
Cabinet

2nd October 2018

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A Khan
Cabinet Member for Housing and Communities – Councillor E Ruane

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

All

Title:

Private Sector Housing Enforcement Policy 2018

Is this a key decision?

No – although this matter affects all wards in the City, the impact is not expected to be significant.

Executive Summary:

The provision of good quality housing for Coventry residents is a priority for the City Council.

The adopted Coventry Local Plan 2016 details how Coventry City Council will meet the future house building needs up to 2031. There is also a need to consider the City's existing housing stock and in particular the quality of homes provided via the Private Rented Sector (PRS).

Over the last two years, Government have legislated to provide local authorities with additional powers to tackle poor quality homes in the PRS. This report therefore seeks approval of the attached "Policy for Enforcing Standards in Private Sector Housing 2018.

This policy encompasses all powers available to the City Council from a variety of different pieces of legislation (as detailed in policy at appendix 1). If adopted this policy will act as a framework for all future housing enforcement activities.

Recommendations:

The Cabinet are requested to:

1. Consider and approve the draft Policy for Enforcing Standards in Private Sector Housing
2. Authorise the Deputy Chief Executive (Place) to implement the policy as detailed in the report and delegate the power to the Head of Planning and Regulation to issue, use, amend and enforce civil penalties and all other enforcement powers under the Housing Act 2004 (as amended) and the Housing and Planning Act 2016 (and subsequent Regulations and Orders).

List of Appendices included:

Appendix 1 - Policy on Enforcing Standards in Private Sector Housing 2018.
Appendix 2 - Public Health and Housing Enforcement Policy 2017.
Appendix 3 – Equality and consultation analysis form.

Background papers:

None

Other useful documents:

Housing Act 2004.
Housing and Planning Act 2016.
Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017.
MHCLG Guidance for Local Authorities on Civil Penalties, Banning Orders, Rogue Landlord Database and Rent Repayment Orders which can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697644/Civil_penalty_guidance.pdf

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Private Sector Housing Enforcement Policy 2018

1. Context (or background)

- 1.1. The Government has been increasingly active in addressing concerns regarding a number of issues in the Private Rented Sector (PRS) over recent years and has introduced a suite of legislation designed to strengthen consumer protection for tenants and tackle rogue landlords.
- 1.2. This included new laws requiring letting and managing agents in England to belong to a redress scheme; providing protections for tenants against retaliatory eviction; and the Housing and Planning Act 2016, which introduced civil penalties, extended rent repayment orders and provided Local Authorities with powers to ban the most serious criminal landlords through the introduction of banning orders.
- 1.3. Civil penalties for certain housing offences came into force on 6 April 2017. A civil penalty can be imposed as an alternative to prosecution.
- 1.4. The maximum amount that can be levied through a civil penalty is £30,000 and all income received can be retained by the Local Housing Authority to further its statutory functions in relation to their enforcement activities covering the PRS.
- 1.5. Statutory guidance for civil penalties has been provided by the Ministry of Housing, Communities & Local Government (MHCLG) and Local Housing Authorities must have regard to this guidance in the exercise of their functions in respect of civil penalties.
- 1.6. In order for the Council to use these powers it must have published a policy setting out how it will implement these powers in relation to properties in the PRS.
- 1.7. Coventry City Council is also taking this opportunity to set out its policy for implementing wider powers in the private rented sector as set out in the policy document.
- 1.8. A copy of the proposed policy is attached as an Appendix 1 to this report.

2. Options considered and recommended proposal

- 2.1. Do nothing. This option is not recommended because it would prevent the use of civil penalties in relation to PSR. This would result in the only option being prosecution which may not always be the most appropriate route.
- 2.2. Approve the policy. In order for the Council to proceed with implementing the powers provided under the Housing and Planning Act 2016 it must first have published a policy. Without this the Council is not in a position to use the powers relating to civil penalties. Therefore, the Cabinet are requested to approve the policy for Enforcing Standards in Private Sector Housing and the approach to dealing with the implementation of civil penalties under the Housing and Planning Act 2016 as detailed in the report.

3. Results of consultation undertaken

- 3.1. The new range of measures set out in the policy have been subject to national consultation by the Ministry for Housing, Communities and Local Government and the results of this have been taken in to consideration by Government when developing guidance provided to Local Authorities for implementing these powers. There is no statutory requirement to consult further on the measures set out in the policy.

4. Timetable for implementing this decision

- 4.1. The policy must be published first to allow the Council to implement civil penalties. The implementation can commence once the report has been approved and the policy is published. It is proposed that there is a fixed implementation date of 1st November 2018.

5. Comments from Director of Finance and Corporate Services

5.1. Financial implications

The financial implications associated with the recommendation are limited to the employee costs associated with implementing the policy and any costs involved in publishing the policy document.

All income received from civil penalties can be retained by the Local Housing Authority provided that it is used to further statutory functions in relation to their enforcement activities covering the PRS, as specified in the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017.

5.2. Legal implications

Section 126 of the Housing and Planning Act 2016 allows civil penalties to be imposed as an alternative to prosecution for certain offences as set out in Schedule 9 of the Act.

The Act provides other steps that can be taken by the Council to landlords in the private rented sector. These steps include: Banning Orders, Rent Repayment Orders and the Rogue Landlord Database

The Council will not be able to undertake its role of regulating the private rented sector through the use of civil penalties unless it has approved and published its policy.

The regulatory function in relation to the policy will be carried out by the Planning and Regulation Service through officers exercising delegated powers. The one exception is the approval of the policy statement, which must be approved by Coventry City Council.

The Council is required to have regard to any current Government guidance when carrying out any regulatory activities under the Housing and Planning Act 2016.

6. Other implications

6.1. How will this contribute to achievement of the Council's Plan?

The Council Plan takes forward the main themes agreed by the Council in recent years. It reaffirms the Council's ambition – developed with the Strategic Partnership and partners to make Coventry: A Top Ten City.

This ambition is driven through three corporate priorities which directly address the needs of the City and include, in particular;

- Promoting the growth of a sustainable Coventry economy by;
 - Increasing the supply, choice and quality of housing.
- Improving the quality of life for Coventry people by;
 - Improving the health and wellbeing of local residents
 - Protecting our most vulnerable people
 - Reducing health inequalities

The Health and Wellbeing Strategy 2016-19 recognises that creating health, wealth and happiness requires more than simply managing people's health problems.

The health and wealth being of people can be improved if people have jobs, good housing, and are connected to families and communities.

The Council's Housing Strategy 2013-2018 affirms the Council's view that housing plays a crucial role in the economic growth of the City. The ambition for Coventry is *"to ensure decent homes, housing choice and support for Coventry citizens"* through various themes including:

- Increase the supply, choice and quality of new housing;
- Prevent and tackle homelessness;
- Strive for a healthier and more sustainable City by improving the quality and use of stock; and
- Encourage balanced, stable and sustainable communities.

The Housing Strategy links into the Council Plan and the Health and Wellbeing Strategy by contributing to the delivery of the key corporate priorities but also in supporting the local economy through ensuring communities have stable and safe places to live.

6.2. How is risk being managed?

If the Policy for Enforcing Standards in Private Sector Housing is not approved, the City Council will not be able to perform its regulatory functions through the use of civil penalties under the Housing and Planning Act 2016. However, prosecution would still be an option to pursue.

The policy will inform decisions taken by regulatory services that will have an impact on the interests of private landlords, agents and tenants. The policy follows the principles of enforcement set out in the Council's overarching Public Safety and

Housing Enforcement Policy 2017 and therefore reflects the need to respect the relevant rights given by the Human Rights Act.

Decisions of regulatory services are open to challenge through the First Tier Property Tribunal and in certain cases the Magistrates Court and beyond. The policy is designed to ensure our compliance with legislation and statutory guidance, minimising the risk of legal challenge.

6.3. What is the impact on the organisation?

The adoption of the policy should have limited impact on the organisation. There is no human resource, financial or ICT implications as cases which are likely to be subject to civil penalties will be investigated using current resources. There is a potential positive impact, in that any income received from civil penalties provides an opportunity to undertake further proactive work and statutory functions in relation to the Council's enforcement activities covering the PRS.

6.4. Equalities / EIA

The Policy for Enforcing Standards in Private Sector Housing makes links to the Council's Equality and Diversity Policies and an Equalities Assessment exists for regulatory activities. A specific Equalities Assessment has been completed for this report and is attached at Appendix 2.

6.5. Implications for (or impact on) the environment?

6.6. There are no implications for the environment.

6.7. Implications for partner organisations?

The Policy for Enforcing Standards in Private Sector Housing contributes towards the work of the Community Safety Partnership.

The effective operation of the policy by regulatory services has an impact on the quality and management of properties in the PRS and on the co-existence of rented properties with local residents and communities.

Report author(s):**Name and job title:**

Adrian Chowns
Property Licensing Manager

Directorate:

Place

Tel and email contact:

Tel: 024 7683 833212

Email: adrian.chowns@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Davina Blackburn	Regulatory Services Manager	Place	13/07/2018	27/07/2018
Usha Patel	Governance Services Officer	Place	01/08/2018	09/08/2018
Tracy Miller	Head of Planning and Regulatory Services	Place	01/08/2018	22/08/2018
Lara Knight	Governance Services Co-ordinator	Place	30/08/2018	30/08/2018
Names of approvers for submission: (officers and members)				
Cathy Crosby	Finance	Place	01/08/2018	10/08/2018
Laura Stockin	Legal	Place	01/08/2018	10/08/2018
Martin Yardley	Deputy Chief Executive	Place		
Andrew Walster	Director	Place	01/08/2018	29/08/2018
Councillor A Khan	Cabinet Member for Policing and Equalities	-	30/08/2018	03/09/2018
Councillor E Ruane	Cabinet Member for Housing and Communities	-	30/08/2018	06/09/2018

This report is published on the council's website: www.coventry.gov.uk/councilmeetings