



Report to: Cabinet

Subject: Housing Act 2004 – Delegated Authorities

Date: 4th May 2006

Author: Housing Manager (Development and Resources)

1. Purpose of the Report

To seek approval for delegated authorities to deal with the Housing Act 2004.

2. Background

The Housing Act 2004 radically overhauls the way the Council regulates standards in private housing by introducing provisions which include the introduction compulsory licencing of certain houses in multiple occupation (HMO)¹, sets new management standards for all HMO's, replaces the 'Fitness Standard' with the Housing Health and Safety Rating Scheme and introduces several types of Management Orders giving Local Authorities additional powers to tackle antisocial behaviour and Empty Homes. In order to deal with the implications of the Act delegated authorities are required.

3. Proposal

The following delegated authorities are proposed:

To Housing Services Portfolio Holder

- Powers of the Council in connection with the licensing of houses in multiple occupation.

To the Head of Housing

- Power to grant, with conditions, refuse, vary or revoke licences of houses in multiple occupation
- Power to serve temporary exemption notices, make and revoke interim and final management orders, make and revoke Empty Dwelling Management Orders, and, serve and revoke Overcrowding Notices.

¹ A HMO is a building occupied by more than one household and includes houses containing bedsits, hostels and shared houses. The Housing Act 2004 includes a new definition of household, which is families, including single persons and cohabiting couples (whether or not of opposite sex).

- To instruct the Head of Legal and Democratic Services to instigate legal proceedings on behalf of the Authority **against the owner of** an unlicensed House in Multiple Occupation.
- Authority to
 - o **serve notices under Housing Act 2004 in relation to** Category 1 and Category 2 Hazards **and to revoke and vary those notices and to take all necessary steps in connection with the enforcement of such notices including the carrying out of works in default**
 - o To make charges **in accordance with the council's policy** for enforcement action and recover such charges pursuant to sections 49 and 50 Housing Act 2004.
 - o To make charges where in her opinion a HMO licence takes longer to process because of lack of co-operation or poor provision of information by the landlord in accordance with the council's HMO Licensing Policy.
- To instruct the Head of Legal and Democratic Services to instigate legal proceedings on behalf of the Authority for possession of a dwelling or prosecution for failure to comply with a notice served under Housing Act 2004-Category 1 and 2 Hazards.

Revocation of delegated powers to Head of Housing-nos 26 and 27-relating to s189 etc HA 1985 as the Housing Act 2004 revokes these sections of the HA 85

4. Recommendation

To approve the delegated authorities as identified within the body of the report.