

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Housing Cabinet Committee
Date: 25 September 2019
Reporting officer: Wale Adetoro Assistant Director (Housing)
Subject: Draft Private Sector Housing Enforcement Policy

Purpose and summary of report:

To seek approval and adoption of the council's Private Sector Housing Enforcement policy. The council has legal duties to ensure that accommodation in the private rented sector meets minimum housing management, health and safety standards and to deal with landlords and letting agents that fail to meet those standards. Financial penalties have been introduced by the Housing and Planning Act 2016 as an alternative to prosecution to meet the Government's aim of clamping down on 'rogue' landlords and letting agents and reduce offending.

The main aim of the policy is to set out the circumstances in which a financial penalty will be used, and the various factors taken into consideration in setting the appropriate penalty. The table of financial penalties in appendix 1 has been constructed to be broadly similar to other local housing authorities across Kent, to facilitate working together where a landlord has committed breaches in more than one local authority area.

Recommendations:

1. That the council's Private Sector Housing Enforcement policy is approved and recommended to Cabinet for adoption.
2. That the council's Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016 at Appendix 1 is approved and recommended to Cabinet for adoption

1. Background

- 1.1 The Government announced the introduction of financial penalties for certain housing offences with a press release entitled: *"Tougher measures to target rogue landlords – New rules will help crackdown on rogue landlords that flout the rules and improve safety and affordability for renters"*. The aim is for more enforcement action to be taken against the small minority of landlords and letting agents who neglect their responsibilities and do not comply with the legislation

- 1.2 The legislation does not permit a local housing authority to prosecute and issue a financial penalty for the same offence. MHCLG issued statutory guidance in April 2018 which requires local housing authorities to develop policies to set out the circumstances in which a prosecution or a financial penalty will be imposed and the appropriate level of financial penalty in each case.
- 1.3 This policy outlines how the council intends to determine the appropriate sanction in each case. The general presumption is in favour of imposing a financial penalty unless there are circumstances relating to the seriousness of the offence or the frequency of offending that mean that prosecution is appropriate.

2. Implications

- 2.1 The implications are summarised in Appendix I.

3. BACKGROUND PAPERS

- 3.1 Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements

IMPLICATIONS	APPENDIX 1
Legal	The proposals contained in the policy will help ensure that the council's duties to regulate standards within private sector rented accommodation are met.
Finance and Value for Money	The proposals are intended to set out the council's approach to dealing with offences committed under the Housing Act 2004. The use of financial penalties up to a maximum of £30,000 is the most efficient and proportionate way of dealing with all but the most serious offences or persistent offenders. Monies collected will be retained by the council to further its statutory functions in relation to private housing enforcement work.
Risk Assessment	Failure to deal with management, health and safety breaches in the private rented sector could leave the council exposed to legal action.
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	<p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data?</p> <p>A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p>
	<p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>N/A</p>
	<p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p> <p>N/A</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.</p> <p>No</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.</p> <p>Yes. it ensures that all landlords and managing agents renting out accommodation in the private sector are dealt with in a fair, transparent and consistent manner.</p>
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
Corporate Plan	In line with the objectives of the Corporate Plan 2019-24 strategic objective 2, the Private Sector Housing Enforcement Policy will help the council to meet the housing needs of all residents including vulnerable people.
Crime and Disorder	The introduction of financial penalties as an alternative to prosecution of 'rogue' landlords enhances the council's ability to uphold standards in the private rented sector and will act as a deterrent to prevent further offences.

Digital and website implications	As with other policies under review by the department, the intention is to make this policy available on the council's website.
Safeguarding children and vulnerable adults	The provision of suitable Temporary Accommodation will contribute towards meeting the needs of vulnerable residents.