

Private Sector Housing Enforcement Policy - Briefing Paper
March 2007
Consultation with Area Committee.

Directorate: Adult & Community Services Directorate
Housing Strategy Services

Policy Impact of: Private Sector Housing Enforcement Policy

Stage: Development

Version: 6 – November 2006

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Summary:

- The purpose of this briefing paper has been at the request of the Saddleworth & Lees Area Committee.
- The briefing paper will give the Area Committee an overview of the private sector housing enforcement policy framework currently being developed in response to new statutory Housing Act legalisation provisions that came into effect from 6th April 2006 and the adoption of those statutory provisions by the Council as part of this policy.
- The briefing paper is also seeking Area Committee views in support of the policy framework approach prior to full cabinet approval of the policy due in April 2007.
- The policy currently in preparation sets out the Council's response to the Housing Act 2004 provisions to deal with poor housing and management practices in the owner occupied and private rented sectors, and includes responses to the governments non statutory Decent Homes Standard, in particular those of;
 - Owner occupiers
 - Private rented sectors (includes reference to private landlords, private renters).

The Decent Home Standard relates to standards of decency.

This is ' A home which is wind and weather tight, warm and has modern facilities'

A decent home meets the following criteria:

Part A – Does not contain any category one hazards.

Part B – It is in a reasonable state of repair.

Part C - It has reasonably modern facilities and services.

Part D - It provides a reasonable degree of thermal comfort.

Examples of poor housing conditions dealt with by the Private Rented Sector Team.

Picture 1 showing a Broken Window.



This defect relates to the following hazards:

Hazard: Entry By Intruders.

Vulnerable Group: No specific group.

Hazard: Excess Cold.

Vulnerable Group: Persons 65 & over.

Possible Action: Informal Action.
Improvement Notice.
Emergency Remedial Notice.

Picture 2 showing Damp and Mould Growth.



This defect relates to the following hazards:

Hazard: Damp & Mould Growth.

Vulnerable Group: 14 Years & over.

Possible Action: Informal Action.
Improvement Notice.
Emergency Remedial Notice.

Picture 3 showing a Broken Electrical Plug Socket.



This defect relates to the following hazards:

Hazard: Electrical Hazards.

Vulnerable Group: 5 Years Old & under.

Possible Action: Informal Action.
Improvement Notice.
Emergency Remedial Notice.

What is the Policy?

The Private Sector Housing Enforcement Policy is a set of guidelines to enable officers from the Private Rented Sector Team carry out measures and activities to improve poor housing conditions and management practices in the private rented and owner occupied sectors (in certain situations). The policy measures are taken from new legislation introduced by the Housing Act 2004 on 6th April 2006.

Briefly these are:

- **Houses in Multiple Occupation (HMO) Mandatory Licensing for 3 storey properties (with 5 or more people in them). Other discretionary powers of licensing scheme are available to the council to deal with incidence of anti social behaviour in the private rented sector and other property types, where housing conditions are found to be poor and impacting on the local community.**
- **New housing assessment procedure to score hazards found in the home. The Housing Health & Safety Rating System (HHSRS)**
- **More powers to deal & intervene with poor housing conditions through the service of legal notices, management of property in private business.**
- **The policy to be reviewed on a regular basis in contributing to Housing Strategy, Health & Social Care, Regeneration and Housing Market Renewal objectives.**

The methods we will use as part of this policy to improve housing conditions.

The policy includes the main principles and approaches to be used by the Private Rented Sector team who are responsible for;

- Considering the most appropriate form of action to take to ensure the house meets the current housing requirements. Any visit will identify risks to the health and safety of the most vulnerable potential occupant within a 12 month period.

The Enforcement Policy will use the following approaches;

- **Informal action** through verbal advice, advisory letters and notices.
- **Formal enforcement action** such as the service of legal notices, formal cautions, prosecution and fines.

The policy gives us the opportunity to intervene in homeownership and the private business of landlords who fail to manage their properties through the service of legal notices. The Council can make charges for serving notices, a fee of £300 per notice is currently being considered. In addition the person responsible for the property can be prosecuted for non-compliance with housing law and the council may consider managing the private property, if the landlord or homeowner fails to take reasonable action to deal with serious problems effectively.

In addition other measures include:

- Selective Licensing.
- Additional Licensing.
- Empty Dwelling Management Orders.

Who do we work with?

The Policy has a number of shared enforcement responsibilities with other directorates and partner agencies. The following work areas are as follows:

- Regeneration Directorate
- Housing Market Renewal Team
- Environmental Health & Trading Standards.
- Fire & Rescue Services.
- Building Control.
- Development Control.
- Housing Benefits.

When an Officer Calls?

The service request to inspect housing conditions will generate a response to the client within 48 hours, depending on the nature and level of risk arising from the housing conditions. A visit will then be made by an officer from the team.

The officer visits the property announcing themselves on arrival. All officers carry identification with them. An assessment of the whole house is carried out in accordance with the Hazard Rating Scoring system. As part of the assessment resident's views and opinions are considered. Any evidence is gathered (i.e.) photographs, damp readings made of deficiencies within the property. Depending on the significant risk to the resident the officer may:

- Contact the person responsible for the property by telephone.
- Contact the person responsible in writing detailing the defects, remedies and a timescales for the works to be completed.
- Serve an Emergency Remedial Notice or Emergency Prohibition Notice.

In addition if any action is required by other departments the officer will inform them. Further action is carried as necessary, which may involve:

- A formal letter.
- A legal notice.
- Works in Default.
- Formal Caution.
- Prosecution.
- Vary or Revoke Licences.
- Take management of the property.