

APPENDIX 3 - PRSH Enforcement Policy Officer Comments to Consultation Responses Received

Response received from	Policy paragraph number response relates to	Response	Included in revised policy yes (Y), no (N), in part (P) or supporting proposals (SP)	Officer comments and explanatory notes
CLA	1.2 / 1.3	The CLA supports the Council in its aspiration in clamping down in rogue Landlords.	SP	Noted
CLA	3.14	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	N	We work with owners and agents of properties when a Housing Health and Safety Rating System (HHSRS) hazard is identified, an Energy Performance Certificate is below the required standard, or does not have an Electrical Safety Certificate. We give owners the opportunity to rectify faults before enforcement action is undertaken. All rented accommodation must be safe and free from serious hazards. There are exemptions that can be registered for the requirements of the Minimum Energy Efficiency Standards; however, it is an offence not to comply with these standards if an exemption is not properly registered.
CLA	General 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	N	This is not a directly relevant matter for the purposes of this specific Policy; however, the details have been noted and referred to officers who deal with planning policy matters.

		properties/landlords but new housing is barred by current planning policy.		
CLA	1.2 / 1.3	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.	SP	Noted
CLA	3.14	... 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.	N	There are exemptions that can be registered for the requirements of the Minimum Energy Efficiency Standards; however, it is an offence not to comply with these standards if an exemption is not properly registered.
CLA	3.2 3.15 – 3.19 4.8 5.6 – 5.8 8.0 15.0	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	SP	Noted
CLA	3.14	... 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.	N	Where a landlord has carried out all the relevant energy efficiency improvements, and the property remains below EPC rating E, the legislation provides for relevant exemptions and, therefore, landlords in this situation should be registered on the PRS Exemptions Register. It is an offence not to comply if an exemption is not properly registered.
CLA	3.14	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	N	This methodology is agreed at a national level and it is not for the Council to depart from this position. The Government has now commenced a consultation to further increase the Minimum Energy Efficiency Standard to an EPC rating C and

		into account when Councils are enforcing the regulation in these properties.		is a clear indication that landlords, irrespective of the types of property they rent, ought to be taking steps now to improve the energy efficiency of their properties and if this is not possible then they must register for the relevant exemption. It is an offence not to comply if an exemption is not registered. In principle, enforcement action is undertaken only where compliance cannot be agreed with property owners.
CLA	General	<p>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.</p> <p>Particularly when planning policy makes it very difficult for new well-constructed, efficient homes to be constructed which would be available for tenants.</p>	N	<p>The Council has followed the principles of good enforcement for many years, with the current overarching Better Regulation and Enforcement Policy setting out how this is achieved. There are clear principles in the overarching Policy that require a proportionate and pragmatic in all enforcement activities. The PRSH Enforcement Policy supports and strengthens these principles as they relate to the private rented sector. The Council's aim is always to work with owners to ensure the provision of rented accommodation that is good quality, safe and free from serious hazards, and meets minimum energy efficiency requirements.</p> <p>This is not a directly relevant matter for the purposes of this specific Policy; however, the details have been noted and referred to officers who deal with planning policy matters.</p>
Propertymark	1.2 / 1.3	Overall, we support the decision to extend civil penalties to what the	SP	Noted

		Council refers to as “the small number of criminal, rogue and irresponsible landlords”.		
Propertymark	General	... 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.	N	<p>The Policy is not the document where this detail would be included. The number of officers who will be employed and the funding thereof will be part of budgetary considerations and will currently be resourced from existing teams. Targets/inspection levels will form part of internal service and team plans that will be agreed/revised annually based on an intelligence led approach to deal with both proactive inspections and reactive response to complaints.</p> <p>The law permits any financial penalties of up to £30,000 per offence to be used for housing enforcement purposes. However, it is not the intention that funds from financial penalties will be used as a permanent means to fund officers to undertake inspections or enforcement work. The aim is to achieve compliance through advice/guidance and encouraging owners to carry out the necessary works, with financial penalties as an alternative to prosecution used only as a last resort.</p>
Propertymark	3.5	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. Ensuring transparency and consistency in enforcement, with the extent of harm for non-compliance taken into	SP	The PRSH Policy is a revision of the 2019 Policy which sets out the factors to be considered when determining the level of civil financial penalties and it supports/strengthens the overarching Better Regulation and Enforcement Policy, the principles of which have been in place within the Council for many years.

		account, ensures compliant letting agents and landlords fully understand their responsibilities.		Shropshire Council is keen to strike the right balance with regulation in order to avoid stifling investment in the private rented sector. A small number of rogue or criminal landlords knowingly rent out unsafe and substandard accommodation with poor energy efficiency. The Council is determined to create a level playing field for all landlords by dealing robustly with what is likely to be a small number of criminal, rogue and irresponsible landlords, which will allow those who are responsible and willing to comply to flourish.
Propertymark	General	... we hope that the Council will do more to promote the merits of using a Propertymark Protected letting agent.	N	It would not be appropriate for the Council to promote Propertymark; we will promote membership of a professional trade organisation as being a positive step to ensuring compliance.
Propertymark	1.4	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. Property Stamp in the West Midlands is an example of a collaborative approach.	Y	Paragraph 1.4 has been replaced with the following wording to emphasise the importance of collaborative working to tackle issues in the private rented sector: 1.4 The Council recognises that effective enforcement is achieved more successfully when the Council works 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 the Council to better target their resources on effective intelligence-led enforcement.

				<p>And the original paragraph 1.4 is now paragraph 1.5, with subsequent paragraphs re-numbered accordingly.</p> <p>The Council works with the Shropshire branch of the National Residential Landlords Association to promote the work of good landlords. Officers attend the Association's meetings to offer advice to members and discuss changes to legislation. Meetings have been open to both National Residential Landlords Association members and guests. Meetings are due to recommence following the pandemic.</p>
Propertymark	3.14	<p>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. Furthermore, last year the UK Government closed the Green Homes Grant Scheme. Given the importance of helping combat climate change and the fact that Shropshire Council has declared a</p>	N	<p>Details of grants available to tenants can be found at: https://shropshire.gov.uk/private-sector-housing/keep-shropshire-warm-energy-saving-advice/</p> <p>Property owners may be required to contribute to the cost of improvements. This will have benefits for the tenant and result in an improved property for the owner.</p> <p>Government funding for incentives does change as schemes are launched then come to an end. Shropshire Council would welcome further schemes but have no control over national policy.</p> <p>We are currently developing a Sustainable Affordable Warmth Strategy and this will set out</p>

		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. 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.		how we intend to investigate and harness future funding opportunities.
Propertymark	3.0	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. 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.	Y	<p>The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 are already specifically referenced in the Policy and any amendments to these would automatically form part of the Council's considerations. However, a new paragraph 3.3 (see below) has been added to the Policy to make it clear what will happen in the event that existing legislation is amended, superseded or new laws brought into effect and a further paragraph introduced at 17.0 (see below) to set out how the Policy will be reviewed.</p> <p>3.3 In the event that any of the above legislation is amended, superseded or there is more appropriate new legislation brought into effect after the introduction of this policy, the Council will use the most appropriate legislation in force at that time to address housing related issues.</p> <p>17.0 Review 17.1 This policy will be subject to ongoing evaluation to ensure it continues to align with legislative and other changes in the</p>

				<p>private rented sector and remains fit for purpose.</p> <p>17.2 Where any fundamental/significant changes occur that may impact the effectiveness of the policy, it will be subject to revision and formal consultation with relevant stakeholders, which will be undertaken through the Council's normal democratic processes.</p> <p>17.3 Any stakeholder/interested party may request a review of the policy at any time.</p> <p>17.4 Any review will take account of all responses and comments received.</p>
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