



**NRLA**  
NATIONAL RESIDENTIAL  
LANDLORDS ASSOCIATION

# Decent Homes and the Private Rented Sector



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May 2022

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**1**

# Foreword

# 1 Foreword

**Every tenant in the private rented sector deserves a place to call home that is of decent quality and does not pose a risk to their health or safety. The vast majority of private landlords already do this, but the actions of a minority who fail to do the right thing bring the sector into disrepute.**

As the Government consults on the development of a Decent Homes Standards for the sector, this paper outlines proposals to achieve this.

Critically it sets out the array of legislation and regulations already in place to ensure that rental properties are of a decent quality. The problem lies not with a lack of laws, but about them not being properly codified leading to confusion about what is expected, and tenants left struggling to understand the quality of accommodation before they move into it.

That is why, aside from having clear expectations of both private and social rented housing, mechanisms need to be developed to enable all types of landlords to demonstrate that the properties they let meet these standards. Those who already do this have nothing to fear from such a move. All it would do is provide clear information to tenants that properties are of a decent quality through the development of a property passport.

Setting standards is not the only answer. In the end, all the rules in the world will mean nothing unless they are properly enforced. Data that the NRLA has obtained under the Freedom of Information Act shows that far too many councils are failing to make use of the powers they already have to tackle bad practice.

Aside from the acute problems this causes affected tenants, the vast majority of responsible landlords feel frustrated and let down when those failing to do the right thing seem to get away with it. All they do is bring the sector into disrepute.

The NRLA stands ready to work constructively with the Government and others on this important issue. However, it is vital that it results in proposals that are both clear to understand and can be properly enforced.



Ben Beadle  
Chief Executive



Jodi Berg OBE  
Chair



**2**

## **Standards in the Private Rented Sector**

## 2 Standards in the Private Rented Sector

- 2.1** At the outset, the NRLA is clear that no tenant should have to live in accommodation that is unsafe and poses a risk to their health and wellbeing. Those landlords that provide such accommodation bring the sector into disrepute and have two choices – ensure such properties are improved or leave the sector altogether.
- 2.2** The private rented sector is frequently criticised for being under-regulated, leading to poor quality housing for tenants.
- 2.3** The reality is that there is not a lack of regulation. An analysis by the NRLA suggests that there are 168 pieces of legislation now affecting the PRS in England<sup>1</sup>. The problem is largely a result of a lack of enforcement, as highlighted in section six below, and a lack of clarity about what is expected of the sector.
- 2.4** It is similarly important to avoid the temptation to suggest that most private renters are living in sub-standard accommodation. Whilst the NRLA is not blind to the challenges the sector faces, the facts remain:

- **The proportion of private rented homes with at least one of the most serious ‘category one’ hazards has halved over the last decade from 24.2% in 2010/11 to 11.7% in 2020/21<sup>2</sup>.**

- **The proportion of private rented homes with one of the lowest energy efficiency ratings (E-G) has fallen by over two thirds from 45% in 2010/11 to 14% in 2020/21<sup>3</sup>.**

- **The proportion of private rented homes with damp problems has halved from 13% in 2010/11 to 6.4% in 2020/21<sup>5</sup>.**

- **83% of private renters are satisfied with their accommodation, compared to 78% of social renters<sup>6</sup>. This is supported by research by the Social Market Foundation which found that 81% of private renters are happy with their current property, and 85% say they are satisfied with their landlord<sup>7</sup>.**

- 2.5** Unlike the social rented sector there is no single standard applied to all units of accommodation in the private rental market. In fact, there is no codified resource to which landlords and households can refer to, to check and demonstrate that standards are met.
- 2.6** Standards in the PRS are overseen by a number of different regimes, backed by numerous pieces of legislation. Primarily, the fitness for habitation is enshrined in the Landlord and Tenant Act 1985 whilst safety standards are derived from the Housing Health and Safety Rating System (HHSRS) and the enforcement regime embodied in the Housing Act 2004.
- 2.7** Additional safety standards are established by specific legislation requiring regular gas and electrical testing, the installation of fire and carbon monoxide detectors, and various risk assessments.
- 2.8** Further details of the legal framework related to standards in private rented housing can be found in table 1 on page 10.
- 2.9** Despite the volume of regulation in place the NRLA is aware that the system is viewed to have failed those on the margins of the PRS. This perceived failure is due to two notable flaws; a lack of transparency and a lack of enforcement, both of which are intrinsically linked.

<sup>1</sup> NRLA, *Not under-regulated but underenforced: the legislation affecting private landlords in England*, July 2021, available at: <https://www.nrla.org.uk/campaigns/managing-tenancies/legislation-affecting-private-landlords-England>.

<sup>2</sup> DLUHC, *English Housing Survey 2020 to 2021: headline report*, December 2021, Annex Table 2.4, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1054775/2020-21\\_EHS\\_Headline\\_Report\\_Section\\_2\\_Stock\\_Annex\\_Table\\_revised.odsm](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1054775/2020-21_EHS_Headline_Report_Section_2_Stock_Annex_Table_revised.odsm).

<sup>3</sup> DLUHC, *English Housing Survey 2020 to 2021: headline report*, December 2021, Annex Table 2.8, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1054775/2020-21\\_EHS\\_Headline\\_Report\\_Section\\_2\\_Stock\\_Annex\\_Table\\_revised.odsm](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1054775/2020-21_EHS_Headline_Report_Section_2_Stock_Annex_Table_revised.odsm).

<sup>4</sup> DCLG, *English Housing Survey 2010 to 2011: headline report*, February 2012, Annex Table 17, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6737/2084234.xls](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6737/2084234.xls).

<sup>5</sup> DLUHC, *English Housing Survey 2020 to 2021: headline report*, December 2021, Annex Table 2.6, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1054775/2020-21\\_EHS\\_Headline\\_Report\\_Section\\_2\\_Stock\\_Annex\\_Table\\_revised.odsm](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1054775/2020-21_EHS_Headline_Report_Section_2_Stock_Annex_Table_revised.odsm).

<sup>6</sup> MHCLG, *English Housing Survey - Private rented sector, 2019-20*, July 2021, Page 15, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1000052/EHS\\_19-20\\_PRS\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1000052/EHS_19-20_PRS_report.pdf).

<sup>7</sup> Social Market Foundation, *Over 80% of tenants satisfied with renting, new research shows*, March 2022, available at: <https://www.smf.co.uk/over-80-of-tenants-satisfied-with-renting-new-research-shows/>.



**3**

## **The Case for Reform**



## 3 The Case for Reform

- 3.1** Regulation, which is poorly understood, of which there is little awareness, and in respect of which too little enforcement is carried out is clearly not serving the purpose for which it was intended. The central pillars of the standards regime in the PRS, the HHSRS, the Landlord and Tenant Act, and individual maintenance regulations, provide a sound structure for ensuring properties are safe and fit for habitation; but only if they are embraced by the sector, understood by households, and rigorously enforced.
- 3.2** At present there are miscellaneous obligations which landlords must meet at the beginning of a new tenancy to demonstrate compliance, and a comprehensive set of responsibilities which must be observed throughout a tenancy. The two-fold challenge is to provide a mechanism by which landlords can clearly demonstrate their responsible credentials and compliance activity whilst also empowering tenants and enforcement agencies to call-out and hold to account those landlords failing to do what they should.
- 3.3** In the social rented sector this mechanism is the Decent Homes Standard, against which all registered providers are expected to evaluate their housing stock. The Standard was developed solely for the social rented sector and is based on an assessment of issues present in that sector at the end of the last century making it unsuitable for direct imposition onto the private rented sector. In addition, there are key differences in the characteristics of private and social rented housing. Of particular note, 32.4% of stock in the private rented sector was built before 1919, compared to just 6.5% in the social rented sector.
- 3.4** If a decent homes standard is to be applied to the PRS, it must address the contemporary challenges present within privately owned stock in 2022 and recognise the diversity of types of homes and properties not present in the social sector. There are key differences in stock profile, not least in terms of property age. For instance, 32.4 per cent of stock in the PRS was built prior to 1919, compared to just 6.5 per cent in the social sector. This does not necessarily imply superiority or inferiority of stock quality but does provide for different characteristics which should be taken into account<sup>8</sup>.
- 3.5** That said, the concept of a single set of standards, designed with 21st century renters in mind remains sound. Provided it is properly designed to meet the needs of all those living and renting in England today, not just those in purpose built social housing.
- 3.6** There should be no reason why households should have different expectations regarding the standards in or safety of their home based on their housing tenure. Consequently, the NRLA agrees that there is a strong case for applying one simple, easily understood set of standards across all rented tenures.
- 3.7** At present, the existing Decent Homes Standard is based on four criteria for any dwelling which are as follows:
- It must meet the current statutory minimum standard for housing.
  - It must be in a reasonable state of repair.
  - It must have reasonable facilities that are fit for purpose.
  - It must provide a reasonable degree of thermal comfort.

<sup>8</sup>DLUHC, *English Housing Survey 2020 to 2021: headline report*, December 2021, Annex Table 2.1, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1054775/2020-21\\_EHS\\_Headline\\_Report\\_Section\\_2\\_Stock\\_Annex\\_Table\\_revised.ods](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1054775/2020-21_EHS_Headline_Report_Section_2_Stock_Annex_Table_revised.ods).

**Table 1: The Legal Framework for Standards in the Private Rented Sector**

	<b>Legislative Grounding</b>	<b>Summary</b>
Landlords' repairing obligations	Landlord and Tenant Act 1985	<p>Requires landlords to keep properties in 'good condition', and to keep estates and common areas 'clean and tidy'.</p> <p>Section 11 of the Act requires landlords to keep in repair the structure and exterior of the building, including roof tiles, gutters, drains and pipes. This also includes structures such as staircases, bannisters and internal walls and plasterwork.</p> <p>It also requires landlords keep in repair and proper working order the installations for water, gas, and electricity plus basins, sinks, baths and toilets.</p> <p>This includes water tanks and pipes, gas pipes, boilers, electrical wiring, radiators and any other installation for space heating and water heating.</p>
Landlords' obligations to keep tenants etc. safe from defects	Defective Premises Act 1972	Imposes a duty of care on landlords to ensure tenants, their families, and visitors in respect of potential harm caused by defective premises.
Housing health and safety	The Housing Health and Safety Rating System (HHSRS) introduced by the Housing act 2006	<p>The housing health and safety rating system (HHSRS) is a risk-based tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies in dwellings.</p> <p>Landlords are required to ensure there are no category one hazards in their properties and may face enforcement action for any failures.</p>

**Table 1: The Legal Framework for Standards in the Private Rented Sector Cont.**

	<b>Legislative Grounding</b>	<b>Summary</b>
Fitness for human habitation	The Fitness for Human Habitation Act 2018	Strengthens landlords' responsibility for ensuring rented properties are fit for human habitation against the criteria established in the Landlord and Tenant Act 1985 and HHSRS.
Statutory Nuisance	Environmental Protection act 1990	Establishes circumstances whereby a rented home may be suffering from a statutory nuisance including where such a nuisance may arise from the condition of a property and be prejudicial to health.
Gas Safety	Gas Safety (Installation and Use) Regulations 1998	Requires annual inspection of all gas appliances by a qualified engineer and the production / supply of a report.
Electrical Safety	Electrical Safety in the Private Rented Sector (England) Regulations 2015	Requires satisfactory inspection of electrical installations no less frequently than every five years by a competent person.
Smoke and Carbon Monoxide detection	The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	Requires smoke alarms/fire detection in every floor of a property with living accommodation and the provision of a CO detector wherever solid fuels are used.  Also stipulates testing requirements for installed alarms.
Legionella prevention	Control of Substances Hazardous to Health Regulations 1989	Requires landlords to assess risk in respect of plumbing installations and to take any necessary preventative actions which may be required.
Energy Efficiency	Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	Establishes a minimum energy efficiency standard (MEES) for PRS property. As of March 2022, the minimum standard is an EPC E, unless a valid exemption has been registered.

- 3.8** Criteria requiring rented property to meet the current statutory minimum and a reasonable state of repair would be entirely unproblematic, simply reinforcing existing PRS regulations. The current statutory minimum standard is the HHSRS and the Landlord and Tenant Act which require landlords to maintain a reasonable state of repair, likewise facilities and services. Additionally, thermal comfort is addressed by the excess cold hazard in the HHSRS and the requirement to provide a minimum level of energy efficiency in the Minimum Energy Efficiency Standards, to which social landlords are not currently subject.
- 3.9** The area in which the existing standard would ultimately prove unsuitable, and therefore deliver no substantial benefit to households or housing providers in the PRS is existing definition of reasonable facilities. The existing Decent Homes Standard prescribes the age and nature of facilities within properties and specifies the physical layout of dwellings. This may have been appropriate for social housing stock at the time of its introduction as RSLs benefit from a degree of homogeneity in their portfolios. Social housing stock also tends to be self-contained, and purpose built, compared to the shared facilities and re-purposed properties common in the private sector.
- 3.10** For any standard to be applicable across all rented property it must recognise the diverse range of homes present in the UK, including good quality houses in multiple occupation, converted properties, studios, and conventional self-contained units. A failure to recognise this variety would inevitably lead to barriers to compliance and necessitate a raft of exemptions which would reduce transparency for households.
- 3.11** The need which is not addressed by the Decent Homes Standard, in respect of social or private rented homes, is an appropriate and accessible means of demonstrating compliance. At present registered providers are expected to audit their housing stock and plan maintenance accordingly, whilst private landlords must provide prescribed evidence at the start of every tenancy, although not necessarily in a consistent or comprehensive form.
- 3.12** Adopting common headline standards, in parallel with the creation of a universal and transparent property logbook would meet this need, increase tenant confidence, and make identifying enforcement needs more straightforward without imposing significant new burdens or costs on housing providers.



**4**

## **Improving the Rental Experience**

## 4 Improving the Rental Experience

- 4.1** Every renter should have the right to expect that their landlord will provide a property that is safe and fit to call home. The existing Decent Homes Standard criteria are a reasonable articulation of this but were originally conceived before energy efficiency took centre stage in our assessment of property standards. As such they should be amended to better reflect the change in contemporary priorities.
- 4.2** Additionally, the criteria was agreed upon before the HHSRS became the statutory standard and against a backdrop of social housing stock which contained a significant number of units in need of modernisation. The Decent Homes Programme saw stock which could not be modernised to incorporate modern facilities demolished. Consequently, the NRLA recommends eliminating the duplication that is present in the criteria subsequent to the introduction of the HHSRS.
- 4.3** The NRLA recommends adopting a Decent Homes Rental Standard based on three modernised core criteria:

- **All rental properties must meet the statutory minimum standard for housing and in so doing must be free of category one hazards.**
- **All rental properties must be in a decent state of repair.**
- **All rental properties must meet the statutory minimum for energy efficiency.**

- 4.4** This three-pillar structure represents a change for both private and social rented tenures, with a greater emphasis on meeting standards for private landlords and an increased focus on energy efficiency for social landlords. Above all it should clearly illustrate fitness, safety, and efficiency to all prospective and incumbent tenants and aid housing providers in demonstrating the quality and compliance of their accommodation offer.

**This three-pillar structure represents a change for both private and social rented tenures, with a greater emphasis on meeting standards for private landlords and an increased focus on energy efficiency for social landlords.**



<sup>9</sup> Prime Minister's Office, *The Queen's Speech 2021*, 11th May 2021, page 113, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/986770/Queen\\_s\\_Speech\\_2021\\_-\\_Background\\_Briefing\\_Notes..pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/986770/Queen_s_Speech_2021_-_Background_Briefing_Notes..pdf)

## 4.5 Meeting the Decent Homes Standards (PRS)

4.5.1 The criteria suggested should be uncontroversial and provide a bedrock for decent standards in rental property. They are also presently enshrined in legislation and should represent no greater burden to previously compliant landlords.

Criterion	Statutory Provision
All rental properties must meet the statutory minimum standard for housing and in so doing must be free of category one hazards	The Housing Act 2004 establishes HHSRS as the statutory minimum standard across tenures. Various maintenance regulations augment the provisions concerning specific risks.
All rental properties must be in a decent state of repair	The Landlord and Tenant Act 1985, Fitness for Human Habitation Act 2018, and Defective Premises Act 1972 provide relevant principles for repair.
All rental properties must meet the statutory minimum for energy efficiency	The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 provide the current minimum standards, which are currently under review.

4.5.2 Criticism of the above is likely to come from the lack of clarity that too often surrounds compliance with these standards and the derisory levels of enforcement which non-compliance attracts.

4.5.3 Both of these criticisms may be addressed with the introduction of a standardised and accessible set of credentials, relevant to each rental property.

4.5.4 Such a set of credentials would be housed in an online property passport, which would meet the compliance needs of new tenancies as well as providing a live overview of the condition and efficiency of a property during its lifecycle. It would serve as evidence, checklist, and guide depending on the needs of the landlord, tenant and associated third parties. Importantly, it could be submitted to the planned redress scheme to cover private landlords.

4.5.5 It would also allow enforcement agencies to easily verify that safety requirements had been met and highlight areas in need of attention, or those landlords who simply fail to comply.

4.6.3 The NRLA proposes that such a passport be comprised of four sections:

### **1. Property ID**

The document should clearly identify the property in question, its nature, the landlords' details, and any relevant managing agent.

This would provide an opportunity to embed the Unique Property Reference Number (UPRN) into the system, thereby introducing a single reliable datapoint against which other relevant information can be linked and interrogated.

### **2. Evidence of Fitness**

This would allow safety and decency to be demonstrated by providing clear information to users that the property is safe to live in and complies with relevant legislation.

This should include a statement by the landlord that statutory checks have been carried out, and include evidence where appropriate, including:

- **Gas safety**
- **Smoke and CO alarms**
- **Fire risk assessment**
- **Electrical safety**
- **Legionella assessment**

In the case of the private rented sector, local authorities would have the right to conduct spot inspections to verify the checks completed by the landlord. Similarly, for social housing, it is envisaged that an independent party having the right to verify the checks conducted by social landlords.

### **3. A Building Renovations Logbook**

The building renovations passport should incorporate the functions of the Energy Performance Certificate (EPC), demonstrating the level of efficiency, insulation, and manner of space and water heating present in the property.

It should demonstrate compliance with minimum energy efficiency standards and also identify any valid exemptions.

In addition to the current state of the property it should offer the opportunity to record energy efficiency improvements which have been made to the property, and any measures which may be recommended for future works. In respect of works carried out it should illustrate the impact that they are likely to have had on the efficiency of a property, without necessitating a new EPC assessment, if a valid certificate remains in force.

### **4. Decent Homes Assessment**

Finally, a declaration should be provided confirming that the property meets the statutory minimum standard and that a decent homes assessment has been made. This would include a declaration that:

- The landlord or assessor has evaluated the property in respect of the HHSRS hazard checklist and no defects were identified that would render the premises unfit.
- No key building components are in need of repair.
- Fewer than two other building components are in need of repair
- The property is secure in so far as all windows and doors are intact and may be secured against unauthorised entry.

This assessment would be subject to periodic renewal and carry a date for next review.



- 4.6.4 By providing evidence in one electronic document, a landlord would be able to maintain a live record of a property's status.
- 4.6.5 On a transactional basis, this could be downloaded and provided to a new tenant at the start of a tenancy to demonstrate compliance. It could also be maintained throughout a tenancy to demonstrate to enforcement agencies, redress providers, insurers and others evidence of continued maintenance.
- 4.6.6 Such a property passport would also be equally relevant to private and social landlords and their tenants – demonstrating compliance of any rental property irrespective of tenure.



**5**

## **Improving Enforcement**

## 5 Improving Enforcement

**5.1** Private tenants and landlords are being let down by a failure on the part of local authorities to properly enforce the wide range of powers already available to tackle rogue and criminal landlords.

**5.2** As the Government seeks to reform the sector it is vital that improved enforcement is at the heart of such measures. This needs to include better resourced council enforcement teams, making more consistent use of the powers already available to tackle irresponsible landlords and more effective use of the wide range of data already available to identify landlords.

**5.3** This section draws on data obtained following requests made to local authorities by the NRLA under the Freedom of Information Act.

### 5.4 Councils Are Not Using Civil Penalty Powers Sufficiently

5.4.1 Since April 2017 councils across England have been able to issue civil penalties of up to £30,000 for a range of housing offences. Income received can be re-invested by local authorities to help finance further enforcement against criminal operators who cause harm to tenants and give private renting a bad name.

5.4.2 Despite this, the results of FOI requests from the NRLA show that between 2018/19 and 2020/21, only 130 local authorities in England out of 275 replying to the survey (47%) had issued any civil penalties. Most had used only a handful with 71% of all civil penalties<sup>9</sup> issued by just seven per cent of the local authorities.

5.4.3 The 40% of councils that had issued civil penalties had only issued between one and five over the past three years.

5.4.4 In total, fewer than 3,200 civil penalties were issued over the last three years by the local authorities responding to the survey. This is despite Ministers suggesting during the passage of the legislation to introduce them that there may be 10,500 rogue landlords in operation<sup>10</sup>.

5.4.5 In addition, the Government has confirmed that as of 26th January 2022, just 61 landlords and lettings agents were listed on the Database of Rogue Landlords and Property Agents<sup>11</sup>.

### 5.5 Most Councils Have Not Prosecuted Landlords

5.5.1 An additional analysis by the NRLA<sup>12</sup> has found that two thirds of English councils have prosecuted no landlords for offences related to standards in, or the management of, private rented housing over the last three years.

5.5.2 The Freedom of Information Act data from 283 local authorities across England found that in the three years between 2018/2019 and 2020/21, 67% had not successfully prosecuted a landlord for offences related to standards in, or the management of, private rented housing. A further 10% had secured just one successful prosecution.

5.5.3 Overall, just 20 local authorities were responsible for 77% of all successful prosecutions.

5.5.4 Among those councils responding, just 937 successful prosecutions of criminal landlords had taken place over the past three years.

<sup>9</sup> NRLA, *The Enforcement Lottery: civil penalty usage by local authorities*, August 2021, available at: <https://www.nrla.org.uk/research/special-reports/enforcement-civil-penalty-usage>.

<sup>10</sup> Marcus Jones MP (then a CLG Minister) speaking at Committee Stage of the Housing and Planning Bill, 24th November 2015, available at: <https://publications.parliament.uk/pa/cm201516/cmpublic/housingplanning/151124/pm/151124s01.htm>.

<sup>11</sup> LUHC Minister Eddie Hughes MP responding to written parliamentary question UIN 111668, 28th January 2022, available at: <https://questions-statements.parliament.uk/written-questions/detail/2022-01-25/111668>.

<sup>12</sup> NRLA, *The enforcement lottery: criminal prosecutions and local authorities*, November 2021, available at: <https://www.nrla.org.uk/research/special-reports/enforcement-criminal-prosecutions>.

## 5.6 Poor Record Keeping Hindering Effective Enforcement Action

- 5.6.1 Additional data from 290 local authorities in England<sup>13</sup> has found that 56% of councils do not accurately record the number of complaints they receive specifically about the private rented sector.
- 5.6.2 The presence of a selective licensing scheme does not appear to improve record keeping concerning complaints with 61% of selectively licensed local authorities responding to the request for data unable to provide accurate figures for private rented sector complaints.
- 5.6.3 Local authorities performed an average of 135 inspections per year under the Housing, Health and Safety Rating System (HHSRS), significantly below the average number of complaints. Activity varied substantially, with 25 local authorities responsible for 50% of all HHSRS inspections.
- 5.6.4 Local authorities classify and record HHSRS inspections differently, making it difficult to accurately assess enforcement work around property conditions.
- 5.6.5 The data suggest that 3,679 improvement notices are issued annually with 9% of HHSRS inspections leading to such a notice being issued. However, usage of this notice is concentrated, with 20 local authorities responsible for 50% of notices.
- 5.6.6 Follow-up enforcement is extremely low with around 1% of HHSRS inspections leading to criminal prosecution.

## 5.7 Councils Are Overstretched

- 5.7.1 Research published by Unchecked UK has demonstrated the scale of cuts made by local authority departments<sup>14</sup> charged with enforcing regulations in the private rented sector:
- The amount spent on housing standards by local authorities in England fell by 45% between 2009 and 2019.
  - The amount spent on environmental protection and regulatory services by local authorities in England fell by 31% between 2009 and 2019.
  - Over the same period, the amount spent on Local Authority Environmental Health Officers in England and Wales fell by 32%.
  - The number of local Environmental Health programmed inspections fell by 41% between 2009 and 2019. Over the same period the number of local Environmental Health enforcement visits fell by 49%.
- 5.7.2 The NRLA agrees with the then Housing, Communities and Local Government Select Committee which argued in 2018<sup>15</sup> that whilst the level of resources available to local authorities to enforce regulations was a major issue, this *“does not fully explain the variation in enforcement levels that exist between different local authorities.”* It continued: *“It is clearly the case that some local authorities have placed a higher priority on addressing low standards in the private rented sector than others have done. We believe this disparity in effective action can only be resolved through political leadership.”*

<sup>13</sup> NRLA, *The enforcement lottery: local authority inspections and notices*, February 2022, available at: <https://www.nrla.org.uk/research/special-reports/enforcement-HHSRS-inspections-notices>.

<sup>14</sup> Unchecked UK, *The UK's Enforcement Gap 2020*, October 2020, available at: <https://www.unchecked.uk/wp-content/uploads/2020/11/The-UKs-Enforcement-Gap-2020.pdf>

<sup>15</sup> HCLG Select Committee, *Private Rented Sector - Fourth Report of Session 2017–19*, April 2018, page 34, available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/440/440.pdf>.

## 5.8 Improving Enforcement

- 5.8.1 The Government should work with local authorities to conduct an assessment of the ability of relevant departments to enforce the wide range of powers already available to them to tackle criminal landlords. Good legislation is that which can be enforced. In proposing further measures in the forthcoming Rental Reform White Paper, it is essential that they can be enforced properly.
- 5.8.2 Those landlords bringing the sector into disrepute need to be the ones to pay for enforcement activity against them through civil penalties. However, central government also needs to provide upfront, multi-year funding to help councils build the capacity to tackle bad practice. Too often, pots of money provided by government for this purpose have been one-off or short-term making it difficult for local authorities to plan for the long term.
- 5.8.3 Conversely, the development of a stand-alone national register of landlords, separate from the Government's plan for a redress scheme for private landlords, would not improve enforcement or drive-up standards. This is because:

- **Designed in the right way, the redress scheme, which all private landlords will be obliged to join, would provide councils and the Government with the contact details of all landlords to communicate with.**
- **Where tenants come forward to make councils aware of problems with a property, local authorities can already access details of the property's owner via the land registry where it is not already available on the tenancy agreement.**
- **In 2015 the Government wrote to all local authorities in England to confirm that they could use data collected for housing benefit or council tax purposes for the exercise of their functions in respect of standards in private rented housing<sup>16</sup>.**

- 5.8.4 Quite simply, there is no need to needlessly duplicate and complicate the regulation of the sector, when a redress scheme would already achieve the aims of a national register.

<sup>16</sup> See

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/477122/Data\\_on\\_housing\\_tenure\\_letter.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/477122/Data_on_housing_tenure_letter.pdf).



**6**

## **Conclusion**



## 6 Conclusion

**6.1** The drive to ensure private rented homes are decent is one which the NRLA fully supports. Most landlords already provide this. The problems lie in a misleading assumption that the sector is under regulated.

**6.2** As the Government considers its plans, it needs to accept that, as outlined in this paper, the standards expected of the sector are already there. What is needed is an improved framework within which landlords can clearly demonstrate compliance with those standards, backed up by robust enforcement of them.

**6.3** Our proposals would achieve these twin objectives and the NRLA looks forward to engaging with the Government and others as we work to ensure the sector works for both tenants and responsible landlords.