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# Implementing the RRA - Who does what in the council? /1

There are two key teams in the council in respect of operating the RRA:

1. The Housing Options Team
2. The Team responsible for enforcement and private rented sector conditions

In broad terms HOS will lead on prevention and the PRS Team on enforcement but there will need to be close working between the 2 teams and clarity internally within the council for who will do what.

# Implementing the RRA - Who does what in the council? /2

For example:

The database will need to be used by the HOS to identify the properties rented so that tenants can be written to and told to approach the HOS as soon as a section 8 notice is issued if they have nowhere else to go.

The HOS may want to contact all landlords to inform them of a new “Call before you Serve” initiative

The Enforcement Team will use the database to help decide if a breach or offence has taken place and to inform landlords of new requirements in respect of the decent homes standard and ‘Awaabs’ law requirements

Landlord forums will need to be jointly run between HOS and a Council’s Private Housing Team with a focus on support to prevent homelessness, promoting a Council’s PRS Access Scheme and working with landlords to improve standards

There will need to be clarity for how will the money raised from enforcement be used within the 2 Council teams

# Implementing the RRA - Who does what in the council? /3

Example on why close working is required between HOS and the council's PRS Team that leads on enforcement:

- A case where a landlord has obtained possession to sell their property but then changes their mind and is restricted from reletting for 12 months
- The landlord is now in severe financial difficulty and may lose their own home
- The HOS have negotiated for the landlord to rent the property to a homeless family
- The HOS and Enforcement Team agree not to issue a Civil Penalty for letting within the 12-month period

# Implementing the RRA - Who does what in the council? /4

Gathering evidence will require meeting strict standards for evidence and clear processes in the council for how teams will gather evidence

- For many breaches burden of proof for councils bringing a claim against a landlord will be “on the balance of probabilities”. However, that will still require evidence that meets the required standard.
- HOS officers will often be the first to realise that an offence has taken place as tenants will approach the HOS at risk of homelessness, or to apply to join the Housing Register.
- As local authorities are exercising a quasi-judicial function when imposing a civil penalty, the Council must be satisfied that credible, reliable and sufficient documentary or other evidence exists to determine a breach to the required standard.
- HOS officers will therefore need to be trained on:
  - How to take and confirm a witness statement from a tenant.
  - How to obtain timestamped copies of communications with the landlord or property agent, such as text messages, voicemails or emails