

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Housing Services Cabinet Committee
Date: 13th November 2023
Reporting officer: Clare Reynolds, Private Sector Housing Manager
Subject: Review of Private Sector Housing Enforcement Policy 2019

Purpose and summary of report:

To present Housing Services Cabinet Committee the 2023 review of the Private Sector Housing Enforcement Policy.

To highlight the key amendments made during the review considering new service areas, current legislation and changes to delivery requirements.

Recommendations:

1. For Members to discuss and provide feedback on the review of the Enforcement Policy prior to being ratified by the Cabinet Members for Housing Services.

Key Implications:	
Item	Implications
Legal	There are no legal implications of not enforcing however this will have an impact on residents.
Finance and Value for Money	The report is intended to provide an overview of the policy review and highlight key changes that enables Members to understand the councils position when dealing with housing enforcement within the private sector.
Corporate Plan	In line with the objectives of the corporate plan 2019-23 strategic objective #1 People, enforce a high quality of private housing (PI 16) and under commitments will work with landlords to tackle property standards, empty homes (PI 17) and HMO's.
Climate Change	Opting for the latest building materials, latest specifications, whilst applying the latest regulations, legislations and energy efficiencies. Promotion and delivery of government led energy schemes for private landlords and qualifying tenants.

1. Background

- 1.1 A review of the Private Sector Housing Enforcement Policy has been carried out as required. This is the first review since member approval on the 25th September 2019.

2. Current Position

- 2.1 The Private Sector Housing Enforcement Policy is currently a 32-page policy with 1 appendix 'Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016'
- 2.2 The Private Sector Housing Enforcement Policy was created prior to the service taking on additional service areas such as Empty Homes, Caravan Licensing and Minimum Energy Efficiency Standards (MEEs).
- 2.3 There are other services not sited within current policy that may involve the Private Sector Housing Team to inspect and/or enforce. These include temporary accommodation and GBC Lettings.
- 2.4 The Housing Enforcement Policy 2019 does not include home loss payments which comes under the Land Compensation Act 1973. It is worth noting that the Private Sector Housing Team has had a claim within the last 12 months which resulted in £7800 being paid to a member of the public.
- 2.5 Private Sector Housing will attempt to resolve informally at every opportunity. However, there will be times when formal activity via enforcement is the Councils only option.

3. Proposal

- 3.1 It is proposed to remove the 17-page Appendix 1 'Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016' from the existing Housing Enforcement Policy. Within the new reviewed Private Sector Housing Enforcement Policy the Civil Penalties Policy will be linked and cited within the document.
- 3.2 The two policies will cover service areas and functions being delivered by the Private Sector Housing team.

4. Key changes to existing policy:

- 4.1 Minimum Energy Efficiency Standards (MEES) are now referenced in both the Civil Penalty Policy and the Private Sector Housing Enforcement Policy. There are currently changes due in October 2023 and after this a dedicated Minimum Energy Efficiency Standards (MEES) policy will be written.
- 4.2 Inclusion of caravan licensing within the Private Sector Housing Enforcement Policy.
- 4.3 Inclusion of Empty Dwelling Management Orders (EDMOs) in relation to Empty Homes. Sited within the Private Sector Housing Enforcement Policy.
- 4.4 Inclusion of reference to the GBC Lettings, where properties may have been identified as having disrepair or require enforcement.
- 4.5 The Private Sector Housing Enforcement Policy now refers to HMO management and the HMO Licensing 2022 Policy.

4.6 The Private Sector Housing Enforcement Policy now refers to the pending Renters Reform Bill and Decent Homes.

5. Conclusion

5.1 The service continues to advance in enforcement action undertaken, requiring robust, modern policies and failsafe procedures as far as reasonably practicable.

5.2 As a Council, we should be seen to be both creative and proactive in the delivery of the Private Sector Housing Service. Whilst our initial stance is to resolve informally, we have the correct tools in place to effectively enforce where necessary.

6. Appendices

6.1 Draft Private Sector Housing Enforcement Policy 2023

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Secondary Implications	
Risk Assessment	<p>Private Sector Housing Enforcement Policy the amendments within the review will not have a negative impact upon the end user. The review has enhanced the services the Council can offer and deliver to the customer.</p> <p>Civil Penalty Policy, the creation of new policy does not have a negative impact upon the end user. The review has enhanced the services the Council can offer and deliver to the customer</p>
Data Protection Impact Assessment	<p><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> <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? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. Yes</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? Yes</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. 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. 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. Yes, as this will target the most vulnerable households.</p> <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></p>
Crime and Disorder	There is no implication in relation to crime and disorder within the policy review.
Digital and website implications	There are no implications in relation to digital and the website. The revised policy and new policy will be uploaded onto the website.
Safeguarding children and vulnerable adults	The provision of safe and suitable accommodation contributes towards meeting the needs for vulnerable adults and children.