



Housing Community Overview and Scrutiny Committee

Report for:	Housing Community Overview and Scrutiny Committee
Title of report:	Private Sector Housing – Rogue Landlord Initiative, Civil Penalty & Enforcement Policies
Date:	19 July 2023
Report on behalf of:	Councillor Simy Dhyani
Part:	I
If Part II, reason:	N/A
Appendices:	Appendix 1 – Draft Civil Penalty Policy Appendix 2 – Draft Enforcement Policy
Background papers:	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
Glossary of acronyms and any other abbreviations used in this report:	Private rented sector (PRS) Housing Health and Safety Rating System (HHSRS)

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Corporate Priorities	<ul style="list-style-type: none"> • A clean, safe and enjoyable environment • Providing good quality affordable homes, in particular for those most in need • Ensuring efficient, effective and modern service
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	delivery
Wards affected	All.
Purpose of the report:	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.
Recommendation (s) to the decision maker (s):	<ul style="list-style-type: none"> • Provide feedback regarding the approach and policy development • Support recommendation to Cabinet to implement the policies and for future policy revisions to be approved by way of delegated authority to Portfolio Holder
Period for post policy/project review:	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.