

16 July 2024

The Rt Hon Angela Rayner MP
Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government
2 Marsham Street
London
SW1P 4DF

Dear Secretary of State,

Using licensing schemes to improve housing standards

We are writing to welcome you to your new role and to introduce ourselves as the Chartered Institute of Environmental Health (CIEH). We are the professional body for environmental health with over 7,500 members in the public, private and third sectors. Since we represent local authority housing enforcement officers, we particularly look forward to working with you to help local authorities to raise housing standards. We have sent a similar letter to Minister of State Matthew Pennycook.

We trust you will agree that local authorities, with their understanding of their local areas and their accountability to local communities, play a crucial role in tackling poor housing conditions. We hope the Government will use the legislation on the private rented sector that is expected to be announced in the King's Speech as an opportunity to support local authorities in this role. In particular, we urge the Government to use this legislation as an opportunity to make it easier for local authorities to use licensing schemes to improve housing standards.

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 urging the Government to make it easier for local authorities to use licensing schemes to improve housing standards by

- (1) enabling local authorities operating selective licensing schemes to use licence *conditions* to improve housing conditions
- (2) increasing the maximum duration of discretionary licensing schemes from five to ten years
- (3) removing the Secretary of State's ability to veto selective licensing schemes covering more than 20% of the local authority area
- (4) ensuring that national landlord registration is used as a tool to support the use of licensing schemes by local authorities

With regard to (1), 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 conditions 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).

With regard to (2), 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.

With regard to (3), 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.

With regard to (4), we strongly disagree with suggestions that national landlord registration would remove the need for selective licensing schemes. A national landlord register would make the identification of unlicensed properties more straightforward, however, and could be used proactively to inform landlords about local authority activities in their area.

For further information about our views on reform of the private rented sector, please see the [written evidence](#) that we submitted to the Renters (Reform) Bill Committee (including draft legislative amendments relating to (1) and (2) above).

We would welcome an opportunity to discuss these issues with you and look forward to receiving your response.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'FM' with a stylized flourish.

Fran McCloskey
Chief Executive Officer

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