



Public Protection Partnership Private Rented Sector Housing Newsletter

March 2021

Introduction

On 9th January 2017 Public Protection Partnership (PPP) was formed, this is a shared service covering environmental health, licensing and trading standards provided by Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council.

Private rented sector (PRS) housing sits within the compliance and programme team in PPP and is headed by Rosalyn Gater the strategic manager. The team also enforces all aspects of food from food hygiene, food standards to feed and farm; health and safety in all local authority enforced premises and deal with a range of Covid related enforcement and activity. C&P also licence petroleum sites and issue explosive licenses.

Our health and the environment are closely linked and the work of the PPP. We protect the health and wellbeing through focused projects, planned inspection programmes and responding to complaints. By targeting our resources we can ensure the most beneficial outcomes for our community.

The services and functions relating to private rented sector housing is aimed at supporting landlords and tenants in ensuring properties and living conditions within our area meet minimum standards.

These include:

- enforcing houses in multiple occupation (HMO) management standards
- licensing of houses in multiple occupation licencing caravan sites
- enforcing against breaches of caravan site licensing conditions
- providing an advisory services within certain areas of the private rented sector regulating housing safety using the housing health and safety rating system
- leading on campaigns
- tackling rogue landlords.

The delivery of and targeted resource for the private rented sector is through the environmental health housing team.

Environmental Health Housing Provisions

The main provisions for private sector housing are found in the Housing Act 2004 and associated regulations. The main provisions for caravan sites and park homes are found in the Caravan Sites Control of Development Act 1960, The Caravan Sites Act 1983 and The Mobile Homes Act 2013 (as amended).

Private Sector Housing Policy

The private sector housing policy was approved by the joint public protection committee in September 2020. It is a two year plan which lays out the priority areas for the environmental health housing team and the direction we are moving in. For example it covers areas such as houses in multiple occupancy, caravan parks inspections, landlord forums, a move to using enforcement to ensure a directional change in compliance, and the use of civil penalty notices. We also want to ensure more joint working with the housing departments in the councils.

A copy of can be found by following <https://publicprotectionpartnership.org.uk/environmental-health/housing/>

Civil Penalty Notices with regard to Environmental Health Housing

At the joint public protection committee 28th September 2020 the PPP private sector housing strategy and accompanying report were put before the committee.

The committee subsequently approved the issue of civil penalties notices as an additional tool to prosecution for relevant offences under the Housing Act 2004.

The Housing and Planning Act 2016 introduced civil penalties as a power to be used against landlords who are in breach of one or more of the sections of the Housing Act 2004; specifically,

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Offences in contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)

The maximum penalty is £30,000, the amount of penalty is determined by the local housing authority in each case. The Government has laid out statutory guidance as to the process and the criteria it advises should be considered when determining civil penalties.

In PPP this will be based on the level of culpability, the level of harm (potential or actual), it will also take in to account aggravating factors and mitigating factors.

Examples of recent work

A Wokingham landlord recently pleaded guilty to having breached a prohibition order served under the Housing Act 2004 in a recent case heard in the Magistrates Court. Despite the Order being served to prohibit the use of substandard living accommodation, the landlord continued to rent out the property. This successful case highlights the team's commitment to ensuring decent living standards are maintained in the private rented sector. The sentencing hearing is to take place in the near future.

The owner of a rented property has been sentenced at Reading Magistrate Court for failing to comply with an Improvement Notice served under the Housing Act 2004. The owner was fined £1,280 (reduced to reflect an early guilty plea) and a victim surcharge of £128. Prosecution costs were ordered in full of £4,725.50. The investigation carried out was extensive and involved numerous visits to the property. Compliance was secured eventually, however the owner took some time to rectify the defects. The total paid was £6,133.50.

On Christmas Eve 2020 an Emergency Remedial Notice was served on a Housing Association landlord in West Berkshire for failing to act promptly to repair a defective boiler. This inaction resulted in an inadequate supply of hot and cold water to a property occupied by a tenant in the late stages of pregnancy, and her young child. Having been left in the position of not being able to maintain an adequate level of personal hygiene and food safety the tenant called on us for help. The PPP housing officer worked swiftly to engage a contractor to carry out repair works and reinstate the hot water. Suffice to say the family welcomed the officer's intervention, especially so close to Christmas.

We work closely with partner organisations to ensure that residents get the best service. Recently a PPP Housing Officer was investigating a case and he uncovered risks to the fire safety of the premises which affected at least 100 tenants in a block of flats, this was passed over to the RBFRS. This resulted in safety measures being put into place by the brigade which in turn meant the tenants could remain safely in their own homes.

A PPP Housing Officer played a critical role in helping a vulnerable elderly gentleman found living in his home amongst possessions and items of accumulated rubbish and food waste he had gathered over the years, resulting in him living in conditions detrimental to his health. Whilst this type of situation is very sensitive and needs to be handled in a sympathetic way the officer spent time building up trust and links with partner agencies who together helped improve his home environment for the better.

The team have been carrying out inspections of caravan sites as part of the programme of visits due on licenced sites. These are to ensure the site is still complying in terms of site safety, and to ensure that the site licence is still fit for purpose or whether any reviews are needed. We will also follow up sites known to the team that are required to be licensed under the Caravan Sites Control of Development Act 1960, but have not responded to the request to apply for a licence. These site owners/operators are committing an offence and we will be looking to ensure that they comply, and taking the appropriate action against them.

The team are continuing to inspect premises and issue licences as part of the HMO licence inspection programme. The second phase, which is ongoing, involves investigation of premises that have come to our attention as suspected HMOs. Action will be taken as necessary and we can report back through this newsletter. The third phase, which is currently on hold due to Covid, will be to actively survey the LA areas for HMOs that are not licenced.

As part of our service planning for 2021 /22 we have been looking at the priority areas, which will run alongside our HMO, caravan and reactive work. The following are examples of the projects we will look to run;

- Looking at converted office to residential properties as this type of dwelling provides much needed housing for the private rented sector.
- Joint working with our Royal Berkshire Fire & Rescue colleagues looking at fire safety and the protection of those who live in the HMO sector and high rise residential accommodation.
- Setting up a private sector landlord forum to include HMO landlords
- Communication and enforcement of the Electrical Certificate Regulations 2020

The Effect of COVID-19 on Environmental Health Housing

Within PPP the effect of Covid on the work priorities cannot be understated. As experts in public protection and enforcement we have been at the front line in ensuring Covid compliance in workplaces, we have been enforcing the ever changing legislation that is being enacted regarding Covid, we have been active in outbreak control and in local contact tracing.

In relation to environmental health housing, Covid has had an effect to the way in which we work, and the work which we have been able to do in the year.

Currently we are in national lockdown. Over the year we have worked through times where restrictions have been listed slightly also. We assess the work we can carry out accordingly, while bearing in mind that we are in roles that must remain actively working to assist with protecting the public, be it from Covid related or from poor housing, and other issues.

We must also consider the risk of us being vectors in spreading the infection, and the risk of becoming infected, with the risk of not carry out our work in the community.

Due to the nature of our work being the protection of the public we will still be required to carry out certain business as usual work and the work on Covid compliance an investigation – some of this work, by its nature will be required to be on site.

Some site visits (a site visit includes any visit to a premises or vicinity of a premises – commercial and residential) are unavoidable as they form part of statutory functions that the council has a duty to ensure are provided, and by the nature of our work as public protection. PPP needs to assess the requirements for which work is deemed to be essential and prioritised to continue during the epidemic, and which work has been stopped or moved entirely to remote.

Where the work continues and site visits would normally form a part of the activity, the following graduated approach should be taken

- Is the site visit absolutely necessary?
- Could the service be provided in a different way e.g. via the telephone or email.
- Could you ask the person to email you pictures or video? If this is appropriate.
- Can you use conference calls or video conferencing? If appropriate and available.
- Is there another way that the information can be received and investigated?
- Think about the risk of Covid transmission (to yourself and others) and does this outweigh the risks posed by not physically carrying out the visit, or witnessing for enforcement purposes.

If after considering the above the site visit is still necessary then we have controls that we must follow, for example, facemasks, social distancing, thinking about controlled spaces and ventilation etc.

In reality, we have been able to carry out the majority of work relating to environmental health housing over the pandemic, whether by on site visits or in alternative ways.

One piece of work which we made a decision to halt is work on unlicensed houses in multiple occupancy, as this will involve entering homes where the circumstances of the residents is unknown and this laces a risk to them and to the officers. However, if there is intelligence that there are issues at the premises, that suggests the residents are at risk, we have been carrying out on site work.

Coming up in further Newsletters

- **Rogue Landlords**
- **Caravan Site Licensing – Fit and Proper Person**
- **Caravan Site Licensing Fees**

Contact us at:

**01635 503242 for or email
ehadvice@westberks.gov.uk**

The delivery of and targeted resource for the Private Rented Sector is through the Environmental Health Housing Team (EHHT):

Mary Glomé, Principal Environmental Health Officer
Mary.glome@westberks.gov.uk

John Shiri, Senior Environmental Control Officer
John.shiri@westberks.gov.uk

Emma Choules, Senior Environmental Health Officer
Emma.choules@westberks.gov.uk

Georgina Rosso, Environmental Control Officer
Georgina.rosso@westberks.gov.uk

John Stowe, Environmental Health Officer
John.stowe1@westberks.gov.uk

David Bridle, Environmental Control Officer
David.stowe1@westberks.gov.uk

Graham Smith, Housing and Grants Officer
Graham.smith@westberks.gov.uk

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