
TITLE: PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

Committee: Regulatory Services Committee

Date: 5th November 2018

Author: Julia Atkins, Senior Environmental Health Officer

[T130]

1.0 ISSUE

1.1 The Private Sector Housing Enforcement Policy 2018 has been reviewed to take into account new legislation and enforcement powers.

2.0 RECOMMENDATION(S)

2.1 Members are recommended to

- (1) Approve the draft Private Sector Enforcement Policy
- (2) Agree the Penalty matrix on page 34
- (3) Agree in principle to introduce a charge to cover the cost of administration and service of notices
- (4) Agree a consultation period of 12 weeks from 19th November 2018

3.0 BACKGROUND/OPTIONS

3.1 Private sector housing plays a significant part in housing provision within East Cambridgeshire. We recognise that the majority of this housing is in good condition and well managed, however in some circumstances this is not the case and where appropriate, enforcement action needs to be taken. The Council has a Statutory duty to deal with unsatisfactory housing.

3.2 This policy has been updated to include new legislation and summarises the types of enforcement and legislation, ranging from informal action, to the service of Notices, Civil Penalties and prosecution. The policy aims to clearly set out the Council's approach to enforcement to provide consistency and transparency. It is designed to be both fair to responsible landlords but deal effectively with uninformed or rogue landlords to maintain and improve housing conditions within East Cambridgeshire.

Main Updates

3.3 In recent years changes to legislation have enabled local authorities the power to enforce penalty charges as a tool to tackle non-compliance where appropriate as an alternative to prosecution. Any income raised from the issue of civil penalties can be retained by the local authority to off-set the cost of enforcement and improve private sector housing working practices.

- 3.4 **Housing and Planning Act 2016:** Allows local authorities to impose a civil penalty of up to £30,000 for certain offences, including overcrowding, failure to licence an HMO or breach of an Improvement Notice. Before the use of penalty charges are permitted, local authorities are required to produce a penalties matrix, that clearly sets out the considerations as to the level of the penalty for particular offences. The penalty matrix within the policy demonstrates the minimum tariff for a particular offence. Charges are proportionately higher for 'professional landlords' who manage larger portfolios, than they are for less experienced landlords.
- 3.5 **Housing Act 2004 Section 49:** Allows the local authority to charge for the service of housing enforcement notices. The aim of introducing this charge for specific notices within the policy is to act as a deterrent to landlords where their properties are found to be below standard. The charge will be to cover the officer costs for administering and serving such a notice. Appropriate charges will be added to the fees and charges register for the usual Committee approval to start 1st April 2019.
- 3.6 **Smoke and CO Alarm Regulations:** These penalty charges are already used where appropriate by Environmental Services (Domestic Team) having previously been approved by Committee but have been included within the Policy to ensure transparency of all powers and penalty charges issued by the team in a single policy and reference tool.
- 4.0 ARGUMENTS/CONCLUSIONS
- 4.1 Environmental Services are committed to improve enforcement procedures whilst responding to new legislation.
- 4.2 The policy aims to clearly outline the options open to the Environmental Services (Domestic Team) for Housing Enforcement to ensure consistency and transparency for the public, landlords and officers.
- 4.3 Introducing charges for specific notices and civil penalties as an alternative to prosecution, where appropriate, will be an additional deterrent to rogue landlords where good housing standards are not maintained.
- 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT
- 5.1 Implementation of this policy will have a positive effect. Increased civil penalty fines will be able to be charged resulting in increased income to offset the cost of enforcement and enable more improvements for the Environmental Services (Domestic Team).
- 5.2 Equality Impact Assessment (INRA) attached.

6.0 APPENDICES

6.1 Appendix 1-Private Sector Housing Enforcement Policy (with Appendices)
Appendix 2-INRA

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Housing Act 2004	Room SF203	Julia Atkins/Karen See
Housing and Planning Act 2016	The Grange, Ely	Position: Senior Environmental Health Officer (01353) 616304
Smoke and Carbon Monoxide Alarm Regulations		E-mail: Julia.atkins@eastcambs.gov.uk or Karen.see@eastcambs.gov.uk