

<b>REPORT TO:</b>		Cabinet	
<b>DATE:</b>		07 December 2022	
<b>PORTFOLIO:</b>		Cllr Kathleen Pratt - Housing, Health and Wellbeing Cllr Steven Smithson Environmental Services	
<b>REPORT AUTHOR:</b>		Phil Stacey, Environmental Health- Housing Standards Manager	
<b>TITLE OF REPORT:</b>		<b>Private Sector Housing Enforcement Policy</b>	
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable	
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	N/A

## 1. **Purpose of Report**

- 1.1 To provide Cabinet with an updated Private Sector Housing Enforcement Policy

## 2. **Recommendations**

I recommend that Cabinet:

- 2.1 Note the updated report; and
- 2.2 Approve the Private Sector Housing Enforcement Policy attached to this report and delegate authority to the Head of Environmental Health to make any necessary changes to the Policy to reflect future changes to legislation and case law.

## 3. **Summary**

- 3.1 The last Private Sector Housing Enforcement Policy was approved in June 2017 and was due for review in June 2019
- 3.2 Due to further changes in legislation since 2017, and the need to refresh and strengthen a range of enforcement options, it is proposed that the policy is updated.

## 4. **Reasons for Recommendations and Background**

- 4.1 The primary purpose of the Private Sector Housing Enforcement Policy is to ensure that:

- Tenants of private landlords and registered social landlords live in homes that are free of unacceptable hazards and risks to their health and safety;

- All houses in multiple occupation (HMO's) are safe and well managed and all relevant management regulations are adhered to;
- All licensable properties are licensed and all licensing conditions are met;
- Private housing is not left empty for an unreasonable amount of time and/or becomes an eyesore and nuisance to neighbouring properties;
- Privately owned property and land does not present a statutory nuisance to other land owners, and does not directly or indirectly present an unacceptable risk to public health, safety or the environment; and
- The Council meets its statutory obligations in relation to private housing.

4.1 There has been a strengthening of legislation in a numbers of areas, including electrical safety, energy efficiency and this has been addressed in the Policy and Appendices.

4.2 The Housing and Planning Act 2016 provided new powers for local housing authorities and the previous policy outlined these.

4.3. However, these powers have been developed since their introduction, and the revised policy reflects this. The updated Policy is attached to this report and includes revised content relating to: calculation of financial penalties, civil penalty notices, enforcement fees and charges, smoke and carbon dioxide.

4.4 There are other minor technical alterations to reflect wording and regulation changes by National Government.

4.5 Overall all of these changes will enhance the Council's' ability to enforce the relevant and comply with its statutory duties.

## **5. Financial issues**

5.1 Enforcement and collection of fees at the proposed rate will provide income in accordance with services provided and should act as a deterrent to poor quality and "rogue" landlords

5.2 By law all fees recovered are ring fenced to Environmental Health's Housing Standards budget and will be used, for example, to support the service, to improve service delivery and / or offer enhanced services.

## **6. Consultations**

6.1 Management Team, the Council Leader and Portfolio Holder have been consulted.

6.2 Benchmarking of fees has been carried out with Environmental Health Lancashire Housing Group

## 7. Implications

<p><b>Financial implications (including any future financial commitments for the Council)</b></p>	<p>See Section 5</p>
<p><b>Legal and human rights implications</b></p>	<p>The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications.</p> <p>The Council will work with our customers to help them comply with all relevant regulatory requirements before considering formal enforcement action. The Council will provide clear, accessible advice and guidance and provide contact details where further information is required</p>
<p><b>Assessment of risk</b></p>	<p>The financial risks associated with the proposal have been looked at prudently and the financial risk to the Council is considered low. The costs of administering the scheme will be covered through fee income. To manage the risk, we will regularly review the policy.</p> <p>The Authority must ring-fence any fees recovered to Environmental Health Housing Standards.</p>
<p><b>Equality and diversity implications</b>  <i>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> <li>• eliminate unlawful discrimination, harassment and victimisation; and</li> <li>• advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and</li> <li>• foster good relations between those who share a relevant protected characteristic and those who don't.</li> </ul> <p>For these purposes the relevant</p>

	<p>protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as Appendix to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.</p>
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**10. Local Government (Access to Information) Act 1985:  
List of Background Papers**

10.1 Private Sector Housing Enforcement Policy June 2017

**11. Freedom of Information**

11.1 This report does not contain exempt information under the Local Government Act 1972; Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.