Paper' this is a broad, deep and long-term plan to amongst other objectives create a "stronger pride in place" and "greater safety".

4.5 Housing fits into the governments mission to "Restore a sense of community, local pride and belonging". This mission comes with an associated target that "By 2030, the number of non-decent rented homes to have fallen by 50%."

4.6 This White Paper sets out how the Government will launch a new drive on housing quality to make sure homes are fit for the 21st century. This will include publishing a landmark White Paper in the spring to consult on the following:

- Introducing a legally binding Decent Homes Standard in the Private Rented Sector, (this may include the outcome of the Governments review of the Housing Health & Safety Rating System that has been ongoing for the past 18 months).
- Explore a National Landlord Register.

4.7 The Government also intend to bring forward other measures to reset the relationship between landlords and tenants, including through ending section 21 "no fault evictions".

4.8 These are Matters which the Council including the Residential Team will need to pay close attention to as we enter 2022 / 23.

4.9 It is also important to note that new legislation has been introduced in Scotland requiring all local authorities there to set up licensing schemes for short term lets by October 2022. This is a matter for which there is regular lobbying of the government in England to seek to better regulate this accommodation sector via the same / similar means.

## **5. Considerations**

### **a) Financial**

In accordance with section 49 of the Housing Act 2004 the Council make a reasonable charge as a means of recovering certain administrative and other expenses incurred by them in -

- Serving an improvement notice
- Making a prohibition order / emergency prohibition order
- Taking emergency remedial action
- Reviewing suspended notices and orders

These charges have been pursued where necessary in 2021/22 in respect of the 3 Improvement Notices served at a charge of £344.00 each.

Additionally, the Council can issue a financial penalty to an individual(s) in respect of certain Housing Act 2004 and Housing and Planning Act 2016 offences as an alternative to prosecution, these can total up to £30,000 per offence. Income received from a civil penalty can be retained by the local housing authority if it is used to further the local housing authority's statutory functions in relation to their enforcement activities whether administrative or legal covering the private rented sector. Since this power was given to local authorities in 2018 the Council has issued 10 penalties totalling £43, 498.23.

Enforcement of the MEES regulations involves issue of Financial Penalty Notices of up to a maximum of £5,000 with this income also being able to be ring fenced for use to further housing enforcement activities.

### **b) Staffing**

As detailed an element of the proposed proactive work will be undertaken by existing enforcement officers within the team of which from April 2022 there are 7.6 FTE's following the return to enforcement of a 0.6 FTE officer from within the team who has been seconded to another project since before the pandemic.

Additionally, recruitment of 2x additional FTE Residential Team Enforcement Officers is underway, one of whom will 'kick start' the proactive work in relation to MEES with support from the wider team and in liaison with colleagues undertaking home energy work from within the Environment Quality & Growth Team within Environmental Health where necessary.

This will ensure a full complement enforcement team of 9.6 FTE's carrying out work to further improve the private rented sector within the city as well as the team's wider enforcement work in relation to domestic statutory nuisance and public health.

There is also 1x FTE Empty Homes Officer working to ensure that long term empty homes within the city are returned to habitable use.

### **c) Equality and Poverty Implications**

An EqIA is not required in this case as this report is for information with no decisions to be made.

### **d) Environmental Implications**

The Councils Climate Change Rating Tool has been considered in respect of this report and has indicated a Net Medium Positive Rating, particularly in respect of proactive enforcement of MEES regulations owing to the following explanation:

While MEES does not lead to in depth energy efficiency improvements, it does enforce minimum standards across the private rented sector which is the lowest performing tenure in terms of energy efficiency. The scale of properties included in this means we estimate a medium positive outcome due to the energy conservation outcomes, and general positive impact on tenants and their living conditions. A high positive outcome is not considered due to unlikely uptake of renewable energy as a result.

### **e) Procurement Implications**

None.

### **f) Community Safety Implications**

Proposed proactive intervention and improvement work relating to both the physical and management standards of properties within the private rented sector within the City in turn facilitates improved community safety and a reduction in antisocial behaviour. All those responsible for private rented

property have a duty to comply with relevant landlord and tenant legislation and ensure that properties under their control are free from significant hazards that may cause harm to occupiers / visitors. Additionally, all those responsible for the management of HMO's have a duty to comply with the requirements of The Houses in Multiple Occupation (England) Regulations 2006 and those responsible for licensable HMO's should take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house as per the conditions of a property licence.

## **6. Consultation and communication considerations**

There is no requirement for consultation in relation to the proposed proactive enforcement of the Councils statutory function in respect of private rented sector properties however it is worth noting the following:

The Residential Team have formed a Landlord Steering Group with whom we consult / communicate as necessary. The Steering Group comprises active stakeholders, representing Cambridge University, Anglia Ruskin University, private letting agents, property managers & private landlords as well as Cllr Todd-Jones, Executive Councillor for Housing and Cllr Patrick Sheil Lead Councillor for Private Sector Housing and Landlord Licensing. The Team hosts Landlord Forums and more recently webinars and actively communicates with the landlord / property agent community and local residents within the City via newsletters, e-mail updates, press releases and the Councils website.

## **7. Background papers**

Feasibility Study for the Implementation of Selective Licensing in the City of Cambridge

[Levelling Up the United Kingdom: executive summary](#)

## **8. Appendices**

Appendix A – Feasibility Study Report Executive Summary & Recommendations

Appendix B – Housing Scrutiny Committee minutes extract, item 21/10/HSC 19.01.2021

Appendix C – Residential Team Private Sector Housing Work Activities 2021 / 22, Q1 – Q3, (01.04.21 – 31.12.21)

## **9. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact Claire Adelizzi, Team Manager – Residential, Environmental Health, Tel: 01223 457724, email: [claire.adelizzi@cambridge.gov.uk](mailto:claire.adelizzi@cambridge.gov.uk).