



# Public Document Pack Housing and Community Overview and Scrutiny Agenda

*Scrutiny making a positive difference: Member led and independent, Overview & Scrutiny Committee promote service improvements, influence policy development & hold Executive to account for the benefit of the Community of Dacorum*

**Wednesday 19 July 2023 at 7.30 pm**

**Conference Room 1 - The Forum**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

#### Membership

Councillor Barry (Chair)	Councillor Williams
Councillor Capozzi (Vice-Chairman)	Councillor Banks
Councillor Adeleke	Councillor Link
Councillor Barradell	Councillor McArevey
Councillor Cox	Councillor Pringle
Councillor Johnson	Councillor Link
Councillor Mottershead	Councillor Weston
Councillor Pesch	

For further information, please contact Corporate and Democratic Support

## **AGENDA**

### **1. MINUTES**

To confirm the minutes from the previous meeting

### **2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

### **3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

#### **4. PUBLIC PARTICIPATION**

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation

#### **5. CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN**

#### **6. ACTION POINTS (Pages 3 - 4)**

#### **7. ALLOCATIONS FRAMEWORK UPDATE (Pages 5 - 60)**

#### **8. TAM COMMISSIONING UPDATE (Pages 61 - 67)**

#### **9. PRIVATE SECTOR ENFORCEMENT & CIVIL PENALTIES POLICIES (Pages 68 - 120)**

#### **10. FORWARD PLAN (Pages 121 - 127)**

**Housing and Community OSC**

**Actions arising – 2023**

<b>Date of meeting</b>	<b>Action point</b>	<b>Responsible for action</b>	<b>Date action completed</b>	<b>Update on action point</b>
<u>02/03/22</u> <u>HC/014/22</u>	Officer to provide timescale on Herts Cultural Education Partnership for feedback.	A Care	22/06/22	<i>A conference planned by HCEP for May 2022 didn't take place due to a lack of engagement by schools. Schools are struggling to engage in activities outside the curriculum as they continue to support pupils to adjust back to normal school life after COVID restrictions. Suggest this action is closed off, and officers will keep members informed as and when schools are in a position to re-engage.</i>
<u>07/06/2023</u> <u>HC/39/23</u>	To check community impact assessment and benefit for all protected groups.	Natasha Beresford		CIA updated following meeting.
<u>07/06/2023</u> <u>HC/39/23</u>	To check wording regarding introductory tenancy agreement and offer of 6-month extension.	Natasha Beresford		Tenancy Management policy wording revised and submitted to HSLT. Policy to be placed on hold pending further as the Regulator for Social Housing will be publishing a revised Rent Standard, waiting until the Rent Standard is published will enable full consideration of the standard and prevent further changes to the policy once published.
<u>07/06/2023</u> <u>HC/39/23</u>	To review wording in policy regarding sub-letting.	Natasha Beresford		Tenancy Management policy wording revised and submitted to HSLT. Policy to be placed on hold pending further as the Regulator for Social Housing will be publishing a revised Rent Standard, waiting until the Rent Standard is published will enable full consideration of the standard and prevent further changes to the policy once published.
<u>07/06/2023</u> <u>HC/39/23</u>	To provide more detailed report on household type and accommodation currently	Natasha Beresford		Allocations Policy framework overview to be provided at next scrutiny meeting 19/7/2023

	being sought.			
<u>07/06/2023</u> <u>HC/39/23</u>	To look at bringing forward housing allocation session for new members.	Natasha Beresford		Allocations Policy framework overview to be provided at next scrutiny meeting 19/72023





# Housing Community Overview and Scrutiny Committee

<b>Report for:</b>	Housing Community Overview and Scrutiny Committee
<b>Title of report:</b>	Housing Allocations Policy overview
<b>Date:</b>	July 2023
<b>Report on behalf of:</b>	Councillor Simy Dhyani - Portfolio Holder Housing & Property Services
<b>Part:</b>	I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	Appendix A - Allocations Policy Appendix B – Bedroom standards Appendix C - Housing Allocations Policy - Information and FAQs - Your Questions Answered Appendix D MWD FAQs Information - General - Your questions answered Appendix E – Households by size requirement
<b>Background papers:</b>	None
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	

**Report Author / Responsible Officer**

Natasha Beresford, Assistant Director – Strategic Housing



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<b>Corporate Priorities</b>	A clean, safe and enjoyable environment Providing good quality affordable homes, in particular for those most in need Ensuring efficient, effective and modern service delivery
<b>Wards affected</b>	ALL
<b>Purpose of the report:</b>	1. Provide an overview of the statutory framework and policy - Allocations of social housing
<b>Recommendation (s) to the decision maker (s):</b>	1. Provide feedback regarding the policy framework

## 1 Introduction/Background:

1.1 The council's current Housing Allocations policy was adopted in October 2021 by Cabinet following extensive consultation and subsequent Cabinet approval. In reviewing the former policy approach, the service engaged with key stakeholders (including Members) and customers, regarding key service issues and trends identified during the life of the policy. Engagement included focussed sessions with the Tenant & Leaseholder Committee in November 2020, following by a dedicated Member Briefing session in December 2020 – which gave the service an opportunity to provide an overview of the policy framework and discussion of key issues. Additionally internal consultation was undertaken in addition to a six-week public consultation via the council's website. This was an extensive process with several opportunities for feedback to be provided. A copy of the current (October 2021) Housing Allocations Policy is at Appendix A.

2.1 Local authorities are required by law to have a defined housing allocations scheme in line with the Housing Act 1996, Part 6 (Allocations). A housing authority allocates accommodation when it:

- selects a person to be a secure or introductory tenant of accommodation held by that authority;
- nominates a person to be a secure or introductory tenant of accommodation held by another housing authority;
- nominates a person to be an assured tenant of accommodation held by a Private Registered Provider.

The Act provides detailed explanation of the rules and exceptions governing the allocation of social housing. Local authorities must ensure that their allocations scheme is compliant with the framework, associated legislation and case law.

3.1 In accordance with the Localism Act 2011, each local authority has the right to determine their own Housing Allocations Policy. This allows local authorities to give “reasonable preference” to certain categories of applicants, ensure that properties are allocated in a fair and reasonable manner as well as enabling better manage our stock. The defined policy sets out the rules that the council must follow when letting properties. This also allows the council to manage unrealistic expectations of those applicants who have little or no prospect of being allocated a property. It is a legal requirement that the policy is reviewed in the event of legislative and or case law change, in absence of such change the policy should be revised every 4 years.

4.1 Local authorities are experiencing unprecedented challenges in relation to housing, with multiple factors impacting the demand for accommodation and availability of properties for re-letting, these include but are not limited to:

- Pipeline of affordable housing
- Rising cost of living
- Affordability and access to the private rented sector
- Migration
- Right to Buy

5.1 Whilst the council stock retains in the region of 10,200 homes (including 1906 sheltered homes) – it is important to note that the length of time that households may wait for access to accommodation is driven by turnover of property. Annually the Housing Needs Team receive approximately 600 of our retained homes for re-letting to new tenants, in addition the team will allocate new build properties in advance of completion (including Registered Provider homes), in line with s106 and nomination agreements the team also receive 75% of re-lets for Registered Provider homes for allocation, this can vary – but in total will see the service allocate approximately 800 homes. Each month the service receives approximately 200 new applications to the housing register, which are assessed in line with the policy – it is therefore crucial that the a robust assessment process is in place, this helps to make sure that best use of stock available is made, by ensuring homes are allocated to those households most in need and where

a household is able to realise their own housing options, with advice and guidance – that they are supported to do so.

## **2 Key Issues/proposals/main body of the report:**

The following information, highlights some of the key aspects of the policy that Officers, Members and customers often require clarity – which were strengthened in the development of the current policy:

### 2.1 Supported Housing

The council retains 1906 supported housing properties, which consists of 691 dispersed properties in the community such as bungalows and 1215 scheme based properties. Due to pressures the rising cost of living, rising property prices and interest rates, it has been identified that increased households are unable to resolve their own housing need. In addition the service have experienced some challenges in allocating to supported housing properties for a number of reasons, which is primarily due to the stock not lending itself to modern living requirements of the applicants. As a result of a combination of these factors, a decision was taken to increase the previous capital threshold to £400,000, which means that applicants with financial means above this level are unlikely to qualify unless exceptions apply.

### 2.2 Local connection

Applicants are required to demonstrate a 10 years residence in Dacorum at any point in their lifetime or 10 years residence of an immediate family member. Applicants with 16 hours or more permanent employment in the borough boundary for 2 years or more would qualify for local connection. Applicants who wish to live in a village within Dacorum, would need to in addition identify a local connection to the specific village for 5 years or more. This is so as to ensure compliance with historic village convents and to retain the close community or family connections that have developed over time.

It is also important to note that local connection is an area that can be determined by the council in line with the Localism Act, in respect of Homeless legislation (Part 7 of the Housing Act 1996), local connection is defined as 6 out of the last 12 months and 3 out of the last 5 years.

### 2.3 Applicant's income

Applicants applying to the housing register, must evidence that they have capital (including savings or financial interest) below £16,000 and household income as per the thresholds outlined below. As demand for social housing is high, it is crucial to ensure that those households who are of no more than £60,000. The service is experiencing unprecedented demand for social housing, in many cases from households who are able to resolve their housing difficulty through their own means and do not require access to social housing.

1 Bedroom/studio Property	£44,000
2 Bedroom Property	£55,000
3 Bedroom Property	£66,000
4 Bedroom Property	£66,000

### 2.4 Dacorum Bedroom standards

Appendix B provides oversight of the bedroom standard, which states that a pair of different sex children will not be eligible for their own bedroom until the age of 10 years, unless medical or social need determines that own bedroom is essential requirement – each such case is assessed on an individual basis and on its own merits. As per the policy, children sharing a bedroom will be considered to mean siblings or step-siblings, not other relations or non-relations. In addition, the following areas often require extensive enquiry, engagement and multi service or agency liaison to enable a full assessment to establish a household's essential future housing needs.

### 2.5 Medical and welfare

There are many occasions where households inform the Housing Needs Team of medical diagnosis and enquire as to their eligibility for medical points. Medical points are not awarded in every case where an

applicant has an identified medical need. Medical points are awarded where it is evidence from information provided that an applicant or household's medical need is directly impacted by their accommodation and where it is clear that a move to alternative housing will improve or alleviate their condition e.g. applicant lives in a high rise property, without access to a lift, applicant has diagnosis of respiratory condition and cannot climb or descend stairs without exacerbation. In this instance a move to accommodation with lifted access or on the ground floor is beneficial to the applicant. Points are awarded across five thresholds, dependent on the severity of the case being assessed.

Welfare priority is assessed on the same basis and is defined as care and support or other social needs that do not require medical care or support.

## 2.6 Overcrowding

Overcrowding points are awarded for each permanent household member who lacks a bed space. This can also include circumstances where medical information is provided to confirm that two household members cannot share a bedroom, where otherwise in line with the policy they would usually be expected to share a bedroom.

## 2.7 Assessments

Applications are assessed using a mix of desk top information, which includes a form completed by or on behalf of the applicant, alongside supporting documentation from the applicant, supporting agencies and professionals. In addition assessments incorporate multi-disciplinary team reports from case conferences, specialist reports – such as occupational therapist reports and information gained from home visits or face to face meetings with the household.

## 2.8 Points

The council operates a points system only. Points are awarded based on the household's specific circumstances and following assessment by the Housing Needs Team. The higher a household's points, the higher the housing need. Points can be increased or reduced following assessment if a household's circumstances change, it is therefore crucial that where changes to a household take place that the applicant updates their application.

## 2.9 Bidding

When an application is assessed and made active, applicants will be informed of their points and informed that they are able to start bidding for properties. Applicants will only be able to bid for properties that are eligible for their household size. In order to maximise their opportunity of being successful in securing housing, applicants are encouraged to bid for as many properties as possible for the property size they are eligible for. Where applicants are more selective and bid for specific area locations, where there may be fewer vacancies this is more likely to increase the wait time for accessing housing.

It is important to note that the availability of property is driven by current tenancies ending through natural means or by creating of new vacancy due to transferring tenants, such vacancies tend to arise in areas where the council has higher density of stock.

Applicants should as they would when seeking accommodation in the private sector explore and investigate areas that they wish to live in before bidding for accommodation. Where an applicant places a bid for accommodation that is suitable for their needs and then refuses an offer of accommodation, this is likely to result in the application being suspended.

## 3 Direct offers

Direct offers mean that applicants are exempt from bidding for properties. Direct offers are made directly by the Housing Needs Team and are made outside of the choice based letting system. Direct offers are in place for homeless households who have been awarded a main duty and are also used for other specific circumstances such as matching households with complex adaptation requirements to specific properties or managing high risk situations where a sensitive letting is needed.

Appendix C & D provide further detail on other key aspects of the policy and frequently asked questions.

### **3 Options and alternatives considered**

Alternative options have not been considered. It is necessary for the Council to update and refresh regularly upon material or legislative change its policies to ensure that they remain compliant with the statutory framework and adequately inform all stakeholders of the Council's approach.

### **4 Consultation**

As outlined in the report, the current policy has been subject to extensive consultation.

### **5 Financial and value for money implications:**

Effective operation of the Allocations Policy in line with the statutory requirements ensures that the council makes best use of HRA resources and through robust processes re-lets council homes, minimising void loss to the HRA.

### **6 Legal Implications**

Any amendments to the policy are undertaken in collaboration with Legal and Democratic Services to ensure statutory compliance.

### **7 Risk implications:**

A robust policy approach, provides reassurance that the Council has appropriate governance and processes in place to allocate social housing, in addition to supporting applicants, safeguarding victims and those at risk from by ensuring suitable allocation of housing.

### **8 Equalities, Community Impact and Human Rights:**

Community Impact Assessment has been undertaken and approved by the Council's Equality, Diversity & Inclusion Leader officer.

Human Rights –there are no Human Rights Implications arising from this report.

### **9 Sustainability implications (including climate change, health and wellbeing, community safety)**

There are no sustainability issues arising from this policy. The policy provides guidance as to the approach to allocation of social housing and consideration of the policy is taken when developing key supporting strategy such as Housing Strategy and Local Plan. Regular engagement is undertaken with key stakeholders to ensure awareness of new and emerging issues, which may require an alternative policy approach.

### **10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)**

This policy underpins the approach taken to allocations of the councils retained.

### **11 Conclusions:**

This report provides an overview of the Housing Allocations policy framework and key processes, informing members of the approach taken by the Housing Needs Team, Housing Operations Service to fulfil the statutory requirements of Part 6 of the Housing Act 1996.



# Housing Allocations Policy

Last modified January 2023

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# 1.0 Allocations policy overview

This policy will be reviewed annually

## 1.1 Introduction

Dacorum Borough Council is committed to allocating all social and affordable housing within the borough to those in most need, and ensuring people have the best possible chance of sustaining their tenancy. This Housing Allocations Policy sets out how we prioritise applications for council and housing association homes based on a person's circumstances and level of housing need.

To deliver this, we manage a choice-based lettings system in Dacorum, and households wanting to apply to be on the council's housing register will need to complete an online application form at [Moving with Dacorum](#). Support is available to those applicants who are unable to submit their application online, either by booking an appointment for the Customer Service Unit at The Forum, or by requesting a paper application. Applications are usually assessed within 4-6 weeks.

Whilst Moving with Dacorum advertises all social and the majority of affordable housing options, each housing association within the borough may have its own allocations policy, which may have different rules about who is eligible. These policies should be available on their websites or by contacting the housing association directly.

Many people who apply for housing will never be allocated a property by the council because of the shortage of social housing in the borough. Even if you have a high housing need, it is likely that you will have to wait for a considerable amount of time before you are offered a property.

## 1.2 Aim(s) of the policy

Discharge the council's statutory duties as contained in Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002, Civil Partnership Act 2004, Housing and Regeneration Act 2008, Localism Act 2011 and the Homelessness Reduction Act 2017.

The aims of this policy are to:

- Ensure we allocate homes appropriately and fairly to those in need;
- Ensure that the allocations and assessment policy is transparent, simple, and easy to understand for all;
- Offer as much choice as possible to customers, to create genuine customer choice and empowerment;
- Help increase the housing options for homeless applicants;
- Prioritise households that have been assessed to be in most need and to those who make a positive contribution to our community;
- Ensure we make best use of local housing stock;
- To reduce the time properties are empty between lettings;
- Create strong, mixed and sustainable communities; and;
- Set out our approach to eligibility for and qualification to the council's housing register.





## 1.0 Allocations policy overview (continued)



### 1.3 Links to the council's corporate aims

This policy supports the council's corporate priorities of providing good quality affordable homes, in particular for those most in need; and building strong and vibrant communities. Our corporate priorities are set out in the [Corporate Plan 2020 - 2025](#).

### 1.4 Equality and diversity

All applicants will be invited to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information will not be obligatory or a requirement for acceptance of an application. Such information however will help the council monitor the number and types of applicants with protected characteristics seeking housing and their position under the policy. Therefore, applicants will be encouraged to supply the relevant information to be used for this purpose.

Equalities data will be kept and monitored on a regular basis to ensure properties are being allocated fairly. This policy itself will be monitored to ensure it does not operate in ways that discriminate against, or unfairly disadvantage, any particular group.

The council will seek to ensure that this policy is operated in a manner that is fair to all sections of the community. The information provided will be kept confidential and treated with respect at all times.

### 1.5 Policy Statement(s)

- Applicants will need to meet eligibility and any applicable qualification requirements in order to be active on the housing register (see **2.0**).
- We will administer the housing register and allocate homes by adhering to a fair and transparent process (see **3.0**).
- Points will be awarded to applicants based on their housing need and priority group status (see **4.0**).
- We will offer additional priority to applicants who fit specialist criteria (see **5.0**).
- There are a number of exemptions and exceptions to the guidelines laid out in this policy (see **6.0**).

*The council is required to respond to any local or national restrictions imposed by central government. The administration of this and other council policies could, therefore, be impacted by a pandemic or other emergency for the period that such restrictions are in operation.*

## 2.0 Eligibility and Qualification

### 2.0 Eligibility and Qualification

As a local authority, we must adhere to all legal requirements that affect whom we allocate social and affordable housing to. We are required to consider an applicant's **eligibility** at the time of their initial application and again when they have been successful in bidding for a property in order to allocate them a home. If an applicant is found not eligible at any time during this process, the allocation cannot continue and neither a sole nor a joint tenancy can be granted.

Under this policy, an applicant is *not eligible* if:

- They are subject to immigration control (unless covered under the exceptions stated at section 160ZA(2) of the Housing Act 1996).
- They are prescribed as being 'persons from abroad' other than a person subject to immigration control as defined by regulations made under section 160ZA(4) of the Housing Act 1996.
- If you have any doubts as to whether or not you are 'eligible' to apply to join the register, please do not hesitate to contact us for advice and guidance. You can find more information [on our website](#).
- Where an applicant lacks **capacity**, the housing service will liaise with the relevant appointed representative to ensure that their housing needs are fully assessed and, where appropriate, arrangements are made to meet future accommodation needs. This may include liaison with alternative housing agencies to provide specialist packages of support.

In addition to eligibility, applicants must also meet the criteria outlined at **2.1 to 2.10** in order to **qualify** for the housing register and bid on homes. Eligible but non-qualifying applicants will not receive a sole tenancy under this policy; however, they will be able to enter into a joint tenancy as long as the other applicant is both eligible and qualifying.

The qualifying criteria does not apply to whole groups owed a reasonable preference but does apply to individual applications from households owed reasonable preference who do not meet:

- The Local Connection Criteria- **2.2**
- Are a home owner- **2.4**
- Exceed the income or savings limits -**2.5**
- Are assessed as not qualifying under the acceptable behavior rules **2.6**
- Are in rent arrears or has property related arrears owed to the Council including Council Tax **2.7**
- Or any other of the qualifying criteria outlined between **2.1 and 2.10**.

The Council however, will consider any case made by an applicant owed reasonable preference who is not eligible for the Housing Register where they claim a qualifying rule should not be applied due to exceptional circumstances. It is for the applicant to request this discretion. The Council cannot waive the eligibility rules for any applicant who is not allowed to access social housing under the immigration and 'persons from abroad' rules set by Central Government.

### 2.1 Age

Applicants must be 18 or over, unless age 16 or 17 and are either entitled to a reasonable preference under Part 6 of the Housing Act 1996 or are otherwise considered as part of a high risk property group (see **4.0**).



## 2.0 Eligibility and Qualification (continued)

### 2.2 Local Connection

Subject to the exceptions outlined below, applicants must meet the local connection criteria by providing evidence of at least one of the following:

- A ten-year residency within the borough at some point in their lifetime;
- Family connection where an immediate family member (parents, children, siblings) who are over the age of 18 and are resident within the borough for ten years consecutively, immediately preceding the date of application and are still resident at point of allocation;
- Currently in permanent employment within the borough boundary, consisting of 16 hours a week or more, and which has been continuous for the last 24 months. Applicants who are home working must provide evidence that their main workplace is in Dacorum. The employment must be based on actual place of work and not where the head/ regional office is sited.
- Additional local connection criteria apply to certain villages within the borough; applicants will need to meet criteria above for the specific village and applicants with a connection to the specified village are given priority at the short listing stage (see 5.2). There are, however, a number of circumstances which mean that an applicant may not need to meet the local connection criteria in order to qualify.

These are as follows:

- Current council or housing association resident living within the borough;
- Applicants for sheltered housing aged 60 and over or between 50 – 59 when there is a medical or welfare need, recognised by the internal Housing Panel;
- Members of the armed forces where the application is made within five years of discharge (includes bereaved spouses and civil partners leaving service family accommodation following the death of their partner);
- Existing social housing tenants seeking to transfer from another local authority district in England because they work in the district, need to avoid hardship or need to move to take up an offer of work in the area (see below 'Right to Move')
- Where the requirement of a local connection may infringe equality and diversity legislation (e.g. Equality Act 2010) considered on a case-by-case basis by the Housing Panel; or
- Residents living in refuges within the Dacorum area.

### 2.3 Right to Move

Applicants applying for housing within Dacorum from another local authority due to an offer of work within the borough must demonstrate a genuine intention to take up the offer. Evidence can include a contract of employment, wage slips or bank statements, tax/benefit information and a formal offer letter.

Any contracts must be for more than 12 months, consisting of 16 hours or more a week. Voluntary work does not qualify for the Right to Move. We must also be satisfied that the required move is based on applicants' needs, rather than wishes.

Things considered when assessing this include (but are not limited to):

- Distance / time to travel between work and home;
- Opportunities available closer to home;
- Impact on opportunity to improve employment circumstances (e.g. promotion);
- Availability and affordability of transport.

The council may contact the employer to verify an application at the point of joining the housing register or before making an offer. In addition, applicants will need to prove they have local connection to the borough (2.2)

### 2.4 Home Ownership

Applicants must not hold a legal or beneficial interest in a property within the UK and/or internationally. This does not apply to supported housing applicants aged 60 or over. However, if a supported housing applicant has sufficient means (including financial interest in a property) to purchase suitable accommodation for their needs in the Dacorum area they may not qualify for an allocation. If exceptional circumstances preclude this from happening they may still be eligible for supported housing. Such cases will be looked at on a case by case basis. An applicant will need to evidence a housing need to move into Supported Housing if they hold a legal interest in a property (see Appendix 1 for how the council allocates points on a housing need).



## 2.0 Eligibility and Qualification (continued)

### 2.5 Financial Means

Applicants will not qualify if they have the financial means to meet their own housing need. We define this as the applicant and/or their partner combined having in excess of the gross annual income limits which are set out below, or £16,000 in savings (except where a lump sum has been paid to a current or former member of the armed forces as compensation).

- 1 Bedroom/studio Property £44,000
- 2 Bedroom Property £55,000
- 3 Bedroom Property £66,000
- 4 Bedroom Property £66,000

Supported Housing applicants over the age of 60, will not qualify if their capital amount exceeds £400,000.

These income thresholds have been based on a housing affordability model completed by an external consultant.

### 2.6 Unacceptable Behaviour

Applicants will not qualify where there is evidence that serious action or legal proceedings have successfully been brought against the applicant or any member of their household due to unacceptable behaviour, including breaches of tenancy and misuse of social housing (such as sub-letting), within the two years immediately preceding the date of application.

Applicants with any of the below legal orders will not be considered to qualify and will be unable to access the housing register for a period of one, three or five years (see below). The serious action or legal proceedings include but are not limited to:

- Acceptable Behaviour Agreements (one year exclusion from the register);
- Community Protection Notices (one year);
- Legal Undertakings (three years);
- Anti-Social Behaviour Injunctions (three years);
- Premises Closure Orders (five years); or
- Criminal Behaviour Orders (five years);
- Current Non-molestation order/ Occupation order (one year);
- Current Restraining order (five years).

In addition, applicants will also not qualify if they or any members of their household:

- Have been evicted on the grounds of unacceptable behaviour in the five years immediately preceding the application;
- Have held a demoted tenancy due to unacceptable behaviour in the two years immediately preceding the application;
- Are a person known to be or have been involved with serious unacceptable behaviour within the two years immediately preceding the application, as per the advice of the council's Tenancy Management and Enforcement team or Community Safety team.

Any household can be removed from the register for unacceptable behaviour.

### 2.7 Rent Arrears

Applicants will not qualify where there is evidence that they or a member of the household has arrears owed to the council (including Council Tax, service charges and Temporary Accommodation), a housing association or a private rented sector landlord, unless six months of an agreed repayment plan have been adhered to. This includes both current and former arrears. Applicants will also not qualify if they or any member of their household:

- Have been evicted on the grounds of rent arrears from a council or housing association property in the five years immediately preceding the application; or
- There is an existing notice or a possession order in relation to rent arrears on the property.

Exceptions may be made in certain circumstances, e.g. a current tenant downsizing to make rent payments more manageable, which will be considered at the discretion of the internal Housing Panel. When exceptions are made, and an applicant with arrears owing to the council is permitted to move, any debt owed will still be required to be paid.

## 2.0 Eligibility and Qualification (continued)

### 2.8 Deliberately Worsened Circumstances

An applicant will not qualify if there is evidence that they have deliberately changed their circumstances in order to qualify to and/or receive additional priority on the housing register.

This may include but is not limited to:

- Homeowners or tenants who have transferred their property or tenancy to another family member within the five years preceding the date of application (or subsequently).
- An applicant moving from accommodation that was available for their occupation that was suitable or more suitable for them than the accommodation they have moved into and which it was reasonable for them to continue to occupy.
- Applicants who have disposed of or deprived themselves of assets which reasonably could have been used to secure housing within the last three years from the date of application.

### 2.9 False, Misleading or Withheld Information

Applicants will not qualify if they have deliberately provided fraudulent information by:

- Giving false information;
- Not disclosing all information required; or
- Not informing the housing service of any important changes to their situation.

If an applicant is found to have provided any false or misleading information or they have withheld information that is relevant to their housing application, their current and any future applications will be suspended. Action may also be taken against the applicant by the corporate anti-fraud team. This may result in prosecution.

It is an offence (under Section 171, Housing Act 1996), for an applicant to knowingly or recklessly provide the council with information that is materially false or deliberately withhold or misrepresent their housing circumstances.

Applicants who have sourced accommodation via the council who have provided false, misleading or withheld information during the Housing Register process will be subject to eviction proceedings and the council will support other landlords who are seeking to gain possession of accommodation through an applicant providing false or withholding information.

### 2.10 The Household

As part of the application, applicants will be required to prove they have lived at their current address for a minimum of 12 months immediately before application and give details of all members of their household.

Any non-dependant children (aged 18 or over), or other adults who are considered part of the applicant's household, must have lived with the applicant for a minimum of 12 months and continue to do so. Any changes to the household may affect the level of priority afforded to them under the qualification criteria.

Household members over the age of 18 that can be considered as part of your household:

- Partner
- Child over the age of 18
- Carer (medical evidence and support package will need to be submitted)

Household members over the age of 18 that do not fall into one of the above categories will not be considered for an additional bedroom or awarded lacking bed space points.

Subject to a review of supporting evidence by the council's Housing Needs team, dependant adults who have joined or wish to join a household because they are unable to live independently are not required to have lived with the applicant for the minimum of 12 months.

*(Continued on the next page)*

## 2.0 Eligibility and Qualification (continued)

A child is not part of the household if:

- The applicant has staying contact with the child for less than 50% of the time; or
- In the case of equal contact time, the property will not be the child's main or principal home.

Where two applicants have equal staying contact with children, evidence as to the child's main and principal home is required when assessing bedroom requirements. There is an extreme shortage of housing in Dacorum and it is not possible to provide accommodation where children are not permanently resident and they will not be included if we are not satisfied that they are a permanent member of the household.

Where residence of a dependent child under 18 has been agreed between the parents, by consent or by a Court Order, and the council is being asked to include them as part of an applicant's household, the council will verify their permanent and/or principal home by establishing the following:

- The applicant that receives benefits, such as child benefit/child tax credits; and
- The applicant that arranges and pays for any childcare arrangements; and
- The home address and next of kin which the child's school and GP have registered for them.

If an applicant holds sole responsibility for residency of a child through a court decision, the child is immediately considered part of the household instead of having to wait for a minimum of 6 months.

A baby will be considered a household member from the date of birth, and not during the pregnancy. However, some housing associations will consider an unborn baby as a household member at the point that the mother receives her MATB1 certificate. For this reason, the council will still take a record of the MATB1 and in these cases an applicant may be able to bid for larger housing association properties before the birth.

Where the applicant is eligible (see 2.0) but other members of the household are not eligible, they may be considered as part of the application if they are dependant. This applies to both adults and children.

Applicants applying as part of a couple will need to decide who is the primary applicant, as both partners will be considered as members of the household and will not be able to hold an active application in both names. These applications are assessed on the primary applicant's housing need only.

All applicants can be subject to a home verification visit or other appropriate investigations by a Housing Needs Officer. The purpose of a visit is to check that all information relating to the applicant's housing application is properly recorded, and that their housing needs have been correctly assessed, and that they are a Qualifying Person and otherwise eligible for an offer.

### **Pre-tenancy training**

In addition to documents applicants need to provide as part of the shortlisting process (see 3.8), applicants will be required to complete Dacorum Online Training (DOT).

If an applicant does not complete this within the timescales set, they may be skipped and the property could be offered to the applicant next on the shortlist.

Supported Housing applicants over the age of 60 will not be required to complete this training. Additionally, if an applicant is not able to complete this training due to accessibility reasons, they may be exempt from completing the training and this will be managed on a case-by-case basis.

## 3.0 Administration of the Housing Register



### 3.1 Bidding

Applicants who have applied to be on the housing register, are eligible, and qualify can then begin bidding on properties through [Moving with Dacorum](#). Alternative options for bidding include:

- Over the phone on 0300 111 3570;
- By text message to 07786 201131; or
- In person at The Forum, Hemel Hempstead.

Due to the operation of a choice based lettings system, whereby applicants pick which properties they wish to bid for, we consider it reasonable to expect that - where an applicant has been successful in bidding for their chosen property - they will accept the offer of that property.

Therefore, successful applicants will only receive one property offer. If an applicant refuses the offer of accommodation, the housing register application will be suspended for six months. A refusal of a property will only be considered if the applicant can provide evidence of a valid reason, of which the Service Improvement and Projects Team Leader shall be the final arbiter, as to why they cannot accept it. Examples of reasons which are unlikely to be considered valid include (but are not limited to);

- Location, size or layout of property;
- Condition of property; or
- Lack of garden and/or parking facilities (unless required under a medical needs assessment).

Where an applicant can provide evidence to support their refusal, and this is accepted by the Independent Reviewing Officer, they will be able to continue bidding on other properties.

Where an applicant cannot provide evidence to support their refusal of a property, their offer can be cancelled and they may be unable to bid on any future homes for six months. Supported Housing Applicants over the age of 60 who are downsizing from the council or Housing Association property, will be eligible to have three refusal options. After the third refusal, where an applicant cannot provide evidence to support their refusal of a property, their offer can be withdrawn and they may be unable to bid on any future homes for six months.

### 3.2 Approved Bidding

Applicants who have sensitive cases may still be able to bid themselves, but the council will have the right to review and approve the offer as suitable. This would happen if an offer of accommodation put the applicant or existing tenants at risk or in danger. The council would work with the applicant and potentially with third parties to discuss the reasoning and what alternatives are available.

In some cases applicants that require low-level adaptations may be made active eligible to place bids on the Housing Register. However, not all properties have the attributes or feasibility for adaptations to be completed. In these cases where the property is not suitable for the applicant's medical or welfare needs, the council will consider applying approved bidding.

### 3.3 Withdrawing an offer

In the following very exceptional circumstances, the council may withdraw an offer of accommodation:

- Where there has been a change in the applicant's circumstances.
- Following verification, the applicant does not qualify for the property.
- Where an error has been made in the advertising criteria.
- Where an offer of accommodation could put an applicant, a neighbour or a community at risk
- Where the applicant does not meet a specific Letting Policy of the landlord.
- The council has incorrectly offered a property.

This list is not exhaustive.

## 3.0 Administration of the Housing Register (continued)

### 3.4 Property Adverts

All properties (except supported housing), advertised through Moving with Dacorum may be made live on any given weekday. They will then remain live for a minimum of three days, closing at one minute to midnight on the final day. The first day of advertising will be the day on which an advert goes live, provided that it goes live before midday; and will otherwise be the day afterwards.

We recommend that applicants check for properties a minimum of every two days to avoid missing opportunities to bid.

Supported Housing properties are advertised on a weekly cycle and adverts will be live for a minimum of five days, from one minute to midnight on a Wednesday until one minute to midnight on the following Monday.

Supported Housing applicants can also request a weekly newsletter to be posted to them to assist them in alternative ways of bidding. Please state in your Housing Register application or contact Housing Needs if you would like this service.

### 3.5 Direct Offers

On some occasions, properties will be allocated through a direct offer. A direct offer means that an applicant will not bid on properties but will receive one offer of suitable accommodation. Direct offers are made by the housing service outside of the choice based lettings system. When making a direct offer, the council is required to consider the suitability of a property for all members of the household. These offers are used as part of our approach to supporting homelessness applicants. Applicants who are given a homeless status at the point of receiving the main housing duty will receive one direct offer of suitable accommodation. If the direct offer is refused without a valid reason, the council will no longer have a duty to provide the applicant with accommodation. In addition to homeless applicants, direct offers may also be used:

- To match applicants requiring complex adaptations to a suitable property;
- For applicants living in Mother & Baby units;
- In the case of hard-to-let properties (advertised at least twice with no suitable bids);
- For applicants in high-risk priority groups (see **4.0**) where a sensitive letting is required; or
- For individual cases that would usually fall outside of this policy but have an urgent or high risk housing need (these offers can only be approved by the internal Housing Panel).
- Flexi Care applicants;
- Supported Housing applicants who do not have sufficient accessibility to placing bids can request to go on the assisted bidding system. Information surrounding location and scheme preference is taken and applicants will be contacted by the

Housing Needs team when there is a suitable vacant home to ascertain if they want the team to place a bid for them. Applicants will only receive one direct offer of accommodation.

### 3.6 Tenancies Offered

Home seekers will be offered an introductory tenancy. This usually lasts for 12 months from the start date of the tenancy. Upon successful completion of the introductory tenancy, a secure tenancy will be issued. Transfer applicants that already hold a secure tenancy with the council or a registered provider, will be issued with a secure tenancy.

Joint applicants could be eligible to be offered a joint tenancy. Both applicants will have equal rights to the whole property. Both parties are liable for the rent and any damage that may occur. Applicants are encouraged to research joint tenancies before signing or speak to the Housing Needs team. Joint applications are accepted by those who are married, in a civil partnership or living together as if they were. We do not offer cross-generation tenancies.

Applicants that have been offered a council general needs property will be invited to complete a pre tenancy course before signing their tenancy agreement.

### 3.7 Types of Rent Offered

**Social Rents**- rents for these properties have been agreed based on a formula set by government.  
*(Continued on next page)*



## 3.0 Administration of the Housing Register (continued)

This creates a 'formula rent' for each property, which is calculated based on the relative value of the property, local income levels, and the size of the property. An aim of this formula-based approach is to ensure that similar rents are charged for similar social rent properties. (At the date of publication, all Dacorum Borough Council properties are let on Social Rent.)

**Affordable Rents**- In 2011, the government introduced affordable rent. This permits rents that are inclusive of service charges to be set up to 80% of market rent. Property size, location type and service provision must be taken into account when determining what gross market rent a property might achieve if let in the private rented sector. These properties are still defined as social housing.

**Rent Increases** - the government announced its intention to set a long term rent deal for both local authority landlords and housing associations. This would permit annual rent increases on both social rent and affordable rent properties of up to CPI plus one percentage point from 2020, for a period of at least five years. (Source: [Gov.uk](https://www.gov.uk))  
More information about council's rent and service charges setting can be found in our [Rents and other charges policy](#)

### 3.7 Housing Support Provided

The Council has in-house support services:

**Tenancy Sustainment** - Supporting households from the initial stages of their tenancy to help them understand their roles and responsibilities as a tenant and how to sustain a tenancy and encourage and facilitate their independence, quality of life, health and well-being.

All applicants under the age of 25 will automatically be referred to the Tenancy Sustainment team to ensure they have access to support and provide the best platform to sustain their tenancy.

**Welfare & Sustainment** - Provide support, advice and assistance to households in new or existing tenancies and to those who have been or are at risk of homelessness including applicants that are in temporary accommodation.

If an applicant is housed by the council via a homeless application, the support worker will continue to work with the applicant for a minimum of six months, ensuring a successful transition to their new tenancy.

### 3.8 Checks and Assessments

If an applicant is successful in bidding, a full verification is carried out at the point of offer. In some cases, a full verification may be carried out before an offer is made.

Documents required as part of this include (but are not limited to):

- Proof of identity (Full Birth Certificate or Passport);
- Proof of income and savings;
- Completed income and expenditure form\*;
- Proof of residency of children (Child Benefit) (court arrangement);
- Proof of pregnancy (MATB1 Form);

- Confirmation of immigration status and right to work if from abroad;
- Medical evidence; and
- Notice of eviction (if relevant).

\* We may use a credit checking agency to verify details and as part of our policy to prevent/detect fraud, share information with other departments within the council and other Housing Providers. By completing the Housing Register declaration and consent form you will be giving your consent for this.

Existing tenants seeking a transfer will also need to make themselves available for a home visit. Applicants can aid this process by ensuring they have accurately reflected their circumstances in their application and by making sure they have all the necessary documents required to evidence their situation. Applicant are able to use the document upload function on their Housing register application via [Moving with Dacorum](#)

At the point of shortlisting, the top 3 applicants will be contacted, if an applicant cannot provide their documentation within 48 hours (unless there are exceptional circumstances), the applicant will be overlooked and the property will be considered for the next eligible person on the shortlist.

### 3.9 Renewal and Removal

It is the responsibility of the applicant to inform us if their circumstances change and to provide us with up to date contact details. Failure to notify the council of a change of circumstance may result in an offer of a property being withdrawn. Some changes in circumstances will mean that the application will be suspended, this is because it could affect applicant's priority or eligibility for an offer.

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## 3.0 Administration of the Housing Register (continued)

Applicants are required to confirm their details as part of renewing their application on an annual basis. The council can, however, ask for confirmation at any point during the application process.

All renewal requests must be completed within 28 days and completed through Moving with Dacorum. Failure to renew an application within this time will result in details being rejected from the register.

If a renewal application is started but not completed, a member of staff will contact the applicant directly to request the missing information.

If this information is not supplied to the council's satisfaction within 21 days then the details will be deleted from the register as above.

Deleted applicants may re-apply at any point and the new application will be considered. It is advised that applications are only submitted or renewed if there is a genuine housing need.

Applicants can also be removed from the register for other reasons including:

- At their request;
- Where they no longer meet eligibility or qualifying requirements;

- Where they have knowingly provided false, misleading or incomplete information; or
- Where they have accepted an offer of accommodation.

Any applicant who is active on the Housing Register and has not placed a bid in the last 12 months, will be written to. Failure to respond to the letter within 28 days will result in details being removed from the Housing Register.

### 3.10 Reviews and Appeals

As a housing service, we will provide an open and fair review process, in accordance with legislation, with appropriate support being offered.

Applicants have the right to request a review of decisions under the Housing Act 1996:

- Concerning their eligibility; or
- Concerning their qualification to the scheme.

Review requests must be made in writing within 21 days of the applicant being notified of the decision. The review will be conducted by the Service Improvement and Projects Team Leader who is not involved in original case assessments.

Applicants have the right to request an appeal of the outcome of review decisions. Any appeal request must be made in writing within 21 days of the applicant being notified of the review decision.

An appeal investigation will be carried out by the Assistant Director for Strategic Housing.

### 3.11 Disclosure of Information and Conflicts of Interest

Information on any housing applicant is confidential and will not be disclosed with any member of the public.

This also applies to any information related to applications. Applicants' family members will need written permission from the applicant to access any information.

In certain circumstances, disclosure of an applicant's information to other professionals or services may be necessary. This will only apply in certain circumstances, for example providing a nomination to a housing association, to prevent and detect fraud, or where an applicant has particular support needs that need to be met in order to enable them to maintain a tenancy.

In such cases, any information that is disclosed will be shared on a need-to-know basis. Examples of services include but are not limited to:

- Housing officers or tenancy sustainment officers;
- Corporate anti-fraud team;
- Occupational health officers;
- Doctors or social services;
- Police or probation services; or
- Other local authorities or housing associations.

Councillors, council employees and their close relatives applying to join the housing register must disclose their association with the council on their application form.

Applicants with an association to the council that are successful in bidding on a property require approval from the Assistant Director of Housing Options and Safer Communities before the formal offer being made.

## 4.0 Points and Additional Priority

All applications are reviewed and assessed by a Housing Needs Officer who will make the decisions in terms of allocating points to each applicant on the housing register. Points awarded are reflective of housing need and are used to bid on a property. Applicants with the highest number of points will shortlisted for the property at the close of bidding (see appendix 1 for a detailed table of points awarded). This excludes properties that are located in villages. See **5.2** for more information.

If two or more applicants are at the top of the shortlist and are in all other ways equal, a property will be offered to the applicant with the earliest registration date.

### 4.1 People Who Are Homeless

Part 7 of The Housing Act 1996 distinguishes between people who are homeless and owed the main housing duty to have accommodation secured for them by a local authority and those who are homeless with no main housing duty. Applicants who are homeless but are owed either no main housing duty or a limited duty may receive points. Those whom we have a full duty to house will receive a direct offer as stated in **3.4**.

Before receiving the main housing duty decision, applicants will receive assistance to prevent homelessness and to bid through the choice based letting scheme, with points awarded for relevant priority need criteria.

### 4.2 Insanitary, Overcrowded and Unsatisfactory Housing

As a council, we recognise that tenants in the private rented sector could live in insanitary or otherwise unsatisfactory dwellings which can lead to potentially harmful health and safety risks.

As a local authority, we use the [Housing Health and Safety Rating System \(HHSRS\)](#), introduced by the Housing Act 2004 to formally score and demonstrate the seriousness of hazards in dwellings.

To address these issues, we will give priority to applicants currently in private rented sector accommodation if the property is found to:

- Lack facilities or have shared facilities; or
- Be in a state of disrepair.

This additional preference will only be given once and will not increase where applicants identify both of the above issues. Points awarded will either be of a 'high' or 'low' category (see Appendix 1) based on the following:

Low:

- Minor disrepair
  - Category 2 hazard from bands D – F under the HHSRS;

High:

- Major disrepair
  - Category 1 hazard from bands A – C under the HHSRS; or
- Lacking kitchen and/or bathroom facilities.

Both minor and major disrepair will need to be confirmed by an officer from the Private Sector Housing Team and there must be evidence that the landlord is non-compliant in carrying out the repairs.

As a local authority we recognise that overcrowding in a property can cause stress and have other negative impacts on a household. In light of this, we will give additional priority to those applicants who are overcrowded according to our [Bedroom Standard](#).

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## 4.0 Points and Additional Priority (continued)

Any points allocated to an applicant for overcrowding will reflect the need set out within the Bedroom Standard. Applicants are advised to read the standard when making an application for further information on the size of property they may be entitled to. Overcrowding points are not awarded to applicants currently residing in temporary accommodation.

In order to make best use of our available housing stock, we encourage tenants under-occupying their home (see 4.8 Bedroom criteria) to downsize to a smaller property, as this is more reflective of their housing need.

Applicants who wish to downsize will receive points based on how many bedrooms they would like to downsize by. This will need to be specified in the application. As a result, the applicant will be limited in the size of property they can bid for.

### 4.3 Medical and Welfare

We will award additional points on medical grounds when there is evidence that an applicant's current housing situation is having a direct impact on their and/or a household member's medical condition. The term 'medical grounds' also covers disability.

Points will be awarded based on five categories (Extreme, very high, high, medium or low) and reflect the level of risk caused by remaining in the current housing (see Appendix 1).

Medical cases are assessed by a Housing Needs Officer and may seek advice from an independent medical advisor who will advise the council when making our final decision.

Applicants need to state how their medical condition will be improved or alleviated by a move to alternative accommodation.

We will also award additional points on welfare grounds, which we define as care and support needs or other social needs that do not require medical care or support e.g. victim of domestic violence. These points are awarded using five categories that are reflective of the level of risk involved in the applicant remaining in their current accommodation. Where appropriate, we may request information from relevant professionals involved in the applicant's case to assess the level of need. All welfare cases are presented to and assessed by the internal housing panel.

### 4.4 Moving Due to Hardship

In some exceptional cases, we understand that applicants may need to move within the borough in order to avoid hardship. We consider that hardship may be personal or financial. Each case will be looked at separately, an affordability assessment may need to be completed. Due to this, we will allocate points to applicants who need to move within the borough due to hardship.

### 4.5 Armed Forces

Members of United Kingdom armed forces who qualify to our housing register will receive additional points if:

- They are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable to their service;

- They formally served in the regular forces;
- They have recently ceased, or will cease to be entitled to reside in the accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who served in the regular forces and whose death was attributable to that service; or
- They are serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable to their service.

Armed Forces points will only be awarded once. If the applicant is housed by the council but wishes to move again in the future, the additional points will not be awarded again.

### 4.6 Right to Move

Applicants who meet the 'Right to Move' qualifying criteria (see 2.3) will receive additional points.

### 4.7 Other Additional Priority Criteria

The council is also committed to recognising a number of other criteria, and in all cases the additional priority will be awarded as points (see Appendix 1). The additional priority criteria are as follows:

- Existing tenants of supported housing accommodation who wish to move from a dispersed property in the community to a supported housing scheme (CAT1 to CAT2 property);
- Existing tenants aged 60 or over in general needs accommodation who wish to move into sheltered accommodation;

*(Continued on next page)*

## 4.0 Points and Additional Priority (continued)

- Applicants with a dependent child or children who occupy a flat on the first floor of a building or above which does not have a lift (but only when an additional housing need applies).

Referrals received from Multi-agency public protection arrangements (MAPPAs) panel. One nomination to us per year. All necessary information will need to be provided to us before an offer is made. All MAPPAs referrals will be considered at the internal Housing Panel.

Additional priority criteria have been established in relation to other high-risk applicants who are hard-to-house and may require sensitive lettings. These applicants include:

- Witness protection cases;
- Applicants moving on from supported housing; or
- Individuals identified through multi-agency groups.

Applicants meeting the additional priority criteria are not expected to be frequent or high in number and will always be considered on a case-by-case basis.

## 4.8 Move on Accommodation for Young People and Care Leavers

Applicants who are ready for settled accommodation after a successful placement can make an application to the Housing Register. Evidence will need to be submitted from the applicant and Support Worker to show that that the applicant is ready to live independently. Satisfactory cases will be heard at housing panel.

The evidence required but not limited to:

- Up-to-date rent statement showing no rent arrears
- Tenancy reference confirming young person has had no tenancy breaches as a result of nuisance, anti-social behaviour or other such behaviour that requires enforcement action
- Evidence that young person is ready to move on and able to sustain a tenancy
- Recently updated risk assessment
- Recently updated support plan
- Move on application form

## 4.9 Applicants involving Domestic Abuse

Domestic Abuse is defined by Refuge, the National Domestic Abuse Helpline: [What is Abuse?](#) Domestic Abuse cases through the Housing Register may be presented at the Domestic Abuse Panel. Where appropriate, we may request information from relevant professionals involved in the applicant's case to assess the level of need.

Points are awarded using five categories that are reflective of the level of risk involved in the applicant remaining in their current accommodation.

## 4.10 Bedroom Criteria

To ensure homes reflect people's housing need, we operate in line with the Government's Code of Guidance 2012 as well as the Dacorum Borough Council **Bedroom Standards**

Households who fall between the criteria within the standards will be able to bid for properties in two size categories to provide maximum choice.

For the purpose of this policy, the reference to children sharing a room shall be considered to mean siblings or step-siblings, not other relations or non-relations. We understand there may be mitigating circumstances where it is not appropriate for siblings or step-siblings to share a bedroom as required by the standard. These cases, including supporting evidence, will be reviewed on an individual basis by the Housing Needs team.

Exceptions to the bedroom criteria will also be considered if medical evidence is provided to the Housing Needs team showing that a member of the household is unable to share a room or requires an additional room for medical equipment.

Prospective adoptive or foster parents will be considered for exemption at the discretion of the Housing Panel.

Where these cases are approved, it is essential that applicants consider the affordability of separate bedrooms as the household will be considered under-occupying their home, which may affect Housing Benefit entitlement.

Some housing association tenancy agreements may differ from the bedroom standard used within this policy. In these cases, we will restrict the size of the household able to bid for the property based on the details received from the relevant housing association.

## 5.0 Further Specific Criteria

### 5.1 Adapted Properties

Due to the low number of properties available in the borough that are suitable to meet the needs of people who have mobility and physical health conditions, we are committed to making sure that people who need adapted properties are prioritised for them. Applicants will be asked to provide a completed Occupational Therapist (OT) report that states all the recommendations for future housing.

When properties become vacant they are assessed by the adaptations team to determine if the property can be adapted and what level of adaptations can be completed. When completing direct offers we will consider individual needs, area preference and length of time they have been waiting for a property, unfortunately this means we are not able to offer in order of length of time an applicant has been waiting as it depends on the attributes of any available property.

### 5.2 Village Lettings

When shortlisting for village properties, applicants must meet the Local Connection to the borough (see 2.2). To be considered for an additional village connection, applicants must meet the following criteria:

- A five-year residency within the village at some point in their lifetime;
- Family connection where an immediate family member (parents, children, siblings) who are over the age of 18 and has continuously been a resident within the village for ten years immediately preceding the date of application;
- Currently in permanent employment within the village boundary, consisting of 16 hours a week or more, and which has been continuous for the last 24 months.
- Villages for which additional priority will be given for a local connection are:
- Aldbury, Bovington, Chipperfield, Flaunden, Flamsted, Great Gaddesden, Gaddesden Row, Kings Langley, Little Gaddesden, Long Marston, Markyate, Northchurch, Potten End, Wilstone and Wigginton.

### 5.3 Local Lettings Plans

We reserve the right to implement local lettings plans for new developments or to address issues on existing estates. These are used to ensure that communities are sustainable and contain an appropriate mix of households. Local lettings plans may override the Council's normal lettings procedure. Examples include properties that may have criteria based on age or household composition to address specific local issues or may override occupancy level agreements and demand issues to address local management or supply.

The council, in these circumstances, will ensure that their local lettings plans do not discriminate, directly or indirectly, on equality grounds. Local lettings plans will normally apply to new developments where more than ten affordable homes will be provided.

### 5.4 Supported Housing and Flexi Care

Supported housing properties are designed for people aged 60 and over. On occasion, the age limit is lowered to 55 and 50 when there has been no interest in a property. However, applicants below 50 years old that would benefit from Supported Housing will be required to demonstrate a medical or welfare need. These applications will be assessed by the internal Housing Panel.

Supported housing residents benefit from a Supported Housing Officer, who can offer differing levels of support as required and/or requested, as well as opportunities to socialise with other residents in their supported housing scheme.

The majority of our supported housing homes are one bedroom, however on occasion a two-bedroom property may become available. In these cases, the allocation of this property will be considered on a case-by-case basis, specifically taking into account the age of any additional household members living with the successful applicant and how this could impact the wider scheme.

We can also offer [Flexi Care](#) supported housing services for older people whose needs are beyond the provision available within traditional supported housing. Flexi care is different from other Supported Housing schemes as there is a care team based onsite which provides care packages and can attend emergency situations. Flexi Care offers are always made through a direct offer.

## 6.0 Exemptions and Exceptions

Lettings that are not treated as allocations under this scheme include:

- Mutual exchanges between tenants of the council or housing associations, whether by Deed of Assignment or by commencement of new tenancies (including those arranged via national schemes such as 'House Exchange'); Successions of a tenancy following the death of a tenant;  
Where an introductory tenancy, assured shorthold starter, or probationary tenancy becomes an assured or secure tenancy;
- Where a secure or assured tenancy is granted by court order under Matrimonial Causes Act 1973, Matrimonial and Family Proceedings Act 1984, or Children Act 1989; or
- Where a tenancy is demoted by court order or where a demoted tenancy reverts back to secure tenancy status.

Other exemptions may include (but are not limited to):

- A property allocated to a relative or carer of a tenant who has died without a statutory right to succession being present;
- Changes to a tenancy which do not result in a vacancy (e.g. joint to sole tenancy);

- Where a vacancy is required to enable us to discharge duty to statutorily homeless households;
- The need to re-house an existing tenant temporarily in order to carry out repairs; or
- Any other exceptional circumstances agreed by the Housing Needs Team Leader and Assistant Director of Strategic Housing.
- A move agreed from a property with adaptations that are no longer required in line with Help to Move Policy.

### 6.1 Use and Occupation

A use and occupation account can be created when a person is left in occupation following the death or abandonment by the tenant(s).

- These accounts must only be created once the original tenancy has been properly terminated either by a Notice to Quit (NTQ) being served and expired or, in cases where the tenant is deceased, a signed termination form from the Next of Kin (NOK) will suffice.
- The use and occupation provision allows the person left in occupation to stay in the property on a short-term, temporary basis whilst they seek alternative accommodation. During this time, the person left in occupation is expected to pay a property charge which is known as mesne profits. This payment is not and must not be referred to as rent as this can have legal implications that could imply the person has a tenancy giving them rights to the property.

- In circumstances where the tenant has died, and the person left in occupation has no right of Succession, a use and occupation account can be set up. Please refer to Succession Procedure for details regarding eligibility to succeed to a tenancy.

The use and occupation account does not confer any legal rights to the person left in occupation and they have no legal right to remain in the property.

### 6.2 Exceptions

In exceptional circumstances the Assistant Director of Strategic Housing has authority to award additional priority to applicants and to amend or dis-apply the qualification criteria.

In the interest of fairness and good administration, such awards, amendments and dis-applications will operate at the sole and absolute discretion of the Assistant Director of Strategic Housing and, the Council expects, will be both rare and few in number.

Dacorum Borough Council has the right to change this Housing Allocations Policy at any given time and implement changes immediately.

## 6.0 Exemptions and Exceptions (continued)

## 7.0 Data Protection

### 6.3 Ending your tenancy

To end your tenancy, there are several things that you must do.

- Give 4 weeks' written notice - you can end your tenancy by giving us 4 weeks' written notice that ends on a Monday. You can get a form sent to you by your Tenancy Management Officer.
- You need to allow our staff to inspect your property during the 4-week notice period.
- When your tenancy ends, you must clear the inside and outside of your property unless we have agreed for you to keep certain items.
- A key safe will be provided at the property, you will need to place the keys in the key safe by midday on the day of the termination.

Further information on changing your sole tenancy to a joint tenancy and other queries around ending tenancies can be found on the [Changing or ending your tenancy](#) page of our website.

### 7.0 Data Protection

When an applicant applies for housing, the council will seek only information that they require to assess the applicant's housing need. The council is processing the personal data you provide to comply with its legal obligation, therefore processing is in accordance with Article 6 (1) (c) of General Data Protection Regulation ("GDPR").

If you are providing us with special category personal information (such as details about your health) we will be processing this under Art. 9(2) of GDPR. If you are providing us with criminal conviction personal information we will be processing this under Art.10 of GDPR.

We will use the data you have supplied for the purposes of your housing application. The Privacy Notice for Housing Applications details how the council will use the personal data, who this data will be shared with and how we will store your personal data.

Your personal data will be treated in accordance with the council's GDPR Personal Data Policy, the GDPR and Data Protection Act 2018.

Section 166(4) of the Housing Act 1996 provides:

"The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without his consent) to any other member of the public."



# Appendix 1

## How we allocate points

Priority Category	Criteria within priority categories <i>For all priority categories, applicants will only receive points for meeting one level of criteria.</i>	Points
<p><b>People who are homeless and haven't received full housing duty under section 193(2) of the Housing Act 1996, Part 7</b></p> <p><b>People who have received main housing duty under section 193(2) of the Housing Act 1996, Part 7</b></p>	<p>All people who are homeless (within the meaning of the Housing Act 1996, Part 7). People with no fixed abode, rough sleepers and sofa surfers.</p>	<b>10</b>
	<p>Temporary Accommodation If you are placed into temporary accommodation, you will be awarded 'temporary accommodation points' however, applicants will be exempt from sharing, overcrowding and flats without a lift points.</p>	<b>10</b>
	<p>The Elms Applicants who are residing at The Elms Hostel who have effectively engaged with support workers, have no licence breaches and no rent arrears at The Elms. Confirmation from The Elms support workers is required before these points are added.</p>	<b>5</b>
	<p>Successful Move on accommodation provided by the Elms. Applicants who have moved into 'Move on' accommodation through The Elms, once completed a satisfactory move on assessment. Confirmation from The Elms management is required before these points are added.</p>	<b>10</b>
	<p>People who are owed the full statutory duty by the housing authority under the Housing Act, 1996, Part 7 (as referred to in the Homelessness Reduction Act 2017 as the main housing duty). <i>Note: Only to be given at the point that the duty is awarded and not before even if an applicant is considered likely to receive this.</i></p>	Homelessness Status/ Direct Offer

<b>Condition of private sector property</b>	Major disrepair – the property has a high level hazard assessed using the HHSRS. <i>Note: This needs to be confirmed by a local authority Environmental Health Officer.</i> <b>Or</b> Lacking kitchen and/or bathroom facilities.	<b>50</b>
	Minor disrepair – the property has a lower level hazard assessed using the HHSRS. <i>Note: This needs to be confirmed by a local authority Environmental Health Officer.</i>	<b>10</b>
<b>Sharing kitchen and/or bathroom facilities</b>	A household that does not have sole use of kitchen and/or bathroom facilities. At Dacorum Borough Council we consider this to be in cases when applicants are residing in: <ul style="list-style-type: none"> <li>- A household that is living with family or friends and has resided there for a minimum of 12 months.</li> </ul> A household that is residing in a House of multiple occupancy (HMO)	<b>10</b>  <b>15</b>
<b>Overcrowding</b>	A household that is overcrowded. At Dacorum Borough Council, we consider overcrowding to occur when an additional person does not have a bed-space, if one bedroom is allocated to each: <ul style="list-style-type: none"> <li>- Married or co-habiting couple;</li> <li>- Adult aged 18 years or more;</li> <li>- Pair of children aged 0 - 16 years of the same sex; and</li> <li>- Pair of children aged 10 years regardless of sex.</li> </ul> Applicants that reside in a bedsit who are overcrowded will receive points in addition to the above.	<b>20</b> (to be given for each additional personal lacking a bed-space if maximum use of available bed-spaces is assumed).  <b>5 per lacking bed-space</b>

<p><b>Under-occupation in Council or Housing Association properties within Dacorum</b></p>	<p>A household choosing to downsize by one or more bedrooms because they are currently under-occupying.</p> <p>Under-occupation will occur when:</p> <ul style="list-style-type: none"> <li>- A bedroom is unoccupied;</li> <li>- The household contains two same-sex children aged 15 or under who occupy separate bedrooms;</li> <li>- The household contains any two children aged 9 or under who occupy separate bedrooms.</li> </ul>	<p><b>30 points per bedroom if applicant wants to downsize to a general needs property</b></p> <p><b>50 points per bedroom if applicant wants to downsize to a Supported Housing property</b></p>
<p><b>Medical grounds</b></p>	<p>Extreme medical needs as awarded by a Medical Advisor- add in very high- 75</p> <p>Very high medical needs as awarded by a Medical Advisor</p> <p>High medical needs as awarded by a Medical Advisor</p> <p>Medium medical needs as awarded by a Medical Advisor</p> <p>Low medical needs as awarded by a Medical Advisor</p>	<p><b>100</b></p> <p><b>75</b></p> <p><b>50</b></p> <p><b>30</b></p> <p><b>10</b></p>
<p><b>Welfare grounds</b></p>	<p>Extreme welfare needs as awarded by the Housing Panel</p> <p>Very high welfare needs as awarded by the Housing Panel</p> <p>High welfare needs as awarded by the Housing Panel</p> <p>Medium welfare needs as awarded by the Housing Panel</p> <p>Low welfare needs as awarded by the Housing Panel</p>	<p><b>100</b></p> <p><b>75</b></p> <p><b>50</b></p> <p><b>30</b></p> <p><b>10</b></p>
<p><b>Children in flats</b></p>	<p>A household with one or more children aged 5 years or under in a flat (first floor or above) where no lift is available.</p> <p>These points can only be awarded when another housing need is established. Applicants will not be made active just on these points.</p>	<p><b>10</b></p> <p>(only to be given once, regardless of number of children in household).</p>
	<p>People who have:</p> <ul style="list-style-type: none"> <li>- Formerly served in the regular forces (including those suffering injury, illness or disability attributable to their service);</li> </ul>	

<b>Members of the armed forces</b>	<ul style="list-style-type: none"> <li>- Ceased entitlement to accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who served in the regular forces (whose death was attributable to that service);</li> <li>- Served in the reserve forces, suffering serious injury, illness or</li> </ul>	<b>10</b>
<b>Supported housing moves</b>	<p>Existing tenants of sheltered housing in Dacorum who wish to move from Category 1 to a Category 2 accommodation.</p> <p><b>Or</b></p> <p>An existing tenant aged 60 or over in general needs bedsit or one bedroom accommodation in Dacorum who wishes to move into sheltered accommodation.</p>	<b>25</b>
<b>Use and Occupation</b>	<p>Applicants that have been awarded points by Housing Panel in cases where they are under 'Use and Occupation' and Dacorum Borough Council require the property back.</p> <p>A Use and Occupation account will be created after the original tenancy has ended, a Notice to Quit has been served and any remaining household members are required to vacate the property.</p>	<b>50</b>
<b>Hardship</b>	<p>Applicants who need to move within the Borough due to hardship as noted by the Housing Panel.</p> <p><b>Or</b></p> <p>Applicants who have been awarded the 'right to move'.</p>	<b>10</b>

<b>High risk groups</b>	People from high-risk groups who meet hard-to-house or sensitive lettings criteria, such as (this list is not exhaustive): <ul style="list-style-type: none"> <li>- Care leavers;</li> <li>- Witness protection cases;</li> <li>- Move-on from supported housing; or</li> <li>- Individuals identified through multi-agency groups.</li> </ul>	<b>Direct offer or points at the discretion of the Housing Panel.</b>
<b>Management Reasons</b>	Housing management can award points as an additional priority. In rare circumstances that these points will be used, it will need to be agreed by two housing managers.	<b>10-100</b>

## Links to other corporate documents

This policy links to and should be read in conjunction with the following policies and strategies:

- Prevention of Homelessness & Rough Sleeping Strategy
- Tenancy Strategy
- Mutual Exchange Policy
- Help to move Policy
- Rents and other charges Policy
- Empty Homes standard
- Aids and Adaptations Policy
- Private Rented Sector (PRS) Enforcement policy

## Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- Housing Act 1996, Part 6 and 7
- Children Act 2004
- Equality Act 2010
- Localism Act 2011
- Homelessness Reduction Act 2017
- Domestic Abuse Act 2021
- Allocation of accommodation: guidance for local housing authorities in England (June 2012)
- Providing social housing for local people (December 2013)
- Right to Move (March 2015)
- Improving access to social housing for victims of domestic abuse in refuges or other types of temporary accommodation (November 2018)
- Homelessness Code of Guidance for Local Authorities (2018)
- Homeless Suitability of Accommodation Order 2012



# Bedroom Standards

Information for council tenants and housing applicants

We have changed our Housing Allocations Policy in 2022 to comply with legislation and the current demand on the Housing Register. There have been changes to 'overcrowding' points and the points weighting for households. These changes have been introduced to create fairness across the Housing Register. These changes will not affect the Mutual Exchange Policy (swapping homes with another tenant). All other definitions, such as what is meant by a child living with you, remained the same and can be found in our Housing Allocations Policy.

## This leaflet tells you:

- The Dacorum Bedroom Standard
- The Government's Bedroom Standard
- Your choices about numbers of bedrooms if you are a Housing Register applicant
- Your choices about numbers of bedrooms if you apply for a Mutual Exchange
- How your decisions might affect your Housing Benefit
- What happens if you are overcrowded
- What you need to do

## The Dacorum Bedroom Standard:

We introduced the Dacorum Bedroom Standard in March 2016 and have adjusted the standard in 2022 because of the increasing demand for two and three bedroom homes. We have aligned the Housing Allocations Policy with the Government's bedroom standard.

The Dacorum Bedroom Standard allows a bedroom for each:

- Married or cohabiting couple
- Adult aged 18 years or more
- Pair of children aged 0-16 years of the same sex
- Pair of children aged under 10 years regardless of sex

Important: Studio flats are classed as one bedroom.

## The Government's Bedroom Standard:

The Government's Code of Guidance 2012 defined a 'bedroom standard', which allocates a separate bedroom for each:

- Married or cohabiting couple
- Adult aged 21 years or more
- Pair of children aged 0-20 years of the same sex
- Pair of children aged under 10 years regardless of sex

## This Housing Register applicants:

Dacorum Borough Council recognises both its own bedroom standard and the Government's Bedroom Standard. Any applicant falling between the two standards may choose to bid on properties that meet either one of these standards.

## Mutual Exchange:

Mutual Exchange applicants may now choose to use either of our recognised bedroom standards and may continue to exchange to a property with one 'extra' bedroom. We no longer measure bedrooms to determine how many bed spaces they contain. For example: A tenant with a son and a daughter aged four and six years may apply for mutual exchange to properties with two, three or four bedrooms.

## Housing Benefit:

Housing Benefit is paid according to the **Government's** Bedroom Standard. This means that if part or all of your rent is paid by Housing Benefit, you would lose an amount equivalent to 14% of your rent if you have one extra bedroom until your child(ren) reach the age(s) set out in the Government's standard and 25% if you have two extra bedrooms. This is also known as 'Bedroom Tax'.

## Universal Credit:

Universal Credit, Housing Costs Element is paid according to the **Government's** Bedroom Standard. Your Housing Costs Element can be reduced if you have more bedrooms than you need. Your Housing Costs Element will be reduced by an amount equivalent 14% of your rent if you have one extra bedroom until your child(ren)



reach the age(s) set out in the Government's standard and 25% if you have two extra bedrooms.

## Overcrowding:

Overcrowding is recognised by Dacorum Borough Council by using its own bedroom standards and the Governments Bedroom Standards, from the Statutory Code of Guidance 2012. The Dacorum Bedroom standards reviewed with the Housing Allocations Policy changes aligns itself with the Government standards for:

- A Pair of children aged under 10 years regardless of sex

Dacorum has matched this criteria to ensure that demand for properties is best managed and proportionate in relation to the local housing demand and statutory framework.

## What do I need to do?

Please take a careful look at your outgoings before choosing to bid on larger properties, especially if you receive Housing Benefit. Whilst a move to a three or four bedroom property may seem appealing, the rent will be higher and potential loss of Housing Benefit would be more likely to cause you financial problems.

If you wish to remain in your present home or do not wish to be able to bid on larger properties then you do not need to do anything. As your landlord, we are responsible for keeping the main structure of the building and the shared areas in a satisfactory condition, carrying out maintenance, repairs and major work where needed. We send you invoices every year to cover the cost of this maintenance and repair work.

For more information about overcrowding, **Housing Allocations** and the **Housing Register** or to update your Housing Register application, please contact the Housing Needs team by email: **HousingNeeds.Mailbox@dacorum.gov.uk** or telephone **01442 228000** and ask for **Housing Needs**.



# Allocations Policy

## Information and Frequently Asked Questions

Our Allocations Policy was reviewed in 2021, approved in October 2021 and implemented in July 2022. We have produced this information and frequently asked questions sheet to provide you some information and advice following this review.

### **Section 1: What you need to know**

#### **Section 2: Policy Changes**

#### **Section 3: Points Changes**

#### **Section 4: Frequently asked Questions**

If you are an existing applicant affected by the policy change, you will be contacted by us. You can view the new policy [here](#)

### **Section 1: The Reviewed Policy – What you need to know:**

- The reviewed policy changes will apply to all active applicants.
- The policy changes will be implemented by the end of July 2022
- You will not be asked to make a new application. We will apply the policy changes to your application and your application will be re-pointed where applicable.
- Applicants might be asked to provide some additional information in order to ensure their application is up to date.
- Your registration date will remain the same
- Your log in details will remain the same

### **What should you do next?**

- We advise applicants to check that all information on your application is accurate and up to date.
- You can help reduce delays and the requirement for additional information by managing your application online.
- Please ensure that any change of circumstances is reflected on your application.
- Please upload your documents straight on to your application.
- If you require your housing register application to be removed as you no longer require rehousing, please contact the Housing Needs team

### What changes you may see:

- Your points may increase or decrease
- Some applicants will no longer qualify to join the housing register.
- We are in the process of updating our housing register application questions.
  - Future applicants will be required to complete these additional questions and current applicants may be required to confirm details of answers to the revised and new questions.
- We are in the process of updating our medical assessment form and process
  - This will be available online to be completed on the online form.
  - You will have the opportunity to upload the medical supporting evidence as requested.
  - If you are unable to complete the online form, please consider asking friends and family for assistance.
  - If you still require help to complete the online form, please contact a member of the housing needs team.
- We have removed applicants who:
  - Have been active for 2 years plus but have not bid in this time frame
  - Have been suspended and are not on the direct offer list, and have not actively engaged with the service for 2 years plus

## Section 2: Policy Changes

The Council has reviewed its Housing Allocations Policy. As a result of there are some key changes which applicants will need to be aware of. For more information on the impact and general information please visit our [FAQs page](#).

### Financial Means

Applicants will not qualify if they have the financial means to meet their own housing need. We define this as the applicant and/or their partner having in excess of the gross annual income limits which are set out below, or £16,000 in savings (except where a lump sum has been paid to a current or former member of the armed forces as compensation).

- 1 Bedroom/studio Property £44,000
- 2 Bedroom Property £55,000
- 3 Bedroom Property £66,000
- 4 Bedroom Property £66,000

### Unacceptable Behaviour

Applicants with any of the below legal orders will not be considered to qualify and will be unable to access the housing register for a period of one, three or five years (see below).

The serious action or legal proceedings include but are not limited to:

- Current Non-molestation order/ Occupation order (one year);
- Current Restraining order (five years).

### Village Connection

When shortlisting for village properties the council has amended that in addition to the local connection to the Borough, residency has reduced from 10 years to a five-year residency within the village at some point in their lifetime.

### Supported Housing Moves

An existing tenant aged 60 or over in general needs bedsit or one bedroom accommodation in Dacorum who wishes to move into sheltered accommodation.

## Section 3: Points Changes

### Homeless Applicants

If you are placed into temporary accommodation, you will be awarded 'temporary accommodation points' however, applicants will be exempt from sharing, overcrowding and flats without a lift points. **10 points**.

Applicants who are residing at The Elms Hostel who have effectively engaged with support workers, have no licence breaches and no rent arrears at The Elms will be awarded **5 points**. Applicants who have moved into 'Move on' accommodation through The Elms, once completed a satisfactory move on assessment will receive **10 points**.

### Sharing kitchen and/or bathroom facilities

A household that is residing in a House of multiple occupancy (HMO) will be awarded **15 points**.

### Overcrowding

The Dacorum bedroom standard has been reviewed. Please click here to view the bedroom standards:

Applicants that reside in a bedsit who are overcrowded will receive **5 points** in addition to the below:

At Dacorum Borough Council, we consider overcrowding to occur when an additional person does not have a bed-space, if one bedroom is allocated to each:

- Married or co-habiting couple;
- Adult aged 18 years or more;
- Pair of children aged 0 - 16 years of the same sex; and
- Pair of children aged 10 years regardless of sex.

**20 Points** per lacking bed space.

### Under-occupation

**30 points** per bedroom if applicant wants to downsize to a general needs property

**50 points** per bedroom if applicant wants to downsize to a Supported Housing property

### Medical Grounds

The council has added an additional pointing of 75 points for 'very high medical needs'.

### Welfare Grounds

The council has added an additional pointing of 75 points for 'very high welfare needs'.

### Children in Flats

The council has lowered the age of children in flats (first floor and above) where no lift is available from 9 years to 5 years. The council will only award these points when another housing needs is established.

### **Pre-Tenancy Training**

The council has removed these points from applications.

### **Length of time on the Housing Register**

The council has removed these points from applications.

### **Management Reasons**

At the council's discretion, Housing management can award points as an additional priority. In rare circumstances that these points will be used, it will need to be agreed by two housing managers.

## **Section 4 Allocations Policy Review – FAQs**

### **Why have we reviewed the Housing Allocations Policy?**

- It is a legal requirement that this policy should be reviewed every 4 years at a minimum
- To ensure best practice and use of housing stock in relation to the current housing climate, affordability and access to housing
- To ensure those with a housing need are accessing available housing in a fair and proportionate way

### **When will the reviewed policy be in place?**

- The Council aims to complete implementation by July 2022

### **Will you notify me of changes to my application?**

- The Councils Housing Needs team will write to you about any changes made to your housing register application.
- We will confirm any changes made and your current points situation so that you understand your current position on the Housing Register

### **Will my points change?**

- Applications will be reviewed and it is likely that your current points will change in line with the new policy
- Changes to points can be viewed on the Allocations Policy Review Page

### **Why have my pre-tenancy training points been removed?**

- The council has removed these points from applications as all applicants will be expected to complete the pre-tenancy training course as a part of the application process.
- If you have been shortlisted for a property that you have bid on, you will be sent our online pre-tenancy training course which you must complete as part of the shortlisting process.

#### **Why do I no longer have 'length of time' on the Housing Register Points?**

- The council has removed these points from applications as the Housing Register is not a waiting list to be housed, and therefore no additional points will be given for being active on the housing register.

#### **What points am I entitled to if I am under-occupying my property?**

- 30 points per bedroom if you wish to downsize to a General Needs property
- 50 points per bedroom if you wish to downsize to a Supported Housing property

#### **My bedroom entitlement has changed, why is this?**

- Our rules have changed in relation to the Council's bedroom standards. Where a pair of children regardless of sex would be entitled to a room each when they turned 5, this has now changed to aged 10.
- For example: A household consisting of a mother, and two children, one boy aged 5 and one girl aged 7, where they would have previously been a three bedroom need, they are now a two bedroom need due to the bedroom changes.
- These changes have been made to align with the Housing Benefit Regulations and Government Bedroom Standards
- This will allow the Council to make best use of its housing stock considering the demand in the local area.

#### **I no longer have any points for Children in Flats without a lift, why is this?**

- If your application only had 10 points for Children in flats aged 9 years where no lift was available, and you have no other identifiable housing need, these points have been removed. You now must have an identifiable housing need for these points to be awarded.

#### **I am in temporary accommodation, in a property first floor and above without a lift with children aged 5, why do I not receive the children in flats points?**

- As placements into temporary accommodation are not through choice, and what stock is available at the time for use of temporary accommodation.
- To make it fair for all of those in temporary accommodation you will now receive temporary accommodation points, but be exempt from Children in Flats points.

#### **Why have my 'time on the register' points been removed?**

- We have removed the time on register points, as this gives the impression that the Housing Register is a waiting list for housing, when this is not the case. The Housing Register, is a register to bid for social and affordable housing for those most in need for rehousing, and are prioritised through points. To manage expectations and to reduce false hope in obtaining accommodation, these points have been removed.

#### **I am living in a room in a shared house (House of multiple occupancy, HMO) what points am I entitled to?**

- A household that is residing in a House of multiple occupancy (HMO) will be awarded 15 points



**I am aged 60, living in a one bedroom general needs flat and want to move to Supported Housing, what points will I receive?**

- An existing tenant aged 60 or over in general needs bedsit or one bedroom accommodation in Dacorum who wishes to move into sheltered accommodation. 25 Points

**What local connection is required to be able to bid on village properties?**

- You must meet the standard local connection criteria as set out in the Allocations Policy and either;
  - A five year residency within the village at some point in your lifetime;
  - Family connection where an immediate family member (parents, children, siblings) who are over the age of 18 and has continuously been a resident within the village for 10 years immediately preceding the date of application;
  - Currently in permanent employment within the village boundary, consisting of 16 hours a week or more, and which has been continuous for the last 24 months.

**How many households are bidding on housing?**

- Approximately **1278** households are active to bid on the Housing Register. Please go to the [Housing Register Statistics](#) page for more information.

**How many households are registered for a Direct Offer of accommodation for an Adapted Property?**

- Approximately **97** households are registered for a Direct Offer of accommodation that is an Adapted Property. Please go to the [Housing Register Statistics](#) page for more information.

**How many households are registered for a Direct Offer of accommodation following a Homeless Application and receiving the Main Housing duty?**

- Approximately **42** households are registered for a Direct Offer of accommodation after receiving a Main Housing Duty. Please go to the [Housing Register Statistics](#) page for more information.

**I have an attachment of earnings for a debt owed to the council, why is this not accepted as a repayment plan?**

- The Allocations Policy states that the repayment plan must be agreed by both the council and the applicant and this is not voluntary.

**I have bid on a property, however the Housing Allocations team reviewed this bid and advised that this would not be suitable for me, why is this?**

- The Allocations Policy states that in sensitive cases, whilst an applicant is able to bid, the council have the right to review and approve the bid. If you are unsure why this is, please contact the team or check any correspondence sent to you.

**What if I am not happy with the Council's decision?**

- Please visit our [Housing Reviews & Appeals](#) page for further information



# Moving With Dacorum

## Information and Frequently Asked Questions

There is a lot to consider when looking for your new home. Housing applicants often ask us about their eligibility and the bidding and allocations process, so the following information has been provided to help with answers to the questions that we are asked most often.

We have split this information into ten sections:

**Section 1: Who Can Apply?**

**Section 2: General FAQs**

**Section 3: Armed Forces**

**Section 4: Adverts & Bidding**

**Section 5: Shortlisting & Property Offers**

**Section 6: Direct Offers**

**Section 7: Adapted Properties**

**Section 8: Supported Housing**

**Section 9: Housing Transfers**

**Section 10: Medical Assessments**

**Section 11: Village Connection**

**Section 12: Homeless Applicants**

**Section 13: Common questions in relation to points**

**Section 14: Eligibility for the Housing Register**

### **Section 1: Who Can Apply?**

Most people can apply to join the Dacorum Borough Council Housing Register and apply for properties using Moving with Dacorum. Everyone is eligible to receive Housing Advice.

**In order to join the Dacorum Borough Council Housing Register applicants must:**

- Be over the age of 18;
- Be habitually resident in the common travel area (England, Scotland, Wales, Ireland, Channel Islands and Isle of Man);
- Not be subject to immigration control or be an Applicant from abroad unless the Applicant is a "qualifying person" as described by law.

- Applicants with a need for supported housing
- Applicants aged 16 or 17 years old can be considered for younger persons supported housing, applications will be prioritised based on their level of need and risk.
- Applicants aged 60 and above have the option to apply for sheltered housing with both low and high level support available depending on their needs. Those applicants aged 50 and above who can demonstrate a need for supported housing can also be considered.
- We will also offer comprehensive housing advice for any customer with a need for supported housing.
- More information can be found in the Housing Allocations Policy that is available on the Useful Information section of this website.

#### **Unacceptable Behaviour:**

- If the Applicant, or any member of the same household, has engaged in unacceptable behaviour serious enough in the Council's opinion to make him/her an unsuitable tenant he/she may be refused registration.
- Unacceptable behaviour can include anti-social behaviour, criminal behaviour and rent arrears.
- More information can be found in the Housing Allocations Policy that is available on the Useful Information section of this website.
- If you cannot find the information and explanation that you want in the Housing Allocations Policy, if you are unsure that you are eligible to apply to Moving with Dacorum, or if you need a Translation, please contact us.

#### **Who cannot use the service?**

- You cannot use this service if you have not completed an application form and been accepted onto the housing register.
- There are also some people who will not by law be eligible to join the housing register. These are:
- Certain people who are subject to Immigration Control under the 1996 Asylum and Immigration Act
- Certain people from abroad who are not subject to immigration control but who are not habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland
- People (including members of their household) who have been guilty of unacceptable behaviour that makes them unsuitable to be a tenant

### **Section 2: General Frequently Asked Questions**

#### **How do I get a Council or Registered Provider property?**

- You need to be accepted on to the Dacorum Borough Council Housing Register - this register is now run through this Moving with Dacorum website.
- For more details on how to apply read the How to Use this Service section.

### **What is the difference between a council and a Registered Provider property?**

- Council properties are owned and managed by Dacorum Borough Council. The council is the landlord.
- Registered Providers also provide affordable homes. The rents and terms are broadly similar, however some providers charge affordable rents (not social), which can be higher.
- You bid for properties in the same way. The main difference is that the Registered Provider owns, manages the property and is the landlord, not the Council.

### **When I try to register it says my National Insurance Number is already registered. What do I do?**

- This happens if we already have a record of you on our housing register.
- Please go to log in and select 'I have forgotten my login reference' to receive an email to resolve this.
- If this still does not work, please contact us at [Housingneeds.Mailbox@dacorum.gov.uk](mailto:Housingneeds.Mailbox@dacorum.gov.uk) or call 01442 228000 for assistance.

### **Can my son and daughter share a bedroom?**

- Yes until the age of 10 with Dacorum and other Registered Providers housing policy, please check this before bidding on a property to avoid being overlooked
- For the government standards please visit the [Government legislation](#) site or [Shelter](#)

### **Can I still apply if I don't have a passport?**

- Yes but you will be required to produce some form of photographic ID to verify your identity and eligibility. If you do not have photographic ID at the time of application, we recommend that you apply for one as soon as possible to avoid delays further down the process. Without ID you will be overlooked on properties.

### **Can I remove my application from the housing register?**

- Yes, if you contact the Housing Needs Team or online and request closure of your application the team will arrange for this to be closed.

### **Can I downsize from a 3 bed to a 2 bed if I live alone?**

- Yes, you can do a mutual exchange with [www.houseexchange.org.uk](http://www.houseexchange.org.uk)
- Or if you are a Dacorum Borough Council tenant looking to downsize you can apply for a transfer with [www.movingwithdacorum.org.uk](http://www.movingwithdacorum.org.uk)
- [You can find our Moving to a smaller home leaflet here](#)

### **Where can I find details of available properties?**

- Properties are advertised each week on the Moving with Dacorum website.
- Properties that you are eligible for can be viewed on your My Account page.
- You can also search all properties through the [Property Search page](#).
- A list of available sheltered housing properties is available in paper format upon request.
- Copies of this are available at Dacorum Borough Council offices in Hemel Hempstead, Tring and Berkhamsted. In special circumstances, these property handouts can be sent to you.

### **I've submitted an application for Moving with Dacorum, why can't I bid?**

- After completing the application it is assessed by the Council's Housing Needs Team.
- We check that you are eligible and meet the need for housing, according to the Council's Allocations Policy.

- Once the assessment of your application has been completed we will let you know the outcome of your application.

#### **How long will it take for my application to be assessed?**

- Once you have submitted your fully completed application this should take no more than 28 days to be assessed.

#### **How are properties advertised?**

- General needs properties are advertised on Moving with Dacorum when they become available.
- Sheltered properties will be advertised every week, from Wednesday to the following Monday.

#### **Does it matter when I bid?**

- You can bid at any time during the bidding cycle, and you should check daily to see if there are new adverts.
- The system we use will prioritise your application in points and date of registration order, it will not be based on who placed the bid first

#### **I have been nominated for a property does what does this mean?**

- If you are nominated for a property, this means the council sends your information to the Registered Provider, the landlord of the property you have bid on.
- The Registered Provider will carry out its own checks, and affordability assessment.
- Provided that you pass their verification process and checks, the Registered Provider will offer you the accommodation directly and are responsible for the lettings process.
- If you are refused, the Registered Provider will notify the Housing Allocations team.

#### **What are Social Rents?**

- Social rents for properties have been agreed based on a formula set by government. This creates a 'formula rent' for each property, which is calculated based on the relative value of the property, local income levels, and the size of the property.
- An aim of this formula-based approach is to ensure that similar rents are charged for similar social rent properties.
- The majority of council properties are let on Social Rent.

#### **What are Affordable Rents?**

- In 2011, the government introduced affordable rent. This permits rents that are inclusive of service charges to be set up to 80% of market rent.
- Property size, location type and service provision must be taken into account when determining what gross market rent a property might achieve if let in the private rented sector.
- These properties are still defined as social housing.

#### **Why has my rent increased?**

- The government announced its intention to set a long-term rent deal for both local authority landlords and housing associations.
- This would permit annual rent increases on both social rent and affordable rent properties of up to Consumer price inflation (CPI) plus one percentage point from 2020, for a period of at least five years. (Gov.uk)
- More information about council's rent and service charges setting can be found in our [Rents and other charges policy](#)

### **Section 3: Armed Forces**

A career in the Armed Forces can significantly affect your daily life as well as the lives of your family members. As a result, we recognise that the Armed Forces community is in need of considerable support. In 2011, we signed the Hertfordshire Community Covenant to demonstrate our commitment to providing our Armed Forces affiliated residents with guidance and support when it is required. [Hertfordshire Armed Forces Covenant updated 2021 \(hertfordshireheroes.org\)](http://hertfordshireheroes.org)

**Members of the armed forces who qualify to our housing register will receive additional points if:**

- They are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable to their service;
- They formally served in the regular forces;
- They have recently ceased, or will cease to be entitled to reside in the accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who served in the regular forces and whose death was attributable to that service; or
- They are serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable to their service.
- Armed Forces points will only be awarded once. If the applicant is housed by the council but wishes to move again in the future, the additional points will not be awarded again.

**I have left the Armed Forces and require housing, do I need a local connection to join the Housing Register?**

- Armed Forces and Ex-Armed Forces are exempt from Local Connection criteria if Members of the armed forces where the application is made within 5 years of discharge (includes bereaved spouses and civil partners leaving service family accommodation following the death of their partner).

**Do I still require a housing need to join the Housing Register?**

- You must meet the same criteria as set out in the policy and have an identifiable housing need to receive points. However, as Armed Forces, you are entitled to 10 additional points if the application is made within 5 years of discharge.

**What local support and advice is available to me?**

- For a list of resources and local support and advice, please click the following link for more information. [Supporting the Armed Forces \(dacorum.gov.uk\)](http://dacorum.gov.uk)

### **Section 4: Adverts & Bidding**

For help on how to bid, please visit our [How to use the service, Step 3](#). You can bid online at home if you have access to a computer or smartphone. You can only bid if you have an Active application. If you are bidding and receive a request for verification documentation as part of our Shortlisting, please be reminded that it is not guaranteed that you will be offered the property. At this stage we are verifying your documentation along with your application. If you are to be offered a property, you will receive further confirmation.

**Do I have to bid on all eligible properties to stay active?**

- No, please only bid on properties that you wish to move to

**I was at the top of the list but wasn't successful, it went to someone with less points?**

- It could be for a number of reasons, for example where an applicant has a local connection to a village



- Where an applicant applies for supported housing and is aged 60+

#### **How often do I have to check for advertised properties?**

- General Needs Properties can be added to the website throughout the day Monday to Friday so you should check the website every other day to ensure that you see all properties available.
- Supported Housing properties are advertised on a weekly cycle and adverts will be live for a minimum of five days, from one minute to midnight on a Wednesday until one minute to midnight on the following Monday.

#### **What information will the property adverts contain?**

- The adverts will tell you the landlord, location, size, rent and other features of the property.
- Where available a photograph of the property or a similar house type will be provided and you will be able to access information about the local area and facilities.
- The advert will also tell you if there are any special requirements that the applicant must meet, such as age requirements.
- It also tells you the number of bedrooms that applicants applying for the property need to be entitled to.
- If your bedroom entitlement is different to this you will not be able to bid for that property.

#### **Will I know how many other people are interested in the same property?**

- Yes, when you bid for a property you will be advised where you are in the queue - this is only an indication as it is likely to change frequently due to other people bidding for the same property.

#### **Does it matter when I bid on a property?**

- Being the first person to place a bid doesn't make you any more or less likely to be successful.
- It does not matter if you place your bid as soon as the cycle starts or just before it ends.
- Your finishing position will still be the same, however please be aware that this is only an indication of your position and can change as it can take several hours for the system to update any last minute bids before the advert closed.

#### **Can someone bid on my behalf?**

- If you need help with bidding or would like someone else to bid on your behalf, you should let us know by contacting the team

### **Section 5: Shortlisting & Property Offers**

Once the advertisement cycle has closed and all bidding has closed, the system will create a shortlist of bids.

#### **How do you decide who is offered a property?**

- Once the closing date for bids has passed a shortlist of interested applicants is drawn up.
- The shortlist is in order of eligibility according to the criteria stated in the advert details for that property.
- The applicant at the top of the list will normally be offered the property after a thorough check of their application and verification of their circumstances.

#### **I am shortlisted for a property, what does this mean?**

- Shortlisting is where you have placed a bid on a property and are placed high on the list of bids.
- The council will shortlist the bidders who are highest and make contact to obtain further information and verification processes.

**I have been asked to provide documents for verification for shortlisting, why is this?**

- Where an applicant is shortlisting and is coming up in the top of the shortlist, the team will request that they verify your application.
- The verification process allows the team to confirm your application and obtain all the information required in the event that you are to be offered the property.

**Will I be offered the property if I am shortlisting?**

- This is not always the case. A shortlist is made up of those who are usually 1st to 3rd on the final bid list.
- The team must verify the highest applicants on the shortlist applications, in the case that the property cannot be offered to bidder number 1, the offer will be made consecutively in order of the shortlist.

**Can I view the property before being made an offer?**

- We do not allow viewings of a property prior to an offer of accommodation.
- Where possible we will provide images in our adverts.

**I have been made an offer, do you require rent in advance?**

- Yes. Please be advised that rent is charged and due in advance.

**How many offers do I get?**

- You will only receive one offer, if you refuse your single offer your application will be suspended for 6 months.

**Can I refuse a property offer?**

- Yes you can refuse an offer, but you should carefully consider the reasons for refusing.
- If there are no adequate reasonable reasons for your refusal of an offer of accommodation your application will then be suspended for 6 months and you will be unable to bid on any properties for this time period.

**Section 6: Direct Offers**

**What is a Direct Offer?**

- A direct offer means that an applicant will not bid on properties but will receive one offer of suitable accommodation.
- Direct offers are made by the housing service outside of the choice based lettings system.

**Why does the Council use Direct Offers?**

- The Council is committed to advertising as many vacant properties as possible through Moving with Dacorum.
- It may be necessary to make a direct offer of a property outside of the scheme, i.e. a property may be identified for a specific applicant and offered to them without being advertised through the bidding process.
- Dacorum Council remains transparent and fair in all its lettings, but there are occasions when properties need to be let outside of the usual procedures.

**Are Direct Offer properties advertised?**

- Where properties are let via a direct offer, these will not be advertised and the results will not be published in the same manner as other properties.

- This can be due to the nature of some of the cases requiring such moves and the need for confidentiality in many of those cases.
- Direct offers will be used in, but not limited to the following circumstances:
  - Homeless applicants owed the main housing duty
  - To match applicants requiring complex adaptations to a suitable property;
  - For applicants living in Mother & Baby units;
  - In the case of hard-to-let properties (advertised at least twice with no suitable bids);
  - For applicants in high-risk priority groups where a sensitive letting is required; or
  - For individual cases that would usually fall outside of this policy but have an urgent or high risk housing need (these offers can only be approved by the internal Housing Panel).
  - Flexi Care applicants;
  - Supported Housing applicants who do not have sufficient accessibility to placing bids can request to go on the assisted bidding system. Information surrounding location and scheme preference is taken and applicants will be contacted by the Housing Needs Team

### **Section 7: Adapted Properties**

Before we make any adaptations to your home, you need an occupational therapy assessment. To request one, phone 0300 123 4042 or go to the Hertfordshire County Council website and fill in the self-referral form ([Adult care – how to get care and support from us | Hertfordshire County Council](#)) or contact [Hertfordshire Home Improvements Agency](#).

#### **I need assistance to get an Occupational Therapist Report, who should I contact?**

You can contact either:

- [Adult Social Care](#)
- [Hertfordshire Home Improvements Agency](#)

#### **How Can [Hertfordshire Home Improvements Agency](#) help me?**

- arrange for a community or private occupational therapist to assess your needs, if necessary
- contact your housing association or private landlord
- make any necessary planning or building control submissions
- obtain prices for any building work identified
- appoint a trusted contractor

#### **What Happens when the Occupational Therapists report is completed?**

- The Occupational Therapist will contact us after the assessment to tell us the agreed recommendations.
- This will provide us with detailed information about what size property is required and what adaptations are required.

#### **My home can't be adapted for my needs in the home, what happens then?**

- In some cases, we may not be able to adapt your home, regardless of what the assessment says.
- In such cases, we will seek to rehouse you to more appropriate accommodation.

### **Will I be able to bid for Adapted Properties?**

- You will need to apply to the housing register in the normal way, and if accepted will either be awarded points based on your need or placed on the direct offer list as we do not advertise properties with significant adaptations.

### **Section 8: Supported Housing**

Supported housing is accommodation for people who are aged 60 and over, who can live on their own but who would like to have support close by. We have 29 supported housing schemes across Dacorum with a range of self-contained flats and bungalows. You can find out about the schemes by visiting our [Schemes in Hemel Hempstead](#) and [Schemes in Berkhamsted, Tring and the villages](#) pages. On occasion, the age limit is lowered to 55 and 50 when there has been no interest in a property. However, applicants below 50 years old that would benefit from Supported Housing will be required to demonstrate a medical or welfare need. These applications will be assessed by the internal Housing Panel.

### **What is supported housing?**

Supported housing is accommodation for people aged 60 or over who wish to remain independent in their home but who may have some support needs that need to be met in order for them to do so. Our schemes can be found throughout the Dacorum area.

This type of accommodation comes in a number of ways;

#### **Internal**

Individual flats in one large building with communal facilities behind a main shared front door.

#### **Dispersed**

Usually flats or bungalows grouped together in a small area with some communal facilities.

#### **Community**

Individual properties found within general housing stock with no communal facilities.

### **What is the supported housing entry criteria?**

In order to qualify for supported housing you need to be over 60 years of age and have less than £400,000 in capital assets.

### **What is a supported housing officer?**

Each supported housing scheme has a Supported Housing Officer attached to it. These are often called SHO for short. Your SHO works normal office hours Monday to Friday and is there to support you with accessing any services or additional help you might need. They will agree a

regular time to check in with you to see how you are doing and to make sure all of your safety equipment is working as it should be.

### Is there an alarm system?

All internal and dispersed properties in supported housing come with access to a 24 hour alarm system with multiple call points throughout your property. This allows you to speak to a real person at our monitoring agency at any time of the day or night. If you are unable to speak for any reason they will quickly call an ambulance to attend and check on your welfare.

### What is Flexi-care?

Our Flexi-care scheme is very similar to our other internal supported housing schemes except that we also have an on-site care team 24 hours a day. This makes Flexi-care a good option for people whose support needs are a little bit more significant than you might find in other parts of our service. If you come into Flexi-care you can still live independently, however you will also have access to a care package that can support you with areas such as personal hygiene, medication, meal preparation and many other areas.

Our Flexi-care service is found at Evelyn Sharp House.

### What other facilities can I find at your supported housing schemes?

We have a number of additional facilities available at most of our supported housing schemes. These include;

- Laundries (not all schemes)
- Mobility Scooter Storage (only for those who have had an OT Assessment where space is available)
- Communal Lounges
- Bookable Guest Rooms
- Regular activities
- Communal gardens

### Section 9: Housing Transfers

If you need to move from your present social housing address within the Borough to another property either because your current home is unsuitable or you would like to move into sheltered housing, you can apply for a housing transfer.

As one of our existing tenants, you can move to a different home with us or another social landlord. There is more information depending on the type of move you would like:

[Mutual exchange](#) - Swapping your home with another tenant.

[Moving to a smaller home](#) - Details of our scheme for tenants wishing to downsize and receive a payment.

[Housing register](#) - Applying to us for a home more suitable for your current needs.

[Changing or ending your tenancy](#) - If you are giving up your tenancy with us or are contacting us because a tenant has died.

**I am under-occupying my home and would like to downsize - how do I do this?**

- You should apply for a housing transfer by completing a housing register application and advising us that you wish to transfer.
- You may be eligible for our Help to Move payment for assistance in moving to smaller or more suitable accommodation.
- Please click [Help to Move Policy](#) for further information

**I have medical needs in the home, and may need a transfer - what should I do?**

- If your current home is impacting your medical and health conditions, you should complete a medical form and provide supporting evidence. Please see [Medical Assessments](#) for more information.

**What is a mutual exchange?**

- If you are a council or housing association tenant you can apply to swap homes with another tenant. This is called a "Housing Mutual Exchange". Finding a mutual exchange could save you months (even years) of waiting on a housing transfer list, and the best bit is that you get to choose the home you want for yourself.
- Housing Mutual Exchange operates across the whole country, enabling Council and Housing Association tenants to swap their home with another tenant in their own local area, or further afield in another town or county.
- There are many reasons why tenants wish to swap homes, for example:
  - To relocate to another location for work or family reasons.
  - To 'downsize' to smaller accommodation.
  - To get an extra bedroom for a growing family, or a garden perhaps.
  - To get ground floor accommodation for mobility reasons (conditions apply)

**Where can I register for a Mutual Exchange?**

[HomeSwapper](#) and [House Exchange](#) are national online home swap services. By registering with both websites, you will open up your options to a wider range of properties. Homeswapper.co.uk is the largest mutual exchange tool in the UK and Houseexchange.org.uk can offer user friendly tools to find multi way swaps.

**Section 10: Medical Assessments**

If you feel your medical condition may be affected by the housing situation in which you live. You will need to complete a medical form and return this to the Housing Needs team.

**How do I get a copy of the medical assessment?**

- Currently medical forms for a medical assessment can be emailed to you or posted.
- Please email [housingneeds.mailbox@dacorum.gov.uk](mailto:housingneeds.mailbox@dacorum.gov.uk) or call 01442 228000

**How long will my medical assessment take to be considered?**

- Once received, our team will assess your medical form and supporting evidence within 28 working days.
- In some cases we may require further information and evidence from you to make a decision.

**What evidence will I need to supply with my medical form?**

- To ensure that we have enough information available to us, where possible, you should provide the following;
  - **GP records**
  - **Summary Care Record**

- Occupational Therapist Report
  - Care Plan, Prescription
  - Consultant's Letters
  - Discharge Summary
  - Referral Letters
  - Appointment Letters
  - Diagnoses
  - Reports and Results
  - Social Worker's details.
- If you require further information on how to access your health records, please follow the link: [How to access your health records - NHS \(www.nhs.uk\)](http://www.nhs.uk)

**I have a medical condition, but the Council has not awarded me any points, why is this?**

- When the Council assesses the information that you provide, we base our decision on the impact the property and/or living situation.
- If your living situation has no impact on your medical or health conditions, then our team are unable to award you points.
- For example: An applicant lives in a 1 bedroom bungalow, but has mobility difficulties with stairs. The property is level access, with no steps into the property. The team cannot award medical points in this scenario as the applicant has suitable accommodation for their needs, despite having mobility difficulties.

**I believe that my household requires an extra bedroom due to a medical need, can the Council help?**

- We accept that in certain cases, due to a medical need someone may require an additional bedroom.
- In such cases we will ask that you provide an Occupational Therapists report which outlines the reasons and recommendations required in such cases.
- Once we have received this we will be able to make an informed decision.
- In cases where there is a need for an additional bedroom for a carer, we will require supporting documentation that includes a support package and care plan detailing this need.

**How do I obtain an Occupational Therapists Assessment?**

To request one, phone 0300 123 4042 or go to the Hertfordshire County Council website and fill in the self-referral form ([Adult care – how to get care and support from us | Hertfordshire County Council](#)).

**Section 11: Village Connection**

When shortlisting for village properties, applicants must meet the Local Connection to the borough. To be considered for an additional village connection, applicants must meet one of the below criteria:

**My family live in a village – do I get a local connection to that village?**

- If you have at any point in your life lived within that village for five years or
- Your immediate family currently live within that village for the past ten years or
- Currently in permanent employment within the village boundary, consisting of 16 hours a week or more, and which has been continuous for the last 24 months.

**What villages are there in the Dacorum**



- Aldbury, Bovingdon, Chipperfield, Flaunden, Flamsted, Great Gaddesden, Gaddesden Row, Kings Langley, Little Gaddesden, Long Marston, Markyate, Northchurch, Potten End, Wilstone and Wigginton

**Do I get priority to a village property, even if I have lower points?**

- Yes – local connection to a village will be given priority even if your points are lower than the highest bidder on a shortlist.

**Section 12: Homeless Applicants**

If you are a homeless applicant with the Council and require further information in relation to the below, please contact your homelessness prevention officer. You can email [homelessnessprevention@dacorum.gov.uk](mailto:homelessnessprevention@dacorum.gov.uk) or call 01442 228000 and ask for 'Homeless Prevention'.

**I am a homeless applicant can I bid?**

- Yes - if you have not yet had a homeless decision you are able to bid for accommodation.
- However, once you receive your homelessness decision, you may not be able to bid depending on the outcome.

**I have received a Main Duty Decision from the Council, why can't I bid?**

- If you have received a Main Duty decision from the Council, you will be placed onto the Council's direct offer list.

**I have had my homelessness prevented or relieved, why can I not bid?**

- If you have had your housing situation either prevented or relieved to suitable accommodation that is available to you for at least six months, in most cases it is likely that you are not considered to have a housing need, and therefore are not entitled to be active on the housing register.
- This may not apply in cases where you reside at a Hostel, Supported Accommodation such as a Younger Persons hostel or Move-on accommodation.

**I am homeless, and have a support need and require assistance can you help?**

- Yes, if you have a support need and find that you are homeless, please speak to homelessness prevention officer or a housing needs officer on obtaining a referral for additional support and assistance.

If you are homeless or at risk of becoming homeless, please contact the Homeless Team as soon as possible by completing a [Triage Assessment](#). Please login/register and then complete a Homelessness Application - Triage Assessment, or call 01442 228000 and ask for 'Homeless Prevention'.

To get an idea of your next steps based upon your personal circumstances, please use the [self-service tool](#).

**Section 13: Common questions in relation to points**

Below you will find some common questions in relation to points on the Housing Register. If you would like to view the full details of how we allocate points, please refer to our Housing Allocations Policy, Appendix 1 for detailed information. If you are unsure about your points, and require clarification, please check any correspondence sent to you, or contact the Housing Needs Team directly.

**Why are my points lower than on my previous application?**

- The Council's Allocations Policy has been changed as of July 2022. This changed the number of points for all applicants.

### **How many points do I need to obtain a property?**

- It is not possible to inform applicants what levels of points are necessary to obtain properties as this depends on what properties are available and which applicants chose to apply for them.

### **I have not been given the right amount of points, how can they be changed?**

- If you believe that you have the incorrect points, please log into your account and update your application form.
- Your points may be updated based on the information you have given us.
- Please use the supporting information boxes to update the information where possible.

### **My home is overcrowded, am I eligible for more points?**

- Yes, you may be entitled to overcrowding points providing all household members have been part of the household for the past 12 months to qualify for overcrowding points

### **My third bedroom is very small, does this count as lacking a bedroom?**

- You can check the size against the government's [bedrooms standards](#)

### **Do I get points for downsizing?**

- 30 points per bedroom if applicant wants to downsize to a general needs property
- 50 points per bedroom if applicant wants to downsize to a Supported Housing property

### **Do I get extra points if there isn't a lift in my block?**

- These points can only be awarded when another housing need is established.
- Applicants will not be made active just on these points.

## **Section 14: Eligibility for the Housing Register**

Below are some frequent questions received in relation to eligibility for the Housing Register. For information on who can apply to the Housing Register, please go to our [Who Can Apply](#) page.

### **How old do I have to be to register?**

- You have to be 18 years old to register

### **What is local connection and what is Dacorum Borough Councils criteria?**

- A local connection is where you or your immediate relatives have lived in an area for a defined period of time, connecting you to that area, or are in permanent employment for a period of time in that area. Each Council have a different criteria which is laid out in their Allocation Policy. Dacorum Boroughs Council criteria is:
  - A 10 year residency within the borough at some point in their lifetime;
  - Family connection where an immediate family member (parents, children, siblings) has continuously been a resident within the borough for 10 years immediately preceding the date of application;
  - Currently in permanent employment within the borough boundary, consisting of 16 hours a week or more, and which has been continuous for the last 24 months

### **My application has been rejected, why?**

- Your application will be rejected if we do not believe you meet the eligibility criteria or you are considered to be adequately housed.

### **How much can I have in savings?**

- To be eligible to apply you must have £16,000 or less in savings which includes all types of accounts, bank accounts, building society accounts, savings accounts, ISAs etc.

**Is there a financial criteria to join the register?**

- You will not qualify if you have the financial means to meet your own housing need. We define this as you and/or your partner having in excess of:
  - 1 Bedroom/studio Property £40,000
  - 2 Bedroom Property £50,000
  - 3 Bedroom Property £60,000
  - 4 Bedroom Property £60,000

**Can I move with rent arrears?**

- You will not qualify to move unless six months of agreed regular repayments have been made to any property related arrear, including Council Tax.

**I have just moved to the area am I eligible?**

- If you meet our local connection criteria below you are eligible to apply.

**I have just come out of prison am I eligible?**

- Yes - If you meet our local connection criteria

**I have just come from the armed forces am I eligible?**

- Yes. Local connection is not required for members of the armed forces where the application is made within 5 years of discharge (includes bereaved spouses and civil partners leaving service family accommodation following the death of their partner.

Members of the armed forces who qualify to our housing register will receive additional points if:

- You are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable to their service;
- You formally served in the regular forces;
- You have recently ceased, or will cease to be entitled to reside in the accommodation provided by the Ministry of Defence following the death of your spouse or civil partner who served in the regular forces and whose death was attributable to that service; or
- You are serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable to their service.

**I work full time can I register?**

- Yes, providing that you do not have in excess of £16,000 in savings and your gross household income does not exceed:
  - 1 Bedroom/studio Property £44,000
  - 2 Bedroom Property £55,000
  - 3 Bedroom Property £66,000
  - 4 Bedroom Property £66,000

**I am unemployed can I register?**

- Yes

**I am a care leaver, can I register to bid?**

- Yes. However it is often the case that your leaving care support will already be in contact with the Council prior to an allocation of accommodation.
- Evidence will be provided to demonstrate that you are ready to live independently and that support will be in place for you if required.

**I am pregnant can I register to bid on a 2 bed?**

- A baby will not be considered part of the household until they are born, however with some Registered Providers you can apply for a 2 bed with evidence of a Matb1 form.

**My children are over 18 can they still live with me?**

- Yes if they are permanent household members they can continue to live with you.

**I only have my child at the weekends, am I eligible to register for a 2 bed?**

- No. A child is not part of the household if:
  - The applicant has staying contact with the child for less than 50% of the time
- In the case of equal contact time, the property would need to be considered the child's main or principal home.

**My child has just moved in with me, are we eligible to move to a bigger property?**

- If you hold responsibility for residency of a child through a court decision, the child is immediately considered part of the household.
- Residency arrangements agreed by parents require the applicant to provide supporting evidence of the arrangement, including evidence that the child has been living as part of their household for a minimum of 6 months and any documents required by Housing Benefit to support this claim.

**I have now turned 60 can I bid on supported housing?**

- Yes, once you turn 60, supported housing properties will be available to you.

**Can I apply for Supported Housing if I am only 59?**

- Supported Housing is normally advertised for 60+. On some occasions, the age requirement is lowered to 55, and 50, if so you will be able to bid on these properties.

**Can I apply for flexi care for a relative?**

- You will need to apply via Herts County Council or through your social worker.

**If you still have questions and would like to ask the team, please contact us by emailing [housingneeds.mailbox@dacorum.gov.uk](mailto:housingneeds.mailbox@dacorum.gov.uk)**

## Active applications- current accommodation

### 1 bed need- 782 total

Flat	139
House	441
Maisonette	18
Caravan	4
Bedsit/ Hostel/ HMO/ Other	180

### 2 bed need- 162

Flat	50
House	92
Maisonette	6
Caravan	0
Bedsit/ Hostel/ HMO/ Other	14

### 3 bed need- 256

Flat	133
House	110
Maisonette	11
Caravan	0
Bedsit/ Hostel/ HMO/ Other	2

### 4 bed need- 75

Flat	8
House	55
Maisonette	10
Caravan	0
Bedsit/ Hostel/ HMO/ Other	2

### 5 bed+ - 12

Flat	1
House	11



# **Total Asset Management Contract Procurement Update**

## **Housing & Community OSC**

### **19 July 23**

## Scope of the re procurement exercise

- ❑ Dacorum Borough Council (The Council) has a retained stock of approximately 10,200 homes and cares for circa 47,000 residents.
- ❑ To fulfil landlord responsibilities, the Council requires a service provision to undertake Responsive repairs, Capital delivery, Cyclical servicing, inspections and Compliance related works.
- ❑ The current Total Asset Management Contract (TAM) with Osborne Property Services Limited (OPSL) commenced in July 2014 for a 10-year period with an estimated total spend of £235m (£23.5m pa).
- ❑ To allow a comprehensive procurement exercise to be undertaken this contract has recently been extended for a further 12 month taking the contract up to 31<sup>st</sup> June 2025 (with option for a further 12 months June 2026)
- ❑ The Council have 6 other agreements to cover Mechanical and Electrical Services with a total annual value of circa £6.2m. This includes the Domestic Gas Maintenance contract which has an annual value of circa £3.8m and is due to expire on the 31<sup>st</sup> March 2024.
- ❑ The Council have a number of additional informal agreements circa £3m, that were procured to cope with demand above the capacity of OPSL or for repairs of a specialist nature. The Council are currently in the process of formalising a number of these agreements to aid the overall procurement process.



## The Procurement Strategy

The procurement strategy for the future R&M contracts will be broken down into three phases:

- ❑ **Commissioning Phase** - Identify what the Council wants to buy, whether the market can deliver our requirements and if our requirements are affordable within Council budgets. Timetable - November 22 to November 23.
- ❑ **Tender Phase** - The Council invites bidders to submit proposals based on the Council's requirements using the most appropriate procurement route. Timetable including assessment and award - December 23 to October 24.
- ❑ **Mobilisation Phase** - Post award period through to contract commencement. Timetable - To be determined through the commissioning and tender phase.

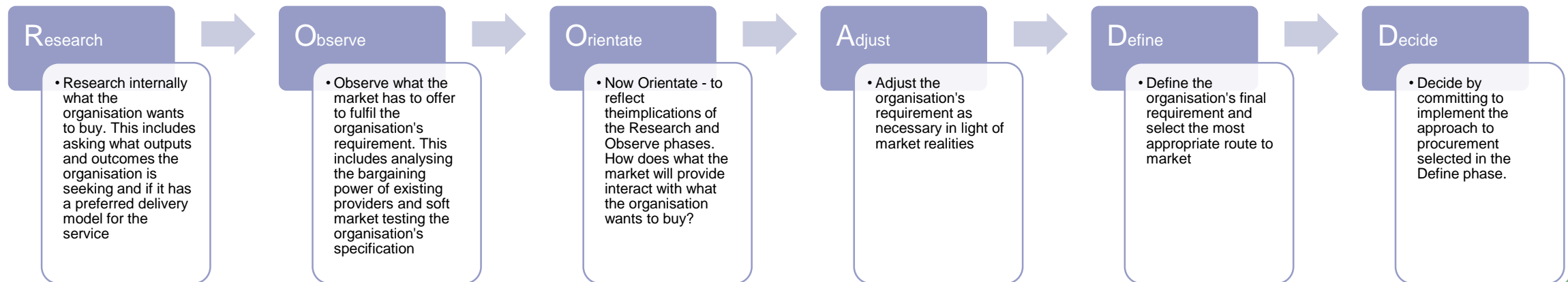
The timescales are indicative as there is a number of unknowns at this stage and is subject to change as we progress through the project. The aim is for the new contracts to commence on the 1st July 2025, which is in line with the current term of the TAM contract extension.

# Current Progress

## Commissioning Phase

- ❑ The Council are currently in the Commissioning Process of the project. This is where the Council decides what we want to buy and what outcomes we want to achieve from the future contract(s).
- ❑ The Process will also include dialogue with the market to confirm what we want to be delivered can be delivered by the market.
- ❑ To support the Commissioning Process, the Council will follow the ROAD approach, a six-phase methodology to help organisations with complex procurement exercises.

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## Heating Maintenance Contract

- ❑ The Gas Maintenance contract for Domestic Properties currently delivered by Sun Realm is due to expire on the 31st March 2024 and the commercial gas maintenance contract, delivered by Orion Heating is due to end on the 30th June 2025.
- ❑ Both contracts will be procured earlier than the R&M contract under separate lots.
- ❑ The procurement process will again follow the ROAD approach with the programme overview as follows:
  - ❑ Commissioning Process – March 23 to July 23
  - ❑ Tender Process - July 23 to December 24
  - ❑ Mobilisation Period - January 24 to March 24.
- ❑ The key outcome of the commissioning process is to move from separate contracts such as Gas Maintenance, commercial etc. to a Heating Maintenance Contract with embedded flexibility to meet the innovative heating solutions emerging in this area. This approach supports the Council's commitment to achieve net zero by 2050.

## Additional points of notice

- ❑ The Council have recently agreed a contract extension and an increase in rates to allow Osborne to have better access to the market.
- ❑ The Council are implementing a service improvement plan that focusses on a number of areas of the contract including the current delivery model, performance measures in the contract, customer satisfaction etc. This is across both the client side (The Council) and contractor (OPSL) side.
- ❑ We have seen improvements, particularly in void repairs where there has been a significant drop in the turnaround timescales associated with our void properties.
- ❑ Where there are any specific areas in the contract which are underperforming, we now have the contractual ability to remove full or part workstreams away from the overarching TAM contract to be delivered by others. We are currently working to identify quick access, compliant procurement routes to bring in suitable contractors at short notice.



Thank You



## Housing Community Overview and Scrutiny Committee

<b>Report for:</b>	Housing Community Overview and Scrutiny Committee
<b>Title of report:</b>	Private Sector Housing – Rogue Landlord Initiative, Civil Penalty & Enforcement Policies
<b>Date:</b>	19 July 2023
<b>Report on behalf of:</b>	Councillor Simy Dhyani
<b>Part:</b>	I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	Appendix 1 – Draft Civil Penalty Policy Appendix 2 – Draft Enforcement Policy
<b>Background papers:</b>	Appendix 3 – Current Enforcement policy Appendix 4 – Secretary of State letter to Council Leaders and Chief Executives Appendix 5 – CIA Enforcement Policy Appendix 6 – CIA Civil Penalty Appendix 7 – CIA Rogue Landlord initiative
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	Private rented sector (PRS) Housing Health and Safety Rating System (HHSRS)

### Report Author / Responsible Officer

Author: Natasha Beresford, Assistant Director – Housing Operations & Safe Communities

Responsible Officer: Rebecca Clarke, Private Sector Housing Manager



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<b>Corporate Priorities</b>	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Providing good quality affordable homes, in particular for those most in need</li> <li>• Ensuring efficient, effective and modern service</li> </ul>
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	delivery
<b>Wards affected</b>	All.
<b>Purpose of the report:</b>	Inform Members on the Rogue Landlord Initiative, updated Enforcement Policy and a new Civil Penalty Policy, which support the Council's Rogue Landlord activity and initiatives.
<b>Recommendation (s) to the decision maker (s):</b>	<ul style="list-style-type: none"> <li>• Provide feedback regarding the approach and policy development</li> <li>• Support recommendation to Cabinet to implement the policies and for future policy revisions to be approved by way of delegated authority to Portfolio Holder</li> </ul>
<b>Period for post policy/project review:</b>	Annually or upon legislative change

## **1 Introduction/Background:**

Private sector housing plays a significant part in the housing provision within the Dacorum Borough and we recognise that the majority of this housing is in good condition and well managed, however nationally the conditions in the private rented sector (PRS) tend to be less satisfactory than any other occupancy type.

The Private Sector Housing Team have a responsibility to deal with unsatisfactory housing that presents health & safety hazards to the occupiers of a property. As a result the Council had developed an Enforcement Policy and Civil Penalty matrix to support our approach to tackling such standards, this policy – approved by Cabinet can be viewed at Appendix 3.

The Rogue Landlord Initiative will focus on the worse housing conditions across the borough with a view to proactively seek substandard properties within the PRS including unlicensed HMOs and 'beds in sheds' with a multi-agency response where needed including the development of a 'task and finish' group.

As the service has been reviewing approaches and identifying new initiatives to tackle rogue landlords, a revised policy and associated Civil Penalty Policy has been developed. The enforcement policy outlines our approach to securing that standards are met, seeks to ensure that good practice is maintained, and all properties let as residential dwellings, those in private ownership, and properties under registered provider control, throughout Dacorum Borough Council are of good quality and are well managed.

The Housing and Planning Act 2016 introduced new provisions which are intended to penalise unscrupulous and irresponsible landlords who fail to provide safe and healthy accommodation. The Government has made it clear that it endorses the majority of landlords who it believes provide good standard accommodation.

Section 126 of the Housing and Planning Act 2016 came into force on 10 March 2017, and amends the Housing Act 2004 to allow Local Housing Authorities to impose financial penalties, of up to £30,000, on landlords, as an alternative to prosecution, for certain offences – such a financial penalty is referred to as a Civil Penalty. In 2017 the government published a guidance document - [Civil penalties under the Housing and Planning Act 2016](#) – as guidance for local authorities.

## **2 Key Issues/proposals/main body of the report:**

In light of the Rogue Landlord Initiative proposals it is key that the Private Sector Housing Team have robust policies in place to support all enforcement work that provide comprehensive information and transparency to landlords and tenants but will stand up to scrutiny and challenge within the court and tribunal systems.

The proposed Enforcement Policy (*Appendix 2*) summarises the types of enforcement and legislation most commonly applied by the Private Sector Housing Team ranging from informal to statutory notices, and legal



action including prosecution. It is not an exhaustive list and is not intended to be a definitive interpretation of the legislation, nor provide a full statement of the law. Instead, the policy clearly sets out our approach to enforcement and is designed to be both fair to responsible landlords but capable of dealing with uninformed or rogue landlords in order to maintain and improve conditions within this sector. This directly supports the council's corporate objectives 'Providing good quality affordable homes' within the private sector.

Also to note that the current Enforcement Policy does not consider Housing Act 2004 Housing Health and Safety Rating System (HHSRS) Category 2 hazards (lower risk) enforceable. The Awaab Ishak case and communications from the Rt Hon Michael Gove, Secretary of State for Levelling Up, Housing and Communities dated 19 November 2022 outlined that housing regulators must consider Category 2 Damp and Mould hazards as serious risk requiring enforcement action and therefore the proposed policy has adopted this stance not just to the and Damp and Mould hazard but across all hazards under the Housing Act 2004 HHSRS, as we believe this is a crucial best practice approach.

The proposed Civil Penalty Policy (*Appendix 1*) is a detailed policy to assist in decision making. The policy sets out how civil penalties are calculated in a fair and transparent way to ensure that the highest civil penalties go to the worst and most prolific offenders in line with statutory guidance.

### **3 Options and alternatives considered**

Alternative options have not been considered. It is necessary for the Council to ensure it has clear policies outlining our approach to tackling housing standards, such policies must be updated and refreshed regularly upon material or legislative change – so as to ensure that they remain compliant with the statutory framework and adequately inform all stakeholders of the Council's approach.

### **4 Consultation**

During the process of developing the above mentioned policies, the Council's Legal Department, Housing Senior Leadership team and Portfolio Holder for Housing and Property Services have been consulted.

### **5 Financial and value for money implications:**

Providing robust and effective management of standards in the private sector, minimises impact upon other key statutory services such as homelessness and responsible authorities such as fire and health. Delivering an efficient service allows us the opportunity to have a further positive impact by maximising our resources, demonstrating that the Council is operating a modern housing service that delivers excellent value for money. The Civil Penalty Policy could also lead to additional income being generated, with any financial penalty applied being invested back into the service to further support tackling of housing standards.

### **6 Legal Implications**

There are no legal implications arising from the development of this policy.

### **7 Risk implications:**

A robust policy approach, provides reassurance that the Council has appropriate governance and processes in place to provide private sector enforcement services.

### **8 Equalities, Community Impact and Human Rights:**

A Community Impact assessment has been completed with regard to the Civil Penalty and Enforcement policies.

### **9 Sustainability implications (including climate change, health and wellbeing, community safety)**

There are no sustainability issues arising from the development of this policy.

### **10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)**

There are no council infrastructure issues arising from the development of this policy.

**11 Conclusions:**

This report outlines the intention to introduce the Civil Penalty and revised Enforcement polices, providing clear direction regarding the approach that will be undertaken by the Council when tackling housing standards in the private sector.



# Private Sector Housing Civil Penalty Policy

**Version: 1.0**

**Last updated: May 2023**

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## 1.0 Overview

1.1 The Housing and Planning Act 2016 introduced a range of measures for local authorities to use to enable appropriate enforcement against non-compliant landlords.

1.2 This policy, and the guidance within, is intended to work in accordance with the Dacorum Borough Council Private Sector Housing Enforcement Policy and the statutory guidance 'Civil Penalties under the Housing and Planning Act 2016, Guidance for Local Authorities'.

1.3 The purpose of this policy is to set out the framework for decisions regarding the issue of Civil Penalties by Dacorum Borough Council. Due to the nature of cases, there may be circumstances that justify departure from the policy and therefore each case will be dealt with on its own merits, with regard to its specific circumstances.

1.4 Where "the Council" is referred to, this is a reference to Dacorum Borough Council.

1.5 Where the "landlord" is referred to, this is a reference to "owner", "person having control", "person managing" or "licence holder", as defined under the Housing Act 2004.

## 2.0 Introduction

2.1 Dacorum Borough Council is committed to improving the housing standards within the borough, ensuring that properties within the private rented sector are well maintained, properly managed, free from hazards and safe for occupation.

2.2 The Council recognises that most landlords do meet the required standards, operating within the legislative framework and with a good level of professionalism.

2.3 There is a small minority of landlords who are criminal; irresponsibly managing and maintaining property as well as cases where legislation and regulation are knowingly disregarded.

2.4 To enable Local Authorities to tackle rogue landlords, the government has introduced powers within the Housing and Planning Act 2016 to make a number of amendments to enforcement under the Housing Act 2004, namely:

- Civil Penalties of up to £30,000 (per offence) as an alternative to prosecution for various offences where suitable
- Rent Repayment Order offences expanded to include illegal eviction, failure to comply with an improvement notice and other specific offences
- Database of Rogue Landlords – for specific offences and the serving of multiple Civil Penalties within a 12-month timescale
- Banning Orders – for the most prolific offenders

## 3.0 Government Guidance

3.1 In April 2017, the Department for Communities and Local Government (DCLG) published Statutory Guidance. This guidance recommends certain factors the Council should take into account when deciding on the level of a Civil Penalty. In addition, the Council is advised to develop and document its own policy on determining the appropriate level of financial penalty in individual cases. This policy takes into account the recommendations outlined in the published [guidance](#).

## 4.0 What is a Civil Penalty

4.1 A Civil Penalty is a financial penalty of up to £30,000 per offence. This may be imposed on a landlord as an alternative to prosecution for specific offences. The amount of each penalty is determined by the Council for each case. In determining an appropriate level of penalty, Local Authorities must have consideration for a number of factors as outlined in the MHCLG Guidance – Civil Penalties under the Housing and Planning Act 2016. A Civil Penalty will be determined at a level that is considered most appropriate and an effective sanction in a particular case.

## 5.0 Purpose of a Civil Penalty

5.1 A Civil Penalty is an alternative to prosecution and should not be regarded as an easy or lesser option compared with prosecution. The primary purpose of the Council's exercise of its regulatory powers is to protect the occupants' safety within a dwelling.

5.2 The primary aims will be to:

- Ensure landlords take proper responsibility for their properties
- Reprimand of the offender
- Eliminate any financial gain or benefit from non-compliance
- Lower the risk to tenants health and safety
- Aim to deter future non-compliance
- Deter others from committing similar offences

## 6.0 Civil Penalty Offences

6.1 Section 126 and Schedule 9 of the 2016 Act enables the Council to impose a Civil Penalty as an alternative to prosecution for specific offences under the Housing Act 2004 and Housing and Planning Act 2016:

- Failure to comply with an Improvement Notice – (Section 30 of the Housing Act 2004)
- Offences in relation to licensing of Houses in Multiple Occupation – (section 72 of the Housing Act 2004)
- Offences in relation to licensing of houses under Part 3 of the Act – (section 95 of the Housing Act 2004)
- Offences of contravention of an overcrowding notice (section 139 of the Housing Act 2004)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the Housing Act 2004)
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)

6.2 On 1<sup>st</sup> June 2020, the Electrical Safety Standards in The Private Rented Sector (England) Regulations 2020 came into force for new tenancies and on 1<sup>st</sup> April 2021 for existing tenancies. A Civil Penalty can also be issued for failing to comply with landlord duties under these regulations.

6.3 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 - since 1<sup>st</sup> April 2020, landlords can no longer let or continue to let properties covered by the Minimum Level of Energy Efficiency Regulations if they have an Energy Performance Contract (EPC) rating below E, unless they have a valid exemption in place.

6.4 The Council can enforce this minimum standard under the regulations and impose a financial penalty for those in breach.

## **7.0 Prosecution or Civil Penalty Determination**

7.1 The legislation does not permit the Council to impose both prosecution and Civil Penalty in regard to the same offence. The guidance leaves it open to the Council to develop policy as to when to prosecute and when to apply a Civil Penalty. Generally, the Council will prosecute for the more serious offences or in cases where the offender has previously committed similar offences, both of which would likely be determined as the higher levels of Civil Penalty.

7.2 The following is to be considered when determining appropriate course of action:

- Is there public interest in imposing a Civil Penalty on the offender in respect of the offence
- The culpability and track record of the offender
- The harm or potential harm caused to the tenant(s)
- The difficulty in recovery of a Civil Penalty
- Where an offence is ongoing
- Where the offence forms part of a wider/cross-team prosecution

7.3 The Council will consider the circumstances of each case and make a decision on taking a prosecution or apply a Civil Penalty in accordance with Dacorum Borough Council's Private Sector Housing Enforcement Policy.

7.4 The Public Interest Stage of the Full Code Test for criminal prosecutions - <https://www.cps.gov.uk/publication/code-crown-prosecutors>

## **8.0 Burden of Proof**

8.1 The same standard of proof is required for a Civil Penalty as for a criminal prosecution. This means that before issuing the Civil Penalty, the Council must be satisfied beyond reasonable doubt that the landlord committed the offence(s) and that if the matter were to be prosecuted in the magistrates' court, there would be a realistic prospect of conviction.

8.2 In the determination of whether there is sufficient evidence to secure a conviction, the Council will have regard to the Dacorum Borough Council Private Sector Housing Enforcement Policy and the Crown Prosecution Service Code for Crown Prosecutors. The determination will be based on an objective assessment of the evidence, including whether the evidence is admissible, reliable and credible and the impact of any defence.

8.3 Consideration must be given to any potential defences available and, in certain circumstances, the Council may decide to conduct an interview under caution in accordance with PACE codes of practice to assist in determining whether the issue of a Civil Penalty is appropriate or not.

8.4 The Evidential Stage of the Full Code Test for criminal prosecutions as set out in the Guide for Crown Prosecutors - <https://www.cps.gov.uk/publication/code-crown-prosecutors>



## 9.0 Determining Level of Civil Penalty

9.1 The Council has the power to apply a Civil Penalty of up to £30,000 per offence. Statutory guidance states that the Council must consider a number of factors in determining its level of penalty based on:

- **Severity of the offence** – the more serious the offence, the higher the penalty
- **Culpability and track record of the offender** – a higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
- **The harm caused to the tenant** – the greater the harm, or the potential for harm, the higher the amount should be when imposing a Civil Penalty.
- **Punishment of the offender** – the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending. It is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.
- **Deter the offender from repeating the offence** – the level of penalty should be set at a level high enough level such that it is likely to deter the offender from repeating the offence.
- **Deter others from committing similar offences** - the level of the penalty should therefore be set at a high enough level such that it is likely both to deter the offender from repeating the offence.
- **Remove any financial benefit the offender may have obtained as a result of committing the offence** - it should never be cheaper to offend than to ensure a property is well maintained and properly managed.

9.2 **Culpability** - The level of culpability will depend on a number of factors:

High level culpability is considered to be intentional or reckless breach or wilfully disregarding the law, including any of the following:

- A history of non-compliance
- Despite a number of opportunities to comply they have failed to do so
- Have been obstructive as part of the investigation
- Failure to comply results in significant risk to individuals
- A member of a recognised landlord/letting agency association and/or accreditation
- An experienced landlord/agent with a portfolio of properties failing to comply with their obligations
- Serious and/or systematic failure to comply with their legal duties

Medium level culpability is considered to be offending through an act or omission a person exercising reasonable care would not commit:

- A first offence with no high level culpability criteria met
- Failure is not a significant risk
- The landlord/agent does have systems in place to manage risk to comply with legal obligations

Low level culpability is considered to be an offence committed with little fault:

- Minor breaches

- Isolated occurrence
- Significant effort made to comply but was inadequate to achieve compliance
- No or minimal warning of circumstance/risk

The above serve as examples only and are not exclusive – other factors may be taken into account when determining levels of culpability.

**9.3 Harm** - There are a number of factors to be considered when determining the level of harm – both the actual, potential and likelihood will be considered.

High level harm:

- Serious effect on person(s)
- Harm to a vulnerable person(s)
- Serious levels of overcrowding
- Harm to multiple persons

Medium level harm:

- Adverse effect on person(s) but not high level
- Medium risk of harm to an individual

Low level harm:

- Low risk of harm or potential harm
- Little risk of an adverse effect on person(s)

The above serve as examples only and are not exclusive – other factors may be taken into account when determining levels of harm.

#### **9.4 Vulnerability**

The statutory guidance states that the harm caused and vulnerability of the individual occupier(s) are important factors in determining the level of penalty.

A vulnerable individual is a person who is at greater risk of harm, including:

- Elderly person
- Children
- Pregnant women
- Receives domiciliary care
- Has health needs – mental health, drug dependency, alcohol dependency, terminally ill etc
- requires assistance in conducting their own affairs
- Has payments made to him/her or to an accepted representative in pursuance of arrangements under the Health and Social legislation.
- Receives a service or participates in any activity provided specifically for persons who have particular needs because of age, has any form of disability or has a prescribed physical or mental problem.
- Those who have difficulty in understanding, speaking or reading English.

This list is not exclusive and other factors may affect vulnerability when considering the level of any penalty.

## 9.5 Civil Penalty Level

The following matrix is used by officers in determining the penalty amounts for a Civil Penalty under the Housing and Planning Act 2016. It has been devised to have specific regard to the Government Guidance for Local Authorities: Civil Penalties under the Housing and Planning Act 2016, published April 2018.

Each row in the matrix considers certain criteria with each row providing a score dependent of severity of an offence. The officer is required to justify the most appropriate score based on the case evidence. The scoring of each row will be added up to provide a total score that will determine an exact penalty amount as per the following table:

<b>Score Range</b>	<b>Fixed Penalty</b>
<b>1-5</b>	£250
<b>6-10</b>	£500
<b>11-20</b>	£750
<b>21-30</b>	£1000
<b>31-40</b>	£2500
<b>41-50</b>	£5000
<b>51-60</b>	£10,000
<b>61-70</b>	£15,000
<b>71-80</b>	£20,000
<b>81-90</b>	£25,000
<b>91-100</b>	£30,000

The officer using the matrix will consider each factor and severity and will at no point be setting the level of Civil Penalty as the matrix is designed to automatically calculate the value:

Factors	Score = 1	Score = 5	Score = 10	Score = 15	Score = 20
<b>Deterrence and Prevention</b>	High confidence that a financial penalty will deter repeat offending. Informal publicity not required as a deterrent.	Medium confidence that a financial penalty will deter repeat offending. Minor informal publicity required for mild deterrence in the landlord community.	Low confidence that a financial penalty will deter repeat (eg. No contact from offender). Some informal publicity will be required to prevent similar offending in the landlord community.	Little confidence that a financial penalty will deter repeat offending. Likely that informal publicity will be required to prevent similar offending in the landlord community.	Very little confidence that a financial penalty will deter repeat offending. Informal publicity will be required to prevent similar offending in the landlord community.
<b>Removal of Financial Incentive</b>	No significant assets. No or very low financial profit made by the offender.	Little asset value. Little profit made by the offender.	Small portfolio landlord (between 2-3 properties). Low profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender.	Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.
<b>Offence and History</b>	No previous enforcement history. Single low level offence.	Minor previous enforcement. Single offence.	Recent second time offender. Offence has moderate severity or small but frequent impact(s).	Multiple offender. Ongoing offences of moderate to large severity or a single instance of a very severe offence or multiple breaches.	Serial offender. Multiple enforcement over recent times. Continuing serious offence.
<b>Harm to Tenants (Weighting x 2)</b>	Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.	Likely some low level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact.	Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no primary or secondary evidence.	High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants more than likely exposed; (High HHSRS score) Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.	Obvious high level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants exposed; (high HHSRS Score) Large HMO (5+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).

- Each row must be scored and totalled for score range
- Harm to tenants has an additional weighting which will be double the selected score
- The score will then fall into a score range and equate to a fixed penalty level

## **10.0 Multiple Offences**

10.1 Where the Council is satisfied that more than one offence has been committed concurrently in respect of a single property, they may issue multiple Civil Penalty Notices for each offence (e.g. where there are multiple breaches of the HMO Management Regulations) with regards to a total level that is fair and proportionate but in all cases is of a level that fulfils its requirements to act as a deterrent and removes any gain.

## **11.0 Multiple Penalties**

11.1 Where satisfied on the merits of the case, or if the Council consider that imposing multiple Civil Penalties at the same time would result in an excessive cumulative penalty, the Council may take action in respect of one or some of the offences and provide a warning to the offender regarding the outstanding offences so that the Council may take action at a later date if the offence(s) continue.

## **12.0 Assessment of Income and Assets**

12.1 The Council may make an assessment of a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty. The perpetrator will have the opportunity to make representations following the service of the Notice of Intent and may decide to set out any financial hardship in those representations. It will be for the perpetrator to provide sufficient documented evidence of income when relying upon such representations.

12.2 The Council reserves the right to request further information to support any financial claim, and where this is incomplete, appears to be inaccurate or is not sufficiently evidenced, may determine that the representation should not be considered. It should be noted that due to the average value of properties and the upper limit of £30,000 associated with any Civil Penalty action, it is unlikely that perpetrators with multiple properties will be able to demonstrate financial hardship.

## **13.0 Reduction of Civil Penalty**

13.1 The Council will take into account mitigating factors, including any admission of guilt.

13.2 The Council will also consider a reduction of up to a maximum of 15% in the event that the offender complied with the identified breach (for example by making an application to license a previously unlicensed property) within the representation period at the 'Notice of Intent' stage.

13.3 A reduction of 15% of the original calculated financial penalty will be applied should the penalty be paid within a specified time period (normally 28 days).

13.4 Any reduction in the level of financial penalty will be decided on a case-by-case basis, with a discount of up to a maximum of 30% in total.

13.5 Any reduction must not result in a financial penalty being less than the financial gain received from committing the offence.

## 14.0 Process

14.1 Schedule 13A of the Housing Act 2004 and Schedule 1 of the Housing and Planning Act 2016 sets out the process which must be followed when imposing a Civil Penalty.

14.2 A 'Notice of Intent' will be service on the offender/responsible party. The Notice must specify the following:

- The total amount of the proposed Civil Penalty
- The reasons for imposing the Civil Penalty
- Information on the right of the offender to make representations to the Council

14.3 Any offender who has received a 'Notice of Intent' will be given 28 days to make written representation to the Council. Representations can be made about the imposition of a penalty (including whether an offence/breach has been committed) and/or the proposed amount of the penalty, including any mitigating circumstances. The Council will consider any representations made. It will be the responsibility of the offender to provide appropriate and satisfactory documented evidence to support their representation. Failure to provide such evidence may mean the Council will not be able to consider any representations received.

14.4 Representations can only be made by the offender served with a Notice of Intent. No other parties will have an automatic right to make representations and the Council will determine whether to consider any on a case-by-case basis.

14.5 At the end of the 28-day period, any valid representations will be considered and the Council will decide:

- Whether to impose a Civil Penalty on the person and;
- The final amount of any such penalty to be imposed

14.6 If the Council decides to impose a Civil Penalty, a Final Notice will be issued. The notice will impose the penalty and specify:

- The total amount of the Civil Penalty
- The reason for imposing the Civil Penalty
- How to pay the Civil Penalty
- The period for payment of the penalty
- Information on rights of appeal to the First Tier Tribunal
- The consequences of failure to comply with the notice

## 15.0 Appeals

15.1 If a Civil Penalty is imposed on a perpetrator, they have the right of appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a penalty, or, the amount of the penalty that has been imposed. The First-tier Tribunal (Property Chamber) have the power to confirm, vary (increase or reduce) the amount of the Civil Penalty, or to instruct the withdrawal of the Civil Penalty.

15.2 Where an appeal has been made, the Civil Penalty will be suspended until the appeal has been heard and decided.

## **16.0 Payment of a Civil Penalty**

16.1 A Civil Penalty must be paid within 28 days of the final notice being given, unless the notice is suspended due to an application for appeal. Details of how to pay the penalty will be provided on the final notice.

## **17.0 Debt Recovery**

17.1 If a Civil Penalty is not paid within the appropriate time period, the Council will refer the case to the County Court for an order to seek its recovery. This will include the recovery of any additional costs to the Council from having to undertake such action.

## **18.0 Income from Civil Penalties**

18.1 Income received from the application of Civil Penalties will be retained by the Council and used for the purpose of meeting the costs and expenses incurred in relation to carrying out its enforcement functions within the private sector remit.

18.2 The retention of the income is detailed in The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017 - <https://www.legislation.gov.uk/ukxi/2017/367/made/data.pdf>

## **19.0 Consequences of a Civil Penalty**

19.1 A Civil Penalty is an alternative to prosecution and - unless withdrawn and the Council determines that in the public interest a prosecution for the ordinal offence is the preferred option - then a landlord cannot be prosecuted for the same offence once the penalty has been paid and the matter concluded.

19.2 Should a Civil Penalty be imposed on a landlord, it will not automatically prevent the Council from granting a licence under Part 2 or 3 of the Housing Act 2004. The Council will consider each case on its own merits including the reason for the penalty and the extent of the offender's involvement in any property under consideration.

## **20.0 Database of Rogue Landlords and Letting Agents**

20.1 Where a landlord is in receipt of two or more Civil Penalties over a 12-month period, the Council will enter that person's details in the database of rogue landlords and letting agents.

## **21.0 Exceptions to Policy**

21.1 Any departure from this policy will be taken for escalation to the Team Manager and Head of Service, where a decision can be determined and documented.



## 22.0 Governance

22.1 This policy is subject to change and will be reviewed periodically and in line with changes in legislation, government statutory guidance and Council policy.

## 23.0 Reasonable Adjustments and Alternative Formats

23.1 Our aim is to make our services easy to use and accessible for everyone.

We will take steps to make any reasonable adjustments needed for you to contact us, access our policies, or any requests to provide responses in other formats.

Depending on the individual's needs, these might include:

- Using larger print, or a specific colour contrast
- Giving more time than usual to provide information or comments on a complaint
- Using the telephone rather than written communication
- Communicating with a person through their representative or advocate
- Arranging a single point of contact
- Having an 'easy read' version of the complaint process or decisions

If you would like to contact us about reasonable adjustments or alternative formats, please email [edi@dacorum.gov.uk](mailto:edi@dacorum.gov.uk) or call us on **01442 228000**

If you prefer to write to us, send your letter to:

**Equality, Diversity and Inclusion Team**  
**Dacorum Borough Council**  
**The Forum**  
**Marlowes**  
**Hemel Hempstead**  
**Hertfordshire**  
**HP1 1DN**

## 24.0 Links to Relevant Documents

- [The Code for Crown Prosecutors](#)
- [Housing Act 2004](#)
- [The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)
- [Housing and Planning Act 2016](#)
- [The Energy Efficiency \(Private Rented Property\)\(England and Wales\) Regulations 2015](#)
- [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)
- [Civil Penalties under the Housing and Planning Act 2016 – Statutory Guidance](#)
- [The Rent Repayment Orders and Financial Penalties \(Amounts Recovered\) \(England\) Regulations 2017](#)
- Dacorum Borough Council Private Sector Housing Enforcement Policy
- [Dacorum Borough Council Private Sector Housing HMO Policy](#)



# Private Sector Housing Enforcement Policy

**Version: 1.0**

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## 1.0 Introduction

1.1 This policy relates to the duties and powers vested in Dacorum Borough Council ('the Council'), and more specifically, the Private Sector Housing Team, to deal with substandard accommodation and management of private sector housing. It hopes to ensure the law is applied fairly and consistently to ensure offenders are tackled proportionately in regard to the offence(s), whilst reducing impact for the compliant.

1.2 This policy is drawn up in line with the principles of good enforcement outlined in the Enforcement Concordat and with specific regard to the Regulator's Code 2014, under the Legislative and Regulatory Reform Act 2006 and the Hampton Review.

1.3 Proper authorisation of officers will be ensured and applicable investigations will be carried out in accordance with the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000, Police and Criminal Evidence Act 1984 and Criminal Procedure and Investigations Act 1996.

1.4 This policy covers all types of property within the private sector. However, there are further policies to cover Houses in Multiple Occupation (HMOs) and Empty Homes:

- [Private Sector Housing Houses in Multiple Occupation Policy](#)
- Empty Homes Policy [LINK \(to be completed once live\)](#)

This policy will also work in conjunction with the Private Sector Housing Civil Penalty Policy – [LINK \(to be completed once live\)](#)

## 2.0 Aims

2.1 Dacorum Borough Council is committed to ensuring that all of its residents living within the private sector live in homes that are safe, warm and free from serious hazards.

2.2 It has long been established that there is a link between the standard of housing and health, with poor quality housing affecting both the physical and mental health and wellbeing of occupiers.

2.3 Dacorum Borough Council expects landlords to proactively ensure that they are fully compliant with the range of relevant legislation and properly manage all of their property portfolio.

2.4 We recognise that the majority of landlords are (or want to be) compliant and provide a good standard of accommodation to their tenants. We will continue to work with landlords, providing advice, newsletters and landlord forums.

The overall aim of enforcement is to protect health and improve housing standards:

- Changing the behaviour and seeking legal punishment of those who flout the law
- Eliminating financial gain or benefit from non-compliance
- Providing transparent and consistent regulation within a private market
- Promoting professionalism, legislative compliance and resilience within the private rented sector
- Preventing harm and ensuring that duty holders take action to deal immediately with serious risk to the health or safety of tenants and others

### 3.0 Links to the Council's Corporate Aims

3.1 The policy supports the Council's corporate priorities which are set out in ['Delivering for Dacorum - Corporate Plan 2020 - 2025'](#)

### 4.0 Equality and Diversity

4.1 The Council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all applicants, tenants and landlords are treated fairly and without unlawful discrimination.

4.2 A priority for the Private Sector Housing Team is to improve standards in private rented accommodation, particularly that which is occupied by the most disadvantaged persons living in this sector.

### 5.0 The Principles of Enforcement

5.1 Dacorum Borough Council believes in firm but fair enforcement of housing law. This should be informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how the regulator operates and what those regulated may expect; and accountability for the regulator's actions. These principles should apply both to enforcement in particular cases and to the management of enforcement activities as a whole with regard to the following:

**5.2 Proportionality** - Proportionality means taking regard to the risk. Those whom the law protects and those on whom it places duties, should expect the action taken by enforcing authorities to be proportionate to any risks to members of the public's health and safety and to the seriousness of any breach.

**5.3 Consistency** - Consistency does not equate to uniformity. It means taking a similar approach in similar circumstances to achieve similar outcomes. Officers will need to take account of many variables including the scale of impact and the history of incidents and/or breaches. Decisions on enforcement action are a matter of professional judgement and officers need to exercise discretion.

**5.4 Transparency** - Transparency is vital in maintaining public confidence in the Council's ability to regulate. It requires clear communication to ensure a full understanding of what is expected of duty holders and what they should expect from the Council. It requires clear information provision as to why enforcement has or will be taken.

5.5 Transparency also involves Dacorum Borough Council clearly setting out what rights of making a complaint are open to duty holders, residents and tenants as well as written explanation of any rights of appeal against formal enforcement action at the time the action is taken.

**5.6 Targeting** - Targeting means ensuring the regulatory effort is primarily aimed towards those whose activities give rise to serious risks, where the hazard and risks are least well controlled or against repeated or deliberate offences.

5.7 Any enforcement action will be directed against duty holders responsible for a breach. This may be the landlord in relation to disrepair and identified premise hazards; letting and managing agents; owners of properties; third parties connected to the properties; or the tenants themselves.

Where several duty holders have responsibilities, the Council may take action against more than one when it is appropriate to do so in accordance with this policy.

## **6.0 Investigation**

6.1 The Council will suitably investigate all complaints and requests received using appropriate powers to gather information and gain access to properties where necessary. Investigations will be undertaken by officers who will determine whether further action is required.

6.2 In the first instance for most cases, tenant(s) will be expected to have taken their own action to resolve the problem. This will usually need to be in the form of a written complaint to their landlord (letter or electronic communication such as email or text message), allowing them sufficient time to respond. Where tenant(s) approach the Council with a complaint, we will ask to see a copy of any such correspondence prior to considering investigation.

6.3 For less serious or minor matters direct action by the Council may not be considered. In cases such as this we will endeavour to provide advice and direction to further help wherever possible.

Investigations are undertaken to determine the following:

- Cause
- Whether any action has been taken or needs to be taken to prevent a recurrence and to secure compliance with the law
- What response is appropriate to a breach of the law

The Council will assist tenants in providing general information, advice and guidance to ensure awareness and understanding of tenants' rights.

6.4 In certain circumstances, the Council will also provide advice, mediation and in some cases consider possible enforcement against harassment and illegal eviction. Advice will be given to tenants in relation to promoting prevention of harassment and illegal eviction as well as signposting to civil remedies such as Rent Repayment Orders and Injunctions – this service will be provided by the Homelessness Prevention Team. The Private Sector Housing Team will only deal with the most serious cases on a case by case basis.

6.5 We will endeavour to provide general information, advice and guidance to make it easier for landlords to understand and meet their regulatory obligations. We will also attempt to signpost those landlords who have more complex questions or require legal advice.

## **7.0 Housing Association Complaints**

7.1 Housing Association tenants will be expected to use their formal repair reporting procedure. Should this not result in satisfactory outcomes or the remedy of disrepair then tenants will be advised to follow the Housing Associations form complaint procedure. The tenant will also be advised that they can then escalate the issues to the Housing Ombudsman:

Housing Ombudsman Service. PO Box 152, Liverpool, L33 7WQ

Telephone 0300 111 3000

<https://www.housing-ombudsman.org.uk/residents/>

7.2 The Council will investigate complaints in relation to Housing Associations when satisfied that there is sufficient public health risk and in these cases the principles of this enforcement policy will apply.

## **8.0 Leaseholder and Freeholder Complaints**

8.1 Dacorum Borough Council is generally not able to respond to complaints by long leaseholders requesting assistance in taking action against other long leaseholders or freeholders. The Council will only offer assistance in cases where there are exceptional circumstances; this may include cases where there is imminent risk to health.

8.2 In all other situations the leaseholder will be redirected to;

The Leasehold Advisory Service

<http://www.lease-advice.org>

Telephone: 020 7832 2500

## **9.0 Multi Agency Working**

9.1 Officers may work with other services with the authority, such as planning, benefits and Council Tax, homelessness and anti-social behaviour teams, as well as other enforcement agencies that have powers to take enforcement action. These agencies may include:

- Hertfordshire Fire and Rescue Service
- Hertfordshire Constabulary
- UK Visas and Immigration
- Gangmasters and Labour Abuse Authority
- Hertfordshire Building Control
- Hertfordshire Trading Standards

9.2 In circumstances where a joint approach is required, officers will ensure that investigations and enforcement action are undertaken by the most appropriate enforcement authority/agency.

## **10.0 Exceptions to Policy**

10.1 While we are committed to working with tenants and landlords, the following situations may impact our involvement and ability to use enforcement powers where:

- the local authority is satisfied that the landlord is taking all reasonable and appropriate action to address repairs in a timely manner
- the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, to arrange or carry out works
- the tenant(s) have, in the opinion of the Council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair
- the tenant(s) have requested a service and then failed to keep an appointment and not responded to a follow up letter or appointment card
- the complaint is found to be trivial or has no reasonable justification on visiting the property



- the tenant(s) have been aggressive, threatening, verbally or physically abusive towards officers
- the tenant(s) unreasonably refuses to provide the Council with relevant documentation

## **11.0 Authorisation**

11.1 Officers that investigate and carry out enforcement functions have been authorised under the relevant legislation to do so and in accordance with Dacorum Borough Council's Constitution. Each officer carries an identification card.

11.2 Appointment and authorisation of officers enforcing the Housing Health and Safety Risk Rating Scheme (HHSRS) shall be subject to attendance and successful completion of an associated course. An Authorisation document prepared by the Council clearly lays out the powers of officers' dependant on qualification, competence and experience.

11.3 It is expected that any officer serving a formal notice under the Housing Act 2004 shall be duly trained, and passed a suitable HHSRS course.

## **12.0 Powers of Entry**

12.1 In accordance with Section 239 of the Housing Act 2004, at least 24 hours' notice will normally be given to owners and occupiers, where appropriate and known, unless the occupier has already requested at which point an appointment will be made.

12.2 A duly authorised officer, under Section 239 of the Housing Act 2004, may:

- a) Take other persons with him:
- b) Take equipment or materials with him:
- c) Take measurements or photographs or make recordings;
- d) Leave recording equipment on the premises for later collection;
- e) Take samples of any articles or substances found on the premises.

12.3 If admission is refused, then a warrant may be granted by a Justice of the Peace on written application. A warrant under this section includes power to enter by force, if necessary.

12.4 No notice is required where entry is to ascertain whether an offence has been committed under certain sections of the Housing Act 2004 relating to HMOs.

## **13.0 Obstruction of Officers**

13.1 Section 241 of the Housing Act 2004 makes it a clear offence to obstruct authorised officers in carrying out their roles. This includes failing to offer the officer reasonable assistance in the conduct of their duties and investigations / inspections.



## 14.0 Enforcement

14.1 **The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020** came into force on 1<sup>st</sup> June 2020. These Regulations apply to all new specified tenancies granted on or after 1<sup>st</sup> July 2020 and apply to all existing tenancies from 1<sup>st</sup> April 2021.

14.2 These Regulations require landlords to:

- Ensure that the electrical safety standards are met during any period of a tenancy
- Have the fixed electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every five years, or more frequently if the most recent report requires this
- Ensure the first inspection is completed and testing is carried out before the tenancy commences in relation to a new specified tenancy or by the 1st April 2021 in relation to an existing specified tenancy
- Provide a copy of the report to their tenants (and potential tenants on request), and to the local authority if requested. A copy must also be retained and provide to the next person carrying out a test and inspection
- If the report requires investigative or remedial works, landlords will have to carry this out within a specified time period.

14.3 Failure to comply with these Regulations can result in the imposing of a Civil Penalty of up to £30,000.

14.4 **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015** came into force on the 1st October 2015. The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 came into force on 1<sup>st</sup> October 2022. From that date, all relevant landlords must:

- Ensure at least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015.
- Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).
- Ensure smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

14.5 The Regulations impose the duties on relevant landlords and gives power to councils to ensure responsibilities are met. The Council will consider remedial notice if non-compliance is evidence:

A remedial notice must:

- specify the premises to which the notice relates

- specify the duty or duties that the local housing authority considers the landlord is failing or has failed to comply with
- specify the remedial action the local housing authority considers should be taken
- require the landlord to take that action within 28 days beginning with the day on which the notice is served
- explain that the landlord is entitled to make written representations against the notice within 28 days beginning with the day on which the notice is served
- specify the person to whom, and the address (including if appropriate any email address) at which, any representations may be sent
- explain the effect of regulations 6, 7 and 8, including the maximum penalty charge which a local housing authority may impose

The remedial notice will confirm the provisions for a review, and the appeal procedures.

14.6 Failure to comply with a remedial notice imposes a further duty on the Council to arrange remedial action and a power to impose a Civil Penalty of up to £5,000.

#### **14.7 The Energy Efficiency (Private Rented Property (England and Wales) Regulations 2015**

The Minimum Energy Efficiency Standards (MEES) came into force in April 2018. The Regulations set out the minimum level of energy efficiency for private rented property in England and Wales. In relation to the domestic private rented sector the minimum is an EPC rating of E.

14.8 From 1<sup>st</sup> April 2018, rented properties in the scope of the MEES Regulations needed to meet the minimum rating before they can be let on a new tenancy, unless a valid exemption has been registered. The MEES Regulations applied to all domestic properties within scope from 1<sup>st</sup> April 2020.

14.9 Failure to comply with the Regulations is an offence which can result in the imposing of a Civil Penalty.

#### **14.10 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014**

The Order requires that a person who engages in letting agency work or property management must be a member of a redress scheme for dealing with complaints in regards to that work.

<https://www.gov.uk/redress-scheme-estate-agencies>

14.11 Where the Council is satisfied that a person has failed to belong to a redress scheme as set out in the Order the Council can impose a 'monetary penalty'.

14.12 The standard penalty charge for breach of duty under article 3 or 5 of the Order is £5000.

14.13 **The Tenant Fees Act 2019** - The Act details fees that Landlords or their Agents can charge to their tenants. Those not detailed in the Act are prohibited fees. When prohibited fees are charged, the matter can be referred to Trading Standards who are the enforcing body. Action can be taken against Landlords or their Agents who are found to be in breach of legislation under the Housing and Planning Act 2016 for a first offence resulting in a Civil Penalty of up to £5,000. If

further breaches are committed within five years of this penalty or a conviction for a previous breach is found, this matter will be considered a criminal offence. The local authorities will then have the discretion to either prosecute or impose a further financial penalty of up to £30,000.

**14.14 The Protection from Eviction Act 1977** - The Protection from Eviction Act 1977 Section 1 makes it an offence for any person to unlawfully deprive a residential occupier of the premises (or any part of it) that they occupy.

14.15 In certain circumstances the Council will also provide advice, mediation and in some cases consider possible enforcement against harassment and illegal eviction. Advice will be given to tenants to in relation to promoting prevention as well as signposting to civil remedies such as Rent Repayment Orders and Injunctions – this service will be provided by the Homelessness Prevention Team. The Private Sector Housing Team will only deal with the worst cases on a case by case basis.

14.16 The Council can prosecute for breaches of the Protection from Eviction Act 1977 and such prosecutions can amount to a criminal offence.

**14.17 Housing Act 2004 Part 1 – Housing Health and Safety Rating System** - Under the Housing Act 2004, the Housing Health and Safety Rating System (HHSRS) prescribes the means by which the Council can assess housing conditions based on risk (both likelihood and impact to health).

14.18 The HHSRS assesses 29 hazards and categorising them from Band A (highest risk) to J (lowest risk). Band A, B and C are considered as Category 1 hazards which are serious risk. The other bands – D and below – are lower risk and classified as Category 2 hazards. The Council has a duty to take action to rectify all Category 1 hazards but will also exercise its powers to reduce Category 2 hazards through appropriate action when an investigating officer considers this to be proportionate.

14.19 The HHSRS is applicable to any property of any tenure including owner occupied, standard rented or House in Multiple Occupation.

**14.20 Housing Act 2004 Part 2 – Licensing of Houses in Multiple Occupation**

14.21 Under current legislation there is a mandatory licensing of houses in multiple occupation (HMOs) where there are shared amenities and 5 or more persons forming 2 or more households.

14.22 Dacorum Borough Council currently does not operate any Additional Licensing Schemes.

14.23 Due to the complexities of HMOs, a separate policy covering licensing is made outside of this policy but the principles of enforcement covered with this enforcement policy shall apply.

## **15.0 Enforcement Options**

**15.1 No Action** - Where an officer has investigated a complaint and no breach of legislation or concerns are identified, no action will be taken.

In exceptional circumstances, contraventions may not warrant any action. A decision of no action may also be taken when a premise is being vacated and not re-let.

**15.2 Informal Action** - Informal action is verbal advice, requests, warnings or letters and inspection reports that can be used when:

- concerns identified are not considered a serious risk;
- there is not a significant risk to the safety or health of the occupant or others as a result of the property;
- informal action will be more effective and/or quicker than formal action; or
- there is confidence in the Manager/owner or there is evidence they have previously responded well to advice and guidance from the team.

In the case of informal action, where the level of risk is not high and the landlord or managing agent is willing to work with the team, we will allow a reasonable timeframe for recommended works to be carried out. If works are not carried out during this time then formal enforcement options will be considered.

**15.3 Hazard Awareness Notice** - section 28 and 29 of the Housing Act 2004 allows for service of a Hazard Awareness Notice.

A Hazard Awareness Notice under this section is to advise the person on whom it is served of the existence of a hazard in respect of the premises it is served in relation to.

These notices tend to be utilised where formal enforcement is not considered necessary or viable and to raise awareness, such as low Category 2 hazards or in relation to an owner-occupied premise. There is right of appeal since there is no enforcement element.

A Hazard Awareness Notice would not be appropriate for Category 1 hazards unless the officer can determine that remedial action is neither viable nor practicable.

**15.4 Improvement Notice** – section 11 and 12 of the Housing Act 2004 allows for service of an Improvement Notice for both Category 1 and Category 2 hazards. It is anticipated that Improvement Notices will be appropriate and a practical and proportion remedy for most hazards.

An improvement Notice will require works that will either remove the hazard entirely or reduce so far as practicable.

**15.5 Suspended Improvement Notice** – The Council will consider the suspension of an Improvement Notice where it is reasonable to do so. For example:

- The need of planning permission or other consent being required before any works can be started
- Personal circumstances of occupants that require deferral of works

When considering whether it is appropriate to suspend an Improvement Notice, the Council will consider:

- The level of risk presented by the hazard(s)
- The response of the duty holder
- Any other relevant circumstances

Suspended Improvement Notices will be reviewed on an ongoing basis, at least every six months.

**15.6 Prohibition Order** – under sections 20 and 21 of the Housing Act 2004 allows for the making of a Prohibition Order in relation to Category 1 and 2 hazards.

A Prohibition Order can prohibit specific uses including preventing occupation by a particular descriptions of persons.

**15.7 Suspended Prohibition Order** – provides the Council with power to suspend a Prohibition Order once served.

The Council will consider this course of action where it is reasonable in the circumstances to do so. Suspended Prohibition Orders will be reviewed at least every six months.

**15.8 Emergency Remedial Action and Prohibition Orders** – under section 40 and 43 of the Housing Act 2004. The Council must be satisfied that:

- A Category 1 hazard exists, and that;
- The hazard pose an imminent risk of serious harm to health or safety, and that;
- Immediate action is necessary

If these conditions are met, the Council will take appropriate emergency action. Situations in which this may be appropriate include risk of electrocution, fire, gassing, explosion or collapse.

**15.9 Demolition Orders** – power to make an Order to demolish a building as a response to a Category 1 hazard. In determining whether to issue a Demolition Order, the Council will take account of Government guidance and will consider all the circumstances of the case.

**15.10 Clearance Areas** – the Council can declare a Clearance Area if satisfied that each of the premises in the area are affected by one or more Category 1 hazards. In determining whether to declare a Clearance Area, the Council will act only in accordance with Section 289 of the Housing Act 1985 (as amended) and having had regard to relevant Government guidance on Clearance Areas and all the circumstances of the case.

**15.11 Works in Default** - If an offender refuses or fails to carry out repairs following a notice, we will consider works in default.

In most circumstances, a person will be given notice of our intention to carry out works in default. Where we are required to do this, the notice recipient will be charged for the repairs, as well as administration and any other costs as incurred by the Council.

It is an offence for any person to obstruct the Council or any of the contractors or agents that have been engaged to carry out the works in default.

### **Houses in Multiple Occupation (HMOs)**

**15.12 Overcrowding Notice** - overcrowding notices apply to all non-licensable HMOs which do not have an IMO or FMO in force. A person who fails to comply with an overcrowding notice commits an offence and be prosecuted or issued with a civil penalty. An Overcrowding Notice may prohibit new residents or limit the number of people sleeping in a property or room.

**15.13 Licence Term Reduction** – generally, HMO Licences are granted for five years. However, the licence period can be reduced by up to 4 years in certain circumstances. The following is a list of factors to be consider when determining a period for which a HMO licence is granted for:

- Failure to comply with conditions on previous HMO licence
- Failure to comply with planning requirements
- Council tax payments not up to date
- Failure to comply with management regulations
- Failure to apply voluntarily for a licence
- Significant hazards within the dwelling on a licensing inspection
- History of justified complaints in relation to the property

**15.14 Licence Conditions** – generally, standard HMO conditions will be added to the licence. However, if there is any cause for concern in relation to poor landlord behaviour or standards the licensing officer may determine that further conditions are required. Determination will be made on a case-by-case basis.

**15.15 Refusal or Revocation of Licence** - a licence may be refused or revoked by the Council if any of the following/combination of are evidenced:

- Licence application is not made in accordance with the Council's application requirements
- Part 1 and/or Part 2 licence fee's not paid in full
- Proposed manager/licence holder is not 'fit and proper'
- Proposed manager/licence holder is not the most appropriate person to hold a licence
- Proposed manager/licence holder is not the person having control of the property
- Proposed management arrangements are not satisfactory
- Property is not suitable of occupation in regards to the number of persons or households
- Manager/licence holder has committed a serious breach or repeated breaches of a condition of the licence

**15.16 Interim & Final Management Orders** - An Interim Management Order (IMO) transfers the management of a residential property to the Council for a period of up to twelve months and in exceptional circumstances the Council can also apply for a Final Management Order (FMO) which can last for up to five years.

The Council will take over the management of private property through a management order in certain circumstances (where a privately owned property is unlicensed/no suitable licence holder can be found). This can also apply to empty dwellings that meet the time for Empty dwelling management orders. Section 26 and Schedule 3 of the Housing and Planning Act 2016 allows the Council to also make a management order in circumstances where a banning order has been made and where a privately owned property is being let in breach of a banning order.

**15.17 Civil Penalties** - Civil Penalties under the Housing and Planning Act 2016 can be applied as an alternative to prosecution for a number of offences. Due to the complexities of Civil Penalties these are detailed in a separate policy - Dacorum Borough Council Private Sector Housing Civil Penalty Policy [LINK once live](#)

**15.18 Simple Caution** - officers may use Simple Cautions where someone has committed a less serious offence. Simple Cautions warn people that their behaviour has been unacceptable and makes them aware of the legal consequences should they commit further offences. Simple cautions can only be issued where:

- There is evidence an offender is guilty
- The offender is eighteen years of age or over
- The offender admits they have committed the crime
- The offender agrees to be given a caution – if the offender does not agree to receive a caution then they are likely to be prosecuted instead

Simple cautions are normally not appropriate where there is history of offending within the last two years or where the same type of offence has been committed before. In these circumstances prosecution is more appropriate.

**15.19 Prosecution** - cases will only be recommended for a prosecution if the following is considered:

- Appropriateness of the case for legal proceedings
- Sufficient, admissible and reliable evidence that an offence has been committed by an identifiable person or company and that there is a realistic prospect of conviction based on the evidential and public interest tests
- Compliance with the Regulator's Code
- Consideration of case merits result in prosecution being the preferred course of action rather than a Civil Penalty
- Consideration of legislative requirements, enforcement procedure and policies

If prosecution is deemed appropriate, then the case will be fully prepared and referred to the Legal Team for consideration. All prosecutions will be brought without unavoidable delay; generally, there is a requirement to lay information with the Courts within six months of the identified date that the offence was committed.

**15.20 Proceeds of Crime Act 2002** - where there is substantial financial gain for a landlord or owner through non-compliance with legislative requirements in the private rented sector, the Council will consider taking action to confiscate or recover monies gained through illegal activities under the Proceeds of Crime Act 2002.

**15.21 Rent Repayment Order (RRO)** - In addition to the powers provided by the Housing Act 2004 to apply Rent Repayment Orders (RROs) in regard to offences related to HMOs as outlined at section 73 and 74 of Housing Act 2004, the Housing and Planning Act 2016 extended the power to apply RROs in respect of the following offences committed after 6th April 2017:

- Failure to comply with an Improvement Notice under Section 30 of the Housing Act 2004
- Failure to comply with a Prohibition Order under Section 32 of the Housing Act 2004
- Breach of a banning order made under Section 21 of the Housing and Planning Act 2016
- Using violence to secure entry to a property under Section 6 of the Criminal Law Act 1977
- Illegal eviction or harassment of the occupiers of a property under Section 1 of the Protection from Eviction Act 1977

The maximum amount of rent that can be recovered is capped at 12 months. A criminal standard of proof is required. The Council must apply to the First Tier Property Tribunal for an RRO. The Council will consider application for RROs in all cases where a successful prosecution has been achieved.

**15.22 Banning Order** - a banning order is an order by the first-tier Tribunal that bans a Landlord from:

- Letting houses in England; and
- Engaging in letting agency or property management work in England.

The Council will use banning orders in cases where we believe an individual poses high risk as a practicing Landlord (based on evidence that has occurred after April 2018). A banning order will be issued for a minimum of 12 months, but there is currently no maximum amount of time a banning order can be in place for. When applying for a banning order we will consider the level of harm or



risk created by the Landlord's actions and use this to make a recommendation to the first-tier tribunal for the length of time a banning order should be in place.

**15.23 Database of Rogue Landlords and Lettings Agents** - under the Housing and Planning Act 2016 the Council will apply to have landlord's details entered on the database where there is a statutory duty to do so. In other cases this will be where the law allows discretion when it is in the public interest to do so.

## **16.0 Determining the Most Appropriate Course of Action**

16.1 All enforcement action taken will be both proportionate and reasonable. When deciding the type of action required, the Council will consider:

- The seriousness of the deficiencies identified in the property;
- The past history of compliance;
- The confidence in management and the degree of wilfulness involved;
- The consequences of non-compliance;
- The existence of statutory duties or discretionary powers; and
- The likely effectiveness of the various enforcement options.

16.2 When deciding the appropriate action, we will consider the views of the tenants, landlords and owners, as well as any relevant partners e.g. the Fire Service.

## **17.0 Charging for Enforcement Action**

17.1 The Council will make a reasonable charge to recover administrative and other expenses incurred when taking enforcement action under the Housing Act 2004 or other relevant legislation.

17.2 The charges are detailed in Dacorum Borough Council Private Sector Housing Fee Structure.

## **18.0 Appeals**

18.1 Where a statutory notice/order is served, or a licensing decision is made, the method of appealing the decision will be included within the documentation provided. This will include the full postal address and contact information for the relevant appeal body and the relevant time period to submit an appeal.

18.2 To reduce the potential for unnecessary appeals, clear reasons will be given, wherever possible, to a person against whom enforcement action is being taken. On request, these reasons will be confirmed in writing at the earliest opportunity and will include information about any relevant complaint or appeals procedure.

18.3 In the case of written and verbal warnings issued by an officer, there is no set appeal process as no formal legal action has been initiated. Details of the appropriate line manager will be given on request, as well as details of the Corporate Complaints process.



## 19.0 Complaints, Feedback or Compliments

19.1 The Council recognises the need to provide an excellent public service that is responsive to the views of both residents and businesses. We will continue to commit to improving the private sector housing service within Dacorum Borough Council and welcome all feedback, which may be used to further improve the service.

19.2 Any complaint about the conduct of an officer will be immediately notified to the Team Manager, who will make a judgement on what action will be taken. An officer will not automatically be withdrawn from any case by virtue of a customer complaint. The Team Manager will consider the complaint and assess whether the officer has acted outside their remit and/or has acted unprofessionally towards the business concerned. All complainants will be advised of their recourse to the Council's Corporate Complaint system, details of which can be found on our website: [www.dacorum.gov.uk/complaints](http://www.dacorum.gov.uk/complaints)

19.3 If a complainant is not satisfied at the end of the complaints process, the matter can be escalated to the relevant ombudsman service.

19.4 A complaint against an officer handling a case will not lead to withdrawal of legal action, unless evidence demonstrates that the legal action does not meet the requirements of this policy. Recourse to the appeals process remains available.

## 20.0 Publicity

20.1 Verdicts and sentences in criminal cases are given out in open Court and are a matter of public record. Evidence suggests that the public wants to know about the outcomes of local Court cases. This information is also a legitimate way of engaging communities and making criminal justice services more transparent and accountable.

We may publicise the outcomes of criminal cases and basic personal information about the convicted offender, in accordance with guidance issued by the Criminal Justice System (Publicising Sentencing Outcome, CJS, 2011).

We will publicise action taken with the aim to:

- Reassure the public;
- Increase trust and confidence in the criminal justice system;
- Improve the effectiveness of the criminal justice system;
- and;
- Discourage offending and/or re-offending.

## 21.0 Governance

21.1 This policy is subject to change and will be reviewed periodically and in line with changes in legislation, government statutory guidance and Council policy.

## 22.0 Reasonable Adjustments and Alternative Formats

22.1 Our aim is to make our services easy to use and accessible for everyone.

We will take steps to make any reasonable adjustments needed for you to contact us, access our policies, or any requests to provide responses in other formats.

Depending on the individual's needs, these might include:

- Using larger print, or a specific colour contrast
- Giving more time than usual to provide information or comments on a complaint
- Using the telephone rather than written communication
- Communicating with a person through their representative or advocate
- Arranging a single point of contact
- Having an 'easy read' version of the complaint process or decisions

If you would like to contact us about reasonable adjustments or alternative formats, please email [edi@dacorum.gov.uk](mailto:edi@dacorum.gov.uk) or call us on **01442 228000**

If you prefer to write to us, send your letter to:

**Equality, Diversity and Inclusion Team**  
**Dacorum Borough Council**  
**The Forum**  
**Marlowes**  
**Hemel Hempstead**  
**Hertfordshire**  
**HP1 1DN**

### 23.0 Links to Relevant Documents

- [Regulators' Code 2014](#)
- [The Code for Crown Prosecutors](#)
- [The Human Rights Act 1998](#)
- [The Equality Act 2010](#)
- [The Regulation of Investigatory Powers Act 2000](#)
- [The Police and Criminal Evidence Act 1984 – Codes of Practice](#)
- [The Criminal Procedures and Investigations Act 1996](#)
- [The Enforcement Concordat](#)
- [The Legislative and Regulatory Reform Act 2006](#)
- [Housing Act 2004](#)
- [Tenant Fees Act 2019](#)
- [The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)
- [Housing and Planning Act 2016](#)
- [The Energy Efficiency \(Private Rented Property\)\(England and Wales\) Regulations 2015](#)
- [The Protection from Eviction Act 1977](#)
- [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)
- [The Enterprise and Regulatory Reform Act 2013](#)
- [Proceeds of Crime Act 2002](#)
- [Housing health and safety rating system \(HHSRS\) enforcement guidance: housing conditions](#)
- [Delivering for Dacorum Corporate Plan 2020 - 2025](#)
- [Regulators Statement](#)
- [Private Sector Housing HMO Policy](#)
- [Prevention of Homelessness and Rough Sleeping Strategy](#)
- [Private Sector Housing Strategy](#)
- Private Sector Housing Civil Penalty Policy
- Private Sector Housing Empty Homes Policy

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# Private Sector Housing (PSH) Enforcement Policy

# Private Sector Housing Enforcement Policy

This policy is managed and adhered to by the housing service. Will be reviewed on a regular basis.

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### 1.1 Introduction

Dacorum Borough Council (DBC) is committed to ensuring that all Dacorum residents living in the private sector live in homes that are safe and meet the required standards.

We recognise most landlords want to be compliant and provide tenants the required standards in their homes. This policy sets out how we will take appropriate action using powers outlined in relevant legislation (i.e. Housing Act 2004 and more specifically the Health and Safety Rating System [HHSRS]) to tackle ‘rogue landlords’ that have a clear disregard for their responsibilities and the safety of their tenants including harassment & illegal eviction.

This policy defines enforcement as any action taken by the Private Sector Housing Team. This is not limited to formal enforcement action such as notices, civil penalties or banning order. It also includes offering advice or undertaking an initial investigation of a complaint.

This policy covers all types of properties in the private sector; It will make reference to owner occupiers.

### 1.2 Aim(s) of the policy:

- The aims of this policy are to:
- Outline a range of enforcement options available to the Private Sector Housing Team;
  - Ensure a fair, reasonable and consistent approach to enforcement is used in accordance with all appropriate guidelines and legislation; and
  - Provide tenants and landlords with an overview of the consequences of enforcement action.

### 1.3 Links to Council’s corporate aims:

This policy supports the council’s corporate priorities that are set out in [‘Delivering for Dacorum – Corporate Plan 2020-2025’](#).

### 1.4 Equality and diversity

The council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all Applicants and Tenants are treated fairly and without unlawful discrimination.

### 1.5 Policy Statement(s)

All landlords in Dacorum are required to take responsibility for managing their properties so their tenants live in good conditions, feel safe and secure in their home.

All complaints received will be fully investigated before action is taken.

We will take action against landlords that do not effectively maintain their properties or cause unnecessary upset for their tenants.

We will use a range of powers delegated to the council to achieve a positive outcome for tenants living in poor conditions.

We will ensure all officers are competent and have a thorough understanding of current and upcoming legislation so any action taken by the council against landlords is informed.

Where required we will use powers to maintain the safety of owner-occupiers.

# 2.0 Private Sector

## Housing enforcement policy detail

### 2.1 Powers to investigate

We will fully investigate all complaints, requests and reports we receive using relevant powers to gather information and gain access to properties where necessary. Investigations will be undertaken by officers who will determine whether enforcement action is required.

As part of our investigations, in line with section 235 of the Housing Act 2004 and/or Local Government (Miscellaneous Provisions) Act 1976 Part 1, s16, we may request documentation from landlords and owners in order to:

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- Identify whether any offence has been committed under Parts 1-4 of the Housing Act 2004; or
- Support our functions as a local authority under Parts 1-4 of the Housing Act 2004.

So that we can determine details of anyone with an interest in the property which is being investigated (e.g. occupier, mortgagee, lessee or someone who is directly or indirectly receiving rent payments), a Requisition for Information may be served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

It is a legal requirement to respond to this notice within 14 days. A failure to respond within the timescales stipulated, or deliberately providing false information may result in a fine.

In line with section 237 of the Housing Act 2004, we will also liaise with Housing Benefit and Council Tax departments where appropriate, to gather information which will support our investigations.

Where required, we will carry out inspections of the property in question. Under Section 239 of the Housing Act 2004, authorised officers have a power of entry to properties at any reasonable time to carry out an inspection. At least 24 hours' notice will be given to owners (if known) and occupiers (if any) ahead of a property inspection unless in the case of an emergency, or where there is imminent risk to the health and wellbeing of persons using the premises.

A person who obstructs a relevant person in performing their duties is liable on conviction to a fine.

We are not required to give notice of entry if we are seeking to determine whether an offence has been committed under s72 (offences in relation to licensing of HMOs), s95 (offences in relation to licensing of houses) or s234 (offences in relation to HMO management regulations).

If admission is refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry, then we can apply for a warrant to be granted by a Justice of the Peace. This warrant will include a power to enter by force, if necessary.

Following an inspection, a written response maybe provided, usually in the form of a letter. It will include information on:

- what legislation is contravened
- what works are required and why
- agreed timescales, wherever possible
- the nature of the enforcement action the authority may take in the future.
- 

All investigations we carry out into alleged breaches will follow best professional practice and meet all necessary requirements of relevant legislation (as listed in 4.0).

### 2.2 Determining the need for enforcement action

All enforcement action taken will be both proportionate and reasonable. When deciding the type of action required, we will consider:

- The seriousness of the deficiencies identified in the property;
- The past history of compliance;
- The confidence in management and the degree of willfulness involved;
- The consequences of non-compliance;
- The existence of statutory duties or discretionary powers; and
- The likely effectiveness of the various enforcement options.

When deciding the appropriate action, we will consider the views of the tenants, landlords and owners, as well as any relevant partners e.g. the Fire Service.

Depending on the outcome of these considerations we may choose from a range of enforcement options, including but not limited to:

- take no action;
- take informal action;
- take statutory action, e.g. service of Statutory Notices;
- carry out works in default;
- issue licences with conditions, remove licences or vary licence conditions;
- issue a caution;
- management orders;
- civil penalties;
- banning orders;
- rent repayment orders
- propart secute; or seek an injunction.
- compulsory purchase orders
- enforced sale



# 2.0 Private Sector

## Housing enforcement policy detail

Investigative cases (and any enforcement action as a result) are regularly reviewed by senior officers to ensure a consistent approach in deciding the appropriate enforcement action to be carried out.

### 2.3 Enforcement action options

#### 2.3.1 Take no action

Where an officer has investigated a complaint and no breach of legislation or concerns are identified, no action will be taken.

#### 2.3.2 Informal action

Informal action is verbal advice, requests, warnings or letters and inspection reports that can be used when:

- concerns identified are not considered a serious risk;
- there is not a significant risk to the safety or health of the occupant or others as a result of the property;
- informal action will be more effective and/or quicker than formal action; or
- there is confidence in the Manager/owner or there is evidence they have previously responded well to advice and guidance from the team.

In the case of informal action, where the level of risk is not high and the landlord

or managing agent is willing to work with the team, we will allow a reasonable timeframe for recommended works to be carried out.

If works are not carried out in this time, the level of enforcement will increase.

#### 2.3.3 Statutory action

If a property has a category 1 hazard under the HHSRS, we are legally required to take enforcement action this also includes empty dwellings.

In these cases, enforcement action may take the form of:

- an improvement notice (including suspended notices);
- a prohibition order (including suspended orders);
- a hazard awareness notice;
- a protection of buildings notice
- emergency remedial action;
- an emergency prohibition order;
- a demolition order; or
- declaration of a clearance area.

Any orders undertaken or notices served will be accompanied by a statement of reasons under section 8 of the Housing Act 2004. All notices issued will include timescales that are reasonable and comply with statutory legislation.

We will maintain contact with the landlord, managing agent or owner throughout the duration of the notice to ensure they comply with any requirements.

Landlords, managing agents and owners can request an extension by contacting the officer who served the notice and outlining the reasons why an extension is required. This will be considered by the management team, who will approve or reject extensions.

The outcome of this decision will be given to the landlord or managing agent in writing within 7 days of the request.

If a notice is not complied with, we will escalate the level of enforcement.

#### 2.3.4 Works in default

If a landlord refuses or fails to carry out repairs following a notice, we will carry out works in default.

In most circumstances, a person will be given notice of our intention to carry out works in default. Where we are required to do this, the landlord will be charged for the repairs, any administration costs and for the time of the officers involved.

It is an offence for any person to obstruct the council or any of the contractors or agents that have been employed to carry out the works.

#### 2.3.5 Variation and revocation of a licence

We will vary a licence where it is considered that there has been a change of circumstances since the licence was granted. A licence will be revoked following a change in ownership; death of the licence holder or by agreement with the licence holder if the property is no longer licensable.

We will revoke a licence if the licence holder or manager is no longer deemed to be a fit and proper person.

# 2.0 Private Sector Housing enforcement policy detail

## 2.3.6 Simple Caution

Officers may use simple cautions where someone has committed a less serious crime. Simple cautions warn people that their behaviour has been unacceptable and makes them aware of the legal consequences should they commit further offences. Simple cautions can only be issued where:

- there is evidence an offender is guilty
- the offender is eighteen years of age or over
- the offender admits they committed the crime
- the offender agrees to be given a caution

If the offender does not agree to receive a caution, then they are likely to be prosecuted instead.

Simple cautions will not be used where there is history of offending within the last two years, or where the same type of offence has been committed before.

The case officer will present cases to the Private Sector Enforcement Panel for authority to issue a simple caution. The Cautioning Officer will be the Group Manager, Strategic Housing who will act in conjunction with the Solicitor to the Council, who is the head of Legal Services and they will follow the cautioning procedure from the Ministry of Justice guidance. Where appropriate, the issue of a simple caution will be notified to a home authority, originating authority, lead authority or primary authority.

If an offender refuses to accept a formal caution, the delegated officer will refer the matter to the Head of Legal Services who may pursue a prosecution, taking into account the relevant guidance and the council's constitution.

If an offender refuses to accept a formal caution, the delegated officer will refer the matter to the Head of Legal Services who may pursue a prosecution, taking into account the relevant guidance and the council's constitution.

## 2.3.7 Management orders

Under Part 4 of the Housing Act 2004 we will take over the management of private property through a management order in certain circumstances (where a privately owned property is unlicensed/no suitable license holder can be found).

This can also apply to empty dwellings that meet the time for Empty dwelling management orders.

Section 26 and Schedule 3 of the Housing and Planning Act 2016 allows us to also make a management order in circumstances where a banning order has been made and where a privately owned property is being let in breach of a banning order (see section 2.3.9)

## 2.3.8 Civil Penalties

Civil penalties are a financial penalty we can impose under the Housing Act 2004 and the Housing and Planning Act 2016 (section 23, 126 and schedule 9), as an alternative to prosecution. Civil penalties are used for the following Offences:

- Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72 of the Housing Act 2004);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95 of the Housing Act 2004);
- Offences of contravention of an overcrowding notice (section 139 of the Housing Act 2004);
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the Housing Act 2004).

The Private Sector Housing Team will review cases and determine whether to prosecute or civil penalty as well as the level of civil penalty in line with statutory guidance – [Civil penalties under the Housing and Planning Act 2016](#). The amount imposed can range up to a maximum of £30,000. All decisions will be determined at the Private Rented Sector Enforcement Panel in line with the panels Terms of Reference.

The Private Sector Housing Team will utilise a civil penalty matrix and matrix key to determine the level of fee based on the following factors:

- The severity of the case and the harm caused to the tenant or others as a result of the property;
- Any previous enforcement action taken against the landlord or managing agent, including evidence of previously failing to comply;
- The level of punishment required to deter the landlord or managing agent from failing to take responsibility for their tenants and properties in the future; and
- Any financial gain acquired by the landlord or managing agent as a result of their failings.

We will also use powers to assess a landlords assets and any income they receive (not just rental income) when determining an appropriate penalty. Landlords cannot be prosecuted for the same offence if we have already issued a Civil Penalty. Additionally, we cannot issue a Civil Penalty if we are already in the process of prosecuting a landlord.

We will issue a civil penalty for each individual breach of the management regulations for Houses in Multiple Occupation.



# 2.0 Private Sector

## Housing enforcement policy detail

### 2.3.9 Banning orders

A banning order is an order by the first-tier Tribunal that bans a Landlord from:

- Letting houses in England; and
- Engaging in letting agency or property management work in England.

We will use banning orders in cases where we believe an individual poses high risk as a practicing Landlord (based on evidence that has occurred after April 2018).

A banning order will be issued for a minimum of 12 months, but there is currently no maximum amount of time a banning order can be in place for. When applying for a banning order we will consider the level of harm or risk created by the Landlord's actions and use this to make a recommendation to the first-tier tribunal for the length of time a banning order should be in place.

### 2.3.10 Rent repayment orders

Under the Housing Act 2004, rent repayment orders can be used when the Landlord of a property has failed to obtain a licence for a property that was required to be licensed. Specifically, offences in relation to licensing of Houses in Multiple Occupation (section 72(1)) and offences in relation to licensing of houses under Part 3 of the Act (section 95(1)).

Section 41 of the Housing and Planning Act 2016 extended the use of rent repayment orders meaning we can now also apply for a rent repayment order for the following:

- Failure to comply with an improvement notice under section 30 of the Housing Act 2004;
- Failure to comply with a prohibition order under section 32 of the Housing Act 2004;
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016;
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and
- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977.

It is important to note that tenants also have the right to apply for a rent repayment order.

Any rent paid following a rent repayment order will be returned to either the tenant (if rent was paid directly by them) or the council, (if rent was covered by Housing Benefit / Universal Credit). Where there is a split of benefit payment and personal income this will be split accordingly.

When pursuing a rent repayment order, we will do this on behalf of both the council and the tenants rather than tenants being required to use this power and make a separate application.

When a Landlord commits the following:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72(1));
- Offences in relation to licensing of houses under Part 3 of the Act (section 95 (1))

We can also issue a civil penalty notice (see section 2.3.8).

When applying for a rent repayment order we will:

- Inform the landlord that the local housing authority is proposing to apply for a rent repayment order and explain why;
- State the amount that the local housing authority is seeking to recover;
- Invite the Landlord to make representations within a period specified in the notice which must be at least 28 days.

### 2.3.11 Prosecution

Scope for working together with other local housing authorities should be considered when a local housing authority decides to prosecute a Landlord who has committed breaches in more than one local housing authority area.

# 2.0 Private sector enforcement policy detail

A prosecution will only take place where it is in the public interest and where there is sufficient evidence to support that course of action. In a case where there is sufficient evidence to warrant a prosecution but the public interest would not benefit from such a course of action, then a Simple Caution may be used as an alternative (see section 2.3.6).

Any decision to prosecute will initially be considered by the Private Sector Enforcement Panel. The panel will consider any mitigating reasons to not pursue prosecution, such as;

- An unreasonable explanation provided by the individual or company.
- Evidence that the individual or company intends to prevent a recurrence of the problem
- An individual's age and state of health
- The offender's attitude to the offence

If prosecution is deemed appropriate, then the case will be fully prepared and referred to the Legal Team for consideration. All prosecutions will be brought without unavoidable delay; generally, there is a requirement to lay information with the Courts within six months of the identified date that the offence was committed.

Exemption to the above process is the Protection from Eviction Act 1977. This is an either way offence and therefore can be heard in both the Magistrates Court and Crown Court.

## 2.3.12 Injunction

We may issue an injunction against a Landlord to prevent certain actions, activities or threats being carried out.

## 2.3.13 The Tenant Fees Act 2019

The Act details fees that Landlords or their Agents can charge to their tenants. Those not detailed in the Act are prohibited fees. When these fees are charged the matter can be referred to Trading Standards who are the enforcing body. Action can be taken against Landlords or their Agents who are found to be in breach of legislation under the Housing and Planning Act 2016 for a first offence resulting in a Civil Penalty of up to £5,000. If further breaches are committed within 5 years of this penalty or a conviction for a previous breach is found, this matter will be considered a criminal offence. The local authorities will then have the discretion to either prosecute or impose a further financial penalty of up to £30,000.

Where two or more financial penalties have been imposed, on the same person, that person may be placed on the database of rogue landlords and property agents. The penalty, should a prosecution take place, can include a banning order and include an unlimited fine. This would be considered a criminal offence.

## 2.3.14 The Homes (Fitness for Human Habitation) Act 2018

This Act amends the Landlord and Tenant Act 1985 to create a new duty on Landlords to ensure homes are fit for human habitation at the start of the tenancy and throughout. The term fitness will be amended from nine factors e.g. repairs, water supply, freedom from damp to also include any category 1 hazards under the HHSRS. This Act is to provide greater support to tenants and the Private Sector Housing Team and to provide assistance to tenants, wishing to seek further advice about possible action.

## 2.3.15 Empty Homes

Any action taken against an owner will be proportionate, taking into account each case and the individual circumstances around empty properties.

When reports are received of an empty property from a neighbour or member of the public, the Private Sector Housing Team will attempt to contact the owner to obtain circumstances relating to the empty property. The team will provide advice on property repair and any other applicable solutions or grants available to the owner to assist in bringing the property back into use.

Should the owner not cooperate, we can seek to use our local authority powers to bring the property back into use.

In cases where the owner cannot be traced the team will complete checks with other departments and agencies to locate owner or responsible person. Our enforcement options include but not limited to:

- Empty Dwelling Management Order
- Compulsory purchase
- Enforced sale

## 2.3.16 The Electrical Safety Standards Regulations 2020

The *Electrical Safety Standards* in the Private Rented Sector (England) *Regulations 2020* is a legislation that places a requirement on landlords or their agents to ensure that they have in place an Electrical Installation Condition Report (EICR) undertaken by a competent person confirming compliance with the current British Standard. This demonstrates that the wiring and installations in the property are safe.

# 2.0 Private Sector Housing enforcement policy detail

The Landlord must provide an EICR to the Local Authority if requested within 7 days. Landlords are also required to:

Ensure that an EICR is undertaken every 5 years; Ensure that any faults identified on the EICR are rectified within 28 days

- Provide an EICR to all new tenancies before occupancy;
- Provide an EICR to all new tenancies within 28 days of testing
- Provide an EICR to within 28 days if requested by a tenant
- Keep a copy of the certificate until the next inspection is due

Failure to comply with the above or a request from the Local authority will result in the following enforcement options being considered:

Serving Civil Penalty Notices of up to £30,000 where breaches of legislation are found

Arrange if necessary works to the property and such charges will be invoiced to the landlord

## 2.4 Community Safety and Landlord Responsibility

Landlords in Dacorum may be asked to attend a multi-agency meeting with services such as the police or social care if we consider there to be a risk to their tenants. The Private Sector Housing Team will request meetings in writing on behalf of the Community Safety Partnership.

## 2.5 Rogue Landlord Database

From 01 April 2018, the Housing and Planning Act 2016 requires us to input the details of any landlord or managing agent that we issue a banning order against onto a national database. This database can be accessed by all Local Housing Authorities.

Under section 30 of the Housing and Planning Act 2016, we can also input the details of landlords or managing agents who receive two civil penalties within a 12-month period. While this is discretionary, we are committed to tackling rogue landlords and believe that where two civil penalties have been issued within 12 months, it is appropriate to use this power.

## 2.6 Owner Occupiers

There may be occasions we are required to intervene and use powers on owner occupiers. This will be administered largely through hazard awareness notices.

However, the use of improvement notices, prohibition notices and their emergency equivalents will be considered in cases involving:

- Vulnerable elderly people who are judged incapable of making informed decisions about their own welfare
- Vulnerable individuals who require the intervention of the council to ensure their welfare is best protected
- Hazards that might reasonably affect persons other than the occupants
- Serious risk of life-threatening harm such as electrocution or fire

## 2.7 Registered Providers

We expect Registered Providers (RP) to ensure their homes are up to the required standards. The tenant should report all disrepair to their RP in the first instance to enable the RP the opportunity to rectify the issue. Should the RP fail to rectify in a timely manner, the tenant can approach the Private Sector Housing Team for assistance.

If a tenant is dissatisfied about the services of a registered provider should initially raise a complaint with the provider. All providers have responsibility for dealing with, and being accountable for, complaints about their services. All providers must have in place a clear complaints procedure and a statement about how they handle complaints, including complaints about performance against the standards.

Tenants not satisfied with the way their RP has dealt with their complaint should raise a complaint with the [Housing ombudsman](#)

## 2.8 Staff competency

This policy is administered by the dedicated Private Sector Housing Team. All officers in the team are authorised to enforce delegated powers on behalf of the council. The competency of officers to regulate the Private Sector through investigation and enforcement is maintained by completion of mandatory training and any relevant qualifications.

# 2.0 Private Sector

## Housing enforcement policy detail

### 2.9 Exceptions to policy

While we are committed to working with tenants and landlords, the following situations may impact our involvement and ability to use enforcement powers:

- Where the local authority is satisfied that the landlord is taking all reasonable and appropriate action to address repairs in a timely manner
- where the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, to arrange or carry out works
- where the tenant(s) have, in the opinion of the council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair
- where the tenant(s) have requested a service and then failed to keep an appointment and not responded to a follow up letter or appointment card
- where the complaint is found to be trivial or has no reasonable justification on visiting the property
- where the tenant(s) have been aggressive, threatening, verbally or physically abusive towards officers
- where the tenant(s) unreasonably refuses to provide the council with relevant documentation

### 2.10 Appeals

Where a statutory notice or order is served, or a licensing decision is made, the appeal process will be included within the documentation provided. This will include the full postal address and contact information for the relevant appeal body and the relevant time period to submit an appeal.

To reduce the potential for unnecessary appeals, clear reasons will be given, wherever possible, to a person against whom enforcement action is being taken.

### 2.11 Publicising Outcomes

Verdicts and sentences in criminal cases are 'given out' in open court and are a matter of public record. Evidence suggests that the public wants to know about the outcomes of local court cases. This information is also a legitimate way of engaging communities and making criminal justice services more transparent and accountable.

We may publicise the outcomes of criminal cases and basic personal information about the convicted offender, in accordance with guidance issued by the Criminal Justice System (Publicising Sentencing Outcome, CJS, 2011).

We will publicise action taken with the aim to:

- Reassure the public;
- Increase trust and confidence in the criminal justice system;
- Improve the effectiveness of the criminal justice system, and
- Discourage offending and/or re-offending.

## 3.0

### Links to other corporate documents

This policy links to and should be read in conjunction with the following policies and strategies:

- [HMO policy](#)
- [Prevention of Homelessness and Rough Sleeping Strategy](#)
- [Fire Safety guidance for HMO's](#)
- [Fit & proper statement](#)
- [Regulators statement](#)
- [Private Rented Sector Enforcement Panel Terms of Reference](#)
- ['Delivering for Dacorum – Corporate Plan 2020-2025'](#)

## 4.0

### Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- [Housing Act 2004](#)
- [The Human Rights Act 1998](#)
- [The Equality Act 2010](#)
- [The Regulation of Investigatory Powers Act 2000](#)
- [The Police and Criminal Evidence Act 1984 – Codes of Practice](#)
- [Enforcement Guidance issued under section 9 of the Housing Act 2004](#)
- [The Criminal Procedures and Investigations Act 1996](#)
- [The Legislative and Regulatory Reform Act 2006](#)
- [The Code for Crown Prosecutors](#)
- [The Enforcement Concordat](#)
- [Homes \(Fitness for Human Habitation\) Act 2018](#)
- [Tenant Fees Act 2019](#)

- [The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)
- [Housing and Planning Act 2016](#)
- [The Energy Efficiency \(Private Rented Property\) \(England and Wales\) Regulations 2015](#)
- [Civil penalties under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities](#)



## Department for Levelling Up, Housing & Communities

**Rt Hon Michael Gove MP**  
*Secretary of State for Levelling up Housing &  
Communities*  
*Minister for Intergovernmental Relations*

**Department for Levelling Up, Housing and  
Communities**  
4th Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

19 November 2022

Dear Local Authority Chief Executive and council leaders,

### **HOUSING STANDARDS IN RENTED PROPERTIES IN ENGLAND**

The tragedy of Awaab Ishak, who died at two years old as a direct result of mould in his family home, has highlighted the urgent need to ensure a decent standard of properties for tenants in all sectors.

I know you will join me in mourning this avoidable loss. I also know, from previous experience, that councils and authorities across the country are already determined to improve housing standards. That is why I am confident you will all be as focussed as my department is on ensuring that no family ever has to experience such a tragedy again. In 21st century Britain, this should not be a high aspiration.

I have today written to social housing providers on this crucial matter. All of us – including my department – need to deliver our responsibility to people living in poor quality housing. That is why I am writing to you to request you do everything in your power to prioritise the improvement of housing conditions for the millions of private and social tenants, in line with existing duties in the Housing Act 2004. This becomes ever more urgent as we go into winter with a cost of living and energy crisis, which may exacerbate damp and mould conditions in some homes.

As you will be aware, local housing authorities have a duty under the Housing Act 2004 (“the Act”) to keep housing conditions in their area under review with a view to identifying any action that may need to be taken by them under the Act (section 3(1)).

#### **Treating damp and mould seriously**

Having considered it necessary and urgent to ensure that, as we go into a challenging winter, damp and mould issues are being addressed, I now direct, under section 3(3) of the Act, that all local housing authorities in carrying out their duty to review housing conditions in their area must:

- have particular regard to high scoring (bands D and E) category 2 damp and mould hazards, as outlined in the guidance ‘Housing health and safety rating system (HHSRS) enforcement guidance: housing conditions<sup>1</sup>
- supply the department with an assessment of damp and mould issues affecting privately rented properties in your area, including the prevalence of category 1 and 2 damp and mould hazards; and

<sup>1</sup> <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-enforcement-guidance-housing-conditions>



- supply the department with an assessment of action you have identified that may need to be taken in relation to damp and mould issues affecting privately rented properties in your area.

In addition, pursuant to your duties under section 3(3) of the Act, I would like you to provide the following data covering your last three 12 monthly reporting periods for privately rented properties in your area:

- how many damp and mould hazards you have remediated, compared to your assessment of the prevalence of these hazards;
- how many times you have taken enforcement action to remedy damp and mould hazards and the form this has taken;
- how many civil penalty notices have been issued in relation to non-compliance with enforcement action over damp and mould hazards; and
- how many prosecutions have been successfully pursued in relation to damp and mould hazards.

If you have not collected this information, please explain why.

Finally, I would also like you to set out how you are prioritising enforcement of housing standards more generally in your authority, across all tenures, including what plans you have to ensure adequate enforcement capacity to drive up standards in the private rented sector.

Alongside this, I have asked social housing providers to make an assessment of their properties and the Regulator of Social Housing will also be writing to them shortly on this matter.

I would like an initial response by the end of the month – this should set out how you are prioritising this work and any other initial information you can provide. I would then like the full response by 27 January at the latest. My officials will work with the Local Government Association and local authorities to agree the process and format for these responses in the coming days. Any questions in the meantime can be directed to [housingstandards@levellingup.gov.uk](mailto:housingstandards@levellingup.gov.uk). My department will review these returns and may ask for further information. We may also periodically publish the responses, or a summary, to improve transparency on this important issue. I have focussed here largely on damp and mould to make quick progress on this important area during the winter months, but reserve the right to make further directions and requests in relation to wider standards in the near future as the department deems necessary.

I would like to take this opportunity to thank you for the important work that you do in your local areas to improve housing standards for tenants. It is vital that we all learn from the events that led to the tragic death of Awaab, and my officials and I look forward to working collaboratively with you to improve standards for renters across the country and across all tenures.

With every good wish,



**Rt Hon Michael Gove MP**  
**Secretary of State for Levelling Up, Housing and Communities**  
**Minister for Intergovernmental Relations**

# Dacorum BC Community Impact Assessment (CIA) Template

Policy / service / decision

PSH Enforcement Policy

## Description of what is being impact assessed

*What are the aims of the service, proposal, and project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?*

*Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Members, etc.*

*It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact*

Take a firmer stance to privately rented sector regulation/rogue landlord activities and utilise enforcement powers when necessary and appropriate.

Fulfil statutory duties imposed on the PSH Team after a number of years where little/no enforcement work has been carried out due to lack of appropriate resources within the PSH Team.

A detailed policy with the inclusion of enforcement considerations of CAT 2 hazards under the Housing Act 2004 following advise from the Secretary of State in response to a high profile damp and mould case.

## Evidence

### What data/information have you used to assess how this policy/service/decision might impact on protected groups?

*(Include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

The processes that will be followed in the implementation of the project are governed by legislation and statutory responsibility.



**Who have you consulted with to assess possible impact on protected groups?** *If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

Council staff, elected members and senior management. Additionally the PSH Team is a member of the Herts, Beds and Bucks Housing Group and consults with other members on issues relating to the private sector.

This policy is in relation to statutory functions and therefore residents have not been consulted.

**Analysis of impact on protected groups (and others)**

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, **before** you have implemented any mitigation.

- *The PCs of Marriage and Civil Partnership and Pregnancy and Maternity should be added if their inclusion is relevant for impact assessment.*
- *Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).*

<b>Summary of impact</b>		<b>Negative impact / outcome</b>	<b>Neutral impact / outcome</b>	<b>Positive impact / outcome</b>
<b>Protected group</b>	<i>What do you know? What do people tell you? Summary of data and feedback about service users and the wider community/public. Who uses / will use the service? Who doesn't / can't and why? Feedback/complaints?</i>			
<b>Age</b>	All age groups from 18+ benefit from the team’s proactive approach towards regulating private sector housing in the borough. The policy does not relate to housing minors.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>


<p><b>Disability (physical, intellectual, mental)</b></p> <p><i>Refer to CIA Guidance Notes and Mental Illness &amp; Learning Disability Guide</i></p>	<p>The team's approach towards regulating private sector housing in the borough ensures that disabilities are taken into account and advice given to private landlords/managing agents.</p> <p>The team provides appropriate advice to landlords whose tenants need disabled adaptations, but the landlord is under no obligation to proceed with grant applications or adaptation installations.</p>	□	□	☒
<p><b>Gender reassignment</b></p>	<p>Little information is available around the number of private sector tenants who are in the process of or have completed gender reassignment. The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Race and ethnicity</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Religion or belief</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Sex</b></p>	<p>The policy has no direct effect as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Sexual orientation</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or</p>	□	□	☒

	discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.			
<b>Not protected characteristics but consider other factors, e.g. carers, veterans, homeless, low income, loneliness, rurality etc.</b>	<p>People in employment/study may not be able to provide access during normal working hours (9-5 Mon-Fri)</p> <p>Landlords will have their own tenancy agreement to provide access during these times, given reasonable notice.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Negative impacts / outcomes action plan**

Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

<b>Action taken/to be taken</b> <i>(copy &amp; paste the negative impact / outcome then detail action)</i>	<b>Date</b>	<b>Person responsible</b>	<b>Action complete</b>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
<p><b>If negative impacts / outcomes remain, please provide an explanation below.</b></p>			
<b>Completed by (all involved in CIA)</b>	Rebecca Clarke, PSH Team Leader		
<b>Date</b>	23/01/2023		
<b>Signed off by</b> <i>(AD from different Directorate if being presented to CMT / Cabinet)</i>	 <b>Mark Brookes</b>		

<b>Date</b>	<b>12/06/23</b>
<b>Entered onto CIA database - date</b>	
<b>To be reviewed by (officer name)</b>	
<b>Review date</b>	

## Housing & Community OSC Work Programme 2023/2024

OSC Chairs Meeting to discuss the forward plan:

12:00-13:00 - 6 July via Teams

16:00-17:00 – 29<sup>th</sup> Aug via Teams

12:00-13:00 – 26<sup>th</sup> Sept Via Teams

14:00-15:00 - 19 Oct via Teams

10:00-11:00 – 21<sup>st</sup> Nov via Team

14:00-15:00 – 24 Jan via Teams

Meeting Date	Report Deadline	Items	Contact Details	Background information
Wed 19 July 2023	Friday 7 July 2023	Action Points (from previous meeting)	Kayley Johnston	<i>To review and scrutinise quarterly performance</i>
		<b>Allocations Framework Update</b>	Oliver Jackson – Head of Housing Operations <a href="mailto:Oliver.jackson@dacorum.gov.uk">Oliver.jackson@dacorum.gov.uk</a>	
		<b>TAM Commissioning Update</b>	Mark Pinnell – Assistant Director Property and Place <a href="mailto:Mark.pinnell@dacorum.gov.uk">Mark.pinnell@dacorum.gov.uk</a>	
		<b>Private Sector Enforcement &amp; Civil Penalties Policies</b>	Natasha Beresford – Assistant Director Housing Operations and Safer Communities <a href="mailto:Natasha.beresford@dacorum.gov.uk">Natasha.beresford@dacorum.gov.uk</a>	

<b>Wed 13 Sept 2023</b>	<b>Friday 1 Sept 2023</b>	<b>Action Points (from previous meeting)</b>		<i>To review and scrutinise quarterly performance</i>
		<b>Q1 Quarterly Budget Monitoring Report</b>	Fiona Jump – Head of Financial Services <a href="mailto:Fiona.jump@dacorum.gov.uk">Fiona.jump@dacorum.gov.uk</a>	<i>To review and scrutinise quarterly performance</i>
		<b>Q1 People and Communities Quarterly Reports</b>	Natasha Beresford – Assistant Director Housing Operations and Safer Communities <a href="mailto:Natasha.beresford@dacorum.gov.uk">Natasha.beresford@dacorum.gov.uk</a>	<i>To review and scrutinise quarterly performance</i>
		<b>Q1 Housing (Property, Strategic &amp; Delivery, Operations) &amp; Safe Communities Reports</b>	David Barrett – Assistant Director – Strategic Housing and Delivery <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>	<i>To review and scrutinise quarterly performance</i>
			Mark Pinnell – Assistant Director Property and Place <a href="mailto:Mark.pinnell@dacorum.gov.uk">Mark.pinnell@dacorum.gov.uk</a>	
		<b>Rent Policy Update</b>	Natasha Beresford – Assistant Director Housing Operations and Safer Communities <a href="mailto:Natasha.beresford@dacorum.gov.uk">Natasha.beresford@dacorum.gov.uk</a>	
			Oliver Jackson – Head of Housing Operations <a href="mailto:Oliver.jackson@dacorum.gov.uk">Oliver.jackson@dacorum.gov.uk</a>	
<b>Interim Asset Management Strategy (Draft)</b>	Mark Pinnell – Assistant Director Property and Place <a href="mailto:Mark.pinnell@dacorum.gov.uk">Mark.pinnell@dacorum.gov.uk</a>			



		<b>Supported Housing Review</b>	Oliver Jackson <a href="mailto:oliver.jackson@dacorum.gov.uk">oliver.jackson@dacorum.gov.uk</a>  Natasha Beresford – Assistant Director Housing Operations and Safer Communities <a href="mailto:Natasha.beresford@dacorum.gov.uk">Natasha.beresford@dacorum.gov.uk</a>	
		<b>Lease Variation</b>	Oliver Jackson <a href="mailto:oliver.jackson@dacorum.gov.uk">oliver.jackson@dacorum.gov.uk</a>	
		<b>Old Town Hall activity Report</b>	Diane	
		<b>Adventure Playground Activity Report</b>	Diane	
		<b>General communities Activity Report – inc cost of Living, Health and Wellbeing, Community Grants, etc</b>	Diane	
<b>Wed 11 Oct 23</b>	<b>Friday 29 Sept 23</b>	<b>Action Points (from previous meeting)</b>		<i>To review and scrutinise quarterly performance</i>
		<b>Strategy Housing (New)</b>	David Barrett – Assistant Director – Strategic Housing and Delivery <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>	

<b>Wed 8 Nov 23</b>	<b>Friday 27th Oct 23</b>	<b>Action Points (from previous meeting)</b>		<i>To review and scrutinise quarterly performance</i>
		<b>Q2 Quarterly Budget Monitoring Report</b>	Fiona Jump – Head of Financial Services  <a href="mailto:Fiona.jump@dacorum.gov.uk">Fiona.jump@dacorum.gov.uk</a>	<i>To review and scrutinise quarterly performance</i>
		<b>Q2 People and Communities Quarterly Reports</b>	Natasha Beresford – Assistant Director Housing Operations and Safer Communities  <a href="mailto:Natasha.beresford@dacorum.gov.uk">Natasha.beresford@dacorum.gov.uk</a>	<i>To review and scrutinise quarterly performance</i>
		<b>Q2 Housing (Property, Strategic &amp; Delivery, Operations) &amp; Safe Communities Reports</b>	David Barrett – Assistant Director – Strategic Housing and Delivery  <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>  Mark Pinnell – Assistant Director Property and Place  <a href="mailto:Mark.pinnell@dacorum.gov.uk">Mark.pinnell@dacorum.gov.uk</a>  Natasha Beresford – Assistant Director Housing Operations and Safer Communities  <a href="mailto:Natasha.beresford@dacorum.gov.uk">Natasha.beresford@dacorum.gov.uk</a>	<i>To review and scrutinise quarterly performance</i>
		<b>Action Points (from previous meeting)</b>		<i>To review and scrutinise quarterly performance</i>

<b>Wed 6 Dec 2023</b>	<b>24 Nov 2023</b>	<b>Action Points (from previous meeting)</b>		<i>To review and scrutinise quarterly performance</i>
		Joint Budget <i><b>Ideally no further items to be added</b></i>		<i>To review and scrutinise quarterly performance</i>
<b>Wed 17 Jan 2024</b>	<b>Friday 5th Jan 2024</b>			<i>To review and scrutinise quarterly performance</i>
		<b>Action Points (from previous meeting)</b>	Kayley Johnston	<i>To review and scrutinise quarterly performance</i>

<b>Wed 7 Feb 2024</b>	<b>Friday 26 January 2024</b>	<b>Action Points (from previous meeting)</b>		<i>To review and scrutinise quarterly performance</i>
		<b>Joint Budget <i>Ideally no further items to be added</i></b>		<i>To review and scrutinise quarterly performance</i>
<b>Wed 13 March 2024</b>	<b>Friday 1 March 2024</b>	<b>Action Points (from previous meeting)</b>		<i>To review and scrutinise quarterly performance</i>
		<b>Q3 Quarterly Budget Monitoring Report</b>	Fiona Jump – Head of Financial Services <a href="mailto:Fiona.jump@dacorum.gov.uk">Fiona.jump@dacorum.gov.uk</a>	
		<b>Q3 People and Communities Quarterly Reports</b>	Natasha Beresford – Assistant Director Housing Operations and Safer Communities <a href="mailto:Natasha.beresford@dacorum.gov.uk">Natasha.beresford@dacorum.gov.uk</a>	
		<b>Q3 Housing (Property, Strategic &amp; Delivery, Operations) &amp; Safe Communities Reports</b>	David Barrett – Assistant Director – Strategic Housing and Delivery <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>  Mark Pinnell – Assistant Director Property and Place <a href="mailto:Mark.pinnell@dacorum.gov.uk">Mark.pinnell@dacorum.gov.uk</a>  Natasha Beresford –	

		Assistant Director Housing Operations and Safer Communities <a href="mailto:Natasha.beresford@dacorum.gov.uk">Natasha.beresford@dacorum.gov.uk</a>	

Public place protection order Revision – Trevor Pugh. Date tbc

Old Town Hall Review – Diane – TBC

Adventure Playground Review - Diane – TBC

Sports Strategy - Diane – TBC

Cultural Strategy - Diane – TBC

Leisure Contract Management – Diane - TBC

VCS Activity Report – Diane - TBC

VCS Commissioning – Diane - TBC