

# Full Council

13 September 2016



**Report of:** Nick Hooper, Service Director – Housing Solution and Crime Reduction

**Title:** Information report – ACORN’s Ethical Lettings Charter

**Ward:** Citywide

## Recommendation

**That Full Council notes that in line with arrangements made by the Mayor at the Cabinet meeting of 6 October 2015, ACORN’s Ethical Lettings Charter has been formally endorsed by the Service Director – Housing Solutions and Crime Reduction on behalf of the Council.**

## Summary

In March 2015, Full Council passed a motion recommending that ACORN’s Ethical Lettings Charter be endorsed by the Council. This was subsequently agreed by Cabinet in October 2015 subject to certain conditions being met. The Charter has now been formally endorsed by the Council and this report is to advise Full Council of the formal endorsement of the Charter.



**The significant issues in the report are:**

In March 2015, Full Council passed a motion recommending endorsement of ACORN's Ethical Lettings Charter. The Charter sets out criteria for landlords and agents of privately rented accommodation to meet if they are to be recognised as an ethical landlord. To enable the Council to formally endorse ACORN's charter, a report was required to be submitted to the Cabinet. On 6 October 2015, Cabinet decided that criteria had to be met to allow formal endorsement of ACORN's charter. Cabinet delegated the formal endorsement of the charter to the Service Director – Housing Solutions and Crime Reduction, and instructed that Full Council should receive a report once formal endorsement of the charter had been achieved. ACORN improved their charter to meet the criteria specified by the Council, and the Service Director is pleased to confirm that the charter has now been formally endorsed. The revised charter is set out in Appendix A.

**Policy**

1. In the manifesto "Our Bristol Plan", Mayor Marvin Rees outlined that:  
*"Bristol is facing a housing crisis. Yet decent affordable homes are the foundation of a successful city. Our aim is to create balanced communities which avoid concentrations of deprivation and the worst excesses of gentrification. If Bristol is to flourish, people must be able to afford to live here and live well. Good quality homes will help us ensure our children get the best possible start in life. It is a matter of both social justice and economic common sense."*
2. Bristol's Housing Strategy 2016 – 2020 "More Than a Roof" sets out key outcomes including to deliver the best use of existing homes. Key priorities are to raise standards in the private rented sector and this includes the action to improve management and standards in the private rented sector.

**Consultation**

3. **Internal**  
Following the submission of the paperwork from ACORN, the document was reviewed and was considered to be satisfactory in that it sets out a clear pathway to ensure accreditation by landlords, and that the bronze, silver and gold levels of endorsement achieve higher levels than the minimum legal requirements. Additionally, ACORN has procedures in place to ensure that the parties signed up to the Charter are, and continue to be, compliant with it. Both planned and reactive processes are in place to check compliance on a continuing basis and consideration has been given to sanctions/disciplinary processes if those signed up to the Charter do not meet the required standards. This therefore is sufficient to use the description "charter" and the operation of an accreditation scheme.

*Sarah Davey – Team Leader – Trading Standards*

4. **External**  
ACORN has been advised that their Ethical Lettings Charter has been formally endorsed by the Council and a formal agreement in relation to the use of the Council's Logo has been agreed.

## Context

5. 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, 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 Stapleton Road licensing area, 75% of private rented accommodation has 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.

## Proposal

6. ACORN is a community based union which, amongst other things, is campaigning for the reform of the PRS in Bristol. ACORN promotes a scheme it calls “The Ethical Lettings Charter.”
7. Residential letting and managing agents or landlords can sign up to ACORN’s charter on a voluntary basis. The agents or landlords pledge that they will meet one of the three levels set out in the scheme – bronze, silver or gold.
8. A motion asking the Council to endorse ACORN’s Ethical Lettings Charter was put to Full Council in March 2015 and was unanimously passed. The motion acted as a recommendation to the then elected Mayor. Prior to his consideration of the motion, he asked that it be considered by scrutiny.
9. The joint People and Neighbourhoods scrutiny meeting on 13 April 2015 recommended that the elected Mayor endorse ACORN’s scheme.
10. On 4 August 2015, Cabinet approved the “Rent with Confidence\*” scheme to replace existing property based accreditation schemes. There are currently five organisations approved under the Rent with Confidence scheme which means that thousands of properties are signed up to providing realistic standards of housing. The Council is in discussions with ACORN and other nationwide accrediting bodies who we hope will also be given the Rent with Confidence seal of approval.  
*\* formerly West of England rental standard*
11. The elected Mayor set out in his manifesto that he wanted Bristol to have an Ethical Lettings Charter. This action has been adopted by the Bristol Homes Board. The ACORN Ethical Lettings Charter for Bristol will allow socially responsible landlords and agents to not only sign up to realistic property and management in their properties but to also sign up to ethical practices when letting their properties to tenants.
12. In October 2015, Cabinet agreed to:
  1. Support ACORN’s work to improve the management and condition of homes in the private rented sector in Bristol.
  2. Note that ACORN intends to be approved under the Rent with Confidence standard.
  3. Note that the Council’s housing delivery service (council housing) will abide by the relevant requirements in ACORN’s Ethical Lettings Charter.

4. Agreed that formal endorsement of the charter and granting permission to use the BCC logo would be delegated to the Service Director – Housing Solutions and Crime Reduction, subject to conditions being met.
13. ACORN submitted revised paperwork and an updated Ethical Lettings Charter. The updated paperwork was reviewed and it was agreed that expectations under both housing and trading standards legislation had been met, and on 22 July 2016, the Service Director – Housing Solutions and Crime Reduction wrote to ACORN confirming the Council's formal endorsement. ACORN was presented with a certificate by Mayor Marvin Rees endorsing the Charter at a recent event for tenants, co-hosted with ACORN.
14. Legal Services were instructed to provide an agreement on the use of the Council's logo which sets out how the logo may be used and gives the Council the power to rescind the agreement with immediate effect in line with the conditions of approval made by Cabinet.

### **Other Options Considered**

15. Not applicable.

### **Risk Assessment**

16. Not applicable

### **Public Sector Equality Duties**

Before making a decision, section 149 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 who 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.

Note – not applicable as the decision to endorse the charter was made at Cabinet and delegated to an officer.

## **Legal and Resource Implications**

### **Legal**

The endorsement of the Charter was an executive decision delegated by the Mayor in Cabinet to the Service Director - Housing Solutions and Crime Reduction subject to:

- compliance in relation to the use of the description “charter” and the operation of an accreditation scheme.
- The charter achieving legal minimum standards with regard to housing legislation.
- Ensuring that any agreement allowing the use of the logo (or any other intellectual property belonging to the council) can be rescinded at the council's option and with immediate effect.

The report demonstrates and legal services have confirmed that these have now been met, enabling delegated authority to be properly exercised.

**(Legal advice provided by Nancy Rollason, Service Manager - Legal, 21 August 2016)**

### **Financial**

#### **(a) Revenue**

There are no specific financial implications contained within this report. However, there may be minimal administrative costs arising from the management of the scheme which can be contained in the revenue budget for the service.

#### **(b) Capital**

None.

**(Financial advice provided by Christie Fasunloye, Finance Business Partner (People) Date: 7 August 2015; Reviewed by Rob Hamilton Finance Manager - Neighbourhoods & Place Directorates 15 August 2016)**

### **Land**

No implications

### **Personnel**

No implications

**Appendices:**

Appendix A – Ethical Letting Charter – Revised

Appendix B – Bristol City Council Landlord News – Winter 2015 edition

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

Cabinet report – 6 October 2015 – “ACORN’s Ethical Lettings Charter