



REPORT TO:	Cabinet	05 July 2021
LEAD CABINET MEMBER:	Cllr Brian Milnes, Lead Cabinet Member for Environmental Services and Licencing	
LEAD OFFICER:	John Hall, Environment Service Manager (Commercial & Licencing)	

Private Sector Housing Policy (Environmental Health: Enforcement and Licencing)

Executive Summary

1. The Private Sector Housing policy brings together the actions that will be taken by Environmental Health Practitioners to ensure that housing within the Private Sector Housing sector reaches the required standards as set out in Housing and other Acts that we can use. The policy is a new policy and formalises the approach already taken by the EHPs in Waste and Environment. The Minister of Housing, Communities and Local Government has published the following document 'Rogue Landlord Enforcement: Guidance for Local Authorities'. This document covers the expectation that Local Authorities will use the powers that we have been given to tackle substandard conditions in the private rented sector and it is landlords that manage properties that do not meet this requirement that enforcement action will be targeted towards. It also states that we should have clear policies and procedures on how we are going to do this. This policy will ensure that we are following best practice.

The document will enable landlords and letting agents to understand how the council may use the powers we have.

The powers that we use can be used on all tenure types, so in certain circumstances they can be used with homes that are owner occupied or have social landlords.

This policy deals with the practical application of enforcement procedures that will be used to achieve housing and environmental standards. The main objective of any enforcement action is to ensure that noncompliance in the housing market is addressed in the most effective way to ensure that compliance is achieved for the benefit of all. The three key principles we apply to any enforcement are: Consistency; proportionality and openness, and by following this policy we will ensure that these principles are adhered to.

Housing have been consulted on the policy as South Cambridgeshire District Council are responsible for our own housing stock.

Key Decision

2. Yes

The policy is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more Wards.

Recommendations

3. It is recommended that Cabinet:
 - a) Approve the Private Sector Housing Policy, to ensure the Council follows guidance from the Ministry for Housing, Communities and Local Government, to tackle substandard conditions in the private rented sector.
 - b) Delegate authority to the Head of Shared Waste and Environment to make minor amendments, in consultation with the Lead Cabinet Member for Environmental Services and Licensing.

Reasons for Recommendations

4. The policy is needed to ensure that the Council can deal with private sector housing issue in a fair and consistent manner and incorporating guidance from Government departments.

Details

5. These policies cover, how the council will deal with substandard conditions in the private rented sector and how we undertake houses in multiple occupation (HMO) licensing; and how we will determine the level of civil penalty that can be imposed on a landlord or letting agent as an alternative to prosecution for specific offences under the Housing Act 2004.

Private Sector Enforcement Policy (Environmental Health: Enforcement and Licensing)

This policy covers:

How we will carry out enforcement. This will be done in a consistent, proportionate and open way.

We will work in partnership with other agencies and, when necessary, we will share data with these agencies.

If there appears to be a safeguarding issue this will be reported to the relevant agency.

We will use a wide range of enforcement methods, from written warnings to banning orders.

We will always take a proportionate approach to enforcement and the options available are detailed in the policy.

The policy also covers the process involved for HMOs and covers stages from licence application to determining the licence and what is expected of licence holders through the term of the licence.

Civil Penalties Procedures and Guidance.

The methodology in this document is based on the model developed by Nottingham City Council. The methodology has been tried and tested and gives a consistent approach on how we will determine the level of any civil penalty.

Implications

6. This policy ensures that we are not open to challenge on how we deal with complaints about the private rented sector and helps to protect tenants by ensuring that they live in properties that reach the relevant standards for habitation. It makes it clear to landlords and tenants how we will process complaints and any action that we may take. These actions are in line with the Housing Acts and ministerial guidance.

Financial

7. The service was recently restructured, this means that we now have the appropriate officer numbers to fulfil the duties within this policy. Due to the restructure there are no financial implications.

Legal

8. This policy ensures that we comply with our statutory requirements.

Alignment with Council Priority Areas

A modern and caring Council

9. Implementing this policy will ensure that we provide customers with high quality service, it will also build on what we are good at and generate our own income. The policy also ensures that decisions are made in a transparent, open and inclusive way. This policy also ensures that we protect our residents by dealing with complaints and taking appropriate action to ensure that their rented property reaches the required standards.

Background Papers

Appendices

Appendix A: Private Sector Housing Policy (Environmental Health: Enforcement and Licencing)

Appendix B: Civil Penalties Procedure and Guidance

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