



Leader of the Council

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Rt Hon Michael Gove MP
Department for Levelling Up, Housing and Communities
2 Marsham Street
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Sent via E-mail: housingstandards@levellingup.gov.uk

30 November 2022

Dear Michael

Housing Standards in Rented Accommodation

We are writing following receipt of your letter dated 19 November 2022 concerning housing standards in rented accommodation in England.

Firstly, we would like to acknowledge the tragedy of the avoidable death of Awaab Ishak; what happened in Rochdale is devastating and it is clear we need to be vigilant across the country and within Buckinghamshire to avoid a similar heartbreak. As we respond to the data request from your letter, we will be reviewing our existing strategies and considering whether there are changes and/or additional measures we might implement to drive up standards within housing across all tenures.

As a local authority, we are very aware that there is a clear link between housing and health. Whilst Buckinghamshire Council is not a social housing provider, it is clear we have a role to play in ensuring homes are safe and to drive up standards within all housing tenures including the private rental market. To this end we already work closely with the registered providers and landlords that operate within Buckinghamshire to ensure they uphold their responsibilities for addressing critical safety issues and improving standards within the rental sector. Housing also features as a priority in the programme of work that Buckinghamshire has initiated for 'Levelling-Up' in our county, called Opportunity Bucks.

Our aim is to work with landlords, and we acknowledge that many do want to work alongside us in providing suitable, safe accommodation for residents. Many of the housing provider partners operating in Buckinghamshire have already been updating the Council on their response to the Rochdale tragedy; we have invited the registered social housing providers who operate in Buckinghamshire to meeting on the 9 December 2022 to discuss the letter you have sent and to ensure we have the appropriate communication channels for cases which are reported to the Council regarding their housing stock.

This is a wide-reaching information gathering exercise as the housing picture in Buckinghamshire, like the rest of the country, is complex. There are a variety of buildings being used for accommodation, using different construction techniques along with a variety of ages each of which bring their own challenges and require specific solutions, especially concerning damp and mould. It is noted that the

request for information focuses upon civil penalties and prosecutions related specifically to damp and mould. While Buckinghamshire Council has not issued any civil penalty notices or pursued any prosecutions successfully in relation to damp and mould hazards during the last three years, the Council has taken action using other hazard categories under the HHSRS (Housing Health and Safety Rating System used as part of the enforcement process) which have a demonstrable impact on preventing or minimising damp and mould such as the “excess cold” hazard.

There are also times when other legislation has been used to accelerate remedies such as the abatement notice provisions within the Environmental Protection Act 1990 which can be used in certain circumstances without a standstill period to enable the recipient to appeal before works are undertaken. Using other legislative tools may solve issues more expediently and will have a positive impact for occupants but will not directly be captured within the data being requested. We are concerned that the data request is focussed upon information regarding prosecution and civil penalties. It is very important to note that there is no immediate provision within Part I of the Housing Act 2004 to prosecute for the presence of poor/dangerous housing standards. The option to prosecute would only apply where there is a failure to comply with any notices served. Therefore, the number of prosecutions pursued may not necessarily provide useful insight into whether a local authority is proactive at tackling poor housing standards or reflect the success of the other tools which are used locally to improve standards.

Lastly, in our full response, we will provide information about the engagement that the council undertakes with tenants to support the proactive role residents can play regarding managing excess moisture. We run outreach campaigns and have information on our website which details energy saving tips and links to partners who may be able to offer financial assistance for improvements such as insulation. To support enforcement procedures, tenants need to understand the importance of raising defects with landlords promptly and evidencing this, especially in respect to faulty heating, extraction and ventilation systems. Effective communication by both parties is key in enabling issues to be resolved in a timely manner and thus potentially preventing issues from occurring.

We would be happy to support the development and implementation of new national initiatives or changes in policy that you may be considering. For example, we are aware of the contents of the Queen’s Speech which confirmed that a Renters’ Reform Bill will be introduced which includes a Decent Homes Standard for the private rented sector.

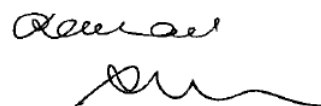
Gathering the information requested, along with the engagement with stakeholders and analysis of other data sources, will help us identify any additional plans we need to put in place to drive up standards and to assess the resource we need to achieve this. A more detailed update will be provided within the response which will be received by 27 January 2023.

We trust the above information will reassure you that Buckinghamshire Council is taking the matter seriously and will continue to look at measures we can implement to improve housing in Buckinghamshire.

Yours sincerely



Martin Tett
Leader, Buckinghamshire Council



Rachael Shimmin
Chief Executive, Buckinghamshire Council

cc: Mark Winn, Cabinet Member for Homelessness & Regulatory Services
Ian Thompson, Corporate Director Planning, Growth & Sustainability