

Mark Prisk MP
Minister of State for Housing
Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

21 August 2013

Dear Mark,

Consultation on tackling illegal immigration in privately rented accommodation

Thank you for your letter to Sir Merrick Cockell inviting the LGA to comment on the Government's plans for introducing checks on illegal immigration in the private rented sector. He passed this on to me, as Chair of the LGA's Environment and Housing Board.

We agree that the policy should not apply to tenants nominated to social housing by local authorities or to private rented accommodation secured by local authorities for homeless households under the existing legislation. It would be disproportionate to introduce secondary checks here.

With regard to the proposals for checks in the private rented sector, there is a risk that more people will present as homeless if the checks delay their access to housing or they lose their accommodation while tests are carried out. It is therefore important that the checking process is responsive and efficient to ensure people are not delayed in accessing accommodation, including cases that are being dealt with by councils at an earlier stage of homelessness.

There is a minority of landlords who do not have regard to rules and regulations and there is a risk that the checking process will drive more people towards landlords who operate outside the rules. Local authorities target their enforcement action at the worst performing landlords, and you will be familiar with their proactive work with the Home Office and other enforcement agencies through recent initiatives on "beds in sheds". Landlords who knowingly house illegal immigrants are likely to be committing other housing or criminal offences, and government could go further than the existing proposals to look at simplifying and removing restrictions on the use of enforcement and improvement tools such as licensing regimes and article 4 directions. We know that licensing can be a useful tool in designing local solutions to improving the quality of private rented housing, as seen in Newham and Bristol City Council for example. It does not go far enough in giving

councils the flexibility to respond to local needs, and more could be done to make this an effective option.

We agree that repeated breaches of the immigration checks by landlords should lead to significant penalties and that local authorities may wish to consider this as part of the fit and proper person test for HMO licensing. It will be best for tenants and all landlords if the worst offenders are prevented from operating, but councils must have an effective route to enforce this. The drafting of the legislation and guidance must be done in a way that allows local authorities to refuse licenses on this basis, without leaving room for debate or costly legal challenge from landlords.

I look forward to the next stage of development and welcome further discussion of the proposals.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike Jones', written over a horizontal dashed line.

Councillor Mike Jones
Chairman, LGA Environment and Housing Board