

PRCC.34 13/14

Prosperous Communities Committee

17th December 2013

Subject: Housing Enforcement Policy Review

| Report by: | Director of Regeneration and Planning |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Contact Officer: | Grant Lockett Head of Strategic Growth 01427 675 190 Grant.lockett@west-lindsey.gov.uk |
| Purpose / Summary: | To provide elected members with information on the reviewed Housing Enforcement Policy and the revised charging schedule. |

RECOMMENDATION(S):

Members are asked to:

- a) Note the contents of the report
- b) Approve the reviewed Housing Enforcement Policy
- c) Recommend to Full Council, as part of the budget setting process, that the revised charging schedule is adopted with effect from 1 April 2014.

IMPLICATIONS

Legal:

The policy contains reference to legal and statutory powers that the Council have at their disposal therefore there are no legal implications

Financial : FIN 56/14

The budget effect of these new charges is expected to be minimal. This will be kept under review and the income budget revised if appropriate. The schedule for charging for housing notices has been amended within this policy to a flat charge (see appendix A). This change is in line with good practice and is based on overall cost recovery for officer time in regards to the serving of notices. The scheduled has been changed from an hourly and distance based charge due to the potential for discrimination occurring within this method. An Equality Impact Assessment has been carried out and considers this new approach.

Staffing : None arising from this report

Equality and Diversity including Human Rights :

The policy has been through the initial Equality Impact Assessment process internally and at this stage it does not require a full impact assessment. The policy will be monitored and reviewed internally on a regular basis to ensure that it meets legislative requirements. Any reviews will be accompanied by the relevant equality impact assessment.

Risk Assessment :

N/a.

Climate Related Risks and Opportunities : N/A

| Title and Location of any Background Papers used in the preparation of this |
|-----------------------------------------------------------------------------|
| report: |
| None |

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

| | Yes | No 🗸 |
|---------------|-------|------|
| Key Decision: | | |
| | Yes ✓ | No |
| | 0 | |

Housing Enforcement Policy Review

1. Background

The Housing Enforcement Policy was originally approved by the Economic Development and Regeneration Committee in May 2009. Following this, the same committee, in December 2009, approved the fees and charges related to any enforcement action.

The Policy is regularly reviewed and it was intended to update it as and when required. As a result the document has been reviewed and updated to reflect changes in legislation and the different practices that are now relevant within the organisation.

All enforcement action taken by any officer of the Council must be in line with the Enforcement Concordat, ensuring that the action we take is proportionate and fair.

This policy, alongside the Corporate Enforcement Policy, outlines how the council will use appropriate enforcement powers to ensure that all owners comply with their statutory obligations and that the Council is fair in its decision making and takes the appropriate course of action.

2. The Council's Statutory Obligations

The Council has a statutory duty to take action to remove Category 1 Hazards as per the Housing Health and Safety Rating System (HHSRS) and conditions that are a statutory nuisance in dwellings. The Council must also run a licensing scheme for certain types of high risk houses in multiple occupation (HMO). Various acts of Parliament also give the Council discretionary powers to resolve unsatisfactory conditions in houses, HMOs and flats, and to reduce the impact of long term empty properties. This policy summarises how the Council will satisfy its legal duties and responsibilities.

The Council is fully committed to being fair, independent and objective. In particular, all officers will serve the community equally and fairly, in accordance with our generic Equality Policy. The Council is a public authority for the Human Rights Act 1998 and will apply the principles of the European Convention on Human Rights under the Act.

3. Amendments

The main amendments that have been undertaken as part of the review of the policy are as follows:

Section 4

Reducing the impact of long term empty properties has been added as a power.

Section 5

- Addition of local context in regards to taking enforcement actions against long term empty properties, allowing prioritisation of high impact/concentration areas. This allows the Council to take into consideration areas where there are high densities of empty homes or empty homes which are causing broader issues and take the necessary enforcement action.

Section 5.2

- Addition of Compulsory Purchase Orders (CPOs), pest control and boarding up legislation as formal enforcement powers.
- Addition of powers to enforce the sale of a property following non-compliance in order to recover any local land charges added to the property as result of enforcement action.
- Addition of Empty Dwelling Management Orders as a power.

Section 5.3 and Appendix A

 Change to the structure of fees under S49 and 50 of the Housing Act 2004, from an individual calculation to a fixed fee per number of hazards. This reflects the fee structure of similar sized Local Authorities in the region and is more time effective, while still reflecting the actual level of work undertaken in individual cases by officers.

Section 6

- Addition of information on the licensing of Houses in Multiple Occupation (HMOs). There was no reference to HMOs under the old policy and the level of detail is intended to be sufficient to negate the need for a separate HMO licensing policy.

4. Impact

- 4.1 Operational the policy now reflects the working practices that are in place within the housing service and our aligned with the Councils ambitions to improve the conditions of housing across the district and address empty properties. There should be no adverse impact on officer resource as a result of these amendments.
- 4.2 Financial the reviewed charges in Appendix A of the policy take account of the resources required to take enforcement action and are in line with those charged by other Local Authorities. These charges hep to ensure that expenditure incurred via enforcement action can be recovered and used to improve the service in the future.
- 4.3 Equalities by amending the charging schedule to a fixed fee we are removing any discrimination that could occur by charging an hourly rate. For example, if we are required to enforce against a property owner who lives further from our administrative centre a greater fee would be incurred than by those who are based at a closer distance. The fixed fee removes this discrimination and ensures that our costs are recovered.

5. Recommendations

Elected Members are asked to:

- Recommend the policy for progression to Leaders Panel and then Prosperous Communities Committee within the next Committee cycle

Housing Enforcement Policy

Strategic Growth Service - Housing Enforcement Policy

1. Background

The Council aims to ensure that all citizens of West Lindsey have a home that is safe, secure, dry and not overcrowded. We recognise that a thriving housing market is essential for us to achieve this aim, and will support the majority of landlords and property owners who co-operate with us. This policy, alongside the Corporate Enforcement Policy, outlines how the council will use appropriate enforcement powers to ensure that all owners comply with their statutory obligations.

2. Definition for the purpose of the Policy

| Term | Meaning |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proportionality | Relating enforcement action to the risks posed by the condition or situation and the likely benefits achieved by compliance. |
| Consistency | Taking a similar approach in similar circumstances to achieve similar ends. Enforcement action will be similar regardless of the tenure and location. |
| Targeting | While ensuring we respond to any unsafe housing and nuisance, we will pro-actively use enforcement action in high risk modes of occupation, and areas with the highest level of unsafe, empty dwellings, disrepair and poverty. |
| Transparency | Helping all members of the community, who we come into contact with, to understand their rights and responsibilities. |
| Hazard, category 1 | Defined in Section 2 of the Housing Act 2004. A deficiency which has been calculated under the Housing Health and Safety Rating System to be highly likely to cause serious harm. |
| Hazard, category 2 | Defined in Section 2 of the Housing Act 2004. A deficiency which has been calculated under the Housing Health and Safety Rating System to be likely to cause harm. |
| Statutory Nuisance | Defined in Section 79 of the Environmental Protection Act 1990. A certain type of defect which is prejudicial to health and a nuisance. |
| 2 Deliev Statement | |

3. Policy Statement

The Council will use all available and appropriate legislation to ensure that the housing stock in West Lindsey is safe, maintained in good repair and well managed. The Council will also use appropriate legislative powers to improve housing standards, reduce the impact of empty homes, and to ensure dwellings are not a statutory nuisance.

Where we take enforcement action to gain compliance with the law, it will be proportionate, consistent, targeted and transparent.

4. Statutory Obligations

The Council has a statutory duty to take action to remove Category 1 Hazards as per the Housing Health and Safety Rating System (HHSRS) and conditions that are a statutory nuisance in dwellings. The Council must also run a licensing scheme for certain types of high risk houses in multiple occupation (HMO). Various acts of Parliament also give the Council discretionary powers to resolve unsatisfactory conditions in houses, HMOs and flats, and to reduce the impact of long term empty properties. This policy summarises how the Council will satisfy its legal duties and responsibilities.

The Council is fully committed to being fair, independent and objective. In particular, all officers will serve the community equally and fairly, in accordance with our generic Equality Policy.

The Council is a public authority for the Human Rights Act 1998 and will apply the principles of the European Convention on Human Rights under the Act.

5. Policy Implementation

Enforcement options

In deciding the course of enforcement it will take, the Council will have regard to circumstances including, but not restricted to, those below:

- The statutory obligations of the Council
- The seriousness of the offence
- The general record of the offender
- The consequences of non-compliance
- The frequency of the offence
- Public interest and concern
- The likely effectiveness of the various enforcement options
- Whether the landlord is a member of a private sector accreditation scheme.
- Grant funding has been paid to provide or repair the item or element concerned
- The views of tenants and occupiers
- The views of other organisations including the police, fire and rescue service, social services etc.
- Whether the property needs to be licensed under a mandatory, additional or selective licensing scheme.
- Whether empty homes have been identified as a local priority.
- Whether the enforcement action contributes to wider corporate or local priorities in the area, where the enforcement on its own merits is in the public interest.

5.1 Informal Action

Informal action may include:

- Offering advice
- Verbal warning and requests for action
- Written correspondence
- The removal of the landlord from an accreditation scheme

The circumstances in which informal action may be appropriate include:

- Where informal action has resulted in compliance in the past
- Where the owner is likely to comply
- Where non-compliance will not result in a significant risk to occupiers or the public, or the violation is of a minor technical nature
- Where we consider that informal action will be more effective than formal action

Where action must be taken to deal with a Category 1 Hazard, or conditions are prejudicial to health as defined by Section 79(1) of the Environmental Protection Act 1990, the Council will not be limited to informal enforcement methods.

Officers taking any action will distinguish between legal requirements and matters which are recommended as good practice.

Any informal written documents asking owners to comply with legal requirements will:

- Contain all the information needed to understand what work is required and why the work is necessary,
- Show the law which has been broken and measures that will satisfy the legal requirements, and explain that the owner may choose other ways to achieve the same effect,
- Clearly show any recommendations of good practice, to show that they are not a legal requirement.

If informal methods of enforcement are unsuccessful, formal action will be taken.

5.2 Formal Enforcement

Formal action may include:

- Action under the provisions of Part 1 of the Housing Act 2004 to:
 - Serve an improvement notice under section 11
 - o Serve a suspended improvement notice under section 14
 - Make a prohibition order under section 20
 - o Make a suspended prohibition order under section 23
 - o Serve a hazard awareness notice in accordance with section 28
 - Take emergency remedial action under section 40 or
 - Make an emergency prohibition order under section 43;

- The refusal to grant or the revocation of a licence under Parts 2 & 3 of the Housing Act 2004
- The making of management orders under Part 4 of the Housing Act 2004
- The making of orders under the provisions of the Housing Act 1985, as amended
- The making of an empty dwelling management order under the provisions of the Housing Act 2004
- The service of an abatement notice under the Environmental Protection Act 1990
- The service of Statutory Notices under the provisions of other legislation, including but not limited to the Prevention of Damage by Pests Act 1949 and the Local Government (Miscellaneous Provisions) Act 1982
- The making of a Compulsory Purchase Order under the Housing Act 1985 or other legislation
- Works in default of completion by an owner, agent, person responsible, manager or occupier
- Formal caution
- Prosecution

Statutory Notices and Orders

The Council will normally serve Statutory Notices or Orders where:

- Conditions are present which are a Category 1 Hazard
- Conditions are present which are a Category 2 Hazard of Band D & E
- Conditions are prejudicial to health or a nuisance
- Officers are not confident that the recipient will respond
- The owner has previously not complied with informal actions
- Standards are poor and managers are not aware of statutory requirements
- Though the council intends to prosecute, it also needs to take effective action quickly to remedy serious or deteriorating conditions
- A property, whether occupied or not, is having a detrimental impact on the neighbourhood
- Conditions are so severe that they justify immediate action.

Demolition, Compulsory Purchase and Prohibition Orders will only be made by decision of the Council. The decision to make Emergency Prohibition Orders will only be taken by the Director of Regeneration and Planning, or equivalent post in line with the Constitution, or their duly appointed representative.

Level of Enforcement

The Council assesses each hazard based on the risk to a potential occupant in the most vulnerable group for that hazard under the Housing Health and Safety Rating System. However, in deciding what action to take about identified hazards, the council will have regard to the following:

- The current occupiers
- Regular visitors
- How often the tenants or occupants change
- The risk of excluding vulnerable groups of people from the private rented sector or owner occupation.
- The size, type and location of the property.

Where a suspended order or notice is served, the situation will be reviewed on a regular basis depending on the risk the hazard presents. In all cases the suspended order or notice will be reviewed at least once a year.

The Council will consider all requests to vary or revoke an improvement notice or prohibition order having regard to matters including, but not restricted to, the following:

- The views of the person receiving the notice (the recipient)
- The views of tenants
- The views of Lincolnshire Fire and Rescue Service, where appropriate
- The risk that the hazard presents
- How confident officers are that the recipient will respond
- The amount, quality and speed of completion of any works taken to deal with deficiencies and hazards specified in the notice or order
- Whether the recipient has previously complied with informal and formal actions
- The cost of any works compared to the benefit that they give
- Any more unexpected works which become clear during the course of remedial works

Formal Caution

A formal caution may be considered where the criteria for a prosecution are satisfied, but where the offence is a first time offence of a less serious nature, having regard to Home Office Circular 18/94.

Only an appropriately authorised senior manager may issue a formal caution, with the agreement of the Director of Regeneration and Planning, or equivalent post in line with the Constitution.

When a person turns down the offer of a formal caution, the Council will need to consider taking alternative enforcement action. In the vast majority of cases this will mean a prosecution.

Prosecution

Prosecution will, in general, only be taken against those persons or organisations that allow, or are responsible for, a serious or obvious breach of the law, who do not comply with the requirements of a Statutory Notice or Order, or who deliberately try to get in the way of an officer of the Council.

The decision to prosecute will have regard to the guidance contained in the Code for Crown Prosecutors and a prosecution will only go ahead if there is enough evidence to make conviction likely, and if such a prosecution will be in the public interest. Before recommending prosecution the relevant officer shall consult the Director of Regeneration and Planning, or equivalent post in line with the Constitution, or their representative.

Circumstances where prosecution is more appropriate than all other forms of action include, but are not exclusively, where:

- There is obvious disregard for the law or the requirements of a Statutory Notice or Order
- Breaking the law gives a financial advantage, or makes the law-abiding worse off than those who disregard the law
- Someone seems to have carelessly paid no attention to the health and safety of persons likely to be affected
- There have been repeated breaches of law in an organisation or several of its branches, and it appears that the person responsible does not seem willing or able to deal effectively with these
- A particular type of offence is widespread in an area
- A serious incident has happened because of a substantial breaking of the law
- A particular failure to comply has serious public harm
- It may be in the public interest to test how a court understands a particular part of legislation
- Someone has deliberately stopped officers carrying out their lawful duties. Where officers are assaulted, the Council will seek prosecution of the offenders
- False information has been supplied, or there has been an intention to deceive
- Having examined all the circumstances, it is considered reasonable to do so

Works in default

Where there is a failure to comply with a Statutory Notice the Council may, if it is in the interest of the tenants or others, carry out any outstanding works in default.

The Council will recharge the cost of carrying out such works with the Council's costs and officer time included, and if necessary recover these as a charge against the property or through the Council's recovery services. This could include enforced sale of the property to recover a Local Land Charge under the Law of Property Act 1925 where this is considered to be in the public interest.

Management Orders

The Council may make a Management Order under the provisions of Part 4 of the Housing Act 2004, relating to licensable properties as defined by Parts 2 & 3 or long term empty dwellings. It may apply to the Residential Property Tribunal for an interim management order in other prescribed circumstances.

When Management Orders are used, the Council effectively takes over management of the HMO, house or flat. They will normally only be used as a last resort and if no other enforcement power is effective.

The Officer must discuss considering a Management Order with the Director of Regeneration and Planning, or equivalent post, or their duly appointed representative. Only the Director of Regeneration and Planning, or equivalent post in line with the Constitution, or their duly appointed representative can make the decision to make a Management Order.

5.3 The Recovery of Costs and Expenses

The Council reserves the right, in appropriate circumstances, to charge and recover its reasonable costs in taking the most appropriate course of action, as allowed under Sections 49 and 50 of the Housing Act 2004.

The Council will normally charge where:

- A formal notice is required to remove a serious threat to health and safety, unless the threat arose because of circumstances outside the control of the person receiving the notice, order or action, and/or
- There is evidence that the person receiving the notice has failed to comply before with the requirements of the Housing Acts or other housing related legislation, and/or
- The person has not taken adequate action in response to the Council's informal requests to take action or do works.

The charges made will be based on the cost to the council of taking the enforcement action.

If a House in Multiple Occupation requires a licence under Part 2 of the Housing Act 2004, a fee will be charged when the licence is determined.

See appendix A for a list of chargeable items. The council will if necessary recover these as a charge against the property or through the Council's recovery services.

Any change from this policy must be exceptional and agreed, in advance, by the appropriate Lead Officer. However, the Council will not normally charge a fee where it serves a Hazard Awareness Notice because a grant application does not progress.

6 The Licensing of Houses in Multiple Occupation

A House in Multiple Occupation (HMO), is defined in the Housing Act 2004 as a building, or part of a building, that:

 is occupied by more than one household who share or lack a bathroom, toilet or kitchen;

- is occupied by more than one household and which is a converted building but not entirely self-contained flats (whether or not some amenities are shared or lacking), or
- is converted self-contained flats, but does not meet as a minimum standard the requirements of the 1991 Building Regulation and at least one third of the flats are occupied under short tenancies.

The building is occupied by more than one household:

- as their only or main residence
- as a refuge for people escaping domestic violence
- by students during term time, or
- For other purposes prescribed by the government.

A household is:

- A family (including single people, couples and same sex couples)
- other relationships, such as fostering, carers and domestic staff.

6.1 HMO Licence Applications

Part 2 of The Housing Act 2004 requires the following types of HMO to be licensed:

- three or more storeys high, and
- occupied by five or more people in more than one household, who
- share amenities such as bathrooms, toilets and cooking facilities, and
- rent or other consideration is payable

An application for a HMO licence under Part 2 of the Housing Act 2004 must be made in writing on a form supplied by West Lindsey District Council, or online on the council's website, and must be accompanied by specified documents.

The council may serve a Temporary Exemption Notice where a person having control of, or managing, a licensable HMO notifies the council of their intention to take steps to make the property no longer a licensable HMO.

6.2 Standards for Licenced HMOs.

Prior to licensing a house in multiple occupation, the local housing authority must be satisfied that:

- The house is reasonably suitable for occupation by the number of persons and households specified in the application or the licence
- The licence holder is a fit and proper person and is the most appropriate person to hold the licence, which will usually be the person having control
- The manager of the house is the person having control of the house or their agent or employee, and is a fit and proper person
- The management arrangements for the house are satisfactory.

When deciding whether to grant or refuse a licence, the council will have regard to:

- The requirements of the Housing Act 2004 Part 2 and any Statutory Instruments made under it, including:
- The prescribed standards for the provision of bathrooms, WCs, kitchens and laundry amenities.
- Any contravention of the law by the applicant, proposed licence holder or manager.
- Whether any persons involved in the management of the HMO are competent, fit and proper, and whether the management structures and financial arrangements are adequate

The council may impose licence conditions:

- Where they are mandatory under Schedule 4 of the Housing Act 2004
- To control the use or occupation of the HMO or certain parts of it
- To secure the provision and maintenance of amenities to ensure that the HMO is reasonably suitable for the numbers of households and persons in the licence
- To ensure satisfactory management of the HMO and management of antisocial behaviour.

A HMO licence will usually be granted for a period of five years, however a shorter duration may be granted, having regard to the matters above and any concerns that a Category 1 or Category 2 hazard may be present under the Housing Health and Safety Rating System.

An inspection and assessment of the HMO will be made under the Housing Health and Safety Rating System during the licence term, and the council will use its enforcement powers under Part 1 of the Housing Act 2004 and Section 5 of this policy to deal with any deficiencies or hazards found.

An HMO licence may be varied or revoked:

- with the agreement of the licence holder,
- where there has been a breach of the licence conditions
- where the licence holder or manager is no longer considered to be a fit and proper person
- where the building ceases to be an HMO, or
- where the council would not then issue a licence for the HMO if an application were made at that time, due to structural reasons.

7. Arrangements to Implement the Policy

Officers implementing this policy will have regard to current national guidelines and local circumstances.

Enforcement will only be undertaken by authorised officers. Only competent and suitably qualified and experienced officers will be so authorised, and their authority will reflect their competence, qualities and experience.

8. Standards

West Lindsey District Council has customer service standards. In matters relating to housing enforcement, officers will:

- Respond to all urgent requests for service within 2 working days
- Acknowledge all non-urgent requests for service within 2 working days
- Respond to all non urgent requests for service within working 10 days
- Give tenants and occupiers clear advice about the extent of any action which the Council is able to take, and provide copies of any notices sent to the landlords
- Advise landlords and property owners of their legal responsibilities and, if the Council is taking enforcement action, advise exactly what is expected of them and any right of appeal
- Provide a courteous and helpful service
- Deal with any complaints in accordance with the complaints procedure available from the council's website or a member of staff.
- West Lindsey District Council is committed to equal opportunities and undertakes to deal with all sections of the community with fairness and equity

8.1 Openness

We will provide information and advice in plain language on the legislation that we enforce and distribute this as widely as possible.

We will be open about how we work, consulting stakeholders.

8.2 Professionalism

All our officers will identify themselves by name and will show proof of identity.

All members of the Private Sector Housing Team will maintain the highest standards of professional integrity and probity at all times. We will carry out our duties with honesty and respect for all sections of the community.

8.3 Complaints about the service

We provide a well-publicised, effective and timely complaints procedure which is easily accessible to tenants, the public, landlords and agents.

In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescale involved.

8.4 Desirable Outcome

The purpose of the Housing Enforcement Policy is to ensure the effective compliance with housing and public health legislation having regard, where appropriate, to risk,

while at the same time assisting owner occupiers, landlords, managing agents and tenants to meet their obligations.

9 Links with Other Policies

This policy has links to;

- The Housing Strategy
- The Housing Assistance Policy (Regulatory Reform Order)
- The Corporate Enforcement Policy
- The Equality Policy
- The Lincolnshire Empty Homes Strategy

10 Evaluation

This policy will be reviewed every year and at the time of any significant change of circumstances, changes to legislation, and local needs identified through consultation processes.

The Council will consult with residents, owners, agents and other interested parties affected by our service, so we can draw up clear standards regarding the level of service, performance to be provided and the development of this policy.

11 References

Legislation

- Housing Act 1985
- Housing Act 2004
- Environmental Protection Act 1990
- Landlord and Tenant Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Housing Act 1996
- Housing Grants, Construction and Regeneration Act 1996
- Local Government and Housing Act 1989
- Building Act 1984
- Defective Premises Act 1976
- Public Health Act 1936
- Public Health Act 1961
- Protection from Eviction Act 1977
- Prevention of Damage by Pests Act 1949

- Law of Property Act 1925
- Town and Country Planning Act 1990
- Acquisition of Land Act 1981

Regulations and Orders

- The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) 2006
- The Management of HMO (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, amended 2012
- The Housing (Interim Management Orders) (Prescribed Circumstances) (England) Order 2006
- Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004, SI No. 2595
- The Housing Health and Safety Rating System (England) Regulations 2005

Circulars and Guidance

- Housing Health and Safety Rating System Enforcement Guidance: Housing Act 2004 Part 1 housing conditions
- Housing Health and Safety Rating System Operating Guidance: Housing Act 2004 - guidance about inspections and assessment of hazards given under section 9, DCLG 2006
- Examples to Support the Housing Health and Safety Rating System V2, ODPM March 2004
- Lacors Housing Fire Safety, Guidance on fire safety provisions for certain types of existing housing, July 2008
- Compulsory Purchase and the Crichel Down Rules, ODPM Circular 6/2004

Appendix A

The Council will calculate a charge to the recipient of a notice as a consequence of taking Enforcement Action, or the applicant of a HMO licence, using the table below. These charges have been calculated taking account of officer time, mileage,

photocopying, printing and postage or service costs. The increasing cost of a notice where there are multiple hazards, or determining a licence of a larger HMO, reflects the extra work and complexity of dealing with these cases.

Officer actions for each notice will be fully documented.

| Enforcement type | Basic Fee | Increments | Maximum |
|----------------------------------------------------------------------------|-----------------------------------------------------------------|------------------------------|---------|
| Mandatory HMO licence application | £450 for up to five units / bedrooms | £10 per additional unit | n/a |
| Mandatory HMO licence renewal | £450 for up to five units / bedrooms | £10 per additional unit | n/a |
| Hazard Awareness Notice | None | | Nil |
| Improvement Notice | £150 for one hazard | £50 per additional hazard | £450 |
| Emergency Remedial Action Notice (plus cost of works – see below) | £150 for one hazard | £50 per additional hazard | £450 |
| Prohibition Order | £150 for one hazard | £50 per additional hazard | £450 |
| Emergency Prohibition Order | £150 for one hazard | £50 per additional hazard | £450 |
| Demolition Order | £150 for one hazard | £50 per additional hazard | £450 |
| Works in default of any legislation or emergency remedial action | Cost of work plus hourly rate of officer with on costs | n/a | n/a |

All fees are exclusive of VAT.