

## For publication

### Private Sector Housing Enforcement Policy Implementation

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Meeting: Enterprise and Wellbeing Scrutiny Committee

Date: 29<sup>th</sup> January 2020

Cabinet portfolio: Councillor Chris Ludlow

Report by: Private Sector Housing Manager

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#### **For publication**

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<b>Purpose of reviewing the topic</b>	<ul style="list-style-type: none"><li>• <i>To assess the implementation and impact of the Private Sector Housing Enforcement and Fees and Charges Policy issued March 2019</i></li></ul>
<b>What are the objectives of the review?</b>	<ul style="list-style-type: none"><li>• <i>To determine how issues with private sector housing are identified and addressed.</i></li><li>• <i>To evaluate the standard of private sector landlords within the Borough</i></li><li>• <i>To ascertain the impact of private sector growth on social housing</i></li></ul>
<b>Progress to date</b>	<ul style="list-style-type: none"><li>• <i>Members have had received the report on Private Sector Housing Enforcement and Fees and Charges Policy presented to cabinet March 2019.</i></li><li>• <i>A further meeting attended by PSH manager and Chair of scrutiny committee to discuss progress since implementation of the fees and charges policy.</i></li></ul>

#### 1.0 **Background**

1.1 The Private Sector Housing (PSH) Enforcement Policy and the Fees and Charges Policy were launched in March

2019. setting out how the Council will act in relation to enforcement action taken by the team.

- 1.2 PSH stock accounts for 78% of the housing stock in Chesterfield and given the Government's commitment to crack down on rogue landlords.
- 1.3 The implementation of the new policies now provides transparency as to how the Council will act with regards to Housing enforcement and also allows the Council to levy charges where necessary to ensure that no landlord who breaks the law is allowed to benefit financially from this. It is also worth noting that prior to the implementation of the policy Chesterfield were the only Derbyshire authority not to charge for enforcement action.

## 2.0 **Objectives of the review**

### 2.1 **To determine how issues with private sector housing are identified and addressed.**

Issues within Private Sector Housing can be brought to the Council's attention by the following:

- Tenant contacting the team to report either disrepair or landlord harassment/illegal eviction.
- Referral via other agency such as social care, fire service, police, increasingly the team are working alongside the modern slavery team to jointly carry out raids of premises suspected of housing workers at risk of modern slavery,
- Other team within the Council such as Environmental Health or Planning.
- Neighbour reporting issue affecting their house.

The team now complete a service request pro-forma to ascertain as much detail as possible in relation to the complaint. The PSH team now operate a priority waiting list system "urgent", "high" and "routine" priority. Whilst the team would always hope to deal with "urgent"

requests straight away, “routine” requests can be on the waiting list for up to 18 months, before they are allocated to an officer.

When a case is allocated to an officer, the officer will carry out an inspection in accordance with the Housing Act 2004.

Depending on the outcome of the inspection the officer will usually write to the landlord, to give a short informal opportunity to carry out the necessary works (the only exception to this is where the works are of an urgent nature).

If the landlord complies the case is closed.

If the landlord doesn't comply and a Category 1 hazard remains in the property, the Council must serve one of the following:

- *servicing an improvement notice under section 11 or 12;*
- *making a prohibition order under section 20 or 21;*
- *servicing a hazard awareness notice under section 28 or 29;*
- *taking emergency remedial action under section 40;*
- *making an emergency prohibition order under section 43; or*
- *making a demolition order under section 265 of the Housing Act 1985.*

Each of these notices now incurs a charge of £418.00 to the owner/landlord.

If the notice/order is complied with the officer will close the case.

If the notice/order is not complied with the officer will then assess whether it is in the public interest to

prosecute the landlord for non compliance with the notice/order.

The officer will also assess whether it is appropriate to carry out work in default and place a legal charge for the cost of the work against the property, the cost will only be repaid to the Council when the property is sold.

## **2.2 To evaluate the standard of private sector landlords within the Borough To ascertain the impact of private sector growth on social housing**

As stated in the previous report, it is difficult to gauge the standard of private sector landlords as the team only come into contact with landlords when an issue arises with their rented property. As such the majority of this sector do not come within the teams radar.

Derby City Council are however currently in the process of undertaking a County wide Housing Stock condition survey which will provide a picture of the condition of the boroughs housing stock. This is an important piece of work that will provide us with information about the demographic living in privately rented accommodation, where there are concentrations of privately rented accommodation and the condition of that accommodation. Derby City Council will then follow this work with a Health Impact Assessment of housing stock, demographics living in that stock etc. This is a ground breaking piece of research that will inform and provide a valuable evidence base for future planning. A further update can be provided after March when Chesterfield Borough Council will receive their Stock Condition Report.

***To ascertain the impact of private sector growth on social housing***

- Unfortunately I am not in a position to answer this question. Whilst I can answer questions in relation to PSH I cannot answer questions in relation to social housing.

### 3.0 **Barriers/obstacles**

#### 3.1 *What are the key obstacles or barriers preventing you to achieving your aims?*

As described in the previous report, the Private sector Housing Team remains under resourced with just two officers in post to undertake enforcement activity.

Duties the two enforcement officers are expected to carry out are:

- Enforcement of standards within privately rented accommodation
- Licensing of Houses in multiple occupation
- Licensing of Park Home sites
- Illegal encampment enforcement (traveller sites that set up on Council land without permission)
- Empty Homes

The team at present also lacks resilience given the limited numbers of staff available. The present structure has a team leader and then the two enforcement officers which presents real challenges in relation to capacity and wider resilience in terms of sickness and annual leave absence. The waiting for non urgent / routine enquiries being up to 18 months is an example of the capacity issue.

This lack of resource also impacts on our ability to react and respond to new legislation which presents a risk in terms of ensuring we remain compliant with new legislation.

## 4.0 **Future plans**

### 4.1 *How are the issues going to be addressed?*

The service is currently reviewing its operational structure and funding options with a view to developing a fully costed business case to enable an increase in the size of the team to incorporate additional resource at a Senior Environmental Health Officer (EHO) level and additional EHO post alongside the introduction of a post focussed on working on and an empty homes.

The Senior positions will provide resilience to the team and also allow the PSH manager to concentrate on further development of the team, rather than having to concentrate on day to day management issues.

The EHO post will provide further resilience to the enforcement team, allowing the team to concentrate on cases currently on the waiting list and also to begin work on larger projects such as inspection of areas of problematic properties or tackling the properties of specific rogue landlords.

### 4.2 *What are the implications of not addressing the issues?*

The health and wellbeing of occupants living in poor private sector accommodation will decline.

The waiting list for service will grow and tenants will have to wait longer before their properties are inspected.

Rogue landlords may realise that the team is not able to take enforcement action or progress cases to prosecution so will have less incentive to comply, meaning that vulnerable private tenants will be at further risk of exploitation.

Vital development work of future strategies and policies to enable the Council to use recently introduced legislation will not be possible, meaning that the Council will not be able to utilise the full range of enforcement options available.

The existing team members continue to be exposed to challenging working environment due to the issues of capacity and resilience outlined above.

*5.0 Are there any risks associated with proposed actions? Consider financial, legal, environmental, equalities, partnership working and community implications.*

Risks to CBC are minimal as this is work to enforce a statutory function.

If further development work was carried out in terms of a full options appraisal on the authorities approach to the management of private sector housing the Council could be in a position to introduce Civil Penalties which allow the Council to issue penalties of up to £30,000 to landlords who fail to comply with enforcement action. Importantly this money is paid directly to the Council which should in part cover the costs of the enforcement service and place less of a burden on the Councils budgets.

## **6.0 Conclusion**

**6.1** In conclusion the introduction of the Private Sector Housing Enforcement and Fees and Charges policies has been positive for both the Council and private tenants and landlords, as it provides transparency in relation to enforcement decisions taken by the Council.

- 6.2 Whilst the new policies are a positive move, it does highlight the difficulties faced by the team such as lack of resource and resilience. This can be overcome by enhanced resourcing of the team.
- 6.3 A further advantage of increased resource within the team will be to allow work in further areas including the introduction of Civil Penalties policy which will allow bringing revenue into the team to support the costs of the Private Sector Housing service.

**7.0 Suggested scrutiny activity**

- 7.1 Empty Homes work and Financial Assistance work. Both these areas of work are carried out by the Private Sector Housing Team.

**Document information**

<b>Report author</b>	<b>Contact number/email</b>
Sarah Watts	
<b>Background documents</b>	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
<b>Appendices to the report</b>	