

Grenfell Tower Inquiry - Terms of Reference - views from ARLA Propertymark

August 2017

Background

1. ARLA Propertymark (Association of Residential Letting Agents) is the UK's foremost professional and regulatory body for letting agents; representing over 9,000 members. ARLA Propertymark agents are professionals working at all levels of letting agency, from business owners to office employees.
2. Our members operate to professional standards far higher than the law demands, hold Client Money Protection and we campaign for greater regulation in this growing and increasingly important sector of the property market. By using an ARLA Propertymark agent, consumers have the peace of mind that they are protected and their money is safe.

Comments

What do you think the Inquiry should cover?

3. ARLA Propertymark believes that enforcement of current regulations across all residential lettings regardless of tenure is poor. This includes both recently created and long-standing laws. For instance, from October 2015 it is a requirement that mandatory smoke and carbon monoxide alarms must be fitted in all privately rented property in England and they need to be tested at the start of each new tenancy. However, it is very difficult for enforcing bodies to monitor whether an alarm has been tested on the first day of a tenancy. Professional agents are complying with this but many landlords and agents are not. Enforcing bodies are not monitoring consistently.
4. Where enforcement activity does take place there needs to be better joined up working between local enforcement. It is ARLA Propertymark's view that within local authorities, planning departments rarely speak to environmental health teams and therefore there have been situations where landlords cannot comply with the requirements of both Planning and Environmental Health. This fundamentally undermines the local enforcement regime.
5. The Inquiry must also look at the resources available to local authorities to carry out inspections. For example, in relation to the private rented sector and management we are aware that there are only five Environmental Health Officers for Birmingham, which severely hampers their ability to randomise their inspections and carry out repeat visits.

6. Within the Inquiry's work the Housing Health and Safety Rating System (HHSRS) should be reviewed with a view to changing it to an easier to use set of "Fit for Human Habitation" criteria. The principle of HHSRS is that any residential premises should provide a safe and healthy environment for any occupier or visitor. HHSRS is a risk assessment process and is comprehensive in its coverage of key health and safety risks in dwellings. In broad terms, the rating system works by assessing the risk associated with certain home hazards and if the likelihood of harm is significant.
7. However, the HHSRS is too complicated and poorly understood by tenants, landlords, agents and enforcement officers. The HHSRS does not provide practical assistance for landlords and agents to know what is expected of them in relation to the main hazards under HHSRS.

Is there any type of evidence that you think is essential for the Inquiry to obtain?

8. To understand the very poor levels of enforcement of current regulations, the Inquiry should look at the number of inspections being carried out by local authorities.
9. The Inquiry should also look at the number of fines collected by enforcement bodies and how the money collected is being used. It's important that the money local authorities retain from civil penalties is specifically ring-fenced for further housing enforcement.
10. We also think that the Inquiry should obtain evidence relating to prosecutions because this is likely to highlight the lack of enforcement. For instance, according to figures from Shelter in 2014 there were only 428 prosecutions recorded for offences under the Housing Act 2004.¹

Would you like to be kept informed of the Inquiry's work? How would you like to be contacted?

11. Yes, ARLA Propertymark would like to be kept informed of the Inquiry's work. You can contact Tim Douglas, ARLA Propertymark Policy and Campaigns Officer via email timdouglas@propertymark.co.uk and telephone 01926 417777.

¹ <https://publications.parliament.uk/pa/cm201516/cmpublic/housingplanning/memo/hpb106.htm>