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HOUSING EVIDENCE



SafeDeposits Scotland
Charitable Trust

What Shapes Compliance in the Private Rented Sector?

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[RAISING STANDARDS IN THE UK PRIVATE RENTED SECTOR](#)



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Background

- Poor property conditions in the UK private rented sector (PRS) among the most important housing issues facing the UK today.
- Substantial amount of recent change in the regulation of the sector. *A.Marsh and K.Gibb (2019) [The private rented sector in the UK](#)*
- UK local authorities now have broader range of powers to improve standards.
- Widespread criticism regarding variation and inadequacy in current enforcement practices.



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Background

In 2017/18:

- 67% of local authorities in England did not commence any prosecutions against a private landlord.
- 89% of local authorities in England had not used the new Civil Penalty Notices; 53% did not have a policy to use them.
- 18% reported having not served an improvement notice.
- ***Generation Rent, FOI local government enforcement 2017-18***
- Goal of regulation is not to secure prosecutions, but to improve standards by achieving compliance.
- Understanding the drivers of compliance is key to designing effective regulation.



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Improving compliance with private rented sector legislation

Local authority regulation and enforcement

Dr Jennifer Harris, Professor Dave Cowan, Professor Alex Marsh (University of Bristol)

5 August 2020



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Improving compliance in the private rented sector

Information for local authorities

Practice briefing

By Dr Jennifer Harris, Professor Alex Marsh and
Professor David Cowan



Improving compliance and enforcement in the private rented sector

Information for UK and devolved governments

Policy briefing

By Dr Jennifer Harris, Professor Alex Marsh and
Professor David Cowan



<https://housingevidence.ac.uk/publications/improving-compliance-with-private-rented-sector-legislation/>



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Enforcement strategies and styles

- Whilst each UK jurisdiction has its own national approach to regulating the sector, practicalities of enforcement involve key choices relevant to any kind of environmental regulation.
- On a strategic level includes decisions on frequency of inspections, who to target, tools to prioritise, time and effort given to formal or informal activity
- Data from case studies suggest at least 4 types of strategies operating in the sector

LIGHT-TOUCH APPROACHES



Focused only on informal activity
Response not usually escalated
Limited use of formal powers
Reactive
Limited compliance-focused activities

DRIVERS

Lack of resources & political support
Little focus on aims & outcomes
Large rural areas
Poor internal organisation
Concerns of negative impact of regulation
Focus on inadvertence

Approaches to regulating the sector

HARD-LINE APPROACHES



Focused on formal activity
High number of prosecutions and civil penalties
Officially no informal approach
Proactive and reactive
Limited compliance-focused activities

DRIVERS

PRS political priority
Large urban areas
High levels of criminality
Formal activity seen as effective deterrent
Prosecutions as sign of success
Focus on highest risk

COMPLIANCE-FOCUSED APPROACHES

Focused on informal activity
Response escalated if needed
Can bypass certain stages
Proactive and reactive
Range of compliance-focused activities



DRIVERS

Large PRS
Collaboration seen as more effective
Prosecutions not sign of success
Aim is to achieve compliance
Role of an educator

Responsive Regulation





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CREATIVE APPROACHES

Adopted alternative
regulatory techniques

Focus on needs of renters

Strong partnership working

Proactive and reactive

New models of integrated
service delivery



DRIVERS

Holistic perspective

Focus on homelessness prevention

Systems-based approach

Poor standards as part of wider picture

Focus on poverty and deprivation



- Standards in the PRS addressed by situating housing in the prevention element of an 'integrated care' NHS Strategy.
- NHS hospital admissions data and Indices of Multiple Deprivation data used to identify worst housing and tenants most in need of support.
- This information is used to help target enforcement activity and support for vulnerable tenants.



- Enforcement part of a multi-agency, holistic approach that aims to address not only housing standards, but also other issues that tenants encounter (e.g. benefits, health)
- Approach is proactive and aims to support vulnerable people or those who may be unwilling or unable to reach out for support.
- Interventions to address poor housing conditions are part of an area-wide initiative to tackle deprivation which is run by a multi-agency team
- This has helped to create solutions to tackling issues relating to trafficking, modern slavery, and overcrowding.



- Tenant well-being rather than property standards placed at the centre of their approach.
- A data analyst was commissioned to carry out stratified population analysis to explore neighbourhood deprivation and focus their work on those most in need of support.
- When visiting properties staff seek to identify interrelated issues tenants might be facing and provide support by, for instance, signposting or referring them to other organisations.
- Links has been developed with school liaison officers, health visitors, adult social care, police officers, community groups, doctors and housing options services.



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It's about trying to coordinate a neighbourhood management response, rather than just looking purely through, "This is a private rented property. What is this landlord doing or not doing?" It's much wider than that. It's also about that tenant, living in there, who may have multiple complex needs and has, potentially, just moved from another area and doesn't know [the local authority], which happens as well. (EHO, England)



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Then it's not just about the housing, it's about the people and it's more about the health wrapping around everything ... so I call the staff that work in there "housing social workers". What they do is they go in and go, "What's fixed? What's broken? What needs fixing?" You've got a leaking roof, no hot water, heating's broken, right, "By the way, have you got the right benefits? Do you need a dentist?" (PRS Housing Manager, England)



- Demonstrates the benefits of approaching PRS issues in a more holistic manner.
- The importance of a tenant-focused approach
- Suggests positive way forward may be consider not only application of formal penalties but also value of broader regulatory technique.
 - Aims and purpose
 - Multi-agency working
 - Internal organisation
 - Demonstrating outcomes and impacts
- Building and maintaining effective multi-agency arrangements requires a sophisticated set of leadership and organisational skills.



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Key recommendations for local authorities

Local authorities should not only consider the application of formal penalties, but also **broader regulatory techniques** including: aims and purpose, internal organisation, holistic approach, multi-agency working.

Local strategies and approaches need to **reflect the needs of private renters** and consider the specific issues faced by vulnerable tenants.

Local authorities should aim to **improve the ways in which positive outcomes are defined, recorded and communicated** to the wider sector.

Strategies or approaches that are entirely based on either compliance or deterrence-focused activities are unlikely to be effective in a PRS context. UK local authorities should **aim to combine both approaches**.



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Alternative Approaches to Resolving Housing Disputes

The role and potential of alternative dispute resolution in the UK private rented sector

Dr Jennifer Harris, University of Bristol

February 2020



housingevidence.ac.uk

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The private rented sector in the UK

An overview of the policy and regulatory landscape

Professor Alex Marsh (University of Bristol) and Professor Ken Gibb (University of Glasgow)

25 July 2019



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