

## **Report to Portfolio Holder for Public Protection**

**Subject:** Approval for consultation on draft Private Sector Housing Enforcement Policy including fit and proper policy for licensing

**Date:** 29<sup>th</sup> August 2018

**Author:** Food, Health and Housing Manager

### **Wards Affected**

All wards

### **Purpose**

To approve a 4 week public consultation on the draft revised Private Sector Housing Enforcement Policy and Fit and Proper Policy for licensing applicants (Appendix A and B) with the view to adopting the policies

### **Key Decision**

Not a key decision

### **Background**

- 1.1 Local Housing Authorities are the primary enforcement agency for ensuring the protection of the health, and safety and welfare rights for occupiers and visitors in private sector housing in England and Wales.
- 1.2 For Gedling Borough Council (“the council”) this responsibility with the Public Protection Service.
- 1.3 Authorised officers (“officers”) within the Public Protection Service have both duties and discretionary powers to take enforcement action, using a range of legislation to address issues arising at privately owned accommodation (including social housing) and caravan sites.
- 1.4 The council’s Private Sector Housing Enforcement policy outlines the councils approach and how it will tackle poor housing conditions and address non-compliance with legislation. The council adopted a HMO Licensing and Enforcement Policy in 2006 and the current Private Sector Housing Enforcement Policy was adopted in 2010, the proposed draft policy subject to this report replaces both of these policies. Since

adopting the previous policies there have been a number of significant changes to housing legislation and also the council's decision to implement a scheme of selective licensing.

- 1.5 Key changes from the previous policy include further details in the following sections:
- Section 6 outlining specific enforcement policies,
  - Section 7 outlining the approach to housing licensing,
  - Section 8 the smoke and carbon monoxide alarms in which provisions were adopted via a previous report to portfolio holder,
  - Section 10 civil penalties – a separate report will be drafted to adopt a specific report relating to these provisions,
  - Section 11 rent repayment orders
- 1.6 A 'fit and proper' policy for HMO and Selective licensing has been prepared separately as a standalone policy that requires formal adoption. A copy of 'fit and proper' policy has been reproduced in appendix B to the enforcement policy.
- 1.7 The enforcement of housing legislation and improving housing conditions in the private rented sector contributes to a number of corporate priorities including the following:
- Reduce antisocial behaviour, crime and fear of crime
  - Reduce hardship and provide support to the most vulnerable
  - Improve health and wellbeing
  - Provide more homes
  - Provide an attractive and sustainable environment that local people can enjoy and appreciate
- 1.8 The Council has previously adopted a Public Protection Service Enforcement policy which is broader policy covering a wider range of functions, this is reproduced at appendix A of the Private Sector Enforcement Policy - these policies are drafted to complement each other.

## **Proposal**

- 2.1 It is proposed that the Portfolio Holder approves a 4 week public consultation on the draft revised Private Sector Housing Enforcement

Policy and Fit and Proper Policy to seek views before reaching a decision to formally adopt the policies.

### **Alternative Options**

- 3.1 To adopt a Private Sector Housing Enforcement Policy and Fit and Proper policy without a prior consultation - this would not be in-accordance with the adopted Public Protection Service enforcement policy which states the council will engage with those we regulate to contribute to the development and service standards. Before changing policies we consider the impact on businesses and engage with business representatives.
- 3.2 To continue with the existing Private Sector Housing enforcement policy and HMO Licensing and Enforcement Policy, these policies are now outdated and do not cover all of the current new legal provisions available to the council.

### **Financial Implications**

- 4.1 Performing a consultation on the Private Sector Housing Enforcement Policy and Fit and Proper policy will be conducted within existing council resources. Should the policies be adopted it will enable the council to utilise the full range of powers available and ensure licenced landlords and agents are fit and proper.
- 4.2 Through conducting an open and transparent public consultation to seek views and making the policies publicly available will reduce the risk of challenge to the council's enforcement related decisions, and ensure resources are appropriately utilised when taking enforcement.

### **Appendices**

- 5.1 Appendix A – Draft Private Sector Housing Enforcement Policy 2018
- 5.2 Appendix B – Draft Fit and Proper Policy

### **Background Papers**

- 6.1 Private Sector Housing Enforcement Policy 2010

### **Recommendation(s)**

- 7.1 It is recommended that the Portfolio Holder approves a 4 week public consultation on the draft revised Private Sector Housing Enforcement Policy and Fit and Proper policy to seek views before reaching a decision to formally adopt the policies.

## **Reasons for Recommendations**

8.1 To seek views before deciding whether to adopt council policies that will enable the full range of available enforcement powers to be utilised and ensure licenced landlords and agents are fit and proper. The use of these policies will contribute to the following corporate priorities:

- Reduce antisocial behaviour, crime and fear of crime
- Improve health and wellbeing
- Provide an attractive and sustainable environment that local people can enjoy and appreciate