

# **Private Sector Housing Enforcement Policy and associated charges**

*Executive Portfolio Holder:* Ric Pallister, Strategy and Policy  
*Director:* Martin Woods, Service Delivery Director  
*Lead Officer:* Vicki Dawson, Lead Specialist Environmental Health  
*Contact Details:* Vicki.dawson@southsomerset.gov.uk or 01935 462546

## **Purpose of the Report**

1. For members to consider and adopt the attached Private Sector Housing Enforcement Policy and agree associated charges for enforcement and civil penalties in the appendices to the report.

## **Forward Plan**

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of 5<sup>th</sup> July 2018.

## **Public Interest**

3. The purpose of this report is to outline the Council's approach to enforcement in the private housing sector and to agree charges for associated civil penalties and enforcement activity.

## **Recommendation**

4. That the District Executive agrees and adopts the attached Private Sector Housing Enforcement Policy in Appendix 1 and agrees the charges in the following Appendices;

Appendix 1.1 Charging Policy for Private Sector Housing Enforcement Services

Appendix 1.2 Civil Penalties Policy for Private Sector Housing Related Offences

Appendix 1.3 Statement of Principles for determining a penalty charge for offences under the Smoke and Carbon Monoxide Alarm Regulations 2015 and related legislation

## **Background**

5. The Council's Private Sector Housing (PSH) officers seek to maintain and improve housing conditions in the private sector. Legislation concerning the private sector is aimed mainly at private sector housing and private landlords although in certain situations social landlords are included. The condition of housing in this sector has moved up the political agenda both locally and nationally in recent months with concerns about overcrowding, disrepair, beds in sheds, rogue landlords and lack of adequate means of escape in case of fire in certain premises
6. The PSH officers initial approach when dealing with the private sector is to provide informal advice and assistance to ensure standards are met and maintained. We have many excellent landlords in our district and work with them in partnership with our other services to provide good quality rented accommodation. The National Landlords Association (NLA) works hard to assist local landlords meet new legal requirements to improve the standard of rented accommodation. Grants and loans are available to assist improve substandard property in certain situations. In most cases this informal approach works but where it fails or it is necessary to meet agreed enforcement objectives, PSH officers will take the enforcement action required.

7. Enforcement action may be required to ensure compliance with regulatory requirements including the licensing of houses in multiple occupation (HMOs), bringing empty properties back into use, enforcement of the housing health and safety rating system (HHSRS), dealing with overcrowding, public health matters, and anti-social behaviour associated with privately rented accommodation.
8. Earlier in the year the Council introduced an amended Article 4 Direction in Yeovil to control the development and spread of HMOs. Having said this however the Council recognises the need for good quality HMOs in anticipation of the introduction of the Homelessness Reduction Act. It is therefore not proposed to increase HMO license fees at this time as has been done in many other areas, so as to not place undue burdens on our local HMO landlords.

## **Report Detail**

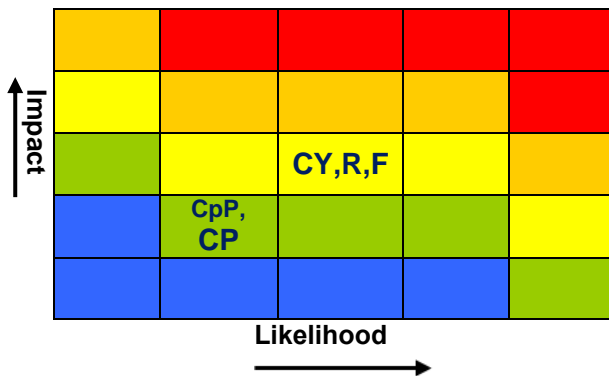
9. The Housing & Planning Act 2016 and associated legislation has recently introduced a range of new measures to improve the regulation of the private rented sector including the ability of the Council to introduce new charges and penalties. With these recent changes it is now an opportune moment to adopt a revised, updated policy on Private Sector Housing Enforcement reflecting the latest developments including the introduction of new charges and penalties. This new policy and the associated charges and penalties need to be agreed by the District Executive as being appropriate for use in South Somerset.
10. This new policy is designed to provide an effective and fair approach to regulatory enforcement in order to improve regulatory outcomes to protect tenants without imposing unnecessary burdens on landlords. This policy is in accordance with the Council's Enforcement Policy for Regulatory Services and takes into account the Council's approach to better enforcement as a result of the Government's Better Regulation agenda. This policy clearly sets out the Council's approach to enforcement so that everyone who owns or lets private property will know what to expect from the Council. The new charging regime helps the Council cover the cost of it's enforcement action where action is necessary.
11. A consultation exercise has taken place over a six week period prior to this report. Around 200 landlords that we had contact details for were sent an email, along with the consultation being placed on our public website. The consultation was seeking views on the content of the Enforcement Policy along with specific questions about the reasonableness of the proposed charges. Only 9 responses were received, 8 of which were from people owning or managing residential property in South Somerset. Generally there was support for the policy with comments about ensuring poor landlords were tackled. 8 of the 9 responses supported the Council in full cost recovery of enforcement action. 5 of the 9 responses felt the licence charge for HMOs should be increased to allow full cost recovery but the other 4 did not. 7 of the 9 responses agreed with the Civil penalty charges or expressed no opinion and agreed with the 25% discount for early payment.

## **Financial Implications**

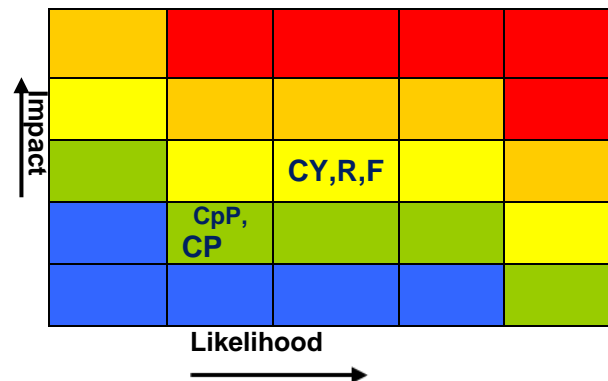
12. Charging for enforcement and the use of Civil Penalties will help the Council recover some the cost incurred with enforcement action although it is hard to gauge at this stage how much it will be. Any income received during 18/19 would provide an underspend as there is no current income budget at this stage. Any initial reasonable estimates will be added to the MTFP in due course once we have some experience of income trend.

## Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



### Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

## Council Plan Implications

13. This new policy will contribute towards the following council aim;

- To provide healthy and sustainable housing for all our residents

## Carbon Emissions and Climate Change Implications

14. Any works undertaken to improve the insulation and energy efficiency of private sector housing will have apposite effect on carbon emissions.

## Equality and Diversity Implications

15. A full equality assessment report has been undertaken on this policy and charges and there are no adverse implications.

## Privacy Impact Assessment

16. There are no privacy implications to this report

## Background Papers

Private Sector Housing Strategy 2015-19

Empty Homes Strategy

HMO Policy 2015-19

Somerset Strategic Housing Framework 2018-2022-consultation document

Article 4 Direction of Houses in Multiple Occupation-Report to Area South Committee 3/1/18

SSDC Regulatory Services Enforcement Policy 2016-2020