

Housing Committee 30 June- Members' Items

Member's Item on standards in the private rented sector (PRS): Cllr Ross Houston

To ask for a report on standards in the private rented sector in Barnet including:

- The current known number of private rented sector landlords letting properties in Barnet

The private rented sector is not regulated and it is therefore not possible to indicate the total number of private sector landlords letting properties in Barnet.

The Private Sector Housing Team in R_e is currently undertaking extensive research into this area of work. The aim is to obtain a more detailed understanding of the number of tenanted properties, houses in multiple occupation and properties that have problems with "beds in sheds" in specific areas of the borough. Officers will be visiting and where possible carrying out a basic survey of in the region of 1,500 properties. At this stage consideration will be given to if there is sufficient evidence to consider the introduction of an Additional or Selective Licensing Scheme. The Housing Act provides councils with the power to introduce Selective and Additional Licensing as tools for regulating housing conditions and tackling anti-social behaviour. This is an approach currently being investigated by many other authorities, including our neighbouring boroughs.

- The number of private rented sector landlords in Barnet who are part of the London Landlord Accreditation Scheme, and what the council does to promote membership of the scheme

As of June 2014 there are 425 London Landlord Accreditation Scheme (LLAS) accredited Barnet based landlords.

In order to encourage accreditation the council has:

1. A link to LLAS through the website and this is in the process of being expanded to a full page.
2. Details of the scheme are circulated through Twitter
3. Landlords encountered by officers are encouraged to become accredited
4. There is a reduced HMO Licensing fee for accredited landlords
5. There is a reduced fee for Housing Act notices where landlords become accredited (similar to the approach used by the Police in relation to speeding)
6. There is a key performance indicator for R_e linked to increasing the number of landlords accredited on an annual basis
7. The scheme is also promoted by Barnet Homes staff when speaking with landlords, on Barnet Homes email strap-lines, in local advertising campaigns and at the regular Let2Barnet Landlord Forums.

- Does Barnet insist that landlords they use to discharge their housing duty with are part of the LLAS?

No, Barnet does not insist that landlords have undertaken the LLAS course. However, Barnet Homes does take steps to ensure that properties used meet required standards and requests that landlords sign a 'Fit and Proper Person' declaration where the council's housing duty is discharged. This term is defined in the Homelessness Suitability of Accommodation Order 2012 and safeguards tenants against landlords who are known to have committed criminal offences or who may pose risks to tenants.

- What health and safety standards and building control standards apply to the PRS and how they are enforced, including whether any action has been taken against any landlords?

The key piece of legislation governing housing standards in the private rented sector is the Housing Act 2004. This introduced the Housing Health and Safety Rating System (HHSRS) for assessing the condition of residential premises and determining if any hazards exist. A hazard exists if:

- There is a risk of harm to the health and safety of anyone occupying, or likely to occupy, a dwelling, and
- Where that risk is caused by a deficiency in the dwelling, for example as a result of the construction of the building or lack of maintenance or repair.

Housing Committee 30 June- Members' Items

The council has a legal duty to take action if a Category 1 Hazard is found to exist in a dwelling. Such action ranges from a Hazard Awareness Notice which simply flags that there are issues but requires no follow on enforcement action to the service of an Emergency Prohibition Order which requires cessation of the use of the property with immediate effect due to the imminent danger to the tenants.

Action is routinely taken to improve standards, ranging from informal advice to taking legal action against landlords for noncompliance with enforcement notices. Over the past three years the Private Sector Housing Team has reduced Category 1 Hazards in 428 tenanted properties and improved standards in 41 other properties.

Property standards are also improved through the conditions linked to Licences issued through the council's mandatory Houses in Multiple Occupation (HMO) Licensing Scheme. There are currently 127 licensed properties of which 74% are in a satisfactory condition.

Building control regulations may apply if a landlord makes alterations to a property.

- As the council can now discharge its housing duty in the private rented sector, what information the council has on landlords charging LHA rates versus market rents, particularly where market rent is below LHA rates, and how the council monitors this.

Research is regularly carried out on market rents and the shortfall between these and LHA rates to monitor increases and help target the procurement of affordable housing options for housing applicants. Barnet Homes analyses the number and rent levels of properties advertised in Barnet on major search websites such as www.rightmove.co.uk.

- What monitoring of standards in the private rented sector there is in terms of fair tenancies, ensuring contracts are legal and tackling anti-social behaviour issues.

Whilst the private rented sector industry is not regulated, there are however a number of safeguards in place to protect private tenants. These include the Protection from Eviction Act 1977 which governs landlord harassment and illegal eviction, Unfair Contract Terms legislation which has been used to challenge the reasonableness of tenancy agreements particularly in relation to rent review clauses. It should also be noted that landlords cannot contract out of statutory legislation, for example the Housing Act 1988 which governs most current tenancies in the form of assured short-hold tenancies states that 2 months written notice must be issued to end the tenancy and if a landlord states only one month in their contract this would not be valid.

There are also the standards under the HHSRS which are enforced by the Private Sector Housing Team in Re and are used to improve standards across the private rented sector (see answer to question on property standards above). Housing advice provision is widely available to tenants on their tenancy rights through organisations such as Shelter and in Barnet via St Mungo's Broadway and the Citizen's Advice Bureau.

In relation to anti-social behaviour there is a condition linked to Licensed Houses in Multiple Occupation.

The Licence holder is ultimately responsible for the day-to-day running of the property ; to this effect the licence holder must ensure any anti-social behaviour by residents or their visitors, to anyone else in the property, (or in its locality), is dealt with appropriately and effectively. In this regard, the landlord or their agents shall investigate complaints of noise and other possible sources of nuisance or anti-social behaviour, whether these complaints are made by the residents of the property or by residents of neighbouring properties. Where the landlord determines these complaints to be justified they shall take all reasonable steps to resolve the problem"

In HMOs generally the following the Management of Houses in Multiple Occupation (England) Regulations 2006 there is a duty on tenants to behave in a certain way. This is however difficult to enforce.

Member's Item on affordability of housing in the Borough: Cllr Kath McGuirk

To ask for an update on the affordability of housing in the borough both for rent and ownership, including: how much the council is currently spending on temporary

Housing Committee 30 June- Members' Items

accommodation and what steps the council is taking to manage and reduce this demand;

In 2013/14, the council spent £14.81m providing temporary accommodation [but receives an income of £13.16m giving a net cost of £1.65m]. The council has been working closely with Barnet Homes to monitor this situation, putting measures in place to both help reduce demand, and increase affordable supply. Mitigating actions have included a more targeted approach to preventing homelessness and revised schemes to secure affordable housing. These actions have been relatively successful so far, with the number of households in costly nightly paid emergency accommodation reducing from a high of 635 down to 475. This continues to be a key priority moving forward with targets of keeping the number of households in emergency accommodation below 500 and a corporate plan target to achieve 315 private rented sector lettings in 2014/15.

-why the current target for the number of affordable homes is 0; what the current percentage of affordable housing is in the housing trajectory over the next 25 years and what the target is for increasing the number of affordable homes to be delivered;

The target Cllr McGuirk referred to in the question was a corporate target for Jan-Mar 2014 of the number of new affordable homes expected in that period. The annual target for completions 2013/14 was 184. The actual number of completions for the year was 346.

The Local Plan sets a minimum target 5,500 affordable homes by 2025/26. As of the 31 March 2014, 1,346 of these have already completed and our largest new housing developments at Mill Hill and Brent Cross are not due to see the first affordable housing completions in 2014/15.

Barnet's Local Plan Core Strategy states that the Council will seek a borough wide target at 40% affordable homes on sites capable of accommodating 10 or more dwellings

Member's Item on empty homes: Cllr Jim Tierney

To ask for an update on bringing empty homes in the borough back in use, including long-term empty homes, as recent analysis by the Empty Homes Agency shows that long-term empty properties increased in 2013 compared with 2012; also details of how many empty homes are subject to the empty homes premium and what the collection rate for this is:

Region	County	Local authority	Number of long-term empty homes Oct 2012	Number of long-term empty homes Oct 2013	Change	% of homes long-term empty 2013	Percentage increase/decrease
London		Barnet	1,095	1,273	178	0.91	16.3 increase

To date in 2014/15 the council has been involved in bringing 71 empty properties back into residential use. Five properties are at varying stages in the process of being Compulsorily Purchased in order to secure occupation. The Empty Property Financial Assistance offer has been reviewed and made more attractive following a lack of take up and is due to be re-launched at the end of June. There has been considerable amount of interest in the new offer which will be a way of bringing empty properties back into residential use whilst securing nomination rights for Barnet Homes for use by households in housing need. The Private Sector Housing Team in Re are currently surveying 1,500 properties in the borough (see previous answer). This should assist in identifying empty properties that the borough is not currently aware of.

Last year was the first year of the empty property premium. This change was in addition to a number of other technical changes, such as removal of exemptions and discounts, along with the introduction of Council Tax Support.

Housing Committee 30 June- Members' Items

The council collected 96.4% in 2013/14. For 2014/15, as at the end of June 2014, the council shows improved collection on last year.

As at the end of June 2014 – the council has billed the following properties for an empty property premium.

Band	Total Number of Properties	Total Levy Amount
A	10	4,645.89
B	25	13,609.56
C	52	32,110.85
D	70	48,367.96
E	46	38,932.93
F	30	29,954.70
G	44	50,451.42
H	41	56,737.61
Totals:	318	£274,810.92

Member's Item on the operation of lettings agents in the borough: Cllr Tim Roberts

To ask for a report on the number of lettings agents in the borough including the council's use of lettings agents where the council's housing duty is being discharged in the private rented sector, whether the council monitors the level of fees charged by all lettings agents, and what standards the council applies to lettings agents it uses, including whether they are members of the London Landlord Accreditation Scheme.

Barnet Homes worked with 77 letting agents in 2013/14 to help provide affordable accommodation for households in housing need in Barnet. Rents for the properties provided are set at levels close to the LHA rate, with incentives paid to private sector landlords (to cover standard deposits, fees and charges) to help secure the property from the agent or landlord. For all landlords or agents working with Barnet, we ensure that properties provided meet required standards and obtain documentation to prove properties are safe and suitable. It is not a pre-requisite for landlords or agents providing properties to Barnet to have joined the LLAS.

Member's Item on non-secure tenants on regeneration estates: Cllr Adam Langleben

To ask for an update on the number of non-secure tenants living on Barnet's regeneration estates including:

- how many have been assessed for re-housing,
- how many have been re-housed, where they have been re-housed and in what tenure / with what security of tenure
- how many re-housed households have children attending Barnet schools but have been placed out of the Borough

There are 640 non-secure tenants living on the regeneration estates. They will be moved in a phased way as each estate is regenerated.

The table below shows the current position of non-secure tenants moving from the regeneration estates from March 2013 to March 2015.

	No. of non-secure tenants affected	No. of non-secure tenants that have been fully assessed for rehousing	No. of non-secure tenants that have been rehoused
Stonegrove	84	72	50

Housing Committee 30 June- Members' Items

West Hendon	78	13	7
Dollis Valley	41	10	4
TOTAL	203	95	61

The 61 tenants that have been rehoused from the regeneration estates have been placed in the following tenures:

Tenure	No.
Secure tenancy (including council property and assured housing association)	46
Non secure tenancy (including regeneration properties, long-term forms of temporary accommodation, Housing Association leases and Private Sector Leasing properties)	12
Private Sector Assured Short-hold Tenancies	3
TOTAL	61

Of these moves only one household has been moved out of the borough. This was a 4 bedroom household with 4 children. However a property was secured in Brent very close to the borough. The customer moved voluntarily without any concerns regarding provision of education.