
Cabinet

11th October 2022

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A S Khan
Cabinet Member for Housing and Communities – Councillor D Welsh

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All

Title:

Review of Policy for Enforcing Standards in Private Sector Housing 2022

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.

Government have legislated to provide local authorities with additional powers to tackle poor quality homes in the Private Rented Sector (PRS).

The Council approved its enforcement policy for enforcing standards in private sector housing in 2018.

This policy has now been reviewed following the introduction of additional powers and legislation and the report therefore seeks approval of the attached “Policy for Enforcing Standards in Private Sector Housing 2022”, which now incorporates those additional powers and provides an effective framework for all future housing enforcement activities in the city.

Recommendations:

The Cabinet is requested to:

1. Consider and approve the amended “Policy for Enforcing Standards in Private Sector Housing 2022” attached at Appendix 1 to the report.

2. Authorise the Director of Streetscene and Regulatory Services to implement the policy as detailed in the report and delegate authority to the Strategic Lead for Regulation to issue, use, amend and enforce civil penalties and all other enforcement powers as set out in the revised “Policy for Enforcing Standards in Private Sector Housing 2022”.

List of Appendices included:

Appendix 1 Policy for Enforcing Standards in Private Sector Housing 2022 and policy appendices (Policy Appendix 1 – Acts and Regulations; Policy Appendix 2 – Civil Penalties under the Housing and Planning Act 2016; Policy Appendix 3 – Civil Penalties under the Tenant Fees Act 2019; Policy Appendix 4 – Civil Penalties under the Electrical Safety Standards Regulations 2020; Policy Appendix 5 – Penalties under the Minimum Energy Efficiency Standards 2018; Policy Appendix 6 – Fit and Proper Person for Caravan Licensing; Policy Appendix 7 – Database of Rogue Landlords).

Appendix 2 Equality and consultation analysis form.

Background papers:

None

Other useful documents:

None

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: Review of Policy for Enforcing Standards in Private Sector Housing 2022

1. Context (or background)

- 1.1. In recent years, the Government have introduced a patchwork of legislation designed to strengthen consumer protection for tenants and tackle rogue landlords and these were included in the Council's Policy for Enforcing Standards in Private Sector Housing 2021.
- 1.2. In order for the Council to use these powers it must publish a policy setting out how it will implement the legislation in relation to properties in the PRS and review how these powers are adopted.
- 1.3. Coventry City Council has reviewed its policy which, if approved will take effect from the date of approval by Cabinet.
- 1.4. This will be managed within existing resources and compliments and supports the work carried out under Additional and Mandatory Licensing Schemes.
- 1.5. A copy of the revised policy is attached as Appendix 1 to the report. In summary the new policy includes amendments to updated legislation such as the Smoke and Carbon Monoxide Regulations and provides a decision-making mechanism and criteria for adopting the powers to place someone on the Rogue Landlord Database.

2. Options considered and recommended proposal

- 2.1. **Do nothing** - This option is not recommended because this would prevent the use of the full suite of powers in relation to the PRS available to the City Council. This could affect the Council's ability to help protect the health, safety and welfare of tenants in Coventry.
- 2.2. **Approve the policy – This is the preferred option.** In order for the Council to proceed with implementing the legislation provided it must have published a policy. Without this the Council is not able to use the powers. Therefore, the Cabinet are requested to approve the policy for Enforcing Standards in Private Sector Housing and adopt the approach set out in the appropriate appendices for dealing with the implementation of civil penalties.

3. Results of consultation undertaken

- 3.1. The enforcement measures open to the Council are set out in legislation and consultation is unnecessary for the Council to be able to use them.

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 the revised policy will take effect from the date it is approved by Cabinet.

5. Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

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. These costs will be managed within existing resources.

Enforcement authorities will be able to retain the money raised through financial penalties with this money reserved for future housing enforcement in the private rented sector as set out in statutory guidance.

5.2. Legal implications

Each statutory instrument sets out the provisions of the legislation and is supported by regulations, statutory guidance and non-statutory guidance which the Council will have regard to when deciding upon its enforcement activities.

The Council will not be able to undertake its role of regulating the PRS through the use of these powers unless it has approved and published its policy.

The regulatory function in relation to the policy will be carried out by the Regulatory Service through officers exercising delegated powers. The one exception is the approval of the policy statement, which must be approved by Cabinet.

The Council is required to have regard to any current Government guidance when carrying out any regulatory activities under legislation.

6. Other implications

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

The One Coventry Plan 2022-2030 is currently being finalised and sets out the Council's vision and priorities for the city, with a vision of working together to improve our city and the lives of those who live, work and study here by creating a city where our residents get the best possible start in life, experience good health and age well and are protected and valued as residents and communities.

Housing is a key determinant of health and as a Marmot City the Council recognises the importance reducing health inequalities. The Council's Housing and Homelessness Strategy 2019-2024 affirms this view and also acknowledges that housing plays a crucial role in the economic growth of the city.

The PRS plays a fundamental role in providing affordable housing and the ambition for Coventry is "*to improve the use of existing homes*".

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 full regulatory functions through the use of the range of enforcement powers it has at its disposal.

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 to the report.

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

The review of the policy provides an opportunity for the Council to address issues relating to the climate change agenda.

6.6. 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):

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Suzanne Bennett	Governance Services Co- ordinator	Law and Governance	30 th August 2022	1 st September 2022
Names of approvers for submission: (officers and members)				
Cathy Crosby	Finance Officer	Finance	23 rd August 2022	26 th August 2022
Gill Carter	Legal Officer	Law and Governance	23 rd August 2022	25 th August 2022
Andrew Walster	Director of Streetscene and Regulatory Services	Street Scene and Regulatory Services	30 th August 2022	1 st September 2022
Councillor A Khan	Cabinet Member for Policing and Equalities		5 th September 2022	15 th September 2022
Councillor D Welsh	Cabinet Member for Housing and Communities		5 th September 2022	15 th September 2022

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