
PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

Committee: Operational Services Committee

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1.0 ISSUE

1.1 The Private Sector Housing Enforcement Policy 2018 has been reviewed and updated to take into account new legislation and enforcement powers.

2.0 RECOMMENDATION(S)

2.1 Members are recommended to

- (1) Approve the draft Private Sector Housing Enforcement Policy
- (2) Agree the proposed new fee policies for Civil Penalties for Housing Act 2004 offences, Electrical Standards in the Private Rented Sector Regulations 2020, Energy Performance of Buildings Regulations 2007, Minimum Energy Efficiency (Private Rented Property) Regulations 2015, and The Redress Scheme for Lettings Agency Work and Property Management Work Order 2014, on Pages 34, 36 and 38 in the main body of the Policy and in Appendices 2, 3 and 4.
- (3) Agree a consultation period of 8 weeks from 20th June 2022.

3.0 BACKGROUND/OPTIONS

3.1 Private sector housing plays a significant part in housing provision within East Cambridgeshire. We recognise that the majority of this housing is in good condition and well managed, however in some circumstances this is not the case and where appropriate, enforcement action needs to be taken. The Council has a statutory duty to deal with unsatisfactory housing.

3.2 Policies need to be reviewed and updated from time to time and over recent years new legislation has been introduced which enables the Council to extend its regulation of the condition of private rented homes, in particular most recently to ensure rented properties remain electrically safe and also meet minimum standards for energy efficiency.

3.3 It remains important that council's make improvements and adjustments to existing policies to ensure the use of their enforcement powers continue in a fair and proportionate way and that it remains clear and transparent to landlords, tenants, home owners and other relevant organisations the action that will be taken to deal with those most serious of breaches.

- 3.4 This policy has been updated to include new legislation and summarises the range of actions available to the authority to influence improvements to house conditions in all tenures but most importantly to target those unscrupulous landlords who may be putting their tenants' lives at risk. The council must use its enforcement powers in a manner which is proportionate to risk, expedient and efficient as well as consistent and fair, and this policy forms the basis of this work.
- 3.5 Consultation will be in the form of information on the website and targeted correspondence to interested parties, including landlords.

Main Updates

- 3.5 In recent years changes to legislation have enabled local authorities the power to enforce penalty charges as a tool to tackle non-compliance where appropriate as an alternative to prosecution. Any income raised from the issue of civil penalties can be retained by the local authority to off-set the cost of enforcement and improve private sector housing working practices.
- 3.6 Before the use of penalty charges are permitted, local authorities are required to produce a penalties matrix, that clearly sets out the considerations as to the level of the penalty for particular offences. Charges are proportionately higher for situations where either culpability of an individual or levels of harm are greatest.
- 3.7 **Housing and Planning Act 2016:** Allows local authorities to impose a civil penalty of up to £30,000 for certain offences, including overcrowding, failure to licence an HMO or breach of an Improvement Notice.
- 3.8 **The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020:** These new regulations require landlords to have the electrical installations in their properties inspected and tested by a person qualified and competent to do so, at an interval of not less than 5 years. Councils can serve financial penalties for breaches of the Regulations of up to £30,000 and this came into force in April 2021.
- 3.9 **The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulation 2007:** If a local authority determines there is no Energy Performance Certificate (EPC) for a domestic dwelling and it is a relevant building then the council can serve a fixed penalty notice of £200. Previously a County Council function, all District Councils in Cambridgeshire will be taking on the enforcement power under these Regulations in 2022.
- 3.10 **The Minimum Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015:** From 1st April 2020 a rental property let on a relevant tenancy with an EPC rating below E is in breach of the regulations, unless it is included on the Private Rented Sector (PRS) Exemptions Register. Penalty charges of up to £5000 apply for breaches of the Regulations.

3.11 **The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014:** This order requires letting agents and property managers to be members of an approved or designated Redress Scheme so that members can be investigated when complaints are made against them in connection with their work. Penalty charges of up to £5000 apply for breaches of the Regulations.

4.0 ARGUMENTS/CONCLUSIONS

4.1 Environmental Services are committed to improve enforcement procedures whilst responding to new legislation.

4.2 The policy aims to clearly outline the options open to the Environmental Services (Domestic Team) for Housing Enforcement to ensure consistency and transparency for the public, landlords and officers.

4.3 Penalty matrices are required to be set and agreed by Council. Charges should be proportionate to the severity of any breach and should provide a deterrent to those landlords who fail in their obligations to maintain good housing standards.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT/CARBON IMPACT ASSESSMENT

5.1 Implementation of this policy will have a positive effect. A greater range of financial penalties will be able to be charged resulting in increased income to offset the cost of enforcement.

5.2 Equality Impact Assessment (INRA) attached.

5.3 A Carbon Impact Assessment has found no positive or negative carbon implications arising from the update to the Private Sector Housing Enforcement Policy 2022.

6.0 APPENDICES

6.1 Appendix 1-Private Sector Housing Enforcement Policy (with Appendices)
Appendix 2-INRA

Background Documents

Housing Act 2004
Housing and Planning Act
2016
All associated Regulations

Location

Room SF203
The Grange,
Ely

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