

HOUSING AND HOMELESSNESS OVERVIEW AND SCRUTINY PANEL – 15 MARCH 2023

PORTFOLIO: HOUSING AND HOMELESSNESS SERVICES

PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

1. RECOMMENDATIONS

- 1.1 That the Housing and Homelessness Overview and Scrutiny Panel: -
- 1.2 Considers the proposed Private Sector Housing Enforcement Policy which brings the policy in line with the latest regulations and guidance.
- 1.3 Make recommendations to the Portfolio Holder for Housing and Homelessness Services.

2. INTRODUCTION

- 2.1 This report introduces the draft Private Sector Housing Enforcement policy, which sets out the Council's approach to supporting high standards of safe private rented sector accommodation, enforcing licensing where applicable and outlines the available legislation powers at the Council's disposal to remedy property related issues reported by residents of the district
- 2.2 The Policy affirms available civil penalties and introduces charging for enforcement notices which is standard across the sector.

3. BACKGROUND

- 3.1 Through the delivery of the Council's Private Sector Housing Strategy the Council is committed to supporting our residents right to live in a safe and healthy home, through supporting and co-operating with landlords and using enforcement powers where required.
- 3.2 The Housing Act 2004 and associated secondary legislation sets out the duties and powers the Council has in relation to regulating housing standards in its capacity as the Local Housing Authority.
- 3.3 The enforcement policy is principally aimed at tackling poor unsuitable housing conditions and Landlords who do not comply with informal action.

4. THE PRIVATE SECTOR HOUSING ENFORCEMENT POLICY KEY COMPONENTS

- 4.1 The policy is designed to ensure that all residents within the district are living in a safe and healthy home.
- 4.2 The policy reflects legislative and regulatory duties placed on the Council to keep housing conditions within the district under review and take appropriate action where identified, to ensure suitable standards are maintained. The Policy also supports the priorities listed in the Private Sector Housing Strategy.
- 4.3 The policy introduces a reasonable charge for enforcement notices and orders as prescribed by section 49 of the Housing Act 2004. The charges are based on the current hourly rate of officers plus any associated costs. Details of the calculation can be found in Appendix C of the policy. It would be typical for a charge to be levied at

between £250 and £350. The aim of introducing this charge is to add an additional deterrent to landlords who do not co-operate with the Council.

- 4.4 The policy also introduces civil penalties which can be used as an alternative to prosecution for certain prescribed offences under the Housing Act 2004. These fines can be found in Appendix A of the policy.
- 4.5 The policy also introduces financial penalties applicable to specific legislation e.g. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015. The details of these charges can be found in Appendix A.
- 4.6 Any income received from civil/ financial penalties can be retained by the local housing authority provided that it is used to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector.

5. CONCLUSIONS

- 5.1 This Private Sector Housing Enforcement policy supports the Private Sector Housing Strategy in achieving high standards within the private rented sector.
- 5.2 It is proposed that the Private Sector Housing Enforcement Policy be adopted (by way of a Portfolio Holder decision), following consultation.

6. FINANCIAL IMPLICATIONS

- 6.1 There may be a financial impact to the Council if the most appropriate course of action is to carry out works in default, emergency remedial action or a demolition order. These are last resort approaches taken only after all other avenues of resolution are exhausted. The costs incurred are recoverable and are registered with the Local Land Charges Registry as a financial charge on any property where such works are carried out. Upon any future sale the Council would recover its costs.
- 6.2 Since 2018, the team were required to serve only two improvement notices which were both complied with, and incurred no cost to the Council. It is not envisaged that this policy will result in an increase of costs to the Council but the policy will provide adequate protection for the Council in case such action is required.

7. CRIME & DISORDER IMPLICATIONS

- 7.1 There are no crime & disorder implications arising from this policy

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 There are no environmental implications arising from this policy

9. EQUALITY & DIVERSITY IMPLICATIONS

- 9.1 The Council recognises that promoting equality and equal access to quality and safe accommodation is a key component to the Private Sector Housing Strategy and the Enforcement Policy. There is a likelihood that tenants reporting issues to the Council will experience health and welfare issues because of poor housing conditions and ineffective management of properties.
- 9.2 Through implementation of the policy the Council will support tenants resolve safety deficiencies within their properties and advocate on their behalf with relevant support agencies and landlords.

For further information contact:

Richard Knott
Service Manager – Housing Options, Rents,
Support and Private Sector Housing
023 8028 5242
Richard.Knott@nfdc.gov.uk

Kirsty Farmer
Private Sector Housing Manager
023 8028 5276
Kirstym.farmer@nfdc.gov.uk

Background Papers:

None.