Rooting out the rogues: 'targeted disruption' as a new approach to tackling issues in England's growing private rented housing sector?

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The links between housing, health and safety are well established, but we know less about effective interventions to address conditions and management, particularly on an area basis in England's private rented sector (PRS). The PRS has become the main rental tenure, accommodating some 4.5 million households (2017-18) which has doubled in the last 20 years (1). It is not always tenure of choice and many feel trapped in this sector, suffering poor conditions, high rent and insecurity (2). There are financial and other costs to public purse, including wider health and social costs (3,4) and a significant change in whom the sector now houses across the life-course, notably a rise in families with children and an older population (5).

Whilst the sector is mostly compliant, its rapid growth and tenure shift has led to major concerns about the quality of stock and the behaviour of a minority of rogue landlords, presenting major challenges to housing authorities nationally. There is no real definition of rogue landlords, but there is recognition that some landlords are knowingly and unknowingly committing housing offences and therefore putting tenants at risk (1).

There are multiple challenges facing those charged with regulating the sector and seeking to help protect tenants health and safety and the English Housing Survey reports that the worst conditions are found in PRS (6). PRS conditions are regulated in part by environmental health practitioners based in local authorities. The rapid growth of the sector, combined with austerity and staffing in private sector housing enforcement teams presents conditions needing a new approach to regulation (7,8,9). The situation is highly complex and there are no easy answers (5). Interventions have tended to be reactive. There is a need for a renewed focus in public health and effective proactive evidence based multi-agency working to help address PRS health inequalities .

The legal and policy basis available to front line practitioners has also altered drastically over the years with a withdrawal of grant funded programmes. More recently some local housing authority initiatives to readdress private sector housing conditions use area based property licensing, but this is discretionary and requires sustained support and commitment to deliver effectively, including sound evidence and preparation of strategy and approval to go ahead. There are both opportunities and risks associated with such a strategic venture and not all proposals are given the green light. Licencing can address a range of issues, including anti-social behaviour and poor housing conditions and can also be income generating. There is ongoing research into its effectiveness, however early signs are that it is helpful (10,11,12).

Some schemes have shown that licensing the PRS can enhance regulation by driving out rogue landlords enabling more compliant parts of the sector to thrive. Landlords who fail to apply for a licence are more likely to be non-compliant with a range of housing and public health legislation. A number of schemes already use council held data and machine learning combined with multi agency intelligence to identify unlicensed properties, leading to the detection of more serious offences. Local authorities are able to issue Financial Penalty Notices and recover housing benefit through Rent Repayment Orders. This requires strong data intelligence, effective enforcement capacity and cost recovery. Landlords who have

been convicted of certain offences can be found to be not 'fit and proper' or receive a 'Banning Order' and can thereby be excluded from the rental market. Authorities can grant a shorter licence or a licence with stricter conditions to enable the local authority to more closely monitor non-compliant properties and licence holders.

Some would argue that such an approach is similar to the aetiology and treatment of disease. The idea uses the principles of disruptive policing (13) and is gaining traction amongst local authorities eager to explore how they can better manage the PRS through focused use of intelligence and regulation. Such targeted 'disruption' can be dynamic and flexible, but more research is needed to understand its effectiveness and impact on implementation.

An enforcement case study from Newham is a good illustration of this approach.   A portfolio landlord, Mr M, faced more than 10 Housing Act criminal convictions and 67 statutory housing and public health notices between 2008-2012 at significant cost to the council. These interventions were made against 30 of the 45 properties in his portfolio. These interventions were absorbed by Mr M business model and the poor practices continued. The introduction of borough wide licensing in 2013 resulted in Mr M being found not 'fit and proper' to hold a property licence and he was eventually forced to hand over the control of his 45 properties to a Housing Association. Mr M closed his Newham office shortly after. Once the properties were under new control conditions improved there was a 35% reduction in ASB (11).

This 'new' approach seeks to identify and drive out rogue landlords as a priority through good practice in intelligence-led working, and good examples are found in Newham and Northampton (14). This requires an effective inter-agency approach and a high degree of data intelligence. The hybrid approach mixes policing and public health concepts. It may sound like a strange approach in health literature but is certainly worth scrutinising more closely as a tool that is able to generate results. The idea's basis is rogue landlords also exhibit criminal and non-compliant behaviour in other areas, including tenant exploitation, overcrowding, dangerous housing condition, tax evasion and in some cases modern day slavery. These behaviours can be rooted out with concentrated and proactive actions with other agencies, providing a proactive enforcement regime. This can generate meaningful incentives to the wider community to improve landlord behaviour while proactively tackling poor housing conditions and intervening to disrupt exploitation of vulnerable residents, who are often fearful of making a complaint (15).

In this way, some practitioners argue that poor PRS standards are addressed holistically; rogue landlord behaviour, absence of property management, deteriorating property condition and the consequent impact on tenants' health. Traditional interventions are felt to only tackle the latter two, resulting in a lack of progress and sustainability. The new model described addresses rogue landlord behaviour and tenant health, particularly at the bottom end of the PRS market where criminal landlords and vulnerable tenants can be concentrated.

Local authorities need a vision of where they want to be around their local PRS and develop appropriate policy and strategy to get there. Licencing has provided huge impetus as local authorities are required to closely understand their housing stock and how best to tackle poor conditions, management and wider environmental issues including anti-social behaviour.

It is currently too early to ascertain the effectiveness of such an approach but there is certainly a growing body of anecdotal evidence in favour of using licencing and planned, disruptive policing in this way and it is certainly worthy of more research.

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