

## PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

Housing and Health Advisory Committee - 9 February 2021

**Report of:** Deputy Chief Executive and Chief Officer, People and Places

**Status:** For decision

**Also considered by:**

- Cabinet - 11 February 2021
- Council - 23 February 2021

**Key Decision:** No

**This report supports the Key Aim of:** delivering the District Council's Housing Strategy and which, in turn, supports the Community Plan.

**Portfolio Holder:** Cllr. Kevin Maskell

**Contact Officer:** Daniel Shaw, Ext. 7155

**Recommendation to Housing & Health Advisory Committee:**

That Members support the Private Sector Housing Enforcement Policy as set out in Appendix A, and agree the recommendation to Cabinet below.

**Recommendation to Cabinet:**

That it be recommended to Council that the Private Sector Housing Enforcement Policy as set out in Appendix A, be adopted.

**Recommendation to Council:**

That the Private Sector Housing Enforcement Policy be adopted.

**Reason for recommendation:** To improve standards in the District's private sector housing stock whilst also seeking to maximise associated resources.

### Introduction and Background

- 1 The Housing Act 2004 introduced updated housing standards and assessment methods with a view to improving standards in the private sector. As a result, local authorities must now take enforcement action to deal with properties with any Category 1 and 2 Hazards, as assessed under the Housing, Health and Safety Rating System (HHSRS).

- 2 The Housing Act 2004 also allows local authorities to charge for any such housing enforcement action, with two key associated benefits being: 1) a means to better encourage housing improvement works through self-management/regulation and, as a result, reduced need for any direct local authority intervention; and 2) to help recover costs associated with any enforcement action and, as a result, helping to maximise limited resources.

### **Current situation**

- 3 With a need to maximise effectiveness of the District Council's housing-related roles and services, related work programmes are being re-examined and comparisons made with systems operated elsewhere.
- 4 As a result, the option to introduce charging systems has been identified as an effective approach to the delivery of the future private sector housing strategy and to support related outcomes across a wide-range of associated health and wider community strategies.
- 5 The policy is seen as good practice and with similar policies adopted or in the process of being adopted by a number of Kent authorities, including Thanet, Folkestone & Hythe, Tonbridge and Malling, Ashford and Maidstone borough councils, as well as being supported by the National Landlords' Association. It is not the case of the District Council leading the way with this particular policy, therefore, but bringing it in line with other Kent local authorities where such policies have already proved to be an effective tool in dealing with rogue landlords and improving housing conditions for tenants.

### **Charging for Enforcement Action**

- 6 A key change in this new draft policy is the proposed charging system. The District Council starts from the position of working with its service users to help them comply with regulatory requirements. This is a more efficient way of meeting objectives rather than having to take enforcement action. The District Council provides clear, accessible advice and guidance and contact details where further information is required. Such information can also be found on the District Council's website and is available in hard copy and other formats and languages by request.
- 7 Under Section 49 of the Housing Act 2004, the District Council can make such reasonable charges as considered appropriate to recover administrative and other expenses incurred in taking enforcement action. This is seen as another tool to help the District Council work with those in breach of related legislation informally before considering the service of a notice. It must be noted that this is not a penalty charge, but a charge for Officers' time to put a notice together.
- 8 It is proposed that charges would be made in respect of the following types of enforcement actions under the Act, as follows: 1) serving improvement notices; 2) making prohibition orders; 3) taking emergency remedial action; 4) making emergency prohibition orders; 5) carrying out reviews of notices;

6) reviews of suspended prohibition orders; and 7) serving copies of decisions on any reviews.

### **Introducing the new policy approaches**

- 9 If approved, a communications plan would be drawn up in order to raise awareness of the new charging systems and particularly aimed at private landlords. A wide-range of communications methods would be employed to ensure maximum reach and these would include: The National Landlords' Association; West Kent Landlords' Forum; District Council website; In Shape; leaflets and other promotional materials; and direct mail-outs.
- 10 A review of the charging systems would also take place after a period of 12-months to ensure the policies were working to best effect and findings then reported back to the HHAC for information.

### **Key Implications**

#### Financial

The policy would be enforced with existing officer resources and with no financial implications, therefore. The policies would, in fact, help to sustain current officer resource levels and help to work towards a self-funding enforcement system.

Records going back to 2006 indicate that the charges as outlined in the policy would have likely generated £7,500 in administration costs. It is difficult to quantify cost associated with financial penalties as this is a new enforcement tool only introduced in 2017.

#### Legal Implications and Risk Assessment Statement

The policy would be in accordance with related legislation and support the District Council to also meet its statutory obligations in respect of identified Category 1 and 2 hazards under the HHSRS. The decision whether to use civil penalty powers (and to what extent) or to seek prosecution would be made by the Private Sector Housing Manager or Head of Housing in conjunction with Legal Services.

#### Equality Assessment

The policy would have no additional negative effect on end users as the District Council has a statutory requirement to enforce Category 1 Hazards and has been doing so since the introduction of the Housing Act irrespective of this new policy and historically would have prosecuted as opposed to the less formal approach set out in the attached policy. They would, however, support improvement of housing standards in the private rented sector where often the most vulnerable client groups live. The policy would have an indirect and positive impact on end users and also support the safeguarding of children and vulnerable adults, therefore.

## **Appendices**

Appendix A - Private Sector Housing Enforcement Policy

## **Background Papers**

[Housing Strategy 2017: \*Wellbeing Starts at Home\*](#)

**Sarah Robson**

**Deputy Chief Executive and Chief Officer - People & Places**