

Bath & North East Somerset Council

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| MEETING: | Cabinet | |
| MEETING DATE: | 14 th November 2012 | EXECUTIVE FORWARD PLAN REFERENCE: |
| | | E 2407 |
| TITLE: | Housing Services Enforcement Policy | |
| WARD: | All | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: Appendix 1 - Housing Services Enforcement and Licensing Policy | | |

1 THE ISSUE

1.1 Housing Services aims to protect the health, safety and welfare of residents by enforcing minimum housing standards. This enforcement policy articulates how Housing Services will adopt the principles of good enforcement practice and how the Service will liaise with individuals and organisations who do not comply with the requirements of the Housing Act 2004 and other relevant housing legislation. It updates the existing enforcement policy and introduces a new streamlined enforcement process.

2 RECOMMENDATION

The Cabinet agrees that:

2.1 The proposed revised enforcement policy, attached in appendix 1, is formally adopted.

3 FINANCIAL IMPLICATIONS

3.1 There are no additional resource financial implications arising from this report. However, the maintenance of acceptable housing standards is a statutory function and this policy underpins this work stream.

4 CORPORATE OBJECTIVES

4.1 An effective housing allocation policy will contribute to the following corporate priorities:

- Promoting independence and positive lives for everyone: The policy will encourage robust, reasonable and consistent enforcement action in relation to housing conditions and standards. This will help to ensure health and wellbeing through safe and healthy housing
- Creating neighbourhoods where people are proud to live: Well maintained and safe housing is basic requirement for wellbeing and a directly supports this objective.
- Building a stronger economy: good quality private rented sector provides affordable housing for residents allowing them to live and work in Bath and North East Somerset. Improvement and maintenance work to the housing stock can be beneficial for local business and employment.

5 THE REPORT

5.1 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.

5.2 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.

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

- The introduction of a short consultation period for engagement with landlords, tenants and interested parties following the need for action or legal contravention being identified. 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 the Service acts in accordance with guidance which discourages enforcement authorities going straight to formal action unnecessarily.

- A section on HMO licensing has been added to include the key legislative requirements, process and enforcement options to promote regulatory compliance.
- Other relevant housing related legislation has been included in addition to the Housing Act 2004.
- The policy has also been aligned to the references to enforcement in the empty homes policy.

5.4 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 that has been introduced.

6 RISK MANAGEMENT

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, 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 to mitigate this risk.

7 EQUALITIES

7.1 An Equality Impact Assessment 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; and
- Cultural and religious festivals are respected and considered when programming inspections.

8 RATIONALE

8.1 An enforcement policy enables the Council to take effective action in the courts to prosecute those who fail to comply with housing law. A written policy also promotes fair and consistent enforcement practice

8.2 The revised policy provides a enhanced coverage of the housing legislation, a more streamlined process and improved consultation with those parties affected by enforcement action.

9 OTHER OPTIONS CONSIDERED

9.1 None.

10 CONSULTATION

10.1 Policy Development and Scrutiny Panel; Staff; Other B&NES Services; Service Users; Stakeholders/Partners; Section 151 Finance Officer; Chief Executive; Monitoring Officer

10.2 Consultation has been through meetings, email and the Council's E-Consult system. The policy has been discussed with the West of England Landlords Panel, Local Letting Agents, Curo and the Accreditation Working Group.

10.3 The response to the consultation was positive or neutral. Landlords and agents were particularly supportive of the opportunity to give their views before a decision on the most appropriate course of enforcement action was taken.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Customer Focus; Sustainability; Young People; Human Rights; Other Legal Considerations

12 ADVICE SOUGHT

12.1 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 | |
| Please contact the report author if you need to access this report in an alternative format | |