

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**STRATEGIC HOUSING ADVISORY BOARD**

**19 May 2008**

**Report of the Director of Health and Housing**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 HOUSING ENFORCEMENT POLICY**

**Summary**

**Local authorities are encouraged to adopt a clear housing enforcement policy to ensure a fair and consistent approach to enforcement of standards. This report includes the proposed policy and details how this links into the wider Environmental Health and Housing enforcement policy.**

**1.1 Background**

- 1.1.1 The Housing Act 2004 introduced a new way of assessing standards in housing which is the Housing, Health and Safety Rating System (HHSRS). The enforcement guidance issued by the Office of the Deputy Prime Minister (ODPM) in February 2006 encouraged local authorities to adopt housing enforcement policies to ensure a fair and consistent approach.
- 1.1.2 Under the Housing Act 2004 local authorities have both duties and powers to act. It is therefore important there where there is only a power to act the local authority sets out clearly under what circumstances it will take action.
- 1.1.3 The Environmental Health and Housing Service (EHHS) has a Service-wide enforcement policy which sets out the principles of good enforcement. The Private Sector Housing Enforcement Policy will sit under this Service-wide policy ensuring that its key principles are adhered to in relation to the enforcement of housing standards. The EHHS Enforcement Policy, originally adopted in 1998 and last updated in 2004, has recently been reviewed and is at **[Annex 1]**. Its general content and principles are unchanged – but it incorporates the recently introduced Regulators' Compliant Code, the latest versions of the Code for Crown Prosecutors and Guidelines on Cautioning Offenders. This Board is invited to adopt the Service-wide policy in respect of housing functions; the Local Environmental Management Advisory Board will, later in the cycle, consider the environmental health aspects.

## 1.2 Private Sector Housing Enforcement Policy

1.2.1 The proposed policy is attached at **[Annex 2]**. The policy aims to ensure officers undertake enforcement work in a firm but fair, open and consistent and helpful way. The policy deals with the practical application of enforcement procedures that will be used to achieve statutory housing standards. It sets out what owners, landlords, their agents and tenants of private sector properties can expect from officers.

## 1.3 Legal Implications

1.3.1 The statutory guidance issued by the ODPM in relation to enforcement of the Housing, Health and Safety Rating System encourages the adoption of an enforcement strategy.

1.3.2 The adoption of such a strategy allows the Council to ensure enforcement decisions are taken in a consistent manner.

## 1.4 Financial and Value for Money Considerations

1.4.1 None

## 1.5 Risk Assessment

1.5.1 If the Council does not have an enforcement policy in place detailing how decisions will be taken, particularly in relation to where there is only a power to act, it is leaving itself open to challenge from recipients of the enforcement action.

## 1.6 Recommendations

**CABINET is RECOMMENDED to:**

1.6.1 **ADOPT the** attached Environmental Health and Housing and Private Sector Housing Enforcement Policies.

The Director of Health and Housing confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Linda Hibbs

Nil

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Director of Health and Housing