

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	4 MARCH 2019	4
DRAFT PRIVATE SECTOR HOUSING ENFORCEMENT POLICY			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The enforcement officers within the Housing Services Team have a responsibility to enforce a range of legislation relating to private sector housing. The draft Private Sector Housing Enforcement Policy outlines these duties and powers and explains how enforcement will be carried out in a fair, equitable and consistent manner.

Supporting landlords, property owners and others to meet their legal obligations is the overall aim, but the policy also outlines the action that will be taken against those who flout the law or act irresponsibly.

The report asks that the Committee consider the draft Private Sector Housing Enforcement Policy and agree that a consultation exercise be undertaken with landlords, tenants, organisations that represent them and the wider community to find out their views on the draft policy.

A further report, taking account of the outcome of the consultation exercise will be presented to the Committee at a later meeting with a view to the policy being adopted.

RECOMMENDATIONS

1. To note the contents of the report
2. To approve the draft Private Sector Housing Enforcement Policy as detailed in Appendix 1
3. To approve the draft policy going out to consultation.
4. To note that a further report be presented to the Committee in due course.

SUMMARY OF PREVIOUS DECISIONS

Policy and Services Review Committee, Housing Act 2004 9th June 2005

Following a full debate the Forum RESOLVED:

1. To request Mr Cottam to prepare a policy paper in respect of empty property management orders.
2. To provide the St David's Community Group with a written response to their questions.
3. To thank Mr Cottam for his presentation

Environment, Health and Housing Committee 9th June 2015

It was RESOLVED that

1. The enforcement of The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 (The Order) be delegated to the Director of Development Services. The enforcement to be in accordance with The Order and as detailed in the appendix to the report; and
2. The penalty fine for non-compliance with the requirements of The Order be £5,000 unless extenuating circumstances exist to justify a lower amount. Consideration of extenuating circumstances to be delegated to the Director of Development Services.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

POLICY CONTEXT

1. The majority of housing enforcement activity is carried out under the Housing Act 2004 either as a result of a complaint from a tenant or as part of programmed work. A flowchart highlighting the various stages of the enforcement process for an individual dwelling is shown in Appendix 2. The flowchart illustrates that decisions must be made at various stages during the process with regard to the most appropriate course of action. It is important that these decisions are fair and consistent and the proposed enforcement policy will help to achieve this.

NEW POWERS AND DUTIES

2. New legislation has been introduced broadening the scope of the housing enforcement role such as the introduction of regulations requiring the provision of smoke and carbon monoxide alarms in private rented sector accommodation. Other legislative changes amend the scope of existing duties, for example, the extension of licensing for Houses in Multiple Occupation (HMOs) to cover a wider range of shared accommodation. In addition, the Housing and Planning Act 2016 introduces new powers to help councils to be more effective and efficient in taking action against those individuals or organisations regarded as “rogue landlords”.
3. The proposed policy covers the full range of new and existing powers and duties available to the Council for the efficient delivery of the private sector housing service. The Policy is attached as Appendix 1.

FUTURE POLICY DEVELOPMENT

4. The current policy does not cover the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. This is because the regulations are due to be amended during 2019. A further report, proposing an amendment to the policy will be presented to this Committee in due course.

APPLYING THE POLICY

5. In deciding on the most appropriate course of action, officers have regard to the principles set out in the policy and the need to maintain a balance between enforcement and other activities, including providing advice and information.

IMPLICATIONS	
Finance	The adoption of Civil Penalties will be a source of income for the Council wherever such penalties are payable. It is not possible to quantify the value of this penalty income at this stage. The budget will remain under review and may be adjusted as part of a future update to the Financial Forecast as necessary.
Legal	The Council has a duty to enforce certain housing legislation.
Community Safety	Ensuring private rented properties meet minimum standards enhances community safety and HMO licensing can help in reducing anti-social behaviour.
Human Rights and Equalities	Everyone has the right to occupy a home which is free from significant hazards.
Sustainability and Environmental Impact	Effective enforcement of housing standards will secure safe accommodation for future occupation.
Health & Safety and Risk Management	Adopting a Private Sector Housing Enforcement Policy demonstrates that the Council has measures in place to meet its statutory responsibilities.

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Housing health and safety rating system (HHSRS) enforcement guidance: Housing Conditions	August 2006	https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-enforcement-guidance-housing-conditions
Civil Penalties under the Housing and Planning Act 2016	April 2018	https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016
Houses in multiple occupation and residential property licensing reform: guidance for local housing authorities	June 2018	https://www.gov.uk/government/publications/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities
Lettings agents and property managers: redress schemes	October 2014	https://www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	September 2015	https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-local-authorities

Attached documents:

Draft Private Sector Housing Enforcement Policy (Appendix 1)

Housing Act 2004 – Flowchart: Enforcement options – (Appendix 2)