
ADOPTION OF A HOUSING REGENERATION ENFORCEMENT POLICY AND GUIDANCE DOCUMENT

To: **Cabinet – 19 June 2014**

Main Portfolio Area: **Housing and Planning Services**

By: **Richard Hopkins, Housing Regeneration Team Leader**

Classification: **Unrestricted**

Ward: **All wards**

Summary: This report highlights the proposal to adopt a new Enforcement Policy and Guidance document for Housing Regeneration that sets out how the council uses its statutory powers to tackle poorly maintained and unsafe housing in the private sector.

For Decision

1.0 Introduction and Background

- 1.1 Thanet District Council is a Local Housing Authority. As such, it has a statutory duty to ensure that all private sector homes in the Thanet area are maintained in a safe condition. The council's Housing Regeneration Team is responsible for delivering this statutory function.
- 1.2 Safety in the home environment is of utmost importance. Everyone has the right to live in a home which does not have a detrimental effect on their health, safety or well-being. To this end, the council uses a wide range of statutory powers to ensure that those responsible for residential premises take the actions needed to prevent harm from occurring.
- 1.3 For fairness and transparency, it is important that the council is open about how it conducts itself by publishing an enforcement policy with associated guidance. This is a requirement of the Enforcement Concordat (a voluntary code, which around 96% of central and local government enforcement bodies have adopted) and the Regulators' Code (which provides statutory guidance for certain regulators).

2.0 The Current Situation

- 2.1 The council's existing Private Sector Housing Enforcement Policy, which was last updated in 2009, is now largely out-of-date. Since 2010, the Housing Regeneration Team has endeavoured to innovate, make efficiencies, and improve the overall service to customers. Consequently, the amount of

enforcement action taken by the council has increased significantly. As such, it is now time to publish a new policy to reflect service evolution.

2.2 A proposed Enforcement Policy and Guidance document has been authored and is attached in Annex 1 to this report.

2.3 The draft document was subject to a four-week informal consultation. Copies of the document were circulated to interested parties, including:

- All councillors;
- Senior Management Team;
- Managers and officers in related services;
- Thanet Landlords' Focus Group; (A council facilitated democratically elected group of 15 landlords and agents who meet with the council on a regular basis. The group, which has been running since 2008, acts as a consultative body representing landlords and agents working in Thanet.)

2.4 In addition, a presentation to council managers at the Managers' Forum held on 27 March 2014 explained the nature and scope of the consultation.

2.5 The Thanet Landlords' Focus Group includes representatives of the National Landlords Association ("NLA") and the Southern Landlords Association ("SLA"). Neither association made representations.

2.6 The consultation did not highlight any obvious concerns or result in any significant changes.

3.0 Scope of Policy and Guidance

3.1 The proposed Enforcement Policy and Guidance document includes the following content:

Chapter No./Title	Summary of Content
Preface	
Chapter summaries	
Glossary	
1. Introduction	Explains why the document has been authored and provides a brief background to the private rented sector in Thanet. It outlines what the term "enforcement" means and sets out a number of overarching principles
2. Legislative overview	Provides a brief overview of the legislation that may be used by the council when dealing with private sector housing.
3. Housing Health and Safety Rating System	Describes the Housing Health and Safety Rating System and explains how it is used by council officers to evaluate the severity of hazards in the

	home environment.
4. Reactive interventions	Describes how the council responds to complaints about housing conditions.
5. Proactive interventions	Many residents cope with poor housing conditions, to the detriment of their health and well-being, without knowing how to improve their situation. This chapter explains how the council proactively attempts to identify those in need of council assistance.
6. Enforcement	Describes how the council uses relevant legislation to ensure that private sector housing is of an acceptable standard.
7. Houses in multiple occupation (HMOs)	Sets out the legal definition of an HMO, as prescribed by section 234 of the Housing Act 2004.
8. Licensing of HMOs and other residential accommodation	Outlines the HMO and selective licensing regimes.
9. HMO amenity guidelines	Describes how council officers assess amenity provision in HMOs.
10. HMO management regulations	Explains the additional legal duties imposed on managers of HMOs.
11. Interim and final management orders	Describes how the council can take over the management of residential premises in certain situations.
12. Empty homes	Explains the council's approach to prioritising enforcement action in respect of empty homes.
13. Prosecutions	Outlines the council's approach to prosecutions.
14. Publicity	Describes the council's approach to publicity.
15. Engagement	Outlines how the council complements its enforcement activities by engaging with landlords and managing agents.
Help and advice	
Making a complaint	

4.0 Overview and Scrutiny Panel

- 4.1 The proposal to adopt a new Enforcement Policy and Guidance document for Housing Regeneration was considered by the Overview and Scrutiny Panel on 27 May 2014.
- 4.2 The Panel recommended that the document be adopted, subject to amendment. Minor revisions, as recommended by the Panel, have been made to the Chapter Summaries, Chapter 1 (more specific equality and diversity

statement), Chapter 7 (reference made to planning law/Article 4 Direction), Chapter 8 (revised wording) and Chapter 12 (revised wording).

5.0 Options

5.1 The available options are:

- To adopt the Enforcement Policy and Guidance document; or
- To adopt the Enforcement Policy and Guidance document subject to amendment(s); or
- To not adopt the Enforcement Policy and Guidance document.

6.0 Corporate Implications

6.1 Financial and VAT

6.1.1 The policy concerns enforcement procedures and customer relations which are largely already in place and do not result in additional financial implications.

6.2 Legal

6.2.1 The Regulators' Code is a statutory code that comes from the Legislative and Regulatory Reform Act 2006. As stated in this report the council has also signed up to the Enforcement Concordat and as a result there is a duty to provide transparency with regard to its enforcement policies. The attached document updates the earlier document in accordance with this requirement.

6.3 Corporate

6.3.1 Ensuring that private sector housing is maintained in a safe condition links to the following corporate priorities:

Priority 2: We will tackle disadvantage across our district;

Priority 4: We will make our district a safer place to live;

Priority 7: We will plan for the right number and type of homes in the right place to create sustainable communities in the future.

6.4 Equity and Equalities

6.4.1 The Housing Regeneration Team is committed to supporting and promoting an inclusive and cohesive community able to celebrate its diversity. It endeavours to embed equality and diversity into everything it does and aims to provide the highest possible standards of service to the public at all times and in all areas.

6.4.2 Following the completion of an Equality Impact Assessment, no adverse impacts were identified in respect of the Protected Characteristics or the aims of the Public Sector Duty. However, some positive impacts were identified in respect of Age and Disability. A copy of the assessment has been attached in Annex 2.

7.0 Recommendation(s)

7.1 That Cabinet adopt the Enforcement Policy and Guidance document for Housing Regeneration in its current form.

8.0 Decision Making Process

8.1 This is a non-key decision.

8.2 The Overview and Scrutiny Panel considered the proposal to adopt a new Enforcement Policy and Guidance document for Housing Regeneration on 27 May 2014.

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Annex List

Annex 1	Draft Enforcement Policy and Guidance document for Housing Regeneration
Annex 2	Equality Impact Assessment

Background Papers

Title	Details of where to access copy
None.	N/A

Corporate Consultation Undertaken

Finance	Clive Bowen, External Funding Officer
Legal	Steven Boyle, Interim Legal Services Manager & Monitoring Officer