

PLYMOUTH CITY COUNCIL

Subject:	Housing Enforcement Policy 2018 (Housing Standards Enforcement) and Civil Penalties Policy
Committee:	Cabinet
Date:	13 th November 2018
Cabinet Member:	Councillor Penberthy
CMT Member:	Carole Burgoyne (Strategic Director for People)
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Ref:	
Key Decision:	Yes
Part:	I

Purpose of the report:

1. Housing Enforcement Policy 2018(Housing Standards Enforcement)

This policy sets out the legal requirements, policies, and principles that Plymouth City Council will follow when enforcing Private Sector Housing legislation. The policy is an overarching document identifying a 'toolbox' of policies and enforcement approaches.

The policy also informs enforcement decisions, ensuring consistency, balance and fairness in line with the duty to seek the improvement of the standard of housing in Plymouth. This will support raising the profile and demonstrating the transparency in enforcement in the private rented sector; support increased public confidence in the quality and management of the sector; and, lead to safer and healthier private housing.

2. Civil Penalties Policy

This is one of the policies identified within the overarching Housing Enforcement Policy and sets out how Plymouth City Council will issue civil penalties as an alternative to prosecution.

This provision came into force on 6th April 2017 (Section 126 and schedule 9 of the Housing and Planning Act 2016) and gives the local housing authority the power to issue a financial penalty for certain Housing Act 2004 offences as an alternative to prosecution.

This policy meets the requirements placed upon the Council to; have a policy in place which details when to prosecute and when to consider a civil penalty; and, have guidance available regarding how the fine levels will be set.

Corporate Plan

The Housing Improvement (Housing Standards) Policy and those which sit underneath it i.e. Civil Penalties Policy directly support the City's Vision and The Corporate Plan by:

- Directly contributing to 'A Caring City' by:
 - Identifying poor standards and hazards to health in residential accommodation and intervening to require and recommend works.
 - Tackling unlicensed HMOs which often contain the poorest quality of housing.
 - Empowering individuals to make better choices when selecting accommodation.
 - Taking action to support and improve the 'structure' of the sector.
 - Increasing the knowledge of individuals and organisations in relation to their rights and responsibilities.
- Directly contributing to 'A Growing City' by:
 - Facilitating improvement works and investment to residential premises within Plymouth.
 - Poor housing standards impact upon development and education. Improvements support better mental health and development particularly within children.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

There are no Medium Term Financial Plan or Resource Implications. The detail of the plan is delivered within existing resource.

The Civil Penalties Policy has the potential to bring in revenue income that must be used specifically for enforcement purposes. This is new legislation and has not been 'tested' at this time, and therefore forecasting is very limited.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

- Child Poverty - The contents of the policy will seek to support some of the most vulnerable households in the City to be able to live in acceptable standard private sector accommodation.
- Community Safety – Work delivered within this policy can sometimes expose criminal behavior and processes are in place to ensure early safeguarding and reporting measures are in place to protect households and communities.

- Health and Safety – Health and safety risk management is in place for the team and Health and Safety implications for landlords and tenants are managed to ensure health and safety implications are managed to protect households where necessary.
 - Risk Management (to identify any risk management issues) - This policy serves to limit the impact of legislative challenge by setting out policies and decision making rationale.
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Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes

Recommendations and Reasons for recommended action:

Approval and sign off by Cabinet to ensure the legal requirements, policies, and principles that Plymouth City Council follow when enforcing Private Sector Housing legislation is available for officers and citizens. The policy identifies a 'toolbox' of policies and enforcement approaches and informs how decisions in respect of these enforcement options are taken ensuring consistency, balance and fairness in line with the duty to seek the improvement of the standard of housing in Plymouth.

Alternative options considered and rejected:

Not to have an overarching Housing Improvement Policy and enable the individual pieces of legislation and policies to stand alone. This was rejected as the overarching policy enables officers and citizens to access and understand all available enforcement options and affords transparency to decision making in line with the policies.

Published work / information:

- English Housing Survey 2012 to 2013: household report, Department for Communities and Local Government, 23 July 2014 <https://www.gov.uk/government/collections/english-housing-survey>
- Improving the Private Rented Sector and Tackling Bad Practice – A guide for Local Authorities – DCLG March 2015 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/412921/Improving_private_rented_sector.pdf
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- Good Housing Leads To Good Health, CIEH/BRE, 2008. (Calculated from toolkit provided) <https://www.cieh.org/media/1245/good-housing-leads-to-good-health-a-toolkit-for-environmental-health-practitioners.pdf>
- <http://www.legislation.gov.uk/uksi/2017/367/contents/made> and
- <http://www.legislation.gov.uk/uksi/2018/209/contents/made>
- A decent Home; Definition and guidance for implementation (DCLG June 2006) <https://www.gov.uk/government/publications/a-decent-home-definition-and-guidance>
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- Housing Health and Safety Rating System Operating Guidance (ODPM February 2006)
<https://www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9>

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Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Equalities Impact Assessment	*									

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Originating SMT Member - Carole Burgoyne													
Has the Cabinet Member(s) agreed the contents of the report? Yes													