

Thursday, 2 December 2021

Report of the Portfolio Holder for Regulatory & Community Safety

Revised Private Sector Housing Enforcement, Fees and Charging Policy

Exempt Information

N/A

Purpose

To approve an updated and combined Private Sector Housing Enforcement, Fees and Charging Policy

Recommendations

It is recommended that Cabinet:

1. Approve the update Private Sector Housing Enforcement, Fees and Charging Policy
2. Endorse annual reporting to the Housing and Homeless Sub-Committee on the use of appropriate powers and outcomes for private sector tenants in Tamworth

Executive Summary

The updated and revised Private Sector Housing Enforcement, Fees and Charging Policy has updated our approach to some areas of work and incorporated into one document and replaces the previous Enforcement, Houses in Multiple Occupation and the Housing and Planning Act 2016 policies.

The primary enforcement role of the Strategic Housing Team is to maintain and improve the housing conditions in Tamworth. (This excludes properties owned by the Council.)

The Team endeavour to achieve this through advice, information and assistance. Where this approach fails or is not appropriate and it is necessary to protect the health, safety and welfare of persons then the team will take the appropriate enforcement action.

The aim of the updated policy is to:

- Set out the criteria and priorities the team will use when enforcing relevant legislation, so it is transparent and clear to all
- Set out our policy in respect of charges that may be imposed for enforcement and regulation
- Ensure our enforcement is consistent, fair, proportionate, and targeted.
- Ensure it is consistent with the aims and objectives contained in the Corporate Enforcement Policy and good practice guidance.

The enforcement policy covers the following functional areas:

- Licensing of eligible Houses in Multiple Occupation (HMOs)
- Management regulations and inspection of non-licensable HMOs
- Enforcing minimum Housing standards (HHSRS) to prevent injury and ill health

- Ensuring private rented accommodation is maintained to keep tenants safe from hazards
- The redress scheme for letting agency and management work
- Empty homes
- Licensing of and enforcement of caravan sites and mobile homes
- Harassment and Illegal eviction of tenants
- Filthy and Verminous properties
- Owner occupier properties (statutory nuisance)
- Immigration inspections (partnership working)

Further, the policy outlines the charges and fees relevant to the private sector licensing, regulation, checks and penalty charges. These are imposed in line with guidance to cover the cost of the service provision and provide reassurance to the Tamworth communities that standards can be maintained for tenants in the private sector and ensure landlords are able to understand their duties.

It is proposed that actions taken arising from application of this policy are reported to the Housing and Homeless Sub Committee annually to ensure that the Council is meeting its obligation under the Housing Strategy to make best use of existing housing and related assets by:

- Improving conditions in the private sector
- Continuing to tackle empty homes; consider options for creating homes in other empty or under-utilised spaces.

Options Considered

DO NOTHING	Policy is not fully compliant with current legislation and updated to reflect corporate enforcement policy
UPDATE EXISTING POLICIES	Current approach joins up and updates all existing policies into one overarching document

Resource Implications

The policy will be followed by existing staff resource

The budgets for income as a results of enforcement, fees and charges are held with GR0301 General Fund Housing.

- GR0301 82323 – Works in Default Recharge
- GR0301 83226 – Fees and Charges
- GR0301 83318 - Licences

The budgeted income 2021/22 is £22,600 and is monitored through regular budget management process to reflect proportionate actions and licence charging. To date this financial year £5.2k has been received for licences and fees and charges.

Fees and charging levels are set as per the policy and used to offset staffing activity as outlined within the policy.

Legal/Risk Implications Background

RISK	MITIGATION
Failure to take proportionate action to ensure standards in the private rented sector	Policy outlines all legal actions the Council can take to reduce risk to tenants Policy outlines sanctions for landlords
Failure to maintain appropriate fee charging structure	Policy outlines guidance on appropriate and legal fees that can be charged for licencing and enforcement notices/penalties to ensure standards can be maintained and provide deterrent
Policy does not follow the guidance outlined in the Corporate Enforcement Policy	The policy outlines the transparent, proportionate and clear options for enforcement
Failure to review and update policy in line with legislative or other amendment requirements	Policy outlines review period and options for reporting

Equalities Implications

Covered through the EIA undertaken for the Corporate Enforcement Policy

Sustainability Implications

Policy to be reviewed routinely bi-annually and actions and outcomes reported to the Housing and Homeless Sub-Committee annually.

Background Information

The Private Sector team are statutorily required to ensure standards are met in the private rented housing sector in order to ensure that housing conditions are maintained.

Previous policies were agreed in 2017 and have been subject to full review

Report Author

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List of Background Papers

Appendices

Appendix 1 – Private Sector Housing Enforcement, Fees and Charging Policy

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