

Housing Enforcement Activity by Local Authorities in England and Wales

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Background

- 2005 EHCS - 41% of the private rented housing stock was considered non-decent (with fitness criterion) - in 2006 49.7% (1.3m) using HHSRS
- Low level of regulatory activity alleged by President of RPT
- Housing not a national enforcement priority (Rogers Review)
- CIEH wanted to ascertain truer picture

Aims

- Investigate enforcement levels and regulatory activity leading to improvement in housing condition in 2005-06 and 2006-07
- Identify factors local authority private sector teams believe have limited or continue to constrain action under the Housing Act 2004
- Identify how private sector housing activity will change in the short and medium terms

Methodology

- Web-based questionnaire
- Publicity via CIEH, LACORS and others
- 130 responses (35%) with good geographical spread
- Period of completion 15th September to 2nd November 2007
- Uneven by type of local authority e.g. 28% District Councils & 51% English Unitary LAs

Findings (1) - overall activity

n=130

	2005-06 (fitness regime inc HMOs)	2006-07 (HHSRS excluding HMO licensing)
All notices served/ formal actions	2245	2246
Notices etc complied with	1512 (all)	679 (Imp Notices)
Prosecutions	20	25
Work in default	67	133
Dwellings dealt with “informally”	8376	7766

Findings (2) – activity by LA type

06/07

	District (n=67)	Wales (n=10)	London (n=12)	Met Boroughs (n=17)	Unitary (n=24)
Improvement Notice	486	143	230	250	392
Emergency Remedial Action	44	0	1	5	26
Prohibition Order	74	14	15	18	51
Hazard Awareness Notice	90	58	11	237	101
Work in default	80	1	2	26	24
Informal action	2891	636	1113	1786	1340
Demolition Order	1	0	1	3	1

Findings (3) - top five factors influencing activity

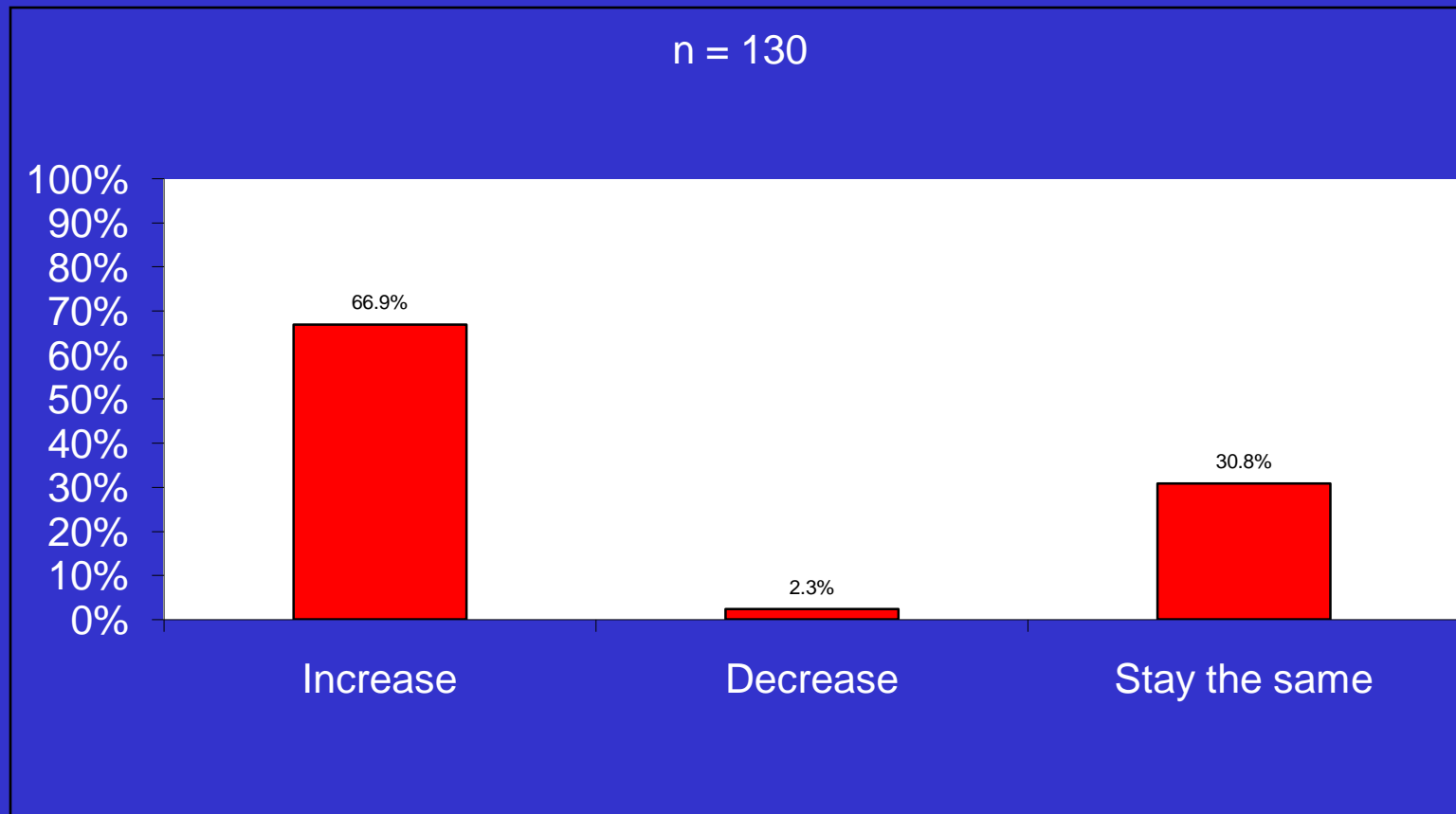
1. Number of complaints from or on behalf of residents (*score 329*)
2. Number of staff available to deal with private sector housing conditions (*score 293*)
3. Addressing risks to health and safety in housing (*score 199*)
4. HHSRS and the Regulations (*score 197*)
5. Priority given to HMO licensing (*score 139*)

(cf. “Risk of retaliatory eviction” & “Council’s renewal policy” scored 58 & 55 respectively)

Findings (4) -

- One-third of LAs reported not taking any formal action
- 83% of 127 respondents where action taken - actions not limited to Category 1 hazards
- Two-thirds of respondents indicated Category 2 hazards addressed even where no Category 1 hazards
- 24% - no published enforcement policy
- Less than 45% of respondents use the power to charge for enforcement actions

Findings (5) – anticipated change in activity in 2007-08



Implications

- Where LAs act the level of enforcement activity has not declined – more the reverse (outside London) as 2006-07 figures take no account of action to improve HMOs as part of new licensing regime
- Resources not the new legislation greatest influence on activity levels – why little use of charging?
- Activity complaint led and not part of strategic approach based on greatest risks to health and safety from housing

Concerns

- A substantial minority of respondents appear not to use the powers available under the 2004 Act
- Lack of a strategic approach and the use of the HHSRS to improve public health – currently no indication that worst conditions or greatest risks are being addressed
- Lack of public enforcement policy is not “better regulation”
- Use of “informal action” – what is it and why – is it necessary now with the hazard awareness notice?

Conclusions

- No evidence that the level of regulatory activity has fallen as the result of the changes brought in by the Housing Act 2004
- Outside London introduction of the HHSRS has not been noticeable influence on the level of enforcement
- Regulatory activity is likely to increase - for a substantial minority of authorities that will be from 0

Conclusions

- As financial assistance is less readily available to help improve housing conditions, more enforcement action may be required
- There must be concerns at the way the new system is being used to address risks to health and safety in housing recognising that vulnerable households who are private tenants tend to live in worse conditions compared to their counterparts in the owner-occupied