

Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member for Places)	Executive Cabinet	15 December 2011

CHARGING POLICY FOR HOUSING ACT 2004 IMMIGRATION INSPECTIONS AND ENFORCEMENT NOTICES AND ORDERS

PURPOSE OF REPORT

1. To advise Members of the provisions within the Housing Act 2004 for Local Authorities to charge for enforcement notices and orders and for immigration inspections.
2. To seek approval to introduce a charging system for such work.

RECOMMENDATION(S)

3. Members are asked to approve the making of reasonable charges as appropriate for the purposes of recovering the administrative and other costs when the Council takes enforcement action under the Housing Act 2004 and the inspection of properties for immigration applications.
4. The recommended charging structure is contained within the main body of this report.

EXECUTIVE SUMMARY OF REPORT

5. Provisions within the Housing Act 2004 allow local authorities to make a financial charge for enforcement action they may be required to take. The charges apply specifically to the issue of a Housing Improvement Notice, a Housing Prohibition Order, a Housing Hazard Awareness Notice, a Housing Emergency Remedial Action, a Housing Emergency Prohibition Order and a Housing Demolition Order.
6. In accordance with the Councils Enforcement Policy, other than for Emergency Remedial Works or Emergency Prohibition Orders, landlords will be given an opportunity to resolve the hazards and deficiencies at their properties informally before the service of a formal Notice or Order.
7. In addition council officers also carry out immigration inspections. All properties intended for the receipt of certain non-EU visitors must be inspected to ensure that space and decency standards are met in accordance with the occupation provisions of the Housing Act 2004. Prior to the visitor entering the country the immigration service require an official confirmation from the Council that the intended residence for the duration of the stay will not become overcrowded and has adequate facilities to accommodate the visitors. There is provision within legislation to make a charge for this.
8. The recovery of charges will follow the Councils normal financial procedures i.e. invoicing of the person(s) on whom the Notice or Order was served, followed by standard recovery procedures and the Local Authority registering a land charge on the property, where the debt is not paid.

Confidential report Please bold as appropriate	Yes	No
--	-----	-----------

Key Decision? Please bold as appropriate	Yes	No
--	-----	-----------

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

9. The relevant housing legislation allows for the recovery of reasonable costs incurred by the Local Authority for taking enforcement action against landlords who allow their tenants to live in hazardous conditions.
10. Neighbouring local authorities make charges for enforcement actions taken under the Housing Act 2004. Chorley Council would set charges comparable to those in other Lancashire Authorities in order to ensure equity across the County.
11. There is provision to make a charge for the administrative function associated with an immigration inspection.
12. Neighbouring local authorities already make charges for this service. Chorley Council would set charges comparable to those in other Lancashire Authorities in order to ensure equity across the County.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

13. Continue to carry out chargeable enforcement actions under the Housing Act and absorb the cost within existing resources.
14. Continue to offer a free immigration inspection service and absorb the costs within existing resources.

CORPORATE PRIORITIES

15. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			X

BACKGROUND

16. Chorley Council is responsible for the enforcement of housing standards within its area. This responsibility is undertaken by responding to complaints from private tenants regarding their living conditions and the inspection of private owned rented properties within the borough.
17. Where hazards and deficiencies in the safety of the properties are identified, the landlord is responsible for carrying out the necessary remedial works to return the property to a safe state for the protection of the occupants.
18. In accordance with the Councils Enforcement Policy, other than for Emergency Remedial Works or Emergency Prohibition Orders, landlords are given an opportunity to resolve any identified hazards and deficiencies at their properties informally before the service of formal Notices and Orders.
19. Enforcement actions taken by the Local Authority require the collation of large quantities of evidence, the preparation of complex notices and the drafting of schedules specifying all the works required to remedy identified hazards.

20. The Housing Act 2004 gives local authorities the power to charge for enforcement action. The charges apply specifically to the issue of a Housing Improvement Notice, a Housing Prohibition Order, a Housing Hazard Awareness Notice, a Housing Emergency Remedial Action, a Housing Emergency Prohibition Order and a Housing Demolition Order.
21. The legislation allows for the recovery of reasonable costs incurred by the Local Authority for taking enforcement action against landlords who allow their tenants to live in hazardous conditions.
22. Neighbouring local authorities already make charges for enforcement actions taken under the Housing Act 2004. Chorley Council would set charges comparable to those in other Lancashire Authorities in order to ensure equity across the County, but also to ensure that the costs of enforcement action are met by those responsible rather than the Chorley tax payer.
23. Chorley Council Neighbourhood Quality Team have served a number of Improvement Notices, Prohibition Orders and carried out Emergency Remedial Actions, as a result there is now sufficient information on which to base the proposed charges. It is clear from recent experience that serving enforcement notices and orders is very resource intensive for the Neighbourhood Quality Team.
24. The Neighbourhood Quality Team also carry out immigration inspections. All properties intended for receipt of certain non-EU visitors must be inspected to ensure that space and decency standards are met in accordance with the occupation provisions of the Housing Act 2004. Prior to the visitor entering the country the immigration service require an official confirmation from the Council that the intended residence for the duration of the stay will not become overcrowded and has adequate facilities to accommodate the visitors. There is provision to make a charge for this administrative function.

PROPOSED CHARGES- BASED ON OFFICER TIME/COSTS

25. The following table identifies the activities, officer time and costs associated with enforcement actions under Housing Act 2004.

Activity	Officers Involved	Hourly Rate	Hours to complete task	Total Cost
Collation of evidence and hazard scoring	Investigating Officer	£16.25	6	£97.50
Review Meeting to determine course of action	Investigating Officer	£16.25	0.75	£12.19
	Supervising Officer	£17.80	0.75	£13.35
Drafting of Notice	Investigating Officer	£16.25	2.5	£40.63
Drafting of Schedule of works to rectify hazards	Investigating Officer	£16.25	4	£65.00
Finalise, proofing and revision	Investigating Officer	£16.25	1.5	£24.38
	Supervising Officer	£17.80	1.5	£26.70
Service of Notices/Orders	Investigating Officer	£16.25	1	£16.25
Total Hours and Costs			18	£296.25
Total costs including 20% On-costs				£355.50

26. The proposed charge of **£355.50** is comparable to the charges made by other Northwest local authorities, e.g. the three Fylde coast authorities charge £362.56, Bolton MBC charge £432.00 and Wigan MBC £332.00.

27. The table below shows the cost of undertaking an inspection and preparing a report for immigration purposes:

Activity	Officers Involved	Hourly Rate	Hours to complete task	Total Cost
Inspect premises and draft report	Inspection Officer	£16.25	4	£65.00

28. The proposed charge of **£65.00** for carrying out an immigration inspection and providing the appropriate report letter for the Immigration Service is comparable to the charges made by other neighbouring Local Authorities, who charge between £54.40 and £119.16. The average charge being £60-£75.

29. On the basis of current work streams in this area the income generated could amount to as much as £5000.00 although with regard to the charging for Statutory Notices, Members should be aware that the threat of the charge to property owners and managers may persuade them to undertake the work informally rather than await the formal action and respective Notices to be served. In which case the expected income would not be realised.

IMPLICATIONS OF REPORT

30. This report has implications in the following areas and the relevant Directors' comments are included:

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

31. The effect of the introduction of these charges has been considered through the Councils Integrated Impact Assessment process which indicates that there are no negative impacts anticipated should the policy to charge be introduced.

COMMENTS OF THE STATUTORY FINANCE OFFICER

32. As these will be new income streams, designed to recover the cost the Council incurs in providing the services, they are currently unbudgeted and will therefore be added to future budget forecasts.

COMMENTS OF THE MONITORING OFFICER

33. The report accurately sets out the legal framework and there are no additional comments.

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Lesley Miller	5732	27 November 2011	housecharge