



**Prosperous Communities  
Committee**

**14<sup>th</sup> July 2020**

**Subject: Housing Enforcement Policy Review**

Report by:

Chief Executive

Contact Officer:

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Purpose / Summary:

To provide Committee with an updated version of the Housing Enforcement Policy to approve.

**RECOMMENDATION(S):**

**Committee are asked to:**

- a) Approve the revised Housing Enforcement Policy; and**
- b) Grant delegated authority to the Chief Executive, in consultation with the Chairman of the Prosperous Communities Committee, to make minor housekeeping amendments to the Policy in the future.**

## IMPLICATIONS

### **Legal:**

The Council is required to set out in policy its approach to Housing Enforcement to ensure that it is in line with the relevant and appropriate guidance and consistent in regards to how it is implemented.

The policy and its content may be referred to in cases where formal action has occurred and seeks to ensure that the approach taken is transparent and clear.

### **Financial : FIN/35/21/SSc**

There are no direct financial implications within this policy.

It should be noted that the Council, under this policy can charge for certain elements of the work that it undertakes and these items are set out in the appendices within the policy.

Some of these charges, on receipt, are ring fenced to support further housing enforcement work and are utilised to cover some of the associated staffing costs.

### **Staffing :**

There are no direct staffing implications within the report.

### **Equality and Diversity including Human Rights :**

The policy does not seek to discriminate on any grounds. Any formal action taken will contain the relevant legislative rights of appeal.

### **Data Protection Implications :**

### **Climate Related Risks and Opportunities :**

This policy contains a range of measures that contribute to environmental improvements that can be made to properties to ensure that they meet certain standards.

The condition of housing stock plays a key role in ensuring that matters relating to climate change are addressed. New legislation and powers relating to the Minimum Energy Efficiency Standards (MEES) are included within this policy and enable the Council to act to address issues relating to this.

Alongside this, many of the powers under the Housing Act 2004 (as well as other included legislation) seek to address hazards that are present, some of which relate to matters such as excess cold and damp and mould. The installation of improved measures to properties such as newer heating systems, fixed central heating or double glazing all improve the environmental impact that they have.

**Section 17 Crime and Disorder Considerations :**

**Health Implications:**

There is a range of evidence available that supports the notion that health is impacted by poor housing conditions. This is demonstrated via the Housing, Health and Safety Rating System (HHSRS) guidance developed to support the work officers undertake under the Housing Act 2004 mainly.

Improving property conditions inevitably improves health and the range of tools and powers available provide the Council with a broad framework to not only enforce this, but to advise and guide landlords and tenants in regards to the obligations they have.

**Title and Location of any Background Papers used in the preparation of this report:**

**Coporate Policy and Resources Committee, agenda item 6: 4<sup>th</sup> December 2019. Enforcement of the Domestic Minimum Level of Energy Efficiency.**  
[http://democracy.sharedlincs.net/documents/g2368/Agenda%20frontsheet%2004th-Dec-2019%2018.30%20Corporate%20Policy%20and%20Resources%20Committee.pdf?T=0&\\$LO\\$=1](http://democracy.sharedlincs.net/documents/g2368/Agenda%20frontsheet%2004th-Dec-2019%2018.30%20Corporate%20Policy%20and%20Resources%20Committee.pdf?T=0&$LO$=1)

**Covid 19 guidance for tenants and landlords**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/888843/Updated\\_Landlord\\_and\\_Tenant\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/888843/Updated_Landlord_and_Tenant_Guidance.pdf)

**Risk Assessment :**

**Call in and Urgency:**

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

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

Yes

No

## 1. Introduction

1.1. The Council is required to have in place a Housing Enforcement Policy and from time to time, as legislation is introduced or amended the policy requires revision.

1.2. This paper sets out the revised version of the policy and outlines the main changes made.

## 2. Overview

2.1. This policy, in line with the Corporate Enforcement Policy outlines the Council's approach to enforcement, explains what action we can and cannot take and the factors we will consider when undertaking these duties. The Council's actions will be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.

2.2. It should be noted that the Council's ability to enact parts of this policy are restricted currently due to the Covid 19 pandemic. Specific guidance has been issued to landlords and tenants in relation to disrepair and this is being applied at the current time. The main restriction relates to the internal inspections of properties, which carries a significantly higher risk to staff than in any normal circumstance. Other methods for assessing matters under this policy are being developed to enable the service to continue to be delivered. The focus currently remains on high risk issues that could cause a threat to life.

## 3. Housing Enforcement Policy

3.1. The main amendments to the policy are summarised as follows:

### 3.1.1. Approach to Enforcement

- The presumption that the Council will deal with the issue informally at first instance has been reversed in the case of high scoring issues where the council has a duty to act (such as in respect of Cat 1 hazards, Electrical Safety Standards etc.). Officers have retained an element of discretion in exceptional circumstances where they consider that an informal approach may remedy the issue more effectively but it is clear that, in most serious cases, the Council will act formally to discharge their duty. (**Housing Enforcement Policy, para 5.4**)
- In cases of lower risk issues where the Council has a power to act (such as in respect of Cat 2 hazards), there are no significant changes in the way we will approach enforcement, and the same factors as previous will be considered by Council officers when determining whether to take informal or formal action on a case by case basis. (**Housing Enforcement Policy, para 5.5**)

- This approach has been upheld at Judicial Review where challenged at another authority

### 3.1.2. Inspections

- The approach to inspections was not previously included in the policy. The updated version outlines the way in which the Council are already operating in respect of triaging cases and inspecting properties with the greatest identified risk.
- The position in respect of inspecting properties owned and managed by Registered Social Landlord's has also been clarified. This will only happen where we have a statutory duty to do so. (**Housing Enforcement Policy, 6.3**)

### 3.1.3. Recovery of costs and expenses

- The current policy gives indication that the Council may charge in some cases. The amended version reverses the assumption and outlines that there will be an associated charge in cases where a relevant notice has been served (**Housing Enforcement Policy, 7.3**)

### 3.1.4. Banning Orders

- The Council has a separate policy in place for this, which has now been added to the main Housing Enforcement Policy. (**Housing Enforcement Policy, 7.9**)

### 3.1.5. Electrical Safety Standards

- New legislation in effect from July 2020. This creates a new statutory obligation for landlords in relation to electrical safety. (**Housing Enforcement Policy, 8.3**). This matter is detailed further within the revised Civil Penalties Policy.

### 3.1.6. Minimum Energy Efficiency Standards (MEES)

- An additional matrix has been added to the policy for calculating non-compliance penalties. (**Housing Enforcement Policy, Appendix D – page 24**).

## 4. Recommendations

Committee are asked to:

- a) Approve the revised Housing Enforcement Policy; and
- b) Grant delegated authority to the Chief Executive, in consultation with the Chairman of the Prosperous Communities Committee, to make minor housekeeping amendments to the Policy in the future.



