

<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING/ DECISION MAKER:</b>	<b>Cllr Tom Davies, Cabinet Member for Adults and Council House Building</b>	
<b>DECISION DATE:</b>	<b>On or after 12 November 2022</b>	<b>EXECUTIVE FORWARD PLAN REFERENCE:  E3387</b>
<b>TITLE:</b>	<b>Housing policy updates for:</b> <ul style="list-style-type: none"> <li>- <b>Enforcement and licensing</b></li> <li>- <b>Empty residential properties</b></li> <li>- <b>Decent homes</b></li> </ul>	
<b>WARD:</b>	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix 1 - Draft Housing Services Enforcement & Licensing Policy 2022 Appendix 2 - Draft Housing Services Empty Residential Properties Policy 2022 Appendix 3 - Draft Housing Services Decent Homes Policy 2022 Appendix 4 - Table of policy amendments		

## **1 THE ISSUE**

1.1 The three policies identified in this report require updating to reflect changes in legislation and better reflect current needs and good practice.

## **2 RECOMMENDATION**

2.1 That the updated Housing Services Policies for Enforcement and Licensing, Empty Residential Properties and Decent Homes are adopted.

### 3 THE REPORT

3.1 Policies for Enforcement and Licensing, Empty Residential Properties and Decent Homes are reviewed and updated from time to time to reflect new legislation, current needs and good practice. This report introduces each policy with a summary of the updates and rationale.

#### 3.2 Enforcement and Licensing Policy

The Council are required to adopt an enforcement policy which is consistent with the requirements of the Regulators Code and aims to ensure that the Council operates in an open, proportionate, consistent and helpful manner. It is also a prerequisite for the use of Financial Penalties.

The policy changes reflect new powers to issue financial penalties for offences under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020; the use of a penalty charge for offences under the [Smoke & Carbon Monoxide Alarm \(England\) Regulations 2015](#) and for the Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.

The policy updates enable the Council to use these new enforcement powers.

#### 3.3 The Empty Residential Property policy

The policy sets out how the Council will encourage the owners of empty properties to bring them back into use including as affordable housing where appropriate.

The policy makes it clear how the work on empty properties is aligned with the provision of affordable housing in B&NES, it updates methods of identifying empty properties for attention from Council tax exemption and provides the policy for loans to bring empty homes back into use under the Regulatory Reform Order.

The policy update clarifies support including financial assistance available to owners of empty properties to bring them back into use and enforcement powers available to the Council in relation to empty properties.

#### 3.4 The Decent Homes Policy

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 provides local authorities with a general power to help including financial assistance to improve housing conditions. This assistance may take the form of financial grants, loans or any other type of help and support thought appropriate. Prior to making such assistance available it is a requirement that the Council must adopt and publish a housing renewal policy, referred to as the Decent Homes Policy in this document.

The update provides financial eligibility for a disabled facilities grant (DFG) on the basis of Council Tax Reduction, discretionary DFG assistance for removal expenses to a more suitable home, a fast track service for residents with a particularly urgent need for an adaptation, a simplified and more flexible process for discretionary DFGs, eligibility for affordable warmth grants on the basis of low

income and low energy efficiency and small unsecured loans through our partner Lendology (formerly Wessex Loans) for essential repairs.

The policy update reflects changing needs and funding options for financial assistance to support residents with home adaptations for independent living, energy efficiency improvements and essential repairs.

3.5 A table showing the detail of the amendments proposed is provided as an attachment to this report.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

4.1 The legislative framework to support the Enforcement and Licensing policy is contained in a range of Acts of parliament, including:

- Public Health Act 1936
- Public Health Act 1961
- Protection from Eviction Act 1977
- Local Government (Miscellaneous Provisions) Act 1982
- Landlord and Tenant Act 1985
- Environmental Protection Act 1990
- Housing Act 1996
- Housing Act 2004
- Housing Act 2005
- Housing & Planning Act 2016

The basis for financial assistance offered by the Empty Residential Property policy is the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which also provides the statutory framework for the Decent Homes policy. Existing Council functions and working alongside these form the basis for other assistance and targeting work.

The legislative framework to support the Decent Homes policy is contained in general powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to provide assistance that improves housing conditions in the area.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 There are no additional resource implications arising from this report.

5.2 Income received from a financial penalty or penalty charge can be retained by the Council 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.

## **6 RISK MANAGEMENT**

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

## 7 EQUALITIES

7.1 The previous Equality Impact Assessments for each policy has been reviewed.

Additional adverse impacts of the Enforcement and Licensing Policies 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.

The previous Equality Impact Assessment for Empty Properties and Decent Homes have been reviewed and no additional impact have been identified.

## 8 CLIMATE CHANGE

8.1 All policies are concerned with the improvement of residential property in B&NES. The Decent homes policy includes a low carbon affordable warmth grant which contributes to improving the energy efficiency of homes and at the same time reducing carbon emissions. The enforcement and licensing policy provides an incentive to landlords to comply with minimum housing standards which include energy efficiency and low carbon affordable warmth.

## 9 OTHER OPTIONS CONSIDERED

9.1 None

## 10 CONSULTATION

10.1 No formal consultation has taken place of these updates which reflect legal changes or are relatively minor. However, they are informed by feedback from customers and partners to respond to changing demand.

10.2 Section 151 Officer and Monitoring Officer have had opportunity to review and input into this report.

<b>Contact person</b>	Chris Mordaunt, Housing Standards and Improvement Manager (01225 396282)
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	