

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Portfolio Holder Housing and Health and Executive Director - Place

**To:** Cabinet Tuesday, 12 March 2019.

**(Author:** Phil Stacey, Jason King Housing Options Manager, Housing Landlord Services Manager)

**Subject** Private Sector Housing Enforcement policy

**Purpose:** To consider the draft Private Sector Housing Enforcement Policy and to seek approval to implement the revised Policy.

### **Recommendation(s):**

That the revised Private Sector Housing Enforcement Policy attached at Appendix A be approved and implemented.

### **1.0 BACKGROUND**

- 1.1 The Housing and Planning Act 2016 introduced a number of legislative changes in respect of activities undertaken by the Council's Private Sector Housing Team. These include the licensing of Houses in Multiple Occupation, measures to tackle rogue landlords, new financial penalty procedures and banning orders.
- 1.2 Local authorities have powers and responsibilities to assess housing conditions and enforce minimum standards of living through a range of measures. South Holland District Council will seek to tackle poor housing conditions using actions that are appropriate to individual situations. The purpose of this policy is to outline how the Council will work to improve private sector housing standards by providing advice and guidance or, if necessary, by means of appropriate formal action to improve, repair, close or demolish dwellings that are not fit for purpose.
- 1.3 The Council's primary role is to educate and advise owners, landlords and agents on the standards they are expected to meet in their properties, to seek to assist tenants in understanding their rights and responsibilities, and to encourage dialogue between parties to resolve issues amicably and without recourse to formal action.
- 1.4 The draft Policy was considered by the Policy Development Panel in September 2018. It is acknowledged that the Corporate Enforcement Policy is the overarching policy for all enforcement functions of the Council. The Private Sector Housing Enforcement Policy covers specific functions in more detail but will at all times meet the overall aims and objectives of the Corporate Enforcement Policy.

## 2.0 **OPTIONS**

- 2.1 Option 1: It is recommended that approval of the Private Sector Housing Enforcement Policy is given which incorporates recent legislative changes.
- 2.2 Option 2:- Do nothing; Continue to operate without an updated formal Private Sector Housing Enforcement policy. This option is not recommended.

## 3.0 **REASONS FOR RECOMMENDATION(S)**

- 3.1 South Holland District Council seeks to have an enforcement policy which is compliant with current legislation and meets the needs of a responsive Private Sector Housing function.

## 4.0 **EXPECTED BENEFITS**

- 4.1 South Holland District Council recognises the importance of the private housing sector in providing valuable good quality accommodation and meeting housing need. The Council is aware that the majority of landlords maintain their properties to a good standard, however there are some who neglect their responsibilities and put their tenants at risk due to the poor condition of their properties. Substandard housing can have a profound impact on the mental and physical health of its occupants, and poorly maintained properties also negatively impacts on its surrounding neighbourhood. The adoption of this policy will enable the Council to educate and tackle these issues and improve the standards of privately rented accommodation within the district.

## 5.0 **IMPLICATIONS**

### 5.1 Constitution & Legal

- 5.1.1 This is an executive function and is therefore a Cabinet decision.
- 5.1.2 If enforcement action is considered necessary there would be legal implications in taking these matters forward. The legal implications would be assessed on a case by case basis.
- 5.1.3 The Private Sector Housing Enforcement policy is written in conjunction with the Councils overarching enforcement policy. It is therefore considered that adoption of this policy will work in conjunction with the Enforcement policy. It is not considered that an Equality Impact Assessment is required.

### 5.2 Corporate Priorities

- 5.2.1 There is a strong link between enforcement and our corporate priorities, notably 'to have pride in South Holland by supporting the district and residents to develop and thrive.

### 5.3 Crime and Disorder

- 5.3.1 Tackling rogue landlords should make a contribution to wider efforts to address anti-social behaviour within the district.

## 5.4 Financial

- 5.4.1 Enforcement options include; rent repayment orders, civil penalty notices and licencing fees all of which can generate income for the Council. In certain circumstances the Council may be able to recover its administrative expenses when seeking to enforce against a landlord.

The Council will make a reasonable charge as specified in section 49 of the Act, to recover certain administrative and other expenses incurred in taking enforcement action.

Fees will be charged in accordance with the Councils fees and charges lists. There will be an annual review of all notices served. Where suspended notices are served, the full charge will be liable on breach of the notice. Additional costs may also be payable if external specialist advice is needed, e.g. a structural report. All charges will be the subject of an annual review.

## 5.5 Health & Wellbeing

- 5.5.1 There is a positive link between increasing the supply of housing, along with investing into the condition of private housing in the district and the broader Health and Wellbeing agenda.

## 5.6 Risk Management

- 5.6.1 There are risks to the authority associated with certain courses of action designed to enforce in the privately rented sector; for example prohibition notices may result in an increase in homelessness.

## 5.7 Safeguarding

Enforcing landlords to ensure that private sector accommodation meets safe and legislative requirements will ensure residents of the district are safeguarded against poor quality accommodation.

## 5.8 Staffing

- 5.8.1 Five Private Sector Housing Officers are within the current establishment and Private Sector Enforcement is a generic function across all these officers' roles.

## 5.9 Stakeholders / Consultation / Timescales

- 5.9.1 There are no known implications for stakeholders.

## **6.0 WARDS/COMMUNITIES AFFECTED**

- 6.1 All Wards

## **7.0 ACRONYMS**

- 7.1 **None**

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Background papers: -           None

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**Key Decision:**                   **No**

**Exempt Decision:**               **No**

**This report refers to a Mandatory Service**

**Appendices attached to this report: None**

Appendix A                       South Holland District Council Private Sector Housing Enforcement  
Policy