

Report of	Meeting	Date
Director Communities (Introduced by the Executive Member (Homes and Housing))	Executive Cabinet	17 June 2021

## Housing Enforcement Policy 2021

### Purpose of report

1. To consult on the proposed Housing Enforcement Policy 2021.

### Recommendation(s)

2. To approve the proposed policy.

### Executive summary of report

3. The purpose of the policy is to set out the council's compliance and enforcement approach to housing standards activities to support improved housing conditions across the borough. In particular, to outline where exceptions and discretionary decisions can be made in order to support owner occupiers in exceptional circumstances to improve living conditions.
4. The policy is in addition to the existing Private Sector Housing Assistance Policy which aims to provide information, advice and enable activities relating to adaptations and supported improvements. Where possible the eligibility of housing assistance policy would be reviewed prior to the consideration of enforcement activities.
5. The policy sets out the general principles the council will follow in relation to regulation and more particularly how we can support homeowners to improve the standards of their homes. It describes what property owners can expect if enforcement action is required under the Housing Act 2004.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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<b>Key Decision?</b> Please bold as appropriate	Yes	<b>No</b>
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or	4, Significant impact in environmental, social or

	more	physical terms in two or more wards
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**Reasons for recommendation(s)  
(If the recommendations are accepted)**

6. The principal aims of the Housing Enforcement Policy are:
- To protect public health and safety from housing related standards issues
  - To support homeowners in meeting the required housing standards in accordance with the principle legislation
  - To improve the overall standards of the housing stock across the borough
  - To ensure a consistent a balanced approach when making enforcement decisions

**Alternative options considered and rejected**

7. No known alternatives

**Corporate priorities**

8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

**Background**

9. The Council is the statutory Strategic Housing Authority and therefore has the responsibility for ensuring all housing in the Borough, irrespective of tenure, meets the requirements of the Housing Act 2004 and other relevant legislation.
10. The policy has been developed and will be implemented in accordance with relevant Housing Acts and subsequent orders including provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
11. There are several pieces of legislation that set out specific requirements relating to the hazards that can be found in a domestic setting and the obligations of landlords and homeowners. The predominant piece of legislation is The Housing Act 2004 that prescribes the Housing Health and Safety rating System (HHSRS), the HHSRS provides the means for local authority to assess housing conditions and decide on the appropriate action to be taken to where hazards are identified.
12. The scoring is based on the risk posed to the most vulnerable potential occupant of the property over a 12 month period. In determining what action to take the Council will not only consider the score but will also take account of the duty to act, the view of the occupiers and the presence of other hazards along with any history of the relevant landlord.
13. The Council must take appropriate action in respect to Category 1 hazards and may do so in relation to Category 2 hazards. Generally appropriate action will be undertaken on high Category 2 hazards, i.e. those scoring bandings D & E. While action on lower Category 2 hazards will generally be considered when Category 1 and high category 2 hazards exist.

14. Sections 254-259 of the Housing Act defines what is considered a house of multiple occupation (HMO). The Licensing of Houses In Multiple Occupation (Prescribed Description) (England) Order 2018 requires certain mandatory licensing of HMO's by the local authority. The Policy outlines the duties of the local authority and the licence holder prescribed in the act.
15. The policy outlines the enforcement principles contained within The Regulatory Reform Act 2006, to have regard to The Regulators' Compliance Code.

### Implications of report

16. A risk of not implementing the policy could lead to inconsistency in the council's approach to exceptional circumstances within owner occupied properties.
17. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	X

### Comments of the Statutory Finance Officer

18. The policy will be delivered within existing budgets

### Comments of the Monitoring Officer

19. The proposed policy deals with the main enforcement options contained within the relevant legislation, including Housing Act 2004 and also acknowledges within the Housing Health and Safety Rating System (HHSRS). Statutory guidance for local authorities on the use of enforcement powers under the Housing Act 2004 is contained within the HHSRS enforcement and the proposed policy acknowledges the relationship between the legislation and the guidance.

Director J.Mullin  
Director of Communities

Report Author	Ext	Date
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