

**Decision Maker:** RENEWAL, RECREATION AND HOUSING  
POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

**Date:** Tuesday 3 September 2019

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** COUNCIL MOTION - ABOLITION OF SECTION 21 OF THE  
HOUSING ACT 1988

**Contact Officer:** Graham Walton, Democratic Services Manager  
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Corporate Services

**Ward:** (All Wards);

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1. Reason for report

- 1.1 At the meeting of the full Council on 8<sup>th</sup> April 2019 a motion was moved by Councillor Kathy Bance and seconded by Josh King calling on the Government to abolish section 21 of the Housing Act 1988 which allows landlords to evict their tenants without having to establish any fault on the part of the tenant. The full text of the motion is set out in paragraph 3.1. The motion was referred to this Committee for more detailed consideration; the outcome will be reported back to Council.
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2. **RECOMMENDATION**

**The Committee is requested to consider the motion submitted by Councillor Bance and Councillor King and either -**

**(i) reject the motion;**

**(ii) agree the motion (with or without amendment) and request the Renewal, Recreation and Housing Portfolio Holder to write to the Government; or**

**(iii) request that further work be carried out on this issue.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council:
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### Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Not Applicable
  4. Total current budget for this head: Not Applicable
  5. Source of funding: Not Applicable
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### Personnel

1. Number of staff (current and additional): Not Applicable
  2. If from existing staff resources, number of staff hours: Not Applicable
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### Legal

1. Legal Requirement: None:
  2. Call-in: Not Applicable: This report does not involve an executive decision.
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### Procurement

1. Summary of Procurement Implications: Not Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

### 3. COMMENTARY

- 3.1 At the meeting of the Council on 8<sup>th</sup> April 2019 the following motion was moved by Councillor Kathy Bance and seconded by Councillor Josh King -

*“This Council strongly believes that a secure home is at the heart of all our lives. It gives security, enables aspiration and gives children a stable home in which to grow up.*

*This Council believes that residents living in the private rented sector should have the security to build their lives and futures, and to become an active part of their community, just as residents in other housing tenures should expect. We note that nationally, the largest reason for homelessness is eviction from the private sector. We therefore call on the Government to: abolish 'section 21' of the Housing Act 1988 which allows eviction without the landlord having to establish fault on the part of a tenant.*

*Removing this unfair clause would help to make renting more secure, improve standards, increase tenant confidence and ultimately contribute towards making renting a viable long-term alternative to home ownership or social rent for the millions who currently cannot access either.”*

- 3.2 A motion to refer the motion to this PDS Committee for more detailed consideration was moved by Councillor Colin Smith, seconded by Councillor Michael and supported by the Council. The Committee can reject the motion, agree the motion, with or without amendment and request the Portfolio Holder to act on it, or it can ask for further work and investigation to be carried out by officers.
- 3.3 The Government carried out a consultation in July/August 2018 seeking views on a longer tenancy model, and proposing a new three year tenancy model. In its response to the consultation, published in April 2019, the Government sought to find a balance between giving tenants greater security whilst ensuring that landlords could recover their property if needed, with the aim of encouraging investment and improving the supply of good quality properties available to rent. As part of this it undertook to build a consensus on a package of reforms including beginning a process to put an end to “no fault” evictions by repealing Section 21 of the Housing Act 1988.
- 3.4 On 21<sup>st</sup> July 2019 the Government issued a consultation to seek views on implementing the decision to remove section 21 of the Housing Act 1988. This consultation runs until 12<sup>th</sup> October 2019.

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children/Policy/Financial/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	Minutes of the Council meeting on 8 <sup>th</sup> April 2019 “Overcoming the Barriers to Longer Tenancies in the Private Rented Sector - Government Response” (April 2019) “A new deal for renting: resetting the balance of rights and responsibilities between landlords and tenants” (July 2019)