

**Report title: West of England Rental Standard**

**Wards affected: Citywide**

**Strategic Director: John Readman / Strategic Director People**

**Report Author: Jonathan Mallinson/Jan Hamilton, Private Housing and Accessible Homes**

**RECOMMENDATION for the Elected Mayor's approval:**

- 1. That the West of England Rental Standard is agreed for Bristol and officers are authorised to administer that scheme on behalf of the other councils in the region if so requested;**
- 2. That Cabinet note an intention in Bristol, to move to a more ambitious graded system following a review within 12 months of the standards' launch.**
- 3. That Cabinet note officers are working with ACORN in respect of its aspiration for formal Council approval of ACORN's own scheme.**

**Key background / detail:**

- The private rented sector (PRS) in Bristol is growing rapidly.
- The demand for privately rented housing in Bristol and the surrounding area is very high, with demand outstripping supply.
- The West of England Rental Standard will replace existing voluntary accreditation schemes setting out for landlords, agents and tenants realistic expectations of good practice for rented accommodation.
- That in Bristol we commit to a more ambitious graded system following a review within 12 months.
- To update on the People and Neighbourhoods Scrutiny Commission recommendation to formally endorse the scheme ACORN call their "Ethical Lettings Charter".

**a. Purpose of report:**

**To approve the West of England Rental Standard; and  
To advise on current position in relation to Scrutiny Commission's recommendation to endorse the scheme ACORN call their "Ethical Lettings Charter".**

**b. Key details:**

1. The West of England Rental Standard is a new voluntary standard for privately rented accommodation which we recommend the City Council formally adopts.
  - a. The Council will endorse any landlord agent or tenant organisation who's membership rules mean their member's accommodation should meet the adopted standard.
  - b. West of England branded logo and material can then be used by endorsed organisations and their members.
  - c. It is intended that the costs to the Council for administering the scheme will be recovered by requiring a membership fee from each endorsed organisation.
2. In Bristol we are ambitious and would like higher standards still so commit to move to a more ambitious graded system following a review within 12 months. The standard can also be used by the Council when the Council procures accommodation in the Private Rented Sector.
3. Following a Full Council motion, the joint People and Neighbourhoods Scrutiny Commission met on 13 April 2015 and recommended the elected Mayor endorse ACORN's scheme standing alongside the proposed WoE Rental Standard.

- a. This item is to note that officers are currently in constructive dialogue with ACORN to explore how the Mayor might be able to formally endorse their scheme on the council's behalf.

## AGENDA ITEM 9

### BRISTOL CITY COUNCIL CABINET

**August 4th 2015**

**REPORT TITLE:** West of England Rental Standard.

**Ward(s) affected by this report:** Citywide

**Strategic Director:** John Readman / Strategic Director People

**Report author:** Jonathan Mallinson Private Housing Manager &  
Jan Hamilton Senior Projects and Policy Officer,  
Housing Policy and Contracts

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#### **Purpose:**

**To approve the West of England Rental Standard; and  
To advise on current position in relation to Scrutiny Commission's  
recommendation to endorse ACORN's "Ethical Lettings Charter".**

#### **RECOMMENDATION for the Elected Mayor's approval:**

- 1. That the West of England Rental Standard is agreed for Bristol and officers are authorised to administer that scheme on behalf of the other councils in the region if so requested;**
- 2. That Cabinet note an intention in Bristol, to move to a more ambitious graded system following a review within 12 months of the standards' launch.**
- 3. That Cabinet note officers are working with ACORN in respect of its aspiration for formal Council approval of ACORN's own scheme.**

#### **Background**

- 1 The private rented sector (PRS) in Bristol is growing rapidly. The 2011 census reported the PRS accounted for 24.9% of all accommodation across the city, accounting for 45,571 properties. In certain areas the level of the PRS can be as high as 54% of all housing and in the case of**

properties in the discretionary licensing area, 75% of private rented accommodation have been found to be not decent. The demand for privately rented housing in Bristol and the surrounding area is very high, with demand outstripping supply. This means on the whole, that landlords and agents are in a strong position, with regard to what they offer the market.

- 2 The WoE Councils have operated property based Accreditation schemes for privately rented properties. The current Accreditation standard was agreed across the West of England some years ago. The standards required to accredit a property were set at a higher level than the legal minimum requirements and previously there was often some funding to help landlords achieve a higher standard.
- 3 There is no statutory duty to have an Accreditation scheme and landlords apply to accredit their properties on a voluntary basis.
- 4 A review was necessary as current the Accreditation scheme was out of step with the current financial situation and take up was limited (Approximately 1200 properties in Bristol). The proposed West of England Private Rental Standard (WoE Rental Standard) was chosen from a number of options.
- 5 Four options were considered:
  - i. No scheme – There is no direct legal requirement to have an accreditation but it helps meets other regulatory duties.
  - ii. Landlord Accredited and a Property Management Standard. Based on principle if a landlord understands and signs up to the requirements then all their properties will be managed to that standard. Any complaints are followed up. A simple scheme where landlords are: Provided information on how to comply and are trained on their legal responsibilities.
  - iii. Landlord Accredited + Property Inspection Scheme. This adds some additional requirements, list of properties and agreeing to checks. It would be more comprehensive property based scheme where in addition to previous option.
  - iv. Third party PRS-membership organisations with acceptable minimum membership rules apply to be endorsed subscribing to a local authority scheme. In this option PRS organisations subscribe to the local authority's scheme on the basis that their landlord-members comply with the standards set by the scheme. The scheme is operated by one local council and can be endorsed by others councils in the region.
- 6 The fourth option (iv) above was selected which is proposed to be referred to as the West of England Rental Standard (WoE Rental Standard). The reasons why this option was selected were that:
  - i. The standard takes a more strategic position allowing different

accreditation providers for different parts of the PRS to be accredited.

- ii. It encourages self-regulation of the sector.
- iii. It means there would be a universal standard single badge that could be adopted to show what the minimum standard expected by the WoE Councils.
- iv. It covers its costs whereas the other schemes would have significant resource implications.

## **The West of England Rental Standard**

- 7 Following a review of the current WoE Accreditation Scheme, the four WoE LAs have conferred on the proposition of introducing the WoE Rental Standard with a new set of standards that landlords, letting or residential managing agents in the private rented sector, should meet. The aim is that the WoE Rental Standard becomes the single 'accreditation' badge for compliant landlords and agents across the sub-region. It should be noted that this scheme is a voluntary scheme and does not replace the enforcement tools available to us to make landlords comply with minimum standards. Nothing in these arrangements will affect any WoE council's constitutional power to agree which organisations in its geographical area should be endorsed or which of those endorsed organisations should be terminated.
- 8 The London Rental Standard (LRS)<sup>1</sup> is a similar scheme already in operation. The LRS has signed up through seven licensed organisations<sup>2</sup>; 14,452 landlords, 339 letting and managing agents. An estimated 131,400 homes are now managed under the London Rental Standard.
- 9 Organisations which accredit landlords and agents would apply to be endorsed under the WoE Rental Standard. If the accrediting organisations membership rules mean their members will meet our new standard, for a relatively small fee, the organisation will be endorsed and given permission for that organisation and its accredited members to use a WoE Rental Standard logo.
- 10 The council would only endorse organisations which meet the WoE Rental Standard within their own scheme requirements. They will sign up the landlords to join their own accreditation scheme rather than through the local authority directly.
- 11 The WoE Rental Standard will endorse organisations and, through them, their members, not individual properties. The rental standard will include a Code of Good Practice that landlords and agents must comply with including property conditions and management practices. training and keeping up to date with legal requirements. The overall objectives have

<sup>1</sup> <http://london.gov.uk/priorities/housing-land/renting-home/london-rental-standard>

<sup>2</sup> <http://london.gov.uk/priorities/housing-land/renting-home/london-rental-standard/for-prospective-providers>

been agreed with officers from councils across the West of England. The remaining details are being finalised in conjunction with officers in the West of England councils working with those PRS organisations who are interested in the scheme. See Appendix 1.

- 12 The proposed standards are set at a realistic level which is higher than the legal minimum as it includes requirements in relation to responding to complaints from tenants in a reasonable way and time, as well as ongoing commitments to an expectation that Landlords will meet training requirements and keep up to date with a continuous professional development requirement. This means that tenants of a landlord or agent who is a member of an accredited West of England Rental Standard can expect a professional service.
- 13 The proposal is that PRS organisations will pay a fee for endorsement which is intended to cover initial set-up costs (e.g. logo design and trademark registration) and ongoing costs of marketing.
- 14 There may subsequently also be opportunities for revenue generation with commercial tie ups with rented property related business (subject to compliance with a local authority's power to trade and charge).
- 15 A WoE Rental Standard will help landlords and agents to:
  - a. Advertise a single badge for accreditation across the WoE.
  - b. Self-regulate using an accrediting body of their choice
  - c. Join a licensed accreditation schemes tailored to their sector of the private rented sector market.
  - d. Work to a consistent standard across the sub region,
  - e. Improve the professionalism of those managing privately rented properties and
  - f. Expose poor landlords and agents by promoting the WoE Rental Standard to private tenants.
- 16 WoE Rental Standard will operate such that PRS organisations can apply to the host council (intended to be Bristol City Council) to be endorsed as an Accreditation Provider. If the schemes meet the WoE Rental Standard we enter into an accreditation provider agreement with that organisation.
- 17 The endorsed organisation (or Accreditation Provider) will be expected to ensure its members (individual landlords or agents) meet and continue to meet the organisation's membership requirements and have a procedure in place to deal with tenant complaints. The organisation will be responsible for investigating tenant complaints as a way ensuring compliance. In the event of non-compliance by a landlord then the Accreditation Provider will be expected to have a disciplinary procedure and take appropriate action on a case by case basis. In the event of failure by the Accreditation Provider to properly oversee the scheme then the Accreditation Provider Agreement would be terminated by council and the Provider would cease to be entitled to use the WoE Rental Standard branding.

- 18 Endorsement will enable the Accreditation Provider to distribute WoE Rental Standard branding for marketing and publicity material and use of the WoE Rental Standard logo to its members.
- 19 The Accreditation Provider must have a facility available so that members of the public can check the accreditation status of its members (individual landlords and agents).
- 20 A landlord will sign up with an Accreditation Provider that has already been endorsed as meeting our standard within their own scheme criteria. The landlord confirms to that organisation that all his/her properties meet their standards and must be required to undertake regular training to make sure he/she understand what this means.
- 21 The previous scheme was a property based scheme. The new scheme will mean Landlords are accredited through their own membership organisation as an Accreditation Provider, rather than each property. It would not be possible within the resources available to the council to run a scheme to include assessing each property. The emphasis of the scheme is to encourage compliance for those landlords and the council's Private Housing Service will be able to focus its resources on tackling non-compliant landlords where it is necessary to use enforcement powers available.
- 22 A public awareness campaign will be run across the West of England so that prospective tenants looking to rent in the private sector, will know that they should, where possible, select a property from an accredited landlord/agent rather than an unaccredited landlord/agent as a way of being confident that the property should be properly managed. If it is not there will be a system of reporting poor management or conditions.
- 23 The WoE Rental Standard will be of benefit to Private Rented Sector Tenants which can include some of the most vulnerable people in Bristol and within which there is a disproportionately high number of people in groups with protected characteristics under the Equalities Act 2010. Within our communication plan we will ensure that we include groups representing these vulnerable people.
- 24 It is proposed any additional costs to the Council incurred by running the scheme will be self-funding and accreditation fees are being discussed with the organisations who are interested in joining the scheme. The accreditation provider agreement will set out the terms of payment for the endorsement and terms of use of the trade mark. (Other revenue generation is being explored with companies providing property related services, again subject to the council's powers to trade and charge).
- 25 Bristol City Council wishes to agree to administer the scheme, on behalf of the four West of England authorities, for an agreed period of 3 years. The proposed timescale for adoption is by late summer / early autumn 2015.

26 In Bristol we want to encourage professional landlords and agents to flourish to give tenants a better deal. Accredited Landlords and agents will stand out from others in their sector with endorsement of the West of England Rental Standard.

27 In Bristol we are ambitious and would like higher standards still so we intend to move to a more ambitious graded system (such as gold/silver/bronze), following a review within 12 months. The standard will also be used by the Council when we procure accommodation in the private rented sector (e.g. emergency accommodation for homeless households, or where we commission accommodation-based support from other providers.

## **ACORN**

28 ACORN is a community based union which is campaigning for the voluntary reform of the private rented sector (PRS) in Bristol. Acorn promotes a scheme it calls “The Ethical Lettings Charter” that property letting managing agents or landlords can sign up to on a voluntary basis.

29 A motion was put to Council in March and was unanimously passed. The matter is one that full council cannot make binding decisions about as the council’s housing work is the elected Mayor’s responsibility. The motion therefore functions as a recommendation to the elected Mayor, who asked that this be considered by scrutiny.

30 The joint People and Neighbourhoods Scrutiny meeting on 13 April 2015 recommended that the elected Mayor endorse ACORN’s scheme standing alongside the proposed WoE Rental Standard.

31 Officers are currently in constructive dialogue with ACORN about its “Ethical Lettings Charter” to enable officers to recommend to the elected Mayor formal endorsement of its scheme, on the council’s behalf. A further report to Cabinet on this issue is planned for October.

## **Consultation and scrutiny input:**

### **Internal liaison:**

32 The Assistant Mayor for People was briefed in July 2014 and June 2015.

33 The Scrutiny Committee meeting 13<sup>th</sup> April 15 records the following minute:

### **34 “Standards and Management in the Private Rented Sector**

*The People Scrutiny Commission met on the 13<sup>th</sup> April and considered a report on ‘Standards and Management in the Private Rented Sector’ as requested by the*



Mayor at the meeting of Full Council on the 17<sup>th</sup> March. The Neighbourhood Scrutiny Commission Members were invited to attend to participate in the discussion.

Following a presentation from the Officers the Commission Members agreed that the following recommendation be made to the Mayor;

That Bristol City Council endorse the ACORN Bristol Ethical Lettings Charter, committing to ensure Council owned and maintained properties meet the standards laid out in the Charter, and providing ACORN with the appropriate copyrighted logos or trademarks to allow ACORN to display this endorsement publicly'

'That Bristol City Council invites ACORN to apply to have their Ethical Lettings Charter considered for approval under the WoE Rental Standard'."

### External consultation:

<b>FIGURE 1</b>							
<b>The risks associated with the implementation of the (subject) decision :</b>							
No.	RISK  Threat to achievement of the key objectives of the report	INHERENT RISK		RISK CONTROL MEASURES  Mitigation (i.e. controls) and Evaluation (i.e. effectiveness of	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	Other Councils in the West of England do not formally adopt the West of England Rental Standard	<b>Medium</b>	<b>Low</b>	There is already sign up to adoption of the standard at officer level across the WoE. We are working with relevant officers to achieve adoption across the WoE. The scheme could continue even without all Councils formally adopting.	<b>Low</b>	<b>Low</b>	Nick Hooper – Service Director Housing Solutions and Crime Reduction.
2	Landlord Agent and other organisations do not apply and pay a fee to be endorsed under the West of England Rental Standard.	<b>High</b>	<b>Medium</b>	The London Rental Standard (LRS) is very similar to the West of England Rental Standard. The LRS now charge a fee for being part of the scheme. We are working with the same or similar interested parties. We have also had discussions with businesses that sponsor similar initiatives we run about sponsorship of this scheme. The set up costs are estimated at £2000 and we believe we will cover these costs.	<b>Medium</b>	<b>Low</b>	Nick Hooper – Service Director Housing Solutions and Crime Reduction.
3	Setting voluntary higher standards too high will in the experience of Private Housing and the London Rental Standard discourage large numbers of landlords from signing up to be Accredited.	<b>High</b>	<b>High</b>	Setting the standard at an appropriate level to reflect the power in the market. This encourages more landlords and agents to comply and gives more tenants confidence of the standard and level of service they can expect. This helps build good longer term relationships with larger numbers of landlords and agents.	<b>Low</b>	<b>Low</b>	Nick Hooper – Service Director Housing Solutions and Crime Reduction

35 The WoE Planning, Housing and Communities Board endorsed the WoE Rental Standard at a meeting on 20th March 2015. The decision making processes for each WoE local authority will differ, depending upon its own constitutional arrangements. North Somerset District Council has adopted the West of England Rental Standard and South Gloucestershire and Bath

and North East Somerset has officer support for adoption of the WoE Rental Standard. We understand these two Councils will be asking their members to adopt the WoE Rental Standard shortly.

**Other options considered:**

36 Not adopting the West of England Rental Standard.

**Risk management / assessment:**

<b>FIGURE 2</b>							
<b>The risks associated with <u>not</u> implementing the (subject) decision:</b>							
No.	RISK  Threat to achievement of the key objectives of the report	INHERENT RISK		RISK CONTROL MEASURES  Mitigation (i.e. controls) and Evaluation (i.e. effectiveness of	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	Not adopting the West of England Rental Standard. This would mean the Council would have no offer to landlords and agents who wanted to demonstrate that their properties are compliant with legal requirements. Tenants would also have no access to a transparent set of minimum standards under one brand. As part of our duties under the Regulators code we should provide landlords and agents with details of how to comply with minimum legal requirements.	High	High	Approve recommendation 1 of this report.	Low	Low	Nick Hooper – Service Director Housing Solutions and Crime Reduction

**Public sector equality duties:**

***Before making a decision, section 149 of the Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:***

***i) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.***

***ii) advance equality of opportunity between persons who share a relevant protected characteristic and those do not share it. This involves having due regard, in particular, to the need to:***

***- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic.***

***- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);***

***- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.***

***iii) foster good relations between persons who share a relevant protected***

***characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.***

14 An Equalities Impact Assessment has been carried out and signed off.

***Tenants with protected characteristics are over represented in the private rented sector. Any scheme which encourages better accommodation and better management of the accommodation would therefore benefit people from equalities communities. Tenants with additional vulnerabilities, for example people with mental health needs, women leaving refuges, homeless men and women are increasingly placed in private rented accommodation. The scheme will make it easier for vulnerable tenants and their support workers to identify landlords and letting agencies who meet the minimum standard. However the scheme doesn't have any arrangements to recognise the needs of tenants who may have differential needs or additional vulnerabilities and there is no communication plan to ensure vulnerable tenants can access information on the scheme or to encourage tenants and neighbour feedback on whether agencies and lettings agents comply.***

**Advice given by: Anne James, Equalities and Community Cohesion Team Leader**

**Date: 23 June 2015**

### **Eco impact assessment**

We believe there is no significant impact arising from our proposal. There may be some positive impact as West of England Rental Standard encourages landlords to improve the energy efficiency of rented properties early.

It is recommended that the standard is linked with other energy schemes that are available to the private rented sector, such as Warm Up Bristol. Although not part of the scope of this assessment, it may also be linked with social measures to address health or fuel poverty, such as Bristol Energy's fuel poverty prevention measures.

***Advice given by Giles Liddell, Environmental Project Manager, Bristol City Council Energy Service***

***Date: 22 June 2015***

### **Resource and legal implications:**

#### **Finance**

##### **a. Financial (revenue) implications:**

37 There are no specific financial implications contained within this report. The WoE Rental Scheme will operate cost neutral as minimal administrative costs will be covered from fees charged to the Accrediting Organisations. Existing staff will process any applications as part of their duties.

**b. Financial (capital) implications:**

38 None

**Advice given by Christie Fasunloye, Finance Business Partner (People)**

**Date: 22 June 2015**

**Comments from the Corporate Capital Programme Board:**

*N/A*

**Legal implications:**

**39 The council's power to provide a rental standard scheme**

The council must operate within scope of that which is allowed under legislation, either expressly or by necessary implication. There is no express power (or obligation) to establish a rental standard scheme as envisaged by this report (or any form of rental accreditation scheme).

The council's ability to do so therefore is likely depend on one of two general powers. It has a general power to do anything that is calculated to facilitate the performance of the council's work as the Local Housing Authority (although this general power would not permit revenue raising). The Mayor therefore needs to be satisfied that the proposed scheme would help the council to better perform its work as a statutory regulator in relation to the private rented sector, for example by ensuring better compliance by way of education of those accredited under the scheme.

In addition to the above, Section 1 of the Localism Act 2011 provides what is known as a general power of competence, which is a power to do anything that individuals generally may do.

Under either or both these general powers, therefore, the council has the scope to provide the basic level (statutory standards) of the proposed scheme. Further advice will be provided on the proposal for enhanced standards in the course of the 12-month review referred to in the Report. The legal and governance advice given in this report relates to the basic proposed scheme only.

**40 The council's power to charge for a rental standard scheme**

As noted above, the service of operating a rental standard scheme is not statutory function but would amount to a discretionary service.

s.93 of the Local Government Act 2003 (LGA 2003) offers scope to charge for discretionary services. Examples given in the 2003 ODPM Guidance<sup>3</sup> to the LGA 2003 demonstrate that the main motive behind charging for discretionary services is to achieve a better environment for the local community through the services offered. For it to be a chargeable service, therefore, the Mayor should be satisfied that that this accreditation scheme will achieve this.

The council may charge for a discretionary service only if:

- the recipient of the service has agreed to the provision (this is covered in the report as the accreditation/endorsement is voluntary and the organisations applying for it will do so under a formal Accreditation Provider Agreement – to include agreement to make the payment) and
- the charge made is intended to recover costs only, and cannot be calculated to add to the council's income stream. There is no scope to profit from such charges. This is covered in the report in expressly charging only for minimal costs associated with establishing and marketing the scheme. No overheads or staffing costs are to be charged for the basic service.

#### **41 Governance issues**

The report refers to an intention that Bristol will operate the scheme on behalf of three other councils (paragraph 25). The responsibility for housing functions in councils that operate executive arrangements sits with the elected Mayor in Bristol or the leader of other councils in the region. If the administration of the scheme involves the exercise of substantive discretion then a lawful decision to arrange for Bristol to discharge the functions will have to be made by each Executive. In Bristol only the elected Mayor can make this decision, as he has not delegated the function to the cabinet or any individual member of the Executive. In other councils the constitution may enable other members or groups of members of the Executive to make this arrangement, but in no case can it be delegated to an officer. If the intention is that Bristol should provide an administrative, technical and/or professional service to the other three councils then the Director of People may enter into an agreement to that effect in exercise of his delegated powers.

##### **(i) Accredited providers**

Discretionary decision making (such as deciding whether or not a person can join the scheme and, more particularly, whether or not they are able to remain accredited) cannot be outsourced unless a provision in legislation allows this to happen. Therefore the accreditation provider aspect of the scheme (paragraphs 16-20) would need to be designed so that substantial discretionary decision making remained with the each Council for Accredited Providers operating within their geographical boundaries.

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8310/151291.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8310/151291.pdf)

(ii) Consumer protection

The council needs to ensure that any such scheme operates in a way that does not adversely impact on transactional decisions made by consumers. The council must take special care in this regard as, in its role as the weights and measures authority, it is responsible for enforcing the Consumer protection from Unfair Trading Regulations. Relevant officers should ensure that any scheme run by the council operates in a way that complies fully with fair trading laws.

(iii) Intellectual property Rights

Reference is made to a scheme logo. In order to ensure best protection against its misuse it is recommended it be registered as a Trade mark if not already accomplished.

(iv) Power to trade and to charge

Separate advice will be given in relation to the council's power to charge for commercial activity or trade, as suggested in paragraphs 14 and 4 once detailed proposals are available.

**(Legal advice provided by: Pauline Powell, Team Leader, Planning, Transport and Regulatory Law and Jane Johnson, Solicitor, Corporate Team, for Service Director – Legal Services 23 June 2015)**

**Land / property implications:**

There is no direct impact on land/buildings owned by the City Council.

However, we fully support this initiative from our colleagues in Housing Policy to improve the quality of accommodation provided by the PRS in the West of England.

**Advice given by Richard Fear / Service Manager – Property Management**

**Date 25 June 2015**

**Human resources implications:**

There will be no need to recruit any additional staff as the work will be picked up by the existing team.

The proposed new scheme will require marginally less input than the current scheme needs therefore there is no extra pressure on the workgroup and no need to reduce staffing.

**Advice given by Lorna Laing, People Business Partner**

**Date 19 June 2015**

**Appendices:**

Please number any appendices consecutively: i.e.

Appendix 1 – WoE Rental Standard

Appendix 2 - Environmental Checklist

Appendix 3 - Equalities Impact Assessment

Appendix 4 – Motion approved by Council

**Access to information (background papers):**

- WoE Planning Housing and Communities Board report March 2015
- People Scrutiny Commission report April 2015

## West of England minimum property standard

<i>If your answer is in a grey shaded box the property <u>may</u> not meet the minimum legal requirements so you should take action to make sure the property is compliant with the law.</i>			X
<b>1. Planning</b>	Do you have the correct planning permission for the current use of the property? Some newly shared houses may need planning permission.	Yes or N/A	No
<b>2. EPC</b>	Does the property have a current Energy Performance Certificate (EPC)?	Yes	No
	Is the EPC band F or G?	Yes	No
<b>3. Heating</b>	Does the property have a fixed heating system (i.e. gas boiler and radiators, or storage heaters) in good repair, with sufficient power output to heat all bedrooms and any lounges, a timer or programmer and a device to control room temperature – e.g. thermostat?	Yes	No
	Is the heating easily controllable by the tenant?	Yes	No
<b>4. Food safety</b>	Does the property have adequate; hot and cold water, a surface to prepare food, food storage and provision for cooking and refrigeration?	Yes	No
<b>5. Insulation</b>	Do the windows and doors appear to be in good repair and free from excessive draughts?	Yes	No
	If there is a loft or loft room is it insulated sufficiently, (100mm minimum if gas central heating or 200mm minimum if electric heating)?	Yes or N/A	No
<b>6. Fire</b>	If there are shared communal parts (Halls Stair landings, shared Kitchens or Living rooms etc.) a written Fire Safety Risk Assessment is required. Has a written Fire Safety Risk Assessment been completed?	Yes or N/A	No
	For houses occupied by a family - Does the property have a mains operated fire alarm system, or 10 year life sealed battery smoke detectors in hallways and landings on each level?	Yes or N/A	No
	For 3 storey family houses – does the property have mains wired interlinked smoke detectors located in the ground floor hall, first floor landing and second floor landing?	Yes or N/A	No
	For shared houses or bedsit accommodation – Do fire precautions meet requirements of LACORS guidance on Fire Safety?	Yes or N/A	No
<b>7. Gas</b>	Is there a satisfactory current Landlord Gas Safety certificate for all gas appliances provided? Expiry date:	Yes	No
	Is there a Carbon Monoxide alarm? <i>Expected to become a legal requirement soon.</i>	Yes	No
<b>8. Solid fuel/Oil</b>	Evidence of servicing and maintenance of all solid fuel appliances by a HETAS/OFTEC engineer within the last 12 months	Yes or N/A	No
	Is there a Carbon Monoxide alarm? <i>Expected to become a legal requirement soon.</i>	Yes or N/A	No
<b>9. Electricity</b>	In the last 5 years has the property have a current satisfactory electrical condition report which indicates that the property is free from dangerous or potentially dangerous faults? <i>A legal requirement in a House in Multiple Occupation expected to be required by law for all rental property.</i> Expiry Date:	Yes	No
	On a visual inspection of the electrical installation and appliances, are there any obvious hazards such as broken or loose sockets, burn marks,	Yes	No



	unavoidable overloading, exposed wires or live conductors, cracked or broken light pendants, sockets too close to water.		
<b>10. Security</b>	Do the windows and doors appear to be in a good condition and can they be adequately secured?	Yes	No
<b>11. Condensation &amp; Mould</b>	Is there sufficient ventilation in the kitchen, bedrooms, living room and bathroom (An operable window or mechanical extract fan in a kitchen or bathroom)?	Yes	No
	Is there extensive black mould growth in any room (over a whole wall or more)?	Yes	No
<b>12. Personal Hygiene</b>	Is there at least one inside flushing toilet in working condition?	Yes	No
	Is there a wash hand basin with hot and cold running water in the same room as each toilet?	Yes	No
	Is there at least one bath with hot and cold running water or a shower cubicle with a working shower?	Yes	No
<b>13. Furniture</b>	Does any furniture and soft furnishings supplied comply with the legal fire resistant standard? E.g. Sofas, mattresses must have labels proving they comply.	Yes or N/A	No
<b>14. Falls</b>	Is the property free from tripping and falling hazards? E.g. Stairs with no hand rails, raised and uneven floor surfaces, windows that should have window restrictors to prevent falls.	Yes	No
<b>15. Asbestos</b>	If there are any shared common parts to building has a competent person assessed whether there are any Asbestos containing materials that you need to manage?	Yes or N/A	No
<b>16. Repair</b>	Is the property in a reasonable state of repair ?	Yes	No
<b>17. HMO</b>	If the house or flat is shared by 3 unrelated people is it well managed (decoration, cleanliness, maintenance, equipment and facilities in good working order, common parts free from obstruction)? Are there an adequate number of amenities for the number of occupiers (i.e. bathrooms, toilets and kitchens)? Please note it is a criminal offence if HMO Management Regulations are not met unless the manager has a reasonable excuse.	Yes or N/A	No
<b>18. Licensing (mandatory)</b>	If the house or flat is (1) three or more storeys, (2) occupied by five or more unrelated people who (3) share facilities with others then it is likely to require a licence. If yes do you have or have you applied for a licence?	Yes or N/A	No
<b>19. Licensing (discretionary)</b>	If the accommodation is within an area subject to a discretionary licensing scheme, does it need a licence? If yes, do you have or have you applied for a licence?	Yes or N/A	No
<b>20. Overcrowding</b>	Will the number of people occupying meet the bedroom standard? One bedroom for up to two persons, two bedrooms for up to four persons, three bedrooms for up to six persons or four bedrooms for up to seven persons.	Yes	No
	Is the living area big enough space for the household occupying to carry out normal activities including space for a child to carry out educational activities like homework?	Yes	No
	Do the bedrooms meet or exceed an area of 6.5 m <sup>2</sup> (Single) and 9.5m <sup>2</sup> (Double)	Yes	No

## Eco Impact Checklist

**Title of report: The West of England Rental Standard and ACORN Ethical Lettings Charter.**

**Report author: Jonathan Mallinson and Jan Hamilton**

**Anticipated date of key decision – SLT 30<sup>th</sup> June, Cabinet 4<sup>th</sup> August**

**Summary of proposals: To introduce a WoE Rental Standard for privately rented properties. Landlord accrediting organisations can apply to us to be endorsed to use the badge / logo if they meet our criteria.**

Will the proposal impact on...	Yes/ No	+ive or -ive	If Yes...	
			Briefly describe impact	Briefly describe Mitigation measures
Emission of Climate Changing Gases?	Yes	+ive	Does not go beyond the minimum legal requirement of EPC Band E for private rented properties. However, providing information may encourage early action, or promote compliance.	Clearly explain the legal minimum EPC requirement in the standard and in any supporting guidance for landlords.
Bristol's resilience to the effects of climate change?	No			
Consumption of non-renewable resources?	No			
Production, recycling or disposal of waste	No			
The appearance of the city?	No			
Pollution to land, water, or air?	No			
Wildlife and habitats?	No			

**Consulted with: WoE Local Authority partners, WoE Heads of Housing group**

### **Summary of impacts and Mitigation - to go into the main Cabinet/ Council Report**

We believe there is no significant impact arising from our proposal. There may be some positive impact as West of England Rental Standard encourages landlords to improve the energy efficiency of rented properties early.

It is recommended that the standard is linked with other energy schemes that are available to the private rented sector, such as Warm Up Bristol. Although not part of the scope of this assessment, it may also be linked with social measures to address health or fuel poverty, such as Bristol Energy's fuel poverty prevention measures.

<b>Checklist completed by:</b>	
Name:	Jan Hamilton
Dept.:	Housing Policy and Contracts Team
Extension:	X 21804
Date:	19/6/15
Verified by Sustainable City Group	Giles Liddell

## Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



Name of proposal	To approve the West of England Rental standard
Directorate and Service Area	People
Name of Lead Officer	Jonathan Mallinson/Jan Hamilton

### Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

#### 1.1 What is the proposal?

The current accreditation standard for rented accommodation was agreed across the WoE some years ago but its reach was limited and only 1200 properties in Bristol are covered by the scheme. The current standard has been reviewed and it is recommended that the council adopts the West of England Rental Standard, which sets out a minimum standard that landlords, letting or managing agents in the private rented sector should meet.

The main benefit of the scheme is that the standard is achievable for most landlords and lettings agencies and it enables them to accredit their practice. If the scheme is well supported and adopted, then it can create additional demand within the market. More tenants and prospective tenants will seek out landlords and agencies with the West of England Rental Standard branding. This will decrease demand for landlords and agencies which are not accredited, encouraging them to invest in achieving the standard or risk additional voids.

### Step 2: What information do we have?

#### 2.1 What data or evidence is there which tells us who is, or could be affected?

The census 2011 identifies those living in private rented accommodation or living rent free. In Bristol the % of people living in private rented accommodation or living rent free is 24.9%

The percentages below are the percentage of people with specific protected characteristics who are living in private rented accommodation or who live rent free. Most communities with protected characteristics are more likely to be living private rented or living rent free than the % for people in Bristol overall ( 24.9%)

People with a long term illness or disability which limits their everyday activities ( the census question relating to disability)– 12.9%

White British – 21.3%

**Non-white British – 37.6%**

**African – 32%**

African Caribbean – 18.5%

**Arab – 60.9%**

Bangladeshi – 19.6%

**Chinese – 42.5%**

**White other including Eastern European 59.4%**

Gypsy or Irish Traveller – 6.6%

**Indian – 36.3%**

Pakistani – 21.6%

Buddhist – 39%

**Hindu – 46%**

**Jewish 44%**

**Muslim – 27%**

**Christian – 19%**

**No religion 31%**

**Young people aged 16-24 - 40.7%**

Older people – 65+ **5.3%**

2.2 Who is missing? Are there any gaps in the data?

The census did not ask a question about sexual orientation therefore this information is omitted

2.3 How have we involved, or will we involve, communities and groups that could be affected?

There is not a plan to go to consultation on this decision.

The West of England Rental Standard logo will be used by landlords and letting agencies which the Council assess meet the standard. If tenant wish to find out more information about what this means then they would need to look on the Council's landlord or letting agent's website. The WoE RS aims to encourage self-regulation so tenants will be encouraged to contact their accommodation provider in the first instance. If they had a complaint. If the issue was a serious health risk then or not resolved the Council can still step in

and use their legal powers as appropriate.

At present the West of England Rental Standard does not include a detailed communications plan to inform tenants about the scheme, but the intention is to promote the scheme to tenants and at this stage private housing will take into account BCC to actively promote the standard to private rented tenants.

### **Step 3: Who might the proposal impact?**

3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

The proposal doesn't have an adverse impact, but it doesn't have any arrangements to meet the needs of tenants who may have differential needs or additional vulnerabilities. It doesn't have a communication plan to ensure vulnerable tenants can access information on the scheme.

It is a voluntary scheme and does not replace the enforcement tools currently in place. For example if a landlord does not address a tenant's complaint about making the accommodation safe and secure, under this scheme the tenant would have an additional option to complain to the accreditation organisation. The degree of evidence is needed for a complaint to result in an agency or landlord being stripped of their accreditation would have to be assessed on a case by case basis. Overall the enforcement duty would remain with BCC's private housing team.

The scheme has been designed to encourage more landlords to meet minimum standards.

3.2 Can these impacts be mitigated or justified? If so, how?

The public awareness campaign identified in paragraph 23 of the report should be encouraged to include specific measures to communicate with tenants with additional needs, including care leavers, people with English as another language, new communities who are unfamiliar with private rented processes and lone parents ( 89% of whom are women).

3.3 Does the proposal create any benefits for people with protected characteristics?

Tenants with protected characteristics are over represented in the private rented sector. Any scheme which encourages better accommodation and better management of the accommodation would therefore benefit people from equalities communities. Tenants with additional vulnerabilities, for

example people with mental health needs, women leaving refuges, homeless men and women are increasingly placed in private rented accommodation. The scheme will make it easier for vulnerable tenants and their support workers to identify landlords and letting agencies who meet the minimum standard.

Some private rented tenants are less settled within their communities than those in social housing or home owners. Some accommodation sees a high turnover of tenants for example students. Poor quality accommodation can include severe overcrowding and result in a high turnover of tenants. High turnover can cause community cohesion issues with neighbours and creates additional strain on local services e.g. local schools. Public awareness campaigns and information on accredited and unaccredited landlords should be easy to find for neighbours to report concerns which will ease community cohesion tensions.

3.4 Can they be maximised? If so, how?

The scheme is part of a range of initiatives to improve private rented accommodation

#### **Step 4: So what?**

4.1 How has the equality impact assessment informed or changed the proposal?

The public awareness campaign identified in paragraph 23 of the report should be encouraged to include specific measures to communicate with tenants with additional needs, including care leavers, people with English as another language, new communities who are unfamiliar with private rented processes and lone parents (89% of whom are women).

4.2 What actions have been identified going forward?

Advice will be included in the pilot Pre- Tenancy Training programme which is to be made available to tenants who will be entering the PRS through homelessness and Agency referrals or who have a Low priority rating are on the Home Choice Bristol waiting list.

Advice will be included in the pilot Pre- Tenancy Training programme which is to be made available to tenants who will be entering the PRS through homelessness and Agency referrals or who have a Low priority rating are on the Home Choice Bristol waiting list.

4.3 How will the impact of your proposal and actions be measured moving forward?

There is no system in place to monitor the impact of the scheme on tenants, and no plan therefore to monitor the impact of the scheme on tenants with protected characteristics.

Service Director Sign-Off:	Equalities Officer Sign Off: Anne James Team Leader Equality and Community Cohesion Team
Date:	Date: 23/6/2015



## **Green group - Golden Motion**

**Full Council March 17<sup>th</sup>**

### **Ethical Lettings Charter**

Cllr Bolton to move:

#### **ACORN ETHICAL LETTINGS CHARTER – MOTION TO FULL COUNCIL 17/03/15**

#### **COUNCIL NOTES:**

1. The Bristol Ethical Lettings Charter is a declaration of decency and a statement of intent, to help create a fair, professional and ethical private rental sector in our city.

It recognises the best practices of existing landlords and letting agents including the council itself, and encourages the adoption of those practices by all landlords and letting agents.

2. The Private Rental Sector has expanded considerably in recent years and the Council estimates that 24% of the 190,000 homes in the city are now in the Private Rental Sector – over 45,000 homes.
3. The sector is increasingly important to help relieve pressure on over-stretched social housing capacity, as recognised by the Private Housing Policy Statement:

“The Council must rely on the Private Rented Sector to play a key role in housing provision in the next few years. In an era of resource restraints, it will be important that we interact with the sector in the most effective ways possible and in partnership with landlords, tenants and others, if the strategic impact of the sector is to be optimised”

“...the Government has also moved to further increase the role of the PRS in preventing or resolving homelessness.

4. There are, however, concerns surrounding cost, access, quality and security in some sections of the current Private Rental market. The Private Housing Policy Statement notes:

“Many new or inexperienced landlords continue to need guidance and information from the Council or associations representing them”

“The quality of performance and service of some agents is poor”

“Generally tenants have only a sketchy knowledge of their rights and some tenants never receive a basic Tenancy Agreement document”

“Those on lower incomes were already very concerned about affordability and their additional outgoings, in advance of the LHA reductions”

5. The innovative approach of community organisation ACORN is educating tenants and mobilising the political and economic consumer power of our community, to highlight and encourage the best landlords and agents and move the market to work in support of improving standards. The Council's Private Housing Policy Statement says that “tenants as much as landlords need to be more widely engaged as informed customers of housing in Bristol” and ACORN's work supports the Council's objectives:

“All private tenants, landlords and agents to be will informed of their rights and responsibilities;

Encourage and promote best practice and seek out and tackle unacceptable practices”

6. More than 1700 renters have already signed a petition in favour of ACORN's campaign., a number that is increasing daily as we expand our campaign across the city.
7. ACORN have gained cross party support for the Ethical Lettings Charter, having received endorsement by the Liberal Democrat MP as well as the Labour and Green Party Parliamentary candidates for Bristol West, and the Liberal Democrat and Green Party Parliamentary candidates for Bristol South.
8. The Charter is also endorsed by the Students Union Council of the University of the West of England, the Citizens Advice Bureau, 1625 Independent People and United Communities Housing Association.
9. The first Letting Agent to endorse the charter (Piper Property) has endorsed the highest “Gold” standards of the Charter.

#### **COUNCIL AGREES TO:**

1. Endorse the ACORN Bristol Ethical Lettings Charter, committing to ensure Council owned and maintained properties meet the standards laid out in the Charter, and providing ACORN with the appropriate copyrighted logos or trademarks to allow ACORN to display this endorsement publicly.

2. Contact all Landlords and Letting Agents currently operating in the city, and any new entrants in the future, informing them of the Ethical Lettings Charter and encouraging them to endorse it.
3. Provide information to tenants regarding the Ethical Lettings Charter and its signatories via the Discretionary Licensing Newsletter and other available channels.
4. Work with ACORN to identify other practical steps the Council could take to encourage Landlords and Letting Agents to endorse the Ethical Letting Charter, and to provide awareness and education of its existence to tenants.
5. Report back to Full Council at a date no later than six months from the passing of this motion, updating members on progress made, including number of landlords and letting agents who have signed up to the charter. Report to include an addendum providing contact details of all landlords and letting agents who have signed up to the Ethical Lettings Charter.