



Renters' Rights Bill – House of Commons second reading

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Summary

We welcome the Renters' Rights Bill but are concerned about the enforcement burden that it will impose on local authorities. We are also calling for the removal of unnecessary barriers to the use of licensing schemes to improve housing standards.

Key points

We represent environmental health professionals who work in local authority private rented sector housing enforcement teams. They play a crucial role in tackling poor housing conditions and thereby reducing ill health and saving lives.

We welcome the Renters' Rights Bill but are emphasising the importance of funding for enforcement. We are concerned about the large enforcement burden that the provisions of the Bill will impose on local authorities and the need for proportionate funding for this enforcement that is sustained and predictable. We suggest this should include funding from the fees to be paid for the administration of the database and Ombudsman schemes.

We support, in principle, the proposal to apply a Decent Homes Standard to the private rented sector. In our view though, the various housing standards need to be consolidated to provide clarity for landlords, tenants and local authorities.

We welcome the proposal for a private rented sector database. The database should be used as a tool to support the use of licensing schemes by local authorities. The Government appears to recognise the value of selective licensing, which it says "enables local authorities to target the improvement of standards and safety in areas suffering from issues such as poor housing quality, high levels of deprivation and anti-social behaviour".¹ We believe the Bill should be used as an opportunity to remove unnecessary barriers to the use of licensing schemes to improve housing standards (see further information below).

Removing unnecessary barriers to the use of licensing schemes to improve housing standards

We wrote to the Government in July urging it to use this forthcoming legislation as an opportunity to make it easier for local authorities to use licensing schemes to improve housing standards.

¹ Selective licensing schemes involve designated areas where privately rented properties have to be registered with the local authority. The quotation is from the Government's [Guide](#) to the Bill.



Licensing provides a means for local authorities to inspect privately rented housing using enforceable conditions - and to identify and resolve problems - without the need for tenants to have complained. It also provides locally tailored regulation of the sector. It makes major contributions to area-based issues, such as crime, anti-social behaviour and waste management, and brings together a range of bodies to focus additional support services for landlords and tenants, improving public health and reducing burdens on the NHS.

Licensing means the market pays for its own regulation, rather than relying on the taxpayer. It provides a sustainable and predictable source of income that enables local authorities to maintain staffing levels and support the training of new officers.

We are recommending the following three ways in which the Government could remove unnecessary barriers to the use of licensing schemes to improve housing standards.

1) Enabling local authorities operating selective licensing schemes to use licence conditions to improve housing conditions

There is currently a peculiar disconnect in the Housing Act 2004 licensing legislation whereby local authorities can introduce selective licensing schemes to address poor housing conditions² but cannot include a directly enforceable requirement relating to housing condition as a condition of the licence itself. We are therefore recommending that section 90 of the Housing Act 2004 should be amended to enable local authorities to use licence conditions to improve housing conditions. We are suggesting that the wording of subsection 90(1) should be brought into line with the wording of the equivalent provision for licensing of houses in multiple occupation in subsection 67(1).

2) Increasing the maximum duration of discretionary licensing schemes from five to ten years

Discretionary licensing schemes, which include selective licensing schemes and additional licensing schemes for houses in multiple occupation with less than five occupiers, are very expensive and time consuming for local authorities to introduce. We are therefore recommending that sections 60 and 84 of the Housing Act 2004 should be amended to increase the maximum duration of discretionary licensing schemes from five to ten years. This would allow local authorities to advertise longer term posts and to include training of new staff in discretionary licensing schemes. It would also provide more time for local partnerships formed through such schemes to become embedded and effective.

3) Removing the Secretary of State's ability to veto selective licensing schemes covering more than 20% of the local authority area

The introduction of selective licensing schemes involves considerable uncertainty when the schemes are subject to the Secretary of State's ability to veto them. We are therefore recommending that the general approval for selective licensing schemes should be extended to include schemes that cover more than 20% of the local authority area or more than 20% of privately rented homes in that area.

Further information

For further information please contact Mark Hope, Senior Policy and Public Affairs Executive, at m.hope@cieh.org or on 020 7827 5822.

² [The Selective Licensing of Houses \(Additional Conditions\) \(England\) Order 2015](#)