

APPENDIX 2 – PRSH Enforcement Policy Consultation Responses

From: John Greenshields <john.greenshields@cla.org.uk>

Sent: 16 May 2022 09:51

To: Terry Alexander <terry.alexander@shropshire.gov.uk>

Subject: Shropshire - Private Rented Sector Housing Enforcement Policy

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Dear Mr Alexander,

Thank you very much for your email dated 21st April, kindly inviting a response from the CLA. The CLA supports the Council in its aspiration in clamping down on rogue Landlords. Given that this area already has legislation covering this area, we as a rural focused body, would like to provide some useful information in how to implement this policy in order to make the most positive impact for tenants. What is good for tenants is frequently good for rural landlords in Shropshire. As landlords can simultaneously be employers and it is essential that there is a healthy local housing market in order to keep the best individuals living locally in Shropshire. As such, part of this response covers wider improvements, at a time of a shortage of skilled labour and supply chain issues. Not to forget current financial strains which can affect Landlords as much as Tenants.




In rural areas, we recommend that the Council takes a more pragmatic view, as it would be unrealistic to think that penalizing old properties would translate into property improvements. Improvements that would benefit all tenants and have direct benefits towards the Council's climate change targets. I understand that this falls outside your remit but one of the main pressures on housing in rural Shropshire is the dearth of new housing. As new housing would improve the quality of the housing stock, improve supply and therefore affordability whilst giving tenants more options to avoid bad properties/landlords but new housing is barred by current planning policy. The CLA recently published our Sustainable Communities report which you may want to share with your colleagues, which makes five recommendations for regulatory change on a national level which would help affordable housing delivery, but a lot of which would need to be administered by local councils and communities. You can read our report here: [https://www.cla.org.uk/news/government-is-letting-rural-communities-down-says-
cla/#:~:text=The%20CLA's%20report%2C%20entitled%20'Sustainable,could%20bring%20to%20rural%20communities](https://www.cla.org.uk/news/government-is-letting-rural-communities-down-says-cla/#:~:text=The%20CLA's%20report%2C%20entitled%20'Sustainable,could%20bring%20to%20rural%20communities).

The CLA will always support the punishment of rogue Landlords and would like this to continue without the definition of the term rogue being diluted over time. Many of our members are residential Landlord's who take their responsibility very seriously and who are frequently updated by the CLA to ensure compliance and best practice is carried out but can be hamstrung by having very old properties where improvements, especially those recommended in an EPC, may be limited due to a Listing or being in the AONB. The CLA has long been very supportive of measures to mitigate climate change and we support regulation on this and understand the need for enforcement; many

of our members are making appropriate improvements to their properties but struggle to get up to the targets set in regulation because the properties are of traditional (pre-1919) construction. The methodology which underpins EPCs is not fit for purpose for these types of properties, and the CLA is lobbying on national level for this to be addressed, but this should be taken into account when Councils are enforcing the regulation in these properties. The Council must take a proportionate and pragmatic view or it may have unintended consequences, in that Landlord's may be obliged to sell their let property into the owner-occupier market. Reducing the supply of properties for tenants in the countryside will disproportionately hurt tenants and the rural economy. Particularly when planning policy makes it very difficult for new well-constructed, efficient homes to be constructed which would be available for tenants.

Yours sincerely,

John

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Shropshire Council Draft PRS Enforcement Policy
Response from Propertymark
May 2022

Background

1. Propertymark is the UK's leading professional body for estate and letting agents, inventory providers, commercial agents, auctioneers and valuers, comprising nearly 18,000 members. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

Summary

2. Propertymark welcomes the opportunity to provide comments for Shropshire Council's Draft private rented sector housing enforcement policy. We understand the important role local authorities play in enforcing laws in the private rental sector and we are keen to ensure that any local authority activity supports higher standards and is ultimately beneficial for the sector.
3. Overall, we support the decision to extend civil penalties to what the Council refers to as "the small number of criminal, rogue and irresponsible landlords". However, there is no mention in the policy about how many officers will be employed, or how much it will cost. Additionally, there are a no targets set for the number of inspections that will ultimately lead to more enforcement.

Feedback

4. It is positive to see that the Council is taking a more preventative approach to regulation, as laid out within the Shropshire Council Better Regulation and Enforcement Policy.¹ Ensuring transparency and consistency in enforcement, with the extent of harm for non-compliance

¹ <https://shropshire.gov.uk/shropshire-council/policies/better-regulation-and-enforcement-policy/>

taken into account, ensures compliant letting agents and landlords fully understand their responsibilities.

5. In light of this, we hope that the Council will do more to promote the merits of using a Propertymark Protected letting agent. Unfortunately, it is still possible for anyone to set up a lettings agency; you do not need to be qualified or have any experience of the lettings sector. It is therefore vital that when landlords and tenants are making a decision as to who to choose, they ensure that their first choice is a Propertymark agent. All agents belonging to Propertymark are required to operate in a transparent way, providing services subject to independent scrutiny and ensuring that landlord and tenant funds are protected and backed by the Propertymark client money protection scheme. Agents must keep up to date on the latest legal changes and offer higher levels of protection than are legally required.

6. As recognised in section 4.1 of the Enforcement Policy, Propertymark believes that an effective approach to enforcement should work collaboratively with letting agents, landlords and professional bodies to tackle issues within the private rented sector. This approach recognises and rewards landlords and agents that already adhere to good practice and enables local authorities to better target their resources on effective intelligence-led enforcement. Homestamp² in the West Midlands is an example of a collaborative approach. The initiative combines local authorities, private rented sector bodies such as ARLA Propertymark, universities, Police and Fire services. Homestamp considers and responds to regional and national issues affecting the sector alongside providing information and training for landlords, addressing potential issues before they arise.

7. We urge the Council to recognise the current supply and legislative challenges in the sector and where possible provide incentives to landlords and letting agents alongside enforcement to drive up standards. For example, the UK Government have consulted on Improving the Energy Efficiency of Privately Rented Homes, but landlords have little access to funding outside of their own income in order to make high-cost energy efficiency improvements to their properties.³ Furthermore, last year the UK Government closed the Green Homes Grant

² <https://homestampdotorgdotuk.wordpress.com/>

³ <https://www.gov.uk/government/consultations/improving-the-energy-performance-of-privately-rented-homes>

Scheme.⁴ Given the importance of helping combat climate change and the fact that Shropshire Council has declared a Climate Change Emergency, the Council must support all sectors to combat climate change but also ensure everyone has access to warm and energy efficient homes.⁵ To this end, Shropshire Council should look to incentivise landlords and support them to improve the energy efficiency of their property alongside the enforcement regime.

8. New and amended legislation is expected in the next 12 months including changes to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, meaning that from 1 October 2022, Carbon monoxide alarms will be mandatory in rooms with a fixed combustion appliance (excluding gas cookers) in both private and social rented homes.⁶ To this end, we would encourage the Council to review this policy annually to ensure it is keeping up with legislative change in the sector.

⁴ <https://www.gov.uk/government/news/government-boosts-energy-efficiency-spending-to-13-billion-with-extra-funding-for-green-homes>

⁵ <https://shropshire.gov.uk/shropshire-climate-action/what-have-we-achieved/policies-strategies-and-guides/climate-strategy-and-action-plan>

⁶ <https://www.legislation.gov.uk/ukdsi/2022/9780348234978>