served by One Team

South & East Lincolnshire Councils Partnership

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APPENDIX 3

ENFORCEMENT POLICY

2026 - 2029

HOUSING STANDARDS

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INTRODUCTION

Local authorities have powers and responsibilities to assess housing conditions and enforce minimum standards through a range of measures. The 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. In ensuring compliance with legal regulatory requirements, the Council will ensure that all actions are taken in a fair, equitable and consistent manner.

The Council recognises the importance of the private rented sector in providing valuable good quality accommodation and meeting housing need. The Council recognises 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 mental and physical health of its occupants, and poorly maintained property also negatively impacts on its surrounding neighbourhood.

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.

SCOPE AND SERVICE STANDARDS – INCLUDING LEGISLATIVE CONTENT

This policy details the way the Council will deliver private sector housing enforcement under respective legislation as well as what landlords and tenants can expect from the department.

Whenever the Housing Standards team interact with service users or other stakeholders in relation to any of the above, or other relevant functions, they will do so clearly and with suitable regard to all relevant information relating to this specific function, including the reason for any intervention and any proposed future actions.

This policy is intended to provide information for officers, businesses, landlords, residents, and the public. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

The overarching approach to enforcement by the Housing Standards team is laid out in this policy as well as the Council's Corporate Enforcement Policy and the Enforcement Concordat. This policy is intended to be used in conjunction with that policies/guidance and the principles contained therein.

<u>Legal Framework</u>

This policy is guided by the following legislation (in addition to local and national guidance), and the Council shall act within the scope of these to uphold housing standards:

- Caravan Sites & Control of Development Act 1960*

- The Caravan Site (Licence Applications) Order 1960*
- Caravan Sites Act 1968*
- The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment)(England) Order 2006*
- The Caravan Sites Act 1968 (Part II) (Commencement) Order 1970*
- Mobile Homes Act 1975*
- Mobile Homes Act 1983*
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Police and Criminal Evidence Act (PACE) 1984
- Housing Act 1985
- Home Energy Conservation Act (HECA) 1995
- The Enforcement Concordat 1998
- Housing Act 2004
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- Energy Act 2011
- Mobile Homes Act 2013*
- The Redress Schemes for Lettings Agency Work and Property Management Work (England) Order 2014
- The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- The Housing and Planning Act 2016
- The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017
- The Housing and Planning Act 2016 (Database of Rogue Landlords and Property Agents) Regulations 2018
- Crown Prosecution Service Code for Crown Prosecutors' 2018
- The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Order 2018
- The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person (England)(Amendment) Regulations 2020*
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- The Smoke and Carbon Monoxide (Amendment) Regulations 2022

*Caravan site licensing (along with all prevailing legislation that governs the scheme) has been delegated to the Housing Standards team across the district of South Holland. Caravan site licensing at East Lindsey District Council and Boston Borough Council is delegated to teams outside of the Housing Standards department.

DEFINITIONS

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Where the terms “Council,” “Authority” and/or “Local Housing Authority” have been used, these refer to the relevant council applicable across the South & East Lincolnshire Councils Partnership (SELCP) being either; East Lindsey District Council, South Holland District Council or Boston Borough Council. This policy has been adopted across the three and therefore aligns all standards and working practices.

INVESTIGATORY POWERS AND GENERAL APPROACH TO ENFORCEMENT

Positive working relationships between the Council and its stakeholders will always be encouraged. To support this, the Council will engage with the aforementioned in relation to providing guidance and direction on how to achieve compliance. Education around prevailing statutory guidance is used by the Council to enhance understanding around legislative content as well as overall housing knowledge.

The Council works closely with partners such as DASH (Decent and Safe Homes) who provide an accreditation scheme for landlords with the aim being to encourage and promote good property standards and management practices in the private rented sector. It also offers people working in the private rented sector the opportunity to gain a quality mark in recognition for the good work that they do. It also identifies a landlord as one who has attained certain standards and commits to upholding a code of conduct (the DASH scheme manual). It does not accredit companies or agencies.

The Council expects full voluntary compliance with the law and will expect landlords to ensure that they are familiar with all laws and standards pertaining to the letting of accommodation. Where appropriate the Council will assist property owners to meet their legal obligations by providing clear and concise information about what they need to do in order to comply in their individual cases. However, the Council will not hesitate to use enforcement powers where necessary. Formal action will be considered and in the most extreme circumstances, prosecution against those who are non-compliant.

The Housing Standards team have a range of investigatory powers needed to obtain relevant information as per the Act. When considering the most appropriate course of action, the team will assess a range of criteria.

<u>Requests for Information</u>

The Council may request information relevant to investigating/progressing casework. These requests may come under formal notice which place a duty on the recipient to respond within the specified deadline.

The Council may invite relevant persons to an investigation to attend a recorded interview under caution in-line with the relevant codes of PACE – Police and Criminal Evidence Act 1984.

<u>Informal Action</u>

This approach is generally considered where one or more of the following circumstances apply; there is no legislative requirement to serve formal notice/order and the circumstances are not serious enough to warrant formal action without first attempting an informal approach; past history suggests informal action will achieve compliance; there is confidence

in the management or the individual; the consequences of non-compliance will not pose an imminent risk to occupiers or others.

The Council will notify the owner of a dwelling prior to inspection unless doing so, is likely to contravene the purpose of the investigation. Notice of intended entry will be provided in-line with the requirements listed under section 239 of the Housing Act 2004.

Formal Action

This approach is generally considered where one or more of the following circumstances apply; there are legislative requirement(s) to serve formal notice/order, the circumstances are serious enough to warrant formal action following attempts at informal negotiations which have failed; there isn't confidence in the management or the individual; the consequences of non-compliance will pose a high/imminent risk to occupiers or others.

Where prior notification of intended entry into a dwelling will contravene the purpose of the investigation and/or attempt at an informal approach have not been successful, the Housing Standards team will utilise sub-section (7) of section 239 and where necessary, section 240 to obtain a warrant to authorise entry.

The Council will make reasonable charges for undertaking enforcement action unless there are extenuating circumstances present. Details of these charges can be found within Appendix A.

Non-compliance

Where a relevant housing offence meets the public interest and evidential tests, a financial (civil) penalty will be considered as an alternative to prosecution, providing it falls within the relevant list of offences as well as meeting both the evidential and public interest tests.

Relevant housing offences include:

- Failure to comply with an Improvement Notice (Section 30)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72)
- Offences in relation to licensing of houses under Part 3 of the Act (section 95)
- Offences of contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)

Where it is determined that a financial penalty is the most appropriate course of action, the Council will follow the procedure outlined within Section 13A of the Housing Act 2004.

The amount of the financial penalty must not exceed £30,000

The financial penalty will meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the offence. It will not be cheaper to offend than to take the appropriate precautions. The principle behind issuing financial penalties is that there is no financial gain to the alleged perpetrator of the relevant offences.

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The amount of the financial penalty will be determined by having reference to the following factors:

- Culpability
- Removal of Financial Incentive
- Offence and History
- Harm or Potential Harm to occupant

The Council has determined that where a landlord/manager fails to fulfil their obligations, a financial penalty will be levied as outlined within Appendix B.

Repeat Offenders

When determining the amount of a financial penalty levied in reference to a repeat offence, the Council will have regard to the amount of time served since the previous offence(s).

Review of the Penalty

In each case the Council will review the final penalty and, if necessary, in exceptional cases (such as where the landlords financial position deems it appropriate, or where the cost of the work is likely to exceed the amount of the financial penalty) adjust the initial amount to ensure that it fulfils the general principles set out above.

Any written representation(s) received by the Council will be considered holistically in reference to any ongoing proceedings. A response to any written representations will be issued after the period for representations has expired which will either confirm, reduce or withdraw the civil penalty.

Where financial (civil) penalties have not been successful acting as a deterrent or where legislation does not permit civil penalties to be served as an alternative, prosecution will instead be considered.

Serious and Repeat Offenders

The Housing and Planning Act 2016 ("the Act") introduced a range of measures to help local housing authorities tackle rogue landlords and drive up standards in the private rented sector. Under the Act, the Council can apply to the First-tier Tribunal for a banning order against a landlord/property agent who has been convicted of a banning order offence. Bans will last for a minimum of 12 months and there is no statutory maximum period for a banning order.

Banning Order Offences that fall within the Housing Standards team's remit under Schedule 1 of The Housing and Planning Act 2016 (Banning Order Offences) Regulations (2017) include:

- Housing Act 2004 - Section 30(1) - Failing to comply with an improvement notice.
- Housing Act 2004 - Section 32(1) - Failing to comply with a prohibition order.

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- Housing Act 2004 - Section 72(1), (2) and (3) - Offences in relation to licensing of Houses in Multiple Occupation.
- Housing Act 2004 - Section 95(1) and (2) - Offences in relation to licensing of houses under Part 3 of the Act.
- Housing Act 2004 - Section 139(7) - Contravention of an overcrowding notice.
- Housing Act 2004 - Section 234(3) - Failure to comply with management regulations in respect of Houses in Multiple Occupation.
- Housing Act 2004 - Section 238(1) - False or misleading information.

A landlord/property agent subject to a banning order is prevented from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work, or
- Doing two or more of those things.

Under the Act, the Council must also make an entry on the database where a landlord/property agent has received a banning order. Section 30 of the Act allows local authorities to make entries for a person who has:

- Been convicted of a banning order that has committed at a time when the person was a residential landlord or property agent; and/or
- Received two or more financial penalties in respect of a banning order offence within a period of 12 months committed at a time when the person was a residential landlord or a property agent.

Homeowner Occupiers

The Housing Act 2004 ("the Act") permits the Council to take enforcement action in respect of owner-occupied properties where the property condition contributes to the existence of hazards as defined within the Act.

However, the Council recognises that an individual's right to make decisions about a property they own and occupy should be taken into account. Therefore, due consideration will be given to an individual's wishes when determining the most appropriate course of action in each case, and it is likely that any intervention will only be made where the Council has evidence that the person lacks capacity to make an informed and reasoned decision.

HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)

Assessment of housing standards shall be in accordance with the Housing Health and Safety Rating System (HHSRS). This is a risk-based assessment which rates the extent of hazards to health and safety.

The underlying principle of HHSRS is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. An assessment of a dwelling will involve a physical survey that will include the identification and rating of hazards in the building. The technical guidance for the system includes a wealth of statistical information on

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the various hazards. The application of the system will result in a score which will be the basis of the Council's action to deal with the hazards identified.

Where a category 1 hazard exists (high risk of likely occurrence within the next 12 months resulting in harm) the Council has a duty to take enforcement action relating to the hazard.

Where a category 2 hazard exists (above average risk of a likely occurrence within the next 12 months resulting in harm) the Council has a discretionary power to take enforcement action. The Council will use this power in situations where there is a permanent and persistent risk to the health, safety and/or comfort of the occupiers, where the vulnerability of residents is a particular factor which needs to be considered or the number or extent of hazards are such that cumulatively, action to formally secure improvements are warranted.

ENFORCEMENT

The Council will start from the position of working with our service users to help them comply with their regulatory requirements. Subsequently, the Housing Act 2004 ("the Act") gives housing enforcement authorities options to formally secure improvements. This will be on the basis of the principles set out in the Corporate Enforcement Policy. Enforcement can be affected by:

- Service of a hazard awareness notice in accordance with section 28 and/or section 29 of the Act.
- Service of an improvement notice requiring remedial works in accordance with section 11 and/or section 12 of the Act.
- Service of a prohibition order, preventing the use of:
    - the whole of the dwelling or;
    - part of the dwelling or;
    - restricting the number/class of permitted occupants in accordance with section 20 and/or section 21 of the Act.
- Suspension to the operation of a notice/order under sections 14 and 23 of the Act*
- Taking emergency remedial action under section 40 of the Act
- Service of an emergency prohibition order under section 43 of the Act

Suspended notices/orders will be periodically reviewed under the requirements of sections 17 and/or 26 of the Act*.

In addition to the above, under the Housing Act 1985, the following options are available to the Council:

- Making a demolition order in accordance with section 265 of the Housing Act 1985.
- Declaring a clearance area in accordance with section 289 of the Housing Act 1985.

<u>Power to Charge for Enforcement Action</u>

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 - this includes any additional costs incurred where works are carried out in default by the Council.

Additional costs may also be payable if external specialist advice is needed, e.g. a structural survey/report.

On appeal of any such notice, the charge will be suspended pending the outcome of the appeal. If the notice is upheld, charges will be pursued.

The charges for the recovery of expenses in relation to enforcement action are outlined within Appendix A. Any annual review of a notice under sections 17 and/or 26 of the Act will incur no charge.

All charges will be the subject to annual review.

The Council's website also outlines the list of current fees applicable to this department.

Works in Default

Should works in default be carried out, the Council will endeavour to ensure that the costs of works are reasonable and recovered from the relevant person. The costs will be in addition to the administrative and any other relevant expenses. When the Council carries out work in default, an invoice requesting payment for the work will be sent to the appropriate person. If this is not paid within the required period, the matter will be pursued through our corporate debt recovery processes and may result in County Court action.

ELECTRICAL SAFETY STANDARDS

On 1 June 2020, a set of regulations came into force under the Housing and Planning Act 2016 ("the Act") to formalise the requirement for improved electrical safety standards in privately rented properties - including HMOs. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 ("the Regulations") require landlords to keep their properties free from electrical hazards and to arrange periodic electrical inspections and testing in their properties. The Regulations place duties on landlords to ensure that the electrical installations within private rented dwellings are checked by a competent person at least every 5 years (or less if specified in the previous report) and apply to all tenancies.

Copies of the report must also be provided to new occupants before that tenant occupies the property, to existing tenants within 28 days of the inspection and test and to the Council within a period of 7 days of receiving a request to do so.

Where the Council has reasonable grounds to believe that a landlord has failed to fulfil their duties under the Regulations, the Council are duty-bound to serve on that landlord a "Remedial Notice" requiring the landlord to take remedial action within 28 days.

Should a landlord fail to comply with this notice, the Council may arrange for a suitable contractor to carry out the work and in addition may require the landlord to pay a financial penalty as outlined within Appendix B.

The Council will have regard to the guidance in the application of this legislation, the level of any financial penalty imposed and the publication of the penalty.

SMOKE AND CARBON MONOXIDE ALARM REGULATIONS

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The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, and The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 ("the Regulations") identify the requirements, obligations and actions required by a relevant landlord and the Council in relation to smoke and carbon monoxide alarms in privately rented properties.

From 1 October 2015 it was a requirement for all landlords/letting agents/property managers of certain residential properties to ensure that smoke alarms are fitted on each floor of any rented property and that any living spaces with solid fuel appliances have a carbon monoxide alarm. In 2022, these Regulations were amended to include the requirement for a carbon monoxide detector to be installed in any room that contains a fixed combustion appliance - other than a gas cooker.

In terms of the Council's policy approach to these Regulations, fire safety in residential accommodation is one of the Council's priority concerns. As a consequence, the Council requires all privately rented accommodation to meet the relevant standards as set out in all prevailing guidance.

The duties of the landlord in relation to prescribed alarms are summarised as;

- A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;
- A carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a fixed combustion appliance (other than a gas cooker), and checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day any new tenancy starts.

Appendix B outlines the penalty charges in relation to the Regulations where Appendix C outlines a statement of principles in relation to them.

MINIMUM ENERGY EFFICIENCY STANDARDS (MEES)

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 ("the Regulations") establish a minimum standard for domestic privately rented property, subject to certain requirements and exemptions:

- Landlords of relevant domestic private rented properties may not grant a tenancy to new or existing tenants if their property has an Energy Performance Certificate (EPC) rating of band F or G.
- Landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating of F or G (as shown on a valid EPC for the property).

Where a landlord wishes to continue letting property which is sub-standard, they will need to ensure that energy efficiency improvements are made which raise the EPC rating to a minimum of E. Under prescribed circumstances within the Regulations, the landlord may claim an exemption from prohibition on letting a sub-standard property. Where a valid exemption applies the landlord must register the exemption on the national Private Rented Sector Exemptions Register. The minimum standard will apply to any domestic privately rented

property which is legally required to have an EPC, and which is let on certain tenancy types. Landlords of property for which an EPC is not a legal requirement are not bound by the prohibition on letting sub-standard property.

Properties with an EPC rating of F or G should not be let until suitable remedial works have been undertaken. In addition, it is an offence to continue to let such a property - even where a tenancy is already in place. Where the Council has reasonable grounds to believe that a landlord has failed to fulfil their duties under these regulations, the Council can take the following action:

- Compliance Notice – can be used in circumstances where the Council requires the landlord to provide specified documents in order to determine the current efficiency banding and tenancy.
- Penalty Notice – where the Council is satisfied that an offence has been committed, a notice can be issued requiring the landlord to pay a financial penalty of such amount as decided by the Council and to carry out such works as may be required in order to ensure the regulations are being complied with.

The Council will:

- Check that properties in the district falling within the scope of the Regulations meet minimum levels of energy efficiency.
- Issue a compliance notice requesting information where it appears that a property has been let in breach of the Regulations.
- Serve a penalty notice where satisfied that the landlord is, or has in the past 18 months, been in breach of the requirement to comply with a compliance notice or has provided false or misleading information on the exemptions register.

The Council will also have regard to guidance in the application of this legislation, the penalty amount and the publication of the penalty. The Council will adhere to Government guidance for this legislation with regard to the penalty amount and the publication of the penalty.

Appendix B outlines the penalty charges in relation to the Regulations where Appendix D outlines a statement of principles in relation to them.

OTHER ENFORCEMENT POWERS

Overcrowding

The Housing Act 1985 as well as the HHSRS will be used to assess overcrowding in residential dwellings. In addition, the Lacors Crowding & Space guidance will also be considered when assessing this hazard.

Rent Repayment Orders

The Housing and Planning Act 2016 confers power on the First-Tier Tribunal to make a rent repayment order where a landlord has committed one of the following offences:

- Have been prosecuted for operating an unlicensed HMO;
- Have failed to comply with an improvement notice;
- Has failed to comply with a prohibition order;
- Is in breach of a banning order;
- Has used violence to secure entry to a property; or
- Illegal eviction or harassment of the occupiers

A rent repayment order will require the landlord to repay an amount of rent paid by the tenant or pay the Council an amount in respect of a relevant award of Universal Credit/Housing Benefit paid. If a person is convicted of an offence as a consequence of action brought by the Council, application for a rent repayment order will be considered. The Council may also assist a tenant to apply for a rent repayment order where legislation permits.

Redress Scheme Enrolment for Property Agents

From 1 October 2015 it became a requirement for all letting agents and property managers to join a government approved redress scheme. This requirement was enacted under: The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc. (England) Order 2014.

The two government-approved redress schemes handle complaints from tenants against landlords about their service. The two approved schemes are:

- The Property Ombudsman (TPO)
- The Property Redress Scheme

Full details of each can be viewed from either scheme's website.

The above regulations do not provide any new powers for enforcement as these are already covered in existing consumer protection powers. However, the requirement to be registered is enforceable by the Council. The Council can impose a fine of up to £5,000 where it is satisfied, on the balance of probability that someone is engaged in letting or agency work and is required to be a member of a redress scheme but has not joined.

The Council will monitor registrations to the approved schemes and where it finds agents or managers that are not registered it will contact them and give a 14-day period of grace for a registration to be made. If this is not done, enforcement action may commence in line with the Council's enforcement policies.

Appendix B outlines the penalty charges in relation to this scheme.

Immigration Inspections and Accommodation Certificates

When an immigration application is made to come to the UK, one of the documents that must be provided is a letter confirming:

- The property the applicant intends to live in has been inspected
- The property is of an acceptable for occupation
- The property will not become overcrowded if they live there

As this is not a statutory function, the Council will provide this service taking into consideration other operational demands. A fee will be payable in advance for the inspection and the letter. The current fee charged is listed within Appendix A.

The HHSRS is an assessment tool available to officers should there be hazards present during the time of an immigration inspection. The Council has a mandatory duty to ensure that residential dwellings are free from category 1 hazards and discretion to abate category 2 hazards.

Homes for Ukraine Scheme on Behalf of County Council

The Council are the designated authority to carry out property inspections and gather the relevant documentation in relation to the County Council's Homes for Ukraine scheme. There are no associated fees in administering this and officers will assess housing conditions as per their statutory duties under the Housing Act 2004.

HOUSES IN MULTIPLE OCCUPATION (HMOs)

HMOs pose additional risks not necessarily present in single household dwellings and because of this, require additional safety measures to be put in place. HMOs (whether licensable or not) are not precluded from enforcement action under Part 1 of the Housing Act 2004 ("the Act") and will also be expected to comply with the regulations outlined within The Management of Houses in Multiple Occupation (England) Regulations 2006 derived from section 234 of the Act, in addition to the LACoRS Fire Safety guidance.

Under section 67 (4) of the Act, the HHSRS will be considered in the first instance when seeking to identify, remove or reduce category 1 or category 2 hazards within HMOs.

Non-licensable HMOs

Where it has been identified that a dwelling meets the criteria set out in section 254 of the Act, is not licensed and is not required to be under the mandatory licensing scheme, an HMO Declaration served under section 255 will be considered.

Licensable HMOs

Where it has been identified that a dwelling meets the criteria set out in section 254 of the Act and is required to be licensed under the mandatory licensing scheme, an HMO Declaration served under section 255 will be considered in addition to section 72 of the Act.

For information around the licensing of HMOs, please see the HMO Licensing Policy.

Overcrowding

Section 139 of the Housing Act 2004 enables the Council to serve an overcrowding notice on a relevant person of an HMO when excessive numbers of people are accommodated. The

notice will specify the maximum number of people permitted in each room, identify any unsuitable rooms and becomes operative 21 days after service unless appealed. A person who contravenes an overcrowding notice commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standards scale. A financial (civil) penalty is also an option as outlined in Appendix B.

SELECTIVE LICENSING OF OTHER RESIDENTIAL ACCOMODATION

Under section 80 of the Housing Act 2004, selective licensing of residential dwellings covers those within an area(s) of the Borough/District that the Council have designated to be licensed under this scheme.

The Council do not currently operate a selective licensing scheme but maintain the right to introduce this if considered appropriate during the course of this policy.

MANAGEMENT ORDERS

Management orders are options for the Council to take control of a property that is being poorly managed, particularly HMOs. Management orders are typically used when a landlord fails to license the property that is required to be licensed under the Housing Act 2004 or to address serious health and safety or anti-social behaviour issues.

Types of management order include:

- Interim Management Orders (IMOs)
- Final Management Orders
- Special Interim Management Orders (SIMOs)
- Empty Dwelling Management Orders – see "EMPTY HOMES" heading, below.

MOBILE HOMES AND CARAVAN SITE LICENSING

A caravan site license is issued by the Council to a site owner, ensuring the land meets health and safety as well as welfare standards for caravan occupation. It regulates aspects like fire safety, sanitation, emergency access as well as the density and spacing of caravans. Both residential and holiday caravan and camping sites require this license, though there are some exemptions for temporary uses.

Appendix E outlines the Council's approach to mobile homes and caravan site licensing as well as any associated fees.

Appendices F to I outline the prescribed standards/conditions in relation to the caravan site licensing scheme delivered by the Housing Standards team across the District of South Holland.

EMPTY HOMES

Empty homes represent a wasted housing resource, are unsightly and can attract crime and anti-social behaviour as well as contribute to the overall decline of an area. Maximising the number of empty homes brought back into use not only helps to increase housing supply and

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reduce the problems associated with them. Alongside advice and information, discretionary enforcement action can assist empty dwellings to be returned into good quality homes for our residents. Options to return homes back into viable use are outlined within the Empty Homes Policy.

Enforcement

Whilst the Council prefers to work proactively and productively with the owners of empty homes to explore how they might bring their property back into use and statutory guidance is very clear about this, sometimes advice, support and financial assistance alone are not enough. Where an owner (or owners) fail to engage with the Council or have not taken reasonable action or made reasonable progress to return the property back into use, the Council has a range of discretionary enforcement powers available to it that it may use to seek resolution to the matter including the use of Community Protection Warnings and Community Protection Notices across other departments of the Council. It should, however, be highlighted that the use of such powers is discretionary and not mandatory and the cost to the public will always be a relevant and material consideration. In accordance with the Council's Empty Homes Policy and Corporate Enforcement Policy, to ensure empty properties remain safe and secure where problems arise, enforcement will be considered on a case-by-case basis and may include options such as:

Protection of Buildings

To minimise the negative impact that empty dwellings have in the local area, the Council can prevent unauthorised entry where access points have attracted anti-social behaviour and pose risk to both the public as well as the buildings themselves. Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to secure empty buildings. Where this power is exercised, the Council will look to reclaim any expenses incurred as per sections (11) to (13) of the same Act.

Empty Dwelling Management Orders (EDMOs)

The Housing Act 2004 allows councils to temporarily take ownership of a property with the intent to bring it back into use as a rented home. Properties must have been empty for over 2 years and any leasing arrangement can last for up to 7 years. (Interim EDMOs are valid for up to 12 months and full EDMOs for up to 7 years) This type of action is best suited to properties requiring minor repairs as the Council would need to arrange for refurbishment works to be carried out and for the property to be let out with any costs being recovered from the rental income. Property ownership is not affected by EDMOs.

Enforced Sales Procedures

The Enforced Sales Procedure is a power under Section 103 of the Law of Property Act 1925. An enforced sale can only be carried out where the Council has placed a local land charge on a property for works in default (i.e. the Council has paid for works to done) because the owner cannot be traced or is unwilling to act. With an Enforced Sale the Council is able to recover reasonable costs through the sale of the property and any remaining funds after paying all the charges are paid to the owner.

Compulsory Purchase Order (CPO)

Mostly used as the last resort option where all other routes have failed. The Council can apply to acquire the property where there is a justified cause e.g. A CPO will ensure that a property is sold on but is it a legal process that can take between 6 and 18 months. It must be noted that the Council is under NO obligation to use any discretionary power and that the use of discretionary action will be influenced by the availability of the Council's resources in the widest sense.

REGISTER OF LICENSES AND MANAGEMENT ORDERS

As per the requirements outlined within section 232 of the Housing Act 2004 ("the Act"), all licenses under Part 3 of the Act which are in force and all temporary exemption notices under section 86 of the Act will be made available to view at any reasonable time by the public.

Printed/digital extracts of the above as well as copies in full, are charged at a fee outlined within the "Fees" section above.

An abridged version of the full register of selective licensing, management orders and temporary exemption notices is available to view on the Council's website.

The Council do not currently operate a selective licensing scheme and as such, there is no register to view in relation to this scheme but maintain the right to introduce this if considered appropriate during the course of this policy.

DELEGATED AUTHORITY AND COMPETENCY OF OFFICERS

All officers involved with the enforcement of legislation covered by this policy will be competent to perform their duties in accordance with the legislation and agreed internal procedures and will carry out continuous professional development to do so. The Council has delegated the authority to serve notices/orders under various Acts and Regulations where the Safer Communities Group Manager has in turn delegated the service of some of these directly to enforcement officers. All notices/orders will be served having regard to this delegation scheme.

Officers authorised under section 113 of the Local Government Act 1972, are able to carry out Council functions outside of their sovereign council.

GOVERNANCE AND REVIEW

The Council's Safer Communities Group Manager is authorised to make amendments to the policy to ensure the Policy remains up to date and to reflect statutory requirements in consultation with the Portfolio Holder.

Version Control			
Issue No	**Author**	**Issue date**	**Reason For Issue**

DRAFT

1.0	Group Manager – Safer Communities		Full update of prevailing legislation, plus alignment of all policies to a single policy across the South & East Lincolnshire Councils Partnership (SELCP)

Approval		
Issue	**Approval Authority**	**Approval Date**
1.0	(ELDC) (BBC) (SHDC)	

APPENDICES

- APPENDIX A – Fees and Charges
- APPENDIX B – Financial (Civil) Penalties
- APPENDIX C – Statement of Principles in Relation to Smoke and Carbon Monoxide Alarm Regulations
- APPENDIX D - Statement of Principles in Relation to MEES
- APPENDIX E – Mobile Homes and Caravan Site Licensing and Fee Policy
- APPENDIX F – Caravan Site Licensing: Model Standards
- APPENDIX G – Caravan Site Licensing: Static Caravan Site Conditions
- APPENDIX H – Caravan Site Licensing: Touring Caravan Site Conditions
- APPENDIX I – Caravan Site Licensing: Holiday Caravan Site Conditions

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