

20th February 2013**REPORT OF THE PORTFOLIO HOLDER FOR HOUSING****Private Sector Housing Enforcement Policy****EXEMPT INFORMATION**

None

PURPOSE

To seek approval for the revised and updated Enforcement Policy

RECOMMENDATIONS

- ✓ **That Cabinet approve the Private Sector Enforcement Policy attached at Annex One subject to consultation with the Council's Private Sector Landlords forum**
- ✓ **That the Director of Housing and Health in consultation with the Portfolio Holder for Housing is authorised to make any changes arising from the above consultation**

EXECUTIVE SUMMARY

Tamworth Borough Council has a legal obligation imposed by the Housing Act 2004 to take action to rectify poor housing conditions in the Borough. Cabinet approved the current Enforcement Policy in June 2010. Since that date the private sector housing enforcement team have undertaken a total of 49 full investigations resulting in the Policy being tested in Court on 8 occasions as Tamworth Borough Council has taken successful prosecutions in line with the Policy.

The continued work of the private sector housing enforcement team is resulting in standards being raised for tenants of all private rented accommodation by way of Notices issued to landlords of accommodation that falls short of the legally required minimum standards, and, most particularly for those living in houses in multiple occupation (HMO).

As the powers of the Localism Act in respect of discharging a statutory homeless duty into the private sector come into force, and the housing benefit restrictions on those aged under 25 continue to be felt, the need for good quality private sector accommodation is unlikely to decrease in the short term making an effective enforcement policy a necessity for the Authority.

The policy has now been revised and refreshed to include a change to the previous policy which allows for the private sector housing enforcement team to utilise Powers contained within the Act allowing for Tamworth Borough Council to reclaim funds spent in respect of certain enforcement actions to be reclaimed from the landlord via the rent from the tenant. Use of this Power is expected to further encourage landlords to maintain their rental properties to an appropriate standard.

The Council operates a well attended Landlords Forum which meets on a regular basis. It is proposed that this policy is subject to consultation with the forum and that the Director of Housing and Health in consultation with the Portfolio Holder for Housing is authorised to make any changes to the policy which arise from this consultation.

RESOURCE IMPLICATIONS

The Act and resulting Policy require enforcement action is also taken against owner occupiers who fail to adequately maintain their property. Whilst it is currently possible for the immediate risk to life to be removed in these cases by the service of a Prohibition Order the Authority does not have the financial means to rectify the identified hazards. A piece of work

has been started to look at all of the possible options available to the Authority to assist the owners of such property to either bring the property back to an appropriate standard of repair or to dispose of the property. With an aging population and prevailing economic circumstances this is an issue which the Authority is very likely to face with increasing frequency and will, therefore, be the subject of a report later in 2013/14.

LEGAL/RISK IMPLICATIONS BACKGROUND

The Housing Act 2004 places various duties upon the local authority in respect of private accommodation, including, but not limited to, the scope of this policy. Failure on the part of the Authority to act in respect of these duties will result in the Authority being liable to Legal challenge.

The Act and resulting Policy require enforcement action is also taken against owner occupiers who fail to adequately maintain their property. Whilst it is currently possible for the immediate risk to life to be removed in these cases by the service of a Prohibition Order the Authority does not have the financial means to rectify the identified hazards. A piece of work has been started to look at all of the possible options available to the Authority to assist the owners of such property to either bring the property back to an appropriate standard of repair or to dispose of the property. With an aging population and prevailing economic circumstances this is an issue which the Authority is very likely to face with increasing frequency and will, therefore, be the subject of a report later in 2013/14.

SUSTAINABILITY IMPLICATIONS

The Policy helps to achieve wider strategic ambitions in terms of reducing accidents in the home, and homeless prevention.

BACKGROUND INFORMATION

The current enforcement policy was approved by Cabinet in June 2010 and has been used to successfully improve housing conditions in the PRS by the issuing of 29 Improvement notices (April 2012 to December 2012) in addition to the 8 prosecutions and 2 Simple Cautions. It provides the ultimate sanction when other options to engage with the owner of a property when all other options have been exhausted or where the risk to the occupier is so significant that immediate remedial action is required.

Cabinet approved the current Enforcement Policy in June 2010. Since that date the private sector housing enforcement team have undertaken a total of 49 full investigations resulting in the Policy being tested in Court as Tamworth Borough Council has taken successful prosecutions in line with the Policy.

The continued work of the private sector housing enforcement team is resulting in standards being raised for tenants of all private rented accommodation and most particularly for those living in the 18 licenced Houses in multiple occupation (HMO).

As the powers of the Localism Act in respect of discharging a statutory homeless duty into the private sector come into force, and the housing benefit restrictions on those aged under 25 continue to be felt, the need for good quality private sector accommodation is unlikely to decrease in the short term making an effective enforcement policy a necessity for the Authority in order to avoid the less scrupulous landlords profiteering from the increase in the numbers of households that are seeking private sector rented accommodation as the availability of social rented housing decreases.

The policy has now been revised and refreshed to allow for the private sector housing enforcement team to utilise Powers contained within the Act allowing for Tamworth Borough Council to reclaim funds spend in respect of work undertaken in default of a Notice to be reclaimed from the landlord via the rent from the tenant. Use of this Power will further encourage landlords to maintain their rental properties to an appropriate standard.

REPORT AUTHOR

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LIST OF BACKGROUND PAPERS

APPENDICES

Appendix A: Tamworth Borough Council Enforcement Policy 2013 - 2015

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