

# CORPORATE SCRUTINY COMMITTEE

14 NOVEMBER 2018

## REPORT OF THE ASSISTANT DIRECTOR PARTNERSHIPS

### REPORT ON IMPACT OF PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

#### EXEMPT INFORMATION

None.

#### PURPOSE

The report concerns the impact of the Private Sector Housing Enforcement Policy approved by Cabinet on 7th September 2017.

#### RECOMMENDATIONS

This report is for information only and the Committee is asked to note its contents.

#### EXECUTIVE SUMMARY

The Council has a range of responsibilities regarding the Private Sector as set out in legislation, regulation and directed by best practice guidance. This includes the Housing Act 2004 and the underlying principles to be applied are outlined in the Regulators Code i.e. fairness, transparency and proportionality.

The Regulators Code was introduced by the Department for Business Innovation and skills back in 2014 as part of the drive from central government to deal with what was often portrayed as unnecessary and complicated red tape and burdensome regulation which worked against economic growth.

Regulators **must** have regard to the code and should carry out their activities in a way that supports those they regulate to comply and grow and they should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size, capacity and culpability.

The Enforcement Policy is one of a number of policy documents approved by Cabinet on 7<sup>th</sup> September 2017 which set out the Council's overall approach to fulfilling our obligations in regulating and improving standards across private housing in Tamworth. The Enforcement Policy seeks to clarify for all parties including, tenants, landlords, agents and homeowners what services we offer and what we expect from them. It also clarifies the Council's approach to charging. The Council's approach is to work in partnership with all parties and to use sanctions only as a last resort. This aligns with good practice guidance and offers more opportunities for improved outcomes for all stakeholders.

At the time of approval the Private Sector Policies anticipated upcoming legislation in the Housing and Planning Act 2016 and stated our intention to use new powers and sanctions where appropriate, including the powers to issue civil penalties for certain breaches of the Housing Act 2004, and look to make use of banning orders and the Rogue landlord database. This legislation has now been enacted.

As a major part of its activity the Council's private sector housing team offer advice and support to tenants, landlords, owner occupiers and agents which has a significant impact with an average of some 18 interventions per week since September 2017. Most of these interventions have been informal interventions.

The Housing and Planning Act 2016 has extended mandatory licensing of Houses in Multiple Occupation. Since 1<sup>st</sup> October 2018 HMOs where 5 people live require a Licence. (The 3 storey rule has been removed.) This area of work has been a major focus in relation to the Council's regulatory role. Landlords whom we considered likely to be affected by the new requirements have been contacted.

Some 30 new licence applications are currently being processed and action will be taken against landlords who fail to apply for a licence.

The Council facilitates, in partnership with Lichfield DC, a highly successful Landlords Forum which continues to grow and provide a useful forum to both communicate with and educate local landlords and encourage them to work with us in helping to get applicants to the Housing Solutions re-housed or lease a property to us.

As previously stated the Council has an approach whereby enforcement action is taken as a last resort. However, where a problem cannot be resolved the Council will take a pro-active and proportionate approach. Since September 2017 the Council has issued eight Formal Housing Act 2004 Notices which have been complied with. A further three notices for Filthy and Verminous Properties have also been issued and we have assisted help to clean up 2 of these to date. A Civil Penalty of £7,500 has been issued in a situation where the landlord of an HMO breached management regulations. We continue to develop joint working with our colleagues in the Community Safety Team to deal with issues such as antisocial behaviour in or around HMOs.

Over the next 12 months the Council is focussed on ensuring that all relevant HMO's are licensed within the borough and taking a pro-active approach in pursuit of those who fail to licence. In addition work will be undertaken to continue to identify and bring back into use empty homes and to develop the range of advice and support available to landlords, tenants and agents to ensure that the various rights and responsibilities are understood. We are also undertaking a growing number of inspections of properties on behalf of our colleagues in the Housing Solutions Team to ensure that any properties they help fund for applicants are safe and suitable. We also hope to be able to undertake some more work around some other issues including ensuring that all agents operating locally are registered with a redress scheme or enforcing against them if they are not. We also hope to develop a new protocol and service level agreement with the fire service to offer better advice around fire safety issues and install alarms where it becomes necessary in breach of the Smoke Detection regulations 2015.

## **REPORT AUTHOR**

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