

## **Housing Services Cabinet Committee**

**Monday, 13 November 2023**

**7.30 pm**

### **Present:**

Cllr Jenny Wallace (Chair)  
Cllr Christina Rolles (Vice-Chair)

Councillors: Deborah Croxton  
Lee Croxton  
Jordan Meade  
Alan Metcalf  
Lyn Milner  
Leslie Pearton  
Frank Wardle

Nicole Arthur	Head of Housing Assets
Andrew Johnson	Head of Neighbourhood Services
Victoria May	Head of Housing Options
Clare Reynolds	Private Sector Housing Manager
Carlie Simmonds	Committee Services Manager (Minutes)

### **9. Apologies**

Apologies for absence were received from Councillors Ejaz Aslam, Emma Elliott and Baljit Hayre. Councillors Lee Croxton, Alan Metcalf and Frank Wardle attended as their substitutes.

### **10. Minutes**

The minutes of the meeting held on Tuesday 5 September 2023 were signed by the Chair.

### **11. Declarations of Interest**

There were no declarations of interest.

### **12. Welcome**

The Chair introduced Gravesham's new Head of Neighbourhood Services, Andrew Johnson, to the Committee.

### **13. Review of Private Sector Housing Enforcement Policy 2019**

The Private Sector Housing Manager presented Members with the 2023 review of the Private Sector Housing Enforcement Policy.

The Committee was informed that this was the first review of the policy since its approval on 25 September 2019. The policy was currently a 32-page document with 1 appendix 'Policy

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

The Private Sector Housing Manager advised that:-

- the policy was initially created prior to the service taking on additional service areas such as Empty Homes, Caravan Licensing and Minimum Energy Efficiency Standards (MEEs);
- there were also other services not cited within the policy that may involve the Private Sector Housing Team to inspect and/or enforce; these included temporary accommodation and GBC Lettings; and
- Home loss payments was not covered within the policy; this fell under the Land Compensation Act 1973. Members were informed that a claim had been received within the last 12 months via the Private Sector Housing Team which resulted in £7,800 being paid to a member of the public. Members were informed that the Private Sector Housing Team will attempt to resolve informally at every opportunity. However, there will be times when formal activity via enforcement will be the Council’s only option.

Following a review of the existing policy, it was proposed that it be updated to incorporate the following key changes:-

- the 17-page appendix 1 ‘Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016’ be removed;
- the Civil Penalties Policy be linked and cited within this policy;
- Minimum Energy Efficiency Standards (MEES) to be referenced within this policy. Members were informed that changes were due in October 2023 and after this a dedicated Minimum Energy Efficiency Standards (MEES) policy would be written;
- Caravan Licensing be included;
- Empty Dwelling Management Orders (EDMOs) in relation to Empty Homes be included;
- reference be made to GBC Lettings, where properties may have been identified as having disrepair or require enforcement;
- HMO management and the HMO Licensing 2022 Policy be referenced; and
- the pending Renters Reform Bill and Decent Homes be referenced.

The Private Sector Housing Manager advised that the service will continue to advance in enforcement action which will require robust, modern policies and failsafe procedures as far as reasonably practicable. The Council should be seen to be both creative and proactive in the delivery of the Private Sector Housing Service. Whilst the initial stance of the Council will be to resolve informally, the Council needs to have the correct tools in place to effectively enforce where necessary.

The Committee considered the key changes and highlighted the following for consideration:-

- the policy refers to first-tier tribunals, if a tribunal was upheld and the defendants were awarded costs, does the Council have a contingency in place to cover these costs. Also, would the Council’s Legal Team be involved in the tribunal or would external support/advice be sought as all policies/processes must meet the resources available in-house;

- the Private Sector Housing Manager advised that the Council was confident in its processes and if the Council was to see an increase in tribunals being upheld then it would need to review the processes it had in place. However, the Private Sector Housing Manager advised that she would explore the option of a contingency. The Committee was also informed that the appropriate officer within Housing Services would be involved in the tribunal however, if legal support/advice was required, then this would be sought in-house. The Council also recently received a green audit within this area which means that the Council had good processes/procedures in place;
- Members stated that they received contact from constituents, living in private sector housing, regarding unpleasant living conditions and asked what the process was. The Private Sector Housing Manager advised that the tenant would need to report via the online form providing all necessary background information then the Council would arrange an inspection and liaise with the landlord informally in the first instance, unless the home was unsafe to live in, then formal action/notices would be served. The Committee was informed that the Housing Services Team would be happy to undertake a Member training/briefing session on this area; and
- the policy listed all relevant legislation however it was noted that some people may not be aware that the Disability Discrimination Act had now been replaced by The Equality Act therefore it was requested that this be referenced within the policy.

Due to the Private Sector Housing Enforcement Policy and the Civil Penalty Policy being closely linked, the items were discussed in conjunction with one another therefore minutes 13 and 14 should be read in conjunction so that all areas raised can be updated within the appropriate policies.

The Committee discussed and provided its feedback (as above) on the review of the Private Sector Housing Enforcement Policy prior to it being ratified by the Cabinet Member for Housing Services.

#### **14. Creation of Civil Penalty Policy 2023-2026**

Further to the minute 13, the Private Sector Housing Manager advised that Gravesham did not currently have a Civil Penalties Policy and the details around it sat within the Private Sector Housing Enforcement Policy under an appendix 'Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016'.

The Committee was informed that the Civil Penalties Policy was largely based on the Housing and Planning Act 2016; this legislation was large and covered multiple elements. Due to the volume and content of work and the complexity of it, it was felt that the Civil Penalties Policy should be a dedicated standalone policy and this was also good practice. Therefore, the 17-page appendix 'Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016' would be removed from the Private Sector Housing Enforcement Policy however the Civil Penalties Policy would be linked and cited within that policy.

The Private Sector Housing Manager advised that the Council was required to have a policy in place to determine when to prosecute and issue a civil penalty. To do this, the Council must have regard to statutory guidance issued by the Department of Levelling Up, Housing and Communities. The guidance sets out the factors that the Council must consider as part of the financial penalty setting process. The policy must ensure proportionality, transparency and consistency. Civil penalty was an alternative to prosecution under the Housing Act 2004

and the policy set out when the Council will impose a civil penalty notice and how it will determine the penalty amount.

The Committee was informed that the Private Sector Housing Team had successfully issued the authority's first civil penalty notices for housing related offences. This included two cases equating to £16,825. With recovery of financial fines underway, the income had been ringfenced under regulation 19 of the Housing and Planning Act 2016. Funds recovered will allow the Private Sector Housing Team to reinvest into further enforcement and education activity.

The Private Sector Housing Manager reiterated that that the service will continue to advance in enforcement action which will require robust, modern policies and failsafe procedures as far as reasonably practicable. The Council should be seen to be both creative and proactive in the delivery of the Private Sector Housing Service. Whilst the initial stance of the Council will be to resolve informally, the Council needs to have the correct tools in place to effectively enforce where necessary.

The Committee considered the standalone Civil Penalty Policy 2023, which was formally part of the Private Sector Housing Enforcement Policy, and highlighted the following:-

- as highlighted within minute 13, this policy also refers to first-tier tribunals, if a tribunal was upheld and the defendants were awarded costs, does the Council have a contingency in place to cover these costs. Also, would the Council's Legal Team be involved in the tribunal or would external support/advice be sought as all policies/processes must meet the resources available in-house; and
- in relation to the database of rogue landlords and property agents, why was the threshold set at two or more civil penalties over a 12-month period; this should be one and should also be based on the severity. The Private Sector Housing Manager advised that she would consider this further and update the wording.

Due to the Private Sector Housing Enforcement Policy and the Civil Penalty Policy being closely linked, the items were discussed in conjunction with one another therefore minutes 13 and 14 should be read in conjunction so that all areas raised can be updated within the appropriate policies.

The Committee discussed and provided its feedback (as above) on the Civil Penalty Policy 2023 prior to it being ratified by the Cabinet Member for Housing Services.

## **15. Council Housing Annual report 2022/23**

The Committee was presented with a draft copy of the Annual Council Housing Report for 2022-23. Members comments were sought on the content of the report prior to design work being undertaken by the Communications Team and it being ratified by the Cabinet Member for Housing Services. It would then be made available to tenants both electronically and hard copy.

The Committee was informed that the Annual Council Housing Report will provide tenants with information relating to the achievements of the last 12 months and to celebrate the successes. It will provide tenants with information regarding the services the Council provides and will give an insight into what they can expect in the coming 12 months. The report will also inform tenants regarding the number of complaints and compliments received. This was an opportunity to let tenants know that the Council did not always get it

right first time, but if it didn't, then it was committed to putting it right and to thank all of the tenants who took the time to compliment the Council.

The Committee considered the annual report and highlighted the following:-

- in relation to damp and mould, it was requested that the language/wording be looked at in terms of the Council being broadly compliant as the Council was compliant in most areas however there were only some areas for improvements;
- in relation to Independent Living, reference be made to the disabled facilities grant and/or further information provided on adaptations;
- in relation to rent arrears, the Committee asked whether the Council should be concerned regarding the current position with rent arrears as the figures were accumulating. The Head of Neighbourhood Services advised that Gravesham's rent arrear percentage was good compared to other authorities so he was not overly concerned at this stage. Members highlighted that the Low-Income Family Tracker (LIFT) should be identifying this and asked whether more resources were required in terms of LIFT. The Head of Neighbourhood Services advised that he would explore this further outside of the meeting;
- in relation to Right to Buy, the Committee noted that there had been a significant increase in the number of tenants wishing to purchase their Council home over the last 36 months and how much of the sale figure was retained by the Council. The Head of Housing Assets advised that it had recently been announced that the Council would be eligible to retain 100% of the receipt from a right to buy sale. However, there had recently been a decline in right to buy sales so the Council would be undertaking research to see if the decline was a national trend or peculiar to Gravesham; and
- in relation to Anti-Social Behaviour (ASB), Members noted that there were 101 ASB cases and asked how this compared to the previous year. The Head of Neighbourhood Services advised that he would incorporate the previous year's figure within the report.

The Committee discussed and provided its feedback (as above) on the Annual Council Housing Report 2022-23 prior to it being ratified by the Cabinet Member for Housing Services.

### **Close of meeting**

The meeting ended at 8.17 pm.