

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Paul Crossley, Leader of the Council Cllr Tim Ball, Cabinet Member for Homes & Planning	
MEETING/ DECISION DATE:	On or after 29th April 2014	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2623
TITLE:	Housing Services Charging Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 –Housing Services Charging Policy		

1 THE ISSUE

- 1.1 Housing Services provide a number of statutory and non-statutory services where reasonable costs can be recovered. The attached Housing Services Charging Policy details which services are subject to a charge and how the charges will be calculated and recovered.

2 RECOMMENDATION

- 2.1 That the Housing Services Charging Policy, attached in Appendix 1, is adopted.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Housing Services currently charge fees to cover the cost of providing a number of services and functions. This includes fees to private landlords for administering both the mandatory and additional HMO license schemes and housing associations for work associated with the delivery of affordable housing and the marketing of vacant accommodation through the Homesearch scheme.
- 3.2 The attached charging policy will increase those areas of activities covered by charging to include reasonable charges associated with the serving of housing enforcement notices and other formal enforcement activities. This amendment will result in a relatively small, though significant, increase in income for the service. Given the nature of the work associated with the additional charges it is difficult to predict with any accuracy what the additional income will be, though estimates based upon historic activity would suggest around £5k-£10k p.a. The aim of the policy is not to make a surplus, rather to cover costs and provide an incentive for landlords to comply with minimum standards.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The legislative framework to support the charging policy is contained in the following Acts of parliament:
- a) Housing Act 2004 – power to recovery costs associated with housing enforcement activity
 - b) Housing Act 1996 - power to establish Nomination Agreements and the recovery of costs associated with the provision of temporary accommodation
 - c) Local Government Act 2003 – general power to charge for discretionary services

5 THE REPORT

- 5.1 Housing Services currently charge fees which aim to cover the cost of providing a number of services and functions. This includes fees to private landlords for administering both the mandatory and additional HMO license schemes and housing associations for work associated with the delivery of affordable housing and the marketing of vacant accommodation through the Homesearch scheme.
- 5.2 The legislative framework, detailed in section 4, also allows the Council to recover the reasonable costs of performing part of the housing enforcement role, notably around the service of formal enforcement notices, works in default and emergency remedial action. In addition the Council is able to charge for other discretionary services, such as providing immigration clearance surveys. Following an internal review Housing Services have taken the decision to broaden their charging policy to encompass these enforcement activities and to incorporate all such charges into a single document.
- 5.3 Where the condition of rented accommodation falls below minimum legal standards Housing Services will pro-actively engage with the landlord to ensure that the situation is promptly rectified. This is generally achieved through engagement with the landlord and the service of an informal enforcement notice.

However, where the landlord refuses to positively engage with the service then a formal enforcement notice will be served. The adoption of the attached charging policy would mean that in these cases the Council would also charge the landlord a £240 fee for the service of the formal notice. In the case of works in default or emergency remedial action, where the time commitment can be substantial, the owner would be charged at the rate of £32 per hour. Similarly where someone has requested that we visit their property with the purpose of supplying them with an official report, such as an immigration clearance survey then this would also be charged at the rate of £32 per hour.

5.4 In addition the Council has the power to recover the costs associated with providing clients with temporary accommodation. The policy has provided the opportunity to clarify the circumstances where the Council will use this power. The circumstances are more fully detail in the policy, however the following summarises the policy position:

- (1) Charges for food, heating, lighting and water – Housing Services will pay these charges for the first 6 weeks; thereafter these charges are subject to payment by the applicant. This mainly affects applicants in bed & breakfast accommodation. It is not usual for applicants to reside in bed & breakfast accommodation for more than 6 weeks.
- (2) Storage of personal possessions and pets – Housing Services will charge the full costs associated with storage and kennelling.
- (3) Charges for Rent – If an applicant has sufficient resources to be ineligible for housing benefit we will seek to recover the rent. However, this would not be done where the affect of those charges would result in the household net income being below the level of income support plus 25%.

5.5 It should also be noted that in the case of homeless clients the policy allows for the waiving of fees in exceptional circumstances, such as, causing serious financial hardship. In addition the recover system is subject to the usual invoices and debt recovery processes where exceptions can also be made should personal circumstances dictate.

5.6 All fees have been calculated with the support of the finance team and are considered to be conservative estimates of the actual cost of service provision.

6 RATIONALE

6.1 The rationale of the changes to the charging policy is supported by three key principles. Firstly, that the possibility of receiving a charge for the service of a formal enforcement notice will encourage the minority of landlords who currently refuse to positively engage with Housing Services to do so in the future. Secondly, it transfers some of the costs of providing these services from the wider community to those landlords or individuals who are necessitating the action. Finally, having our charges in a single public document meets our aims of being transparent and open.

7 OTHER OPTIONS CONSIDERED

7.1 No change. This option was discounted for the reasons detailed in section 6.

8 CONSULTATION

8.1 Given the nature of the policy only limited and informal consultation has been undertaken. However, the extensive consultation on the additional HMO licencing scheme did raise the issue of encouraging a more pro-active approach to recharging, so that landlords in default were subject to charges and so encouraging responsible landlords. In addition consultation with West of England partners has confirmed that this policy would be consistent with their adopted policies and procedures. The subject has also been discussed at the Housing & Major Projects Policy Development & Scrutiny Panel where no adverse comments were raised.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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Background papers	None
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