

To: Cabinet
Date: 24 January 2024
Report of: Scrutiny Committee
Title of Report: Private Rented Sector Regulation Policies – Results of Consultation

Summary and recommendations	
Purpose of report:	To present Scrutiny Committee recommendations for Cabinet consideration and decision
Key decision:	No
Scrutiny Lead Member:	Councillor Lucy Pegg, Scrutiny Committee Chair
Cabinet Member:	Councillor Linda Smith, Cabinet Member for Housing
Corporate Priority:	All
Policy Framework:	Council Strategy 2020-24
Recommendation: That the Cabinet states whether it agrees or disagrees with the recommendations in the body of this report.	

Appendices	
Appendix A	Draft Cabinet response to recommendations of the Scrutiny Committee

Introduction and overview

1. The Scrutiny Committee met on 16 January 2024 to consider a report concerning Private Rented Sector Regulation Policies – Results of Consultation. The report, which is due for Cabinet consideration on 24 January 2024, recommends that Cabinet notes the results of the public consultation; approves the amended policies (Fit and Proper Person; Banning Orders & Rogue Landlord Database Entry; and Civil Penalties in Relation to Residential Enforcement); and delegates authority to the Head of Planning and Regulatory Services to review and update the policies in consultation with the Head of Law and Governance in the event that new legislation is enacted to give the Council powers to issue fines for private rented homes.
2. The Committee would like to thank Councillor Linda Smith (Cabinet Member for Housing), David Butler (Head of Planning and Regulatory Services) and Gail Siddall (Regulatory Services Manager) for attending the meeting to answer questions.

Summary and recommendations

3. Gail Siddall, Regulatory Services Manager introduced the report. The report sought to formalise policies and procedures which were already in use by the Council in relation to private rented sector regulation. Due to the nature of situations where the policies would be used, in that they would be used in very adverse situations where other options were not appropriate or had failed, it was important that the policies were transparent and that there had been the opportunity for feedback via the public consultation. Overall, 55 responses were received to the consultation which had demonstrated significant interest in the policies. Respondents had welcomed the opportunity to provide feedback on the policies and had confirmed that the policies were clear and transparent.
4. The Committee asked a range of questions, including questions relating to what happened to money received by the Council in respect of Civil Penalties; whether an individual could be on the Rogue Landlord Database without having a Banning Order as the policy seemed to suggest; whether the national Rogue Landlord Database was being properly utilised and working in the way it was intended; the Council's plans to ensure proper scrutiny of housing for asylum seekers; and whether the Council could include any requirements relating to domestic abuse within its private sector regulation policies.
5. In particular, the Committee discussed recent media announcements that asylum accommodation was to be excluded from the Regulator of Social Housing requirements. The requirements, introduced by the Social Housing (Regulation) Act 2023, would only apply to registered providers of social housing and only if the accommodation was leased as social housing; asylum accommodation did not normally fall under this category, which was why the Regulator's requirements would not apply to that type of accommodation. The Committee was informed that there were some anomalies in the national guidance in relation to the housing of asylum seekers and the Council could not apply Selective Licensing or HMO Licensing to asylum seeker accommodation.
6. However, where the Council received complaints in relation to asylum accommodation it did undertake reactive work to address them using appropriate legislation, which was not always housing-related legislation. It was very difficult for the Council to undertake proactive work in relation to asylum accommodation as it was not part of a licensing scheme. The Committee was assured that, although the Council had no legal powers in relation to asylum accommodation, it still took an active role as far as it possibly could in ensuring asylum seekers' needs were being addressed. The Committee agreed that the policies would benefit from clarification as to how their principles applied to social housing providers and asylum accommodation.

Recommendation 1: That the Council clarifies how the principles of its private rented sector regulation policies apply to social housing providers and housing for asylum seekers.

7. In addition, the Committee explored the Council's current role in ensuring issues around domestic abuse were addressed and incorporated into the policies, alongside ensuring they were joined up with other Council policies and the Council's

work towards achieving the Domestic Abuse Housing Alliance (DAHA) Accreditation. The Committee was advised that joined-up working could be explored in relation to domestic abuse if the legislation allowed for it, including taking action where the Council found contraventions or breaches of regulation.

Recommendation 2: That the Council explores the ways in which domestic abuse and the Council's work towards achieving Domestic Abuse Housing Alliance (DAHA) Accreditation can feed into its private rented sector regulation policies to ensure alignment across the organisation.

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