



# WOKINGHAM BOROUGH COUNCIL

A Meeting of an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **MONDAY 10 OCTOBER 2022 AT 10.00 AM**

Susan Parsonage  
Chief Executive  
Published on 30 September 2022

Note: Non-Committee Members and members of the public are welcome to attend the meeting or participate in the meeting virtually, in line with the Council's Constitution. If you wish to participate, either in person or virtually via Microsoft Teams, please contact Democratic Services. The meeting can also be watched live using the following link:  
<https://youtu.be/R4DigeHmz-g>

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# WOKINGHAM BOROUGH COUNCIL

## Our Vision

***A great place to live, learn, work and grow and a great place to do business***

### Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

### Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

### A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

### Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

### Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

### Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

For consideration by

Stephen Conway, Executive Member for Housing

**Officers Present**

Francesca Rowson, Policy Officer (Housing and Projects)

Callum Wernham, Democratic & Electoral Services Specialist

IMD NO.	WARD	SUBJECT	5 - 32
IMD 2022/13	None Specific	<b>WBC RESPONSE TO A DECENT HOMES STANDARD IN THE PRIVATE RENTED SECTOR CONSULTATION</b>	

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# Agenda Item IMD13

## INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: IMD 2022/13

<b>TITLE</b>	WBC Response to A Decent Homes Standard in the Private Rented Sector Consultation
<b>DECISION TO BE MADE BY</b>	Deputy Leader of the Council and Executive Member for Housing - Stephen Conway
<b>DATE, MEETING ROOM and TIME</b>	10 October 2022 David Hicks 1 at 10am
<b>WARD</b>	None Specific;
<b>DIRECTOR / KEY OFFICER</b>	Director, Place and Growth - Steve Moore

### **PURPOSE OF REPORT (Inc Strategic Outcomes)**

To agree on Wokingham Borough Council's response to the Government's consultation on A Decent Homes Standard in the Private Rented Sector, for submission by Friday 14<sup>th</sup> October. This consultation seeks feedback from local authorities, tenants, landlords and other relevant stakeholders regarding proposals to introduce a Decent Homes Standard in the private rented sector, to match the Decent Homes Standard in the social rented sector.

### **RECOMMENDATION**

That the Executive Member for Housing authorises Wokingham Borough Council to respond to the Government's Decent Homes Standard in the Private Rented Sector consultation, as set out in Appendix 1 of the report.

### **SUMMARY OF REPORT**

This report summarises the response which Wokingham Borough Council intends to submit to the Government through this private rented sector Decent Homes Standard consultation. The proposed response details both the Council's views on the most effective way to deliver this new standard, ensuring that it provides additional useful information and better standards for tenants, whilst also limiting any additional burden on reputable landlords as far as possible. This will both improve private rented sector standards whilst preventing any shrinking of the private rented sector through limiting additional work for landlords whose properties are up to the appropriate standard.

## **Background**

The Government's consultation, to which Wokingham Borough Council proposes to respond, relates to the proposed introduction of a Decent Homes Standard for the private rented sector (as currently exists in the social rented sector). This aims to target the minority of homes in this sector which are unsafe or not of a reasonable standard, with over a fifth of tenants experiencing substandard housing and with the reputation of all landlords being tarnished as a result.

The White Paper "A fairer private rented sector" was published on 16<sup>th</sup> June 2022 and set out the proposal for a legally binding Decent Homes Standard in this sector, to match the Decent Homes Standard in place in the social rented sector since 2001. This currently open consultation constitutes part of the engagement work being done to best understand how to apply this new Standard, meet needs and mitigate potential risks.

In terms of existing background legislation (to which this new Decent Homes Standard legislation will be additional and separate), a key piece of legislation relevant to the private rented sector and which is already in place is the Housing Act 2004. This places a duty on local councils to take action against a landlord in the event of discovering significant hazards in a rented home. For this, councils use the Housing Health and Safety Rating System, a risk assessment tool which assesses such hazards, setting out 29 different types. The hazards are broken down into category 1 and category 2, with category 1 hazards always requiring action (category 2 being at the Council's discretion).

Additionally, the Homes (Fitness or Human Habitation) Act 2018 requires that landlords ensure properties are suitable for habitation throughout tenancies, whilst there exist additional specific requirements for houses in multiple occupation (rented out by 3 or more people who are not from one 'household'). There are also requirements on landlords relating to energy efficiency, electrical safety, gas safety and smoke and carbon monoxide detectors.

## **Business Case (including Analysis of Issues)**

The Government consultation consists of sections covering a large range of questions relating to the new proposed Standard, from the Standard itself, to the scope of its application and the potential implications of its introduction. Wokingham Borough Council proposes to respond to each of the sections to help shape the Government's introduction of the Standard in such a way that it meets its aim of improving standards in the private rented sector, whilst equally not creating significant new burdens on reputable landlords which would shrink this important sector. The full extent of the Council's proposed responses can be found in Appendix 1, however, analysis of some key points which the Council raises and suggestions that it makes are summarised here.

As such, in the Section on 'Exemptions from the duty', Wokingham Borough Council highlights both the importance of Councils being able to make appropriate exemptions, in order not to shrink the private rented sector where this is not necessary, whilst emphasising the need for clear guidance. This is to ensure that Councils can be confident in both making suitable exemptions and maintaining the private rented sector

where possible, whilst also ensuring that these are not used as loopholes by landlords with unsuitable properties.

The Council clearly outlines its views in the section 'Registering Decent Homes Standard compliance on the Property Portal', in order to highlight its concerns about the possibility of duplicative burdens on landlords through the proposal of the Property Portal. Throughout the consultation, the Council emphasises the importance both of improving properties in the private rented sector through the Standard, whilst also preventing any shrinking of the sector through its introduction as far as possible. In this section, the Council's comments highlight the existing duties which landlords have in terms of following legislation and providing certificates and checks, and the importance that this new information on the Property Portal carries additional benefits for tenants and is not a duplicated burden on existing work done by landlords.

In the section on the 'Duty on local councils to investigate Decent Homes Standard complaints and report on enforcement action', it is noted that Councils already undertake enforcement action in relation to the existing Housing, Health and Safety Rating System, where complaints are raised regarding the standard of a private rented property. Therefore, the Council recommends that the Government provides very clear guidance on how the new Standard will interact with these existing tools in the Housing Act which currently determine suitability of properties, so that there is clear understanding on how the new Standard should add value and be implemented compared to existing Council practice.

Additionally, the Council provides recommendations to the Government through its proposed consultation response regarding mitigations for potential negative impacts of introducing this Standard (alongside the benefits from improved standards). In response to Q56, the Council highlights that significant mitigation is required in light of the fact that extra costs will likely be experienced by tenants and local authorities through the new Standard. This is due to the additional pressures that it will add to landlords, of which the result may be to reduce the financial viability and attractiveness of having properties in the private rented sector, which may in turn result in reduced landlord portfolio.

Therefore, the Council recommends the importance of the non-duplication of burdens on landlords through the new Standard, with clear added benefit to tenants of the new measures, as well as the recognition that the growth of the private rented sector is a strategic objective for the Council. The recommendations which WBC gives in the proposed consultation response are important in order to both see the effective improvement of private rentals through the Standard's introduction, whilst also reducing any resultant negative impact on growth in the private rented sector and enabling the Council to continue prioritising its related strategic objective of private rented sector growth.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

*The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.*

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A	N/A	
Next Financial Year (Year 2)	N/A	N/A	
Following Financial Year (Year 3)	N/A	N/A	

### Other financial information relevant to the Recommendation/Decision

The recommendation is that a proposed consultation response is submitted to the Government to express the views of Wokingham Borough Council on how this new Decent Homes Standard in the private rented sector would best be implemented. The submission of these views does not guarantee that they will be implemented. However, in its response, the Council emphasises the importance of both improving private rental sector standards whilst equally ensuring that all possible measures are taken so that the Decent Homes Standard's introduction does not shrink the private rented sector. A reduction in the number of private rented sector properties in Wokingham Borough could have a negative financial impact on the Council, therefore, the submitted view expresses the need for the Standard to deliver improvements in such a way that any negative impact on private rented sector growth is limited as far as possible.

### Cross-Council Implications

As above, a strategic objective of Wokingham Borough Council is to encourage growth in the private rented sector. Therefore, the consultation response proposed for submission takes this into account alongside the importance of improved standards within this private rented sector, by emphasizing the need for the new Standard to be introduced in such a way that any negative impact on private rented sector growth is minimised.

### Public Sector Equality Duty

Due regard to the Public Sector Equality Duty has been taken through an Initial Equality Impact Assessment in relation to the recommendation of this consultation response. From this, a full Equality Impact Assessment is not required, as the proposal does not recommend any actions which would have a negative impact on any group with a Protected Characteristic as in the Equality Act.

### SUMMARY OF CONSULTATION RESPONSES

<b>Director – Resources and Assets</b>	No comment received.
<b>Monitoring Officer</b>	No comment received.
<b>Leader of the Council</b>	No comment received.



<b>List of Background Papers</b>
Appendix 1 – Proposed Consultation Response Document Appendix 2 – Initial Equality Impact Assessment

<b>Contact</b> Francesca Rowson	<b>Service</b> Place Commissioning
<b>Telephone No</b> 0118 974 6000	<b>Email</b> francesca.rowson@wokingham.gov.uk

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## A Decent Homes Standard for the Private Rented Sector

### Proposed Wokingham Borough Council consultation response

#### About you

1. In which capacity are you completing these questions?
  - Local Council
2. If responding on behalf of an organisation, please specify which organisation:
  - Wokingham Borough Council
3. If responding as an individual, where do you live? If you are responding as part of an organisation, where are you primarily based?
  - South East

(Questions 4 – 11: N/A)

#### The Decent Homes Standard

12. Do you support bringing in and enforcing the Decent Homes Standard, as set out above, in the private rented sector?

- Yes
- No
- Don't know

13. How clear is the Standard as set out?

- Very clear
- Quite clear
- Neither clear nor unclear
- Quite unclear
- Very unclear
- Don't know

14. How difficult do you think the Standard will be to meet?

- Very easy
- Quite easy
- Neither easy nor difficult
- Quite difficult
- Very difficult
- Don't know

15. Currently, a property will fail the Decent Homes Standard if a 'key building component' (e.g. wall, window, roof) is both old and in poor condition. Should we change the Standard to remove 'old' so only the condition is relevant?

- Yes
- No
- Don't know

## Enforcement of a Decent Homes Standard in the private rented sector

16. Do you think that a landlord's failure to meet the Decent Homes Standards should be a criminal offence?

- Yes
- No
- Unsure/Don't know

17. Should local councils have the option to issue civil penalties or prosecute for Decent Homes Standard offences?

- Local councils should only issue civil penalties
- Local councils should only prosecute
- Local councils should have the option to issue civil penalties or prosecute
- Local councils should not be able to issue civil penalties or prosecute
- Unsure/Don't know

18. Do you think rent repayment orders should be extended to include Decent Homes Standard offences?

- Yes
- No
- Unsure/Don't know

19. Do you think that a landlord's failure to meet their duty to keep a property at Decent Homes Standard should be included as a banning order offence?

- Yes
- No
- Unsure/Don't know

## Exemptions from the duty

20. Do you think that local councils should have the discretion to make properties temporarily exempt from the duty to meet the Decent Homes Standard on a case-by-case basis (with regard to statutory guidance)?

- Yes
- No, exemptions should exist but not at the discretion of local councils
- No, there should be no exemptions
- Unsure/Don't know
- Other, please specify [free text]

21. In some instances, carrying out Decent Homes Standard work or repairs without permission would put the landlord in breach of a statutory obligation, such as in the case of listed buildings. We are proposing to exempt landlords where they have attempted to obtain permission to carry out the works and been refused. Do you think it would be appropriate for this exemption to the Decent Homes Standard to be set out in legislation?

- Yes
- No, these should be discretionary exemptions issued by the local council
- No, this should not be an exemption
- Unsure/Don't know

22. Do you think local councils should have the discretion to temporarily exempt a landlord from the duty to meet the Decent Homes Standard where the landlord has bought a property with sitting tenants that does not meet the Standard?

- Yes
- No, this exemption should be set out in legislation
- No, this should not be an exemption
- Unsure/Don't know

23. Do you think local councils should have the discretion to temporarily exempt the personal representatives of a landlord from meeting the Decent Homes Standard where a letting property is under probate?

- Yes
- No, this exemption should be set out in legislation
- No, this should not be an exemption
- Unsure/Don't know

24. Do you think local councils should have the discretion to temporarily exempt an incoming manager from the duty to meet the Decent Homes Standard where a landlord has either lost their HMO licence or is not fit and proper, so a new company or person is managing the property?

- Yes
- No, this exemption should be set out in legislation
- No, this should not be an exemption
- Unsure/Don't know

25. Do you think local councils should have the discretion to temporarily exempt someone from the duty to meet Decent Homes Standard where they are taking over the property on a temporary basis due to the landlord being incapacitated?

- Yes
- No, this exemption should be set out in legislation
- No, this should not be an exemption
- Unsure/Don't know

26. Do you think local councils should have the discretion to temporarily exempt a landlord from the duty to meet the Decent Homes Standard where accidental damages have occurred (e.g. fires, floods, storms, etc.)?

- Yes
- No, this exemption should be set out in legislation
- No, this should not be an exemption
- Unsure/Don't know

27. Do you have any further comments on exemptions from the landlord duty to meet the Standard?

- [free text] – Whilst we support these exemptions, due to the need for the private rented sector to expand rather than shrink where possible, there would need to be very robust statutory guidance (or set out clearly in legislation) regarding these exemptions. This would be to ensure that Councils are clear on where making exemptions is appropriate, so that they can approve these in certain cases, whilst equally ensuring that these are not used as loopholes for private landlords whose properties are not up to the necessary standard.

## Responsible person for the landlord duty

28. Who do you think should be responsible for a Decent Homes Standard failure? Please select one or more responses.

- **The immediate landlord** - the person who receives the rent from those living in the property. Although this person has a direct relationship with the tenants they may not have sufficient control over the property to ensure it meets the Decent Homes Standard.
- **The person with “control” over the property** - this may not be the immediate landlord if in order to comply with the Decent Homes Standard they need consent from a superior landlord. A person would have “control” if they can make decisions about the property to ensure the Decent Homes Standard is met without having to seek consent from a superior leaseholder or freeholder.
- **The freeholder of the property or the leaseholder with a lease of more than 21 years** - which party is responsible for the relevant criterion of the Decent Homes Standard will depend on the rights and responsibilities as set out in the terms of individual leases.
- **Other** [free text] – Where relevant, there needs to be mutual agreement between all three of these parties in terms of responsibility. If the immediate landlord is not responsible in any particular case, then it needs to be clear as to who else is responsible instead.

## Registering Decent Homes Standard compliance on the Property Portal

29. Do you think that landlords should use the Property Portal to register Decent Homes Standard compliance of their properties or record where there is an agreed exemption?

- **Yes**
- No
- Unsure/Don't know

(30. Tenants only)

- Not applicable

31. Do you think it should be an offence to provide false or misleading information regarding Decent Homes Standard compliance and exemptions?

- Yes
- No
- Unsure/Don't know

32. Duplicative burdens on landlords at local and national level are undesirable where they can be avoided. We want to work with local councils and other stakeholders to ensure that the transition to a Privately Rented Property Portal is as seamless as possible, including looking at how it can integrate with licensing schemes where practicable. We will also work to streamline requirements for landlords, such as by working with BEIS on synchronising guidance on minimum energy efficiency. It is imperative that the system meets the needs of landlords, tenants, agents and local councils. Please share thoughts on how we can streamline requirements and support compliance.

- [free text] – Whilst we would support the suggestion that landlords register their properties on the Property Portal, this would be on the condition that it does not involve duplication of work which landlords already do, as it will constitute an additional burden on landlords. Landlords already have significant burdens in terms of electrical safety regulations, EPC ratings and other legislation and liabilities, with S21s also having an impact on landlords. As well as no duplication, it would be important that landlords are clear on what the required information on the portal will be, how it will be kept up to date, who will have access to it and so on. The expansion and encouragement of growth in the private rented sector is a strategic priority of the Council's – therefore, it is of great importance that any new duties for landlords are non-duplicative and do not discourage reputable landlords from having properties in the private rented sector.

Duty on local councils to investigate Decent Homes Standard complaints and report on enforcement action

33. Do you think local councils should have a duty to investigate complaints of properties that fail to meet the Standard in their area?

- Yes
- No



- Unsure/Don't know

34. Should local councils be required to report activity related to addressing properties that fail to meet the Standard in their area?

- Yes
- No
- Unsure/Don't know

35. If local councils were required to report their Decent Homes Standard activity, to whom should they provide the information?

- To their local community
- To central government
- Both their local community and central government
- Unsure/Don't know

36. [For local councils only] How important would standalone enforcement guidance be to assist local councils in enforcing the Decent Homes Standard?

- Very important
- Moderately important
- Not important
- Unsure/Don't know
- Not applicable

37. Do you have any further comments on the proposal to put a duty on local councils?

- [Free text] – The proposal to put a duty on local councils will have resource implications for local authorities, therefore, further funding should be made available for this.

Additionally, in order to ensure clarity on the new Standard, it should be made clear as to how it will interact with the existing tools in the Housing Act which Councils use to determine suitability of housing and take action where the existing standards are not met. In particular, clear guidance should be given as to how this new Standard should be used in relation to the existing Housing, Health and Safety Rating System. This will be important to guide local authorities on implementation of the new Standard and on understanding the added value of the new Standard compared to existing practice.

Provide local councils with powers to remedy properties that do not meet the Standard

38. Do you think Decent Homes Standard failure awareness notices are a useful part of Decent Homes Standard enforcement?

- Yes, they are useful
- No, they are not useful
- Unsure/Don't know

39. Do you think local councils should have the power to serve Decent Homes Standard improvement notices?

- Yes
- No
- Unsure/Don't know

40. Do you think local councils should have the power to undertake emergency remedial works?

- Yes
- No
- Unsure/Don't know

41. Do you think local councils should have the power to issue Decent Homes Standard failure prohibition orders?

- Yes
- No
- Unsure/Don't know

Clarify in legislation that landlords do not have a right to attend local council inspections

42. Should we amend legislation to make it explicit that a landlord does not have a right to attend inspections [by virtue of receiving notice to that effect]?

- Yes
- No
- Unsure/Don't know

## Providing advice on decency

43. Do you think that there is a role for other providers (not just the local council) in providing advice to landlords on whether their properties meet the Decent Homes Standard?

- Yes
- No
- Unsure/Don't know

44. Do you think local councils have a role in providing advice to landlords on pre-emptive work to prevent properties failing to meet the Standard in the near future?

- Yes
- No
- Unsure/Don't know

45. Where local councils provide this advice, should they be able to charge for this service?

- Yes
- No
- Unsure/Don't know

## Scope of application of the Decent Homes Standard

46. Should the Decent Homes Standard apply to all privately rented accommodation let on a tenancy?

- Yes
- No
- Unsure/Don't know

47. Should the Decent Homes Standard apply to residential temporary accommodation provided by local councils to homeless households?

- Yes
- No
- Unsure/Don't know

48. Should the Decent Homes Standard apply to purpose-built student accommodation (e.g. halls of residence owned by universities or other providers)?

- Yes
- No
- Unsure/Don't know

49. Should the Decent Homes Standard apply to property guardians, where empty buildings are temporarily used for accommodation to provide security?

- Yes
- No
- Unsure/Don't know

50. Should the Decent Homes Standard apply to lodgers, where a tenant lives in the property with the landlord?

- Yes
- No
- Unsure/Don't know

51. Should the Decent Homes Standard apply to non-traditional accommodation such as house boats or caravans?

- Yes
- No
- Unsure/Don't know

52. Should the Decent Homes Standard apply to 'tied' accommodation, which is where an individual is required to or has the option to live in certain accommodation for the purpose of their employment?

- Yes
- No
- Unsure/Don't know

53. Should the Decent Homes Standard apply to farm business tenancies and agricultural holdings?

- Yes
- No
- Unsure/Don't know

54. Do you have any other comments on the scope of the Decent Homes Standard, including other types of accommodation that you think should or should not be included in scope?

- [Free text] – On Q51, given that Building Regulation requirements and the Housing Act 2004 part 1 (having regard to the definition of a dwelling –

Housing Act 2004 s1(5)) do not apply to non-traditional properties such as caravans and house boats, criteria A (and possibly others) would have to be specifically defined and subsequent necessary guidance provided. This would be in order to take account of the limitations in non-traditional construction, such as considerations relating to heating and space, and the fact that Category 1 hazards cannot be identified using the HHSRS.

Clarification would also be required on Q49, Q52 and Q53.

In terms of Q49, it would need to be clarified as to whether this means awake security, or someone sleeping (and using as if a dwelling), or alternatively someone resting/sleeping at a workplace.

In terms of Q53, similar issues apply, as to whether there will be a distinction as to the main/only address of occupiers and whether it is a workplace or a dwelling (it can be very difficult to prove that a property is a main address of an occupier). Therefore, clarification would be needed here.

In terms of Q52, clarification would also be needed here for similar reasons again.

## Impacts and costs

55. What do you think will be the main impacts from bringing in a Decent Homes Standard in the private rented sector for both tenants and landlords? Please provide any evidence and further comments on impacts in the free text box.

- Improved tenant/landlord relationship
- Fairer competition in the rental market
- Improved health for tenants
- Improved wellbeing for tenants
- Increase in tenants' pride in their home
- Improved communities
- Financial cost for landlords to make changes
- Landlords reducing their portfolio size
- Increased rents
- Increased property values
- Disruption for tenants whilst works are being undertaken
- Disruption for landlord whilst works are being undertaken
- Other (if you have evidence or further thoughts, please include here) [free text] – Financial impact on Council through landlords reducing their portfolio size and additional required duties for Councils relating to the Standard

56. There are risks that bringing in the Decent Homes Standard means landlords exit the market or that they pass costs on to tenants. Which of the below would you support to mitigate the risks of any negative impacts of introducing a Decent Homes Standard in the private rented sector? Choose as many as you would like.

- Cost caps
- Extended implementation timeline
- None
- Other [free text] – Whilst cost caps and an extended implementation timeline would help mitigate negative impacts to an extent, significant additional thought is needed on mitigation. This is because the introduction of this standard will cause associated costs to go to tenants and local authorities, with landlords likely to reduce their portfolios through the additional pressures it will bring, as these will reduce the financial viability and attractiveness of having properties in the private rented sector. The cost of the loss of each private rental property will be significant to local authorities.

An examination of the current information which landlords are required to provide to tenants at the start of their tenancy, with the end of ensuring no duplication in the new proposed Standard, would be helpful. It should be ensured that all of the proposed new information required will be actively useful to tenants, as well as not too much of a burden on landlords. This should help to ensure the decency of accommodation in the private rented sector, whilst also retaining reputable landlords.

It is important that local authorities can continue to follow their strategic objectives and fit in with their local plan, alongside the introduction of this Standard. In authorities such as Wokingham Borough Council, where the increase of private rented accommodation supply is a strategic objective, it is important that councils can continue to prioritise this approach. This means ensuring that the Standard is introduced and designed in such a way that it will not put off reputable landlords whose accommodation is up to standard for the private rented sector. Wokingham Borough Council wants to see both the improvement of standards at the same time as the growth of the private rented sector.

57. To what extent would you support bringing in a cost cap on criteria B, C and D of the Standard (e.g. on the non-safety elements of the Standard)?

- Strongly supportive
- Quite supportive
- Neither supportive nor unsupportive
- Quite unsupportive
- Strongly unsupportive
- Unsure/Don't know

## Transitioning to the Standard

58. Do you think there should be a transitional 'grace' period before the Decent Homes Standard becomes a requirement, and when enforcement action can be taken?

- Yes, there should be a grace period
- No, there should be no grace period
- Unsure/Don't know

59. If there were to be a grace period, what length of grace period should there be before the Decent Homes Standard becomes a requirement?

- Less than 12 months
- 12 months
- 18 months
- Longer than 18 months
- There should not be a grace period
- Unsure/Don't know

60. Do you think that we should phase in parts of the Standard. For example, to bring in criteria A and B in the first instance, before including criteria C and D at a future point

- Yes, the elements of the Standard should be phased
- No, all elements of the Standard should come in at the same time.
- Unsure/don't know

61. If elements of the Standard were to be phased in, please rank the order you would want them to be brought in from first to last.

- Criterion A: It meets the current statutory minimum standard for housing
- Criterion B: It is in a reasonable state of repair
- Criterion C: It has reasonable facilities and services
- Criterion D: It has a reasonable degree of thermal comfort

62. If elements of the Standard were to be phased in, how long would you like to see between phases?

- Less than 6 months
- 6-12 months
- 12-18 months
- More than 18 months
- There should not be any phasing

- Unsure/don't know



## Equality Impact Assessment (EqIA) form: the initial impact assessment

### 1. Process and guidance

The purpose of an EqIA is to make sure that the council is meeting the needs of all our residents by ensuring we consider how different groups of people may be affected by or experience a proposal in different ways.

The council has a two stage EqIA process:

- Stage 1 - the initial impact assessment
- Stage 2 - the full impact assessment.

This form is for use at Stage 1 of the process. This must be completed when undertaking a project, policy change, or service change. It can form part of a business case for change and must be completed and attached to a Project Initiation Document. The findings of the initial impact assessment will determine whether a full impact assessment is needed.

Guidance and tools for council officers can be accessed on the council's Tackling Inequality Together intranet pages.

Date started:	26.09.2022
Completed by:	Francesca Rowson
Service:	Economic Development and Growth
Project or policy EqIA relates to:	A Decent Homes Standard in the Private Rented Sector: proposed consultation response
Date EqIA discussed at service team meeting:	21.09.2022
Conclusion (is a full assessment needed?):	No
Signed off by (AD):	Rhian Hayes
Sign off date:	29/09/2022

## 2. Summary of the policy, project, or service

This section should be used to summarise the project, policy, or service change (the proposal).

### **What is the purpose of the proposal, what are the aims and expected outcomes, and how does it relate to service plans and the corporate plan?**

The purpose of the proposal is to submit a response to the Government's 'A Decent Homes Standard in the Private Rented Sector' consultation, to express the views of Wokingham Borough Council and to try to shape the Government's approach to introducing this new proposed Standard. This Government consultation concerns the proposed introduction of a Decent Homes Standard into the private rental sector, to match the Decent Homes Standard in the social rented sector since 2001. As detailed in the 'A Fairer private rented sector' White Paper, the Government plans to introduce this new Standard into the private rented sector too, and this consultation constitutes part of its engagement with key stakeholders to decide on the best way of doing so.

The aim of the proposal, therefore, is to guide the Government on how WBC sees the Standard best being implemented. In summary, the main recommendations of the proposed response are twofold; it guides the Government on how WBC sees the new Standard working best (such as providing suggestions on clarity needed to expand the scope of its application to different accommodation types) – whilst simultaneously encouraging the Government to mitigate carefully against the risk of shrinking the private rented sector due to added burdens on landlords through the Standard, such as through ensuring non-duplication of landlord duties compared to existing legislation.

This proposal relates to the wider Council plans by taking into account the growth of the private rented sector as one of the Council's strategic objectives. It highlights the importance of mitigating risks carefully, such as providing further funding for any additional Council work due to the Standard (such as enforcement duties) and non-duplication of burdens on landlords so that they are not discouraged from having properties in the sector. In this way, it seeks to enable continuation of this strategic objective of the Council's (private rented sector expansion) by guiding the Government on appropriate risk mitigation in relation to the implementation of this new Standard.

**How will the proposal be delivered, what governance arrangements are in place and who are the key internal stakeholders?**

The proposal consists of a consultation response, so delivery of this will consist of submitting the response through the online consultation form, once the submission has been agreed through the Individual Executive Member Decision.

**Who will be affected by the proposal? Think about who it is aimed at and who will deliver it.**

If the suggestions made by WBC are taken forwards by the Government, then there will be a positive impact on people in the private rented sector compared to if WBC did not submit a consultation response. This is because the comments and recommendations of WBC focus both on the importance of improving conditions for private rented tenants, whilst also on the importance of the Government implementing the new Standard in such a way that extra burdens on private landlords aren't too significant (which could cause them to leave the sector as a result). This would have a negative impact on private renters through shrinking the sector, less availability of private rentals and higher prices consequently. In its proposed response, WBC highlights this issue and requests that implementation takes care of this delicate aspect – therefore, the proposal would have a positive impact on private rented tenants if the Government took up its suggestions, or otherwise a neutral impact if not.

**3. Data & Protected Characteristics**

This section should be used to set out what data you have gathered to support the initial impact assessment.

The table below sets out the equality groups that need to be considered in the impact assessment. These comprise the nine protected characteristics set out in the Equality Act 2010 and other priority areas defined by the council.

Age	Disability	Gender reassignment	Marriage and Civil Partnership	Pregnancy/Maternity
Religious belief	Race	Sex	Sexual Orientation	Socio-economic disadvantage

**What data and information will be used to help assess the impact of the proposal on different groups of people? A list of useful resources is available for officers on the Council’s Tackling Inequality Together intranet pages.**

The main group of people who will be impacted by the Government’s proposal to introduce a Decent Homes Standard into the Private Rented Sector will be people who are private renters or people who are looking to become private renters. Landlords will also be impacted through the new measures, as the Standard would increase the amount of scrutiny and administrative work that private landlords will need to undergo for their properties to be suitable for private renters. That said these new measures, as long as they are non-duplicative from existing legislation, should help improve standards for renters and so should have a positive effect overall.

Data relating to the private rented sector and those who rent privately can be found on page 13 of the DLUHC’s English Housing Survey: Headline Report, 2020-21. This is currently the most recent report available. Information can be gleaned from this report about the group of private renters in England in the year 2020-21 in terms of their income levels and the proportion of private renters with a disability or long term illness, compared to home owners and those who rent socially. This data is as follows:

- Section 1.34: In terms of the spread of private renters across five income quintiles (highest income to lowest income), private renters and outright occupiers (owners with no mortgage) were evenly spread across the five quintiles. This is in comparison to social renters, who were concentrated in the lower income quintiles (50% in the lowest; 26% in the second lowest), and to those with a mortgage, who were concentrated in the highest income quintiles (36% in the highest; 28% in the second highest).
- Therefore, although no specific figures were provided in this report relating to private renters, it is clear that they are represented evenly across those with both higher and lower incomes. Therefore, this proposal, which impacts on private renters specifically, would have no disproportionate impact on any group with protected characteristics as far as this data can show.
- Section 1.35: Additionally, there is data in the report on percentages of people with a disability or long term illness among those who rent socially, privately and owner occupiers. The data counts where at least one household member has a disability or long term illness.

These statistics show that whereas 55% of households who social rent had at least one household member in this category, only 29% of households who privately rented did so, compared to only 28% where the property was owner occupied.

- Therefore, this echoes the above conclusion, specifically showing that the group of people with a disability or long term illness is not disproportionately represented in the group of people who will be affected by this proposal – i.e. private renters.

Additionally, WBC’s proposed consultation response, for which the Council is seeking agreement through this IEMD, highlights issues and recommends mitigating actions in such a way that the new Decent Homes Standard for the Private Rented Sector is introduced with the best overall outcomes for both private tenants and (reputable) landlords. Therefore, regardless of the fact that groups with protected characteristics are not disproportionately represented in the group of those who privately rent (as show by the statistics), the proposal should result in a positive impact on private renters if the Government went ahead with WBC’s recommendations.

Finally, one further point of note is that WBC specifically recommends, within the proposed consultation response, that the Decent Homes Standard extends to caravans and houseboats (as non-traditional private rented accommodation). Therefore, if the scope of the new Decent Homes Standard encompasses these private rented accommodation types as recommended by WBC, then this would mean a positive impact on these tenants through improved standards of their accommodation as a result.

#### 4. Assessing & Scoring Impact

This section should be used to assess the likely impact on each equality group, consider how significant any impacts could be and explain how the data gathered supports the conclusions made.

Scoring impact for equality groups	
Positive impact	The proposal promotes equality of opportunity by meeting needs or addressing existing barriers to participation and/or promotes good community relations
Neutral or no impact	The proposal has no impact or no disproportionate impact.

Low negative	The proposal is likely to negatively impact a small number of people, be of short duration and can easily be resolved.
High negative	The proposal is likely to have a significant negative impact on many people or a severe impact on a smaller number of people.

**Referring to the Scoring table above, please give an impact score for each group, explain what the likely impact will be, and briefly set out how the data supports this conclusion.**

Equality group	Impact score	Impact and supporting data
Age	Neutral or no impact	As far as the available data can show, no groups with a protected characteristic are disproportionately represented in the overall group consisting of private rented sector tenants. Therefore, this proposal should have no disproportionate impact on any such group. Furthermore, WBC's proposed consultation response should have either a positive impact on private renters (if the Government implements WBC's suggestions, as explained above) or a neutral impact if not.
Disability	Neutral or no impact	As above.
Gender reassignment	Neutral or no impact	As above.
Marriage and Civil Partnership	Neutral or no impact	As above.
Pregnancy/Maternity	Neutral or no impact	As above.
Religious belief	Neutral or no impact	As above.
Race	Neutral or positive impact	WBC specifically recommends that the Decent Homes Standard extends to caravans and houseboats as non-traditional private rented accommodation – if implemented, this would improve private rented standards for people living in these non-traditional types of private rented accommodation.
Sex	Neutral or no impact	As per 'Age' category above.
Sexual Orientation	Neutral or no impact	As per 'Age' category above.

Socio-economic disadvantage	Neutral or no impact	As per 'Age' category above.
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**5. Conclusion and next steps.**

Based on your findings from your initial impact assessment, you must complete a full impact assessment if you have identified any groups as having a low or high negative impact.

If no impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must include reference to the initial assessment in any associated reports, and it must receive formal approval from the Assistant Director responsible for the project, policy, or service change.

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