

Bath & North East Somerset Council

MEETING:	Housing & Major Projects Policy Development and Scrutiny Panel
MEETING DATE:	24th July 2012
TITLE:	Housing Services Enforcement Policy
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: Housing Services Enforcement Policy 2012	

1 THE ISSUE

- 1.1 This policy sets out the principles of good enforcement practice and how Housing Services will apply these principles. The policy also states how the Service will deal with individuals and organisations who do not comply with the requirements of the Housing Act 2004 and other relevant housing legislation.

2 RECOMMENDATION

The Housing & Major Projects Panel is asked to:

- 2.1 Note and comment on the proposed policy.

3 FINANCIAL IMPLICATIONS

3.1 The maintenance of acceptable housing standards is a statutory function of the Council under the Housing Act 2004. This policy underpins this enforcement work. Whilst Housing Services utilise staff resources for this function, there are no additional resource implications due to the proposed changes to this policy.

4 THE REPORT

4.1 The Enforcement Concordat is promoted by the Cabinet Office and the Local Government Association and sets out what businesses and others should expect from an enforcement authority. It was signed on behalf of the Council on the 10th July 2002.

4.2 Housing Services aim to carry out their enforcement functions in a fair, consistent and helpful manner in accordance with the Enforcement Concordat. The updated Housing Services Enforcement Policy 2012 provides guidance on the types of enforcement action taken by the Council to promote compliance with housing legislation. The policy also refers to rights of appeal and the Councils complaints procedure. The enforcement policy will assist the Council in carrying out good enforcement practice. It will provide guidance to landlords, businesses and others on what enforcement service they can expect to promote compliance with housing law.

4.3 Having recently reviewed the existing policy a number of enhancements are proposed including:

- Replacing the existing initial “straight to informal” approach with a short consultation period for engagement with landlords, tenants and interested parties. After this period a decision will then be made on the most appropriate approach which could be either formal or informal action. This will prevent unnecessary delay created by informal action in the cases where Housing Services do not believe that the landlord will undertake repairs promptly. It will also ensure that we act in accordance with guidance which discourages enforcement authorities from taking inappropriate enforcement action.
- A section on HMO licensing has been added to include the key legislative requirements, process and enforcement options to promote regulatory compliance; and
- The policy has also been synchronized with the references to enforcement in the empty homes policy.

4.4 It should be noted that where a hazard presents an imminent risk to health the policy allows the Council to undertake urgent action, thus avoiding the delay of the consultation period.

5 RISK MANAGEMENT

5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance. The risk of unreasonable or disproportionate enforcement action was identified. The revised policy includes a short consultation period before a decision on the type of enforcement action is taken. This will assist in the mitigation of the risk.

6 EQUALITIES

An Equality Impact Assessment (EqIA) has been completed. Adverse impacts were identified and have been mitigated in the following ways:

Landlords are required to consider the needs of disabled occupants living in rented properties when carrying out works to comply with an informal schedule or enforcement notice;

A translation sheet, in 6 of the most common languages spoken in Bath & North East Somerset, is included with formal documents.

Cultural and religious festivals are respected and considered when programming inspections.

7 CONSULTATION

7.1 Cabinet Member; Overview & Scrutiny Panel; Staff; West of England Landlords Panel, Service Users; Section 151 Finance Officer; Monitoring Officer.

7.2 Consultation carried out to date has been through meetings and email. In addition the proposed policy document has been uploaded to the Council's public access E-Consult system. The National Landlords Association, Managing Agents, the Universities, student members of the Accreditation Working Group and Residential Social Landlords will be contacted to draw their attention to the document where they can discuss and leave comments.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Legal considerations – The good practice outlined in the Enforcement Policy will assist the Council to successfully carry out statutory functions in relation to Housing.

8.2 Health & Safety - The policy is underpinned by actions in the Housing and Wellbeing Strategy to improve the health, safety and wellbeing of vulnerable households in B&NES.

8.3 Social Inclusion - Good quality, suitable housing increases social inclusion, particularly for children, the disabled and older people on low income. It also assists with the maintenance of good health and comfort, reducing social exclusion caused by poor health and poor living conditions. These factors should reduce the demands on NHS B&NES.

8.4 Customer Focus - This policy aims to help meet the needs of vulnerable residents in B&NES living in rented homes with concerns about their housing conditions.

8.5 Sustainability - Relatively small scale targeted repairs can prevent housing falling into excessive disrepair. Also energy efficiency improvements reduce carbon dioxide emissions and the likelihood of fuel poverty.

8.6 Young People - Good quality suitable housing improves the health and educational outcomes for children and young people.

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Background papers	
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