

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

21 February 2011

Joint Report of the Director of Health and Housing and Cabinet Member for Housing

Part 1- Public

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

1 ENVIRONMENTAL HEALTH AND HOUSING ENFORCEMENT POLICY

Summary

The Environmental Health and Housing Services Enforcement Policy has been reviewed and updated. The Board is invited to recommend its adoption.

1.1 Background

- 1.1.1 The Environmental Health and Housing Service carries out a wide range of enforcement/regulatory activities. The use of our enforcement powers is informed by reference to our enforcement policy, which was first adopted in 1995 and has been updated regularly since then, the last review being completed in 2008.
- 1.1.2 A further review has just been completed and takes into account revisions to the Code for Crown Prosecutors; reflects changes to enforcement options available to officers, such as the service of fixed penalty notices and incorporates the findings of the Equalities Impact Assessment on the previous version of this policy.
- 1.1.3 Members should be aware that a Corporate Enforcement Policy is in the process of being developed and this policy is intended to sit beneath that, within the Corporate Policy framework.
- 1.1.4 The Board is invited to consider the Service wide policy at **[Annex 1]** in relation to the housing aspects. The Local Environmental Management Advisory Board, at its meeting on 28 February; will consider the environmental health and street scene functions.
- 1.1.5 The Private Sector Housing Enforcement Policy agreed by this Board in 2008 is intended to sit under this policy. 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 to set out what owners, landlords, their agents and tenants of private sector properties can expect from officers.

1.2 Legal Implications

- 1.2.1 The adoption and implementation of an enforcement policy seeks to ensure that enforcement action adheres to the principles of better regulation and is consistent, targeted, transparent and proportionate.

1.3 Financial and Value for Money Considerations

- 1.3.1 None

1.4 Risk Assessment

- 1.4.1 The adoption and implementation of an enforcement policy reduces the risk of a successful challenge to individual enforcement actions.

1.5 Equality Impact Assessment

- 1.5.1 See 'Screening for equality impacts' table at end of report

1.6 Recommendations

- 1.6.1 It is **RECOMMENDED** that Cabinet **ENDORSE** the current version of the Environmental Health and Housing Services Enforcement Policy.

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: Jane Heeley

Nil

John Batty
Director of Health and Housing

Councillor Jill Anderson
Cabinet Member for Housing

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The aim of the Enforcement Policy is to ensure that enforcement / regulatory activities are applied consistently. An Equalities Impact Assessment was carried out on the previous version of this Policy and the actions incorporated into this document.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	See response above.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable.

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table