

Ref:

Called in

Yes/No

**THE THANET DISTRICT COUNCIL**

**RECORD OF DECISION OF CABINET**

Cabinet Member

Councillor Lesley Ann Game

Relevant Portfolio:

Cabinet Member for Housing and Safer Neighbourhoods

Date of Decision:

14 March 2019

Subject:

Policy for imposing financial penalties under the Housing Act 2004 and Housing and Planning Act 2016

Key Decision

No

In Forward Plan

Yes

Brief summary of matter:

The council has a statutory duty to take action to improve unsafe private sector homes in the Thanet area, and in pursuance of that duty it undertakes a range of enforcement activities. Owing to recent legislative changes, the council now has the power to impose a financial (civil) penalty of up to £30,000 as an alternative to prosecution for certain housing offences. However, before the council can issue financial penalties for such offences, it must first have an adopted policy in accordance with statutory guidance issued by the Ministry of Housing, Communities and Local Government.

Decision made:

Cabinet agreed the following:

1. To approve the adoption of the proposed "Policy for imposing financial penalties under the Housing Act 2004 and Housing and Planning Act 2016" annexed to the Cabinet report.
2. To delegate authority to the Head of Housing and Planning, in consultation with the Cabinet Member for Housing and Safer Neighbourhoods, to approve minor amendments to the policy.

Reasons for decision:

All local housing authorities are expected to adopt a policy that will allow them to impose financial penalties as an alternative to prosecution for certain housing offences. Having an adopted policy increases the enforcement options available to the council and will help deter those with responsibility for private sector housing from committing housing offences. Furthermore, the ability to retain the financial penalties collected will help fund future housing enforcement activities, which will ultimately contribute to safer housing in Thanet.

Alternatives considered and why rejected:

The option to not adopt a policy was rejected on the basis that such a decision would deprive the council of a valuable enforcement capability.

Details of any conflict of interest declared by any executive Member who has been consulted and of any dispensation granted by the Standards Committee:

None

Author of Officer report:

Richard Hopkins, Private Sector Housing Manager

Background papers

Cabinet Report - PSH Financial Penalties (Draft v1)  
PSH Financial Penalties Policy (Draft Version 1)  
EIA (Financial Penalties Policy 2019)

Statement if decision is an urgent one and therefore not subject to call-in:

None

Last date for call in: 26 March 2019