

# **BURNLEY BOROUGH COUNCIL**

## **HOUSING ENFORCEMENT POLICY**



**Housing and Development Control Unit  
19 Parker Lane  
Burnley  
March 2016  
Clare Jackson  
Private Sector Housing Manager**

## CONTENTS

	Pages
Preface	2
Introduction	3
<b>Part A Policy Aims and Objectives</b>	
Aims	3
Objectives	3 to 4
<b>Part B Legislation and Policies Used</b>	
B1 Part 1 of the Housing Act - HHSRS	4 to 7
B2 Houses in Multiple occupation	7 to 10
B3 Selective Licensing	10 to 15
B4 Accreditation	14
B5 Landlord Development Days	15
B6 The Redress Scheme for Lettings Agency Work & Property Management Work	15 to 16
B7 Smoke and Carbon Monoxide Alarms	16
B8 Housing Act 1985	16 to 17
B9 Requisition for Information	17
B10 Re-possession of a property	17 to 18
B11 Protection From Eviction Act 1977	18
B12 Protection From Harassment Act 1997	18
B13 Vacant Properties	18
B14 Park Homes	19
<b>Part C General Enforcement Policies and Principles</b>	
C1 Enforcement Concordat	19 to 21
C2 The Regulators Compliance Code	21
C3 Human Rights Act 1998	21
C4 Data Protection Act	21
C5 Intervention	21 to 22
C6 Ensuring Compliance with Legislation	22 to 24
C7 Sanctions	24 to 26
C8 Multi Agency Work	26
C9 Review	26

### Preface

The Private Sector Housing Team has a vision to

*“Create confidence in Burnley as a place of choice by enhancing residents’ quality of life through good quality efficient homes that provide a safe, healthy and well managed living environment.”*

This will inevitably include the need for enforcement action. The purpose of this policy is to ensure that people who own and rent property in the Borough of Burnley are aware of what they can expect from Officers of the Private Sector Housing Team. Officers will work corporately with other service units to make full use of enforcement tools to raise the standard of housing within the Borough.

The Council formally adopted this policy on 25<sup>th</sup> April 2006 following consultation with the Private Rented Sector Forum and other interested bodies. It supplements the Government's Concordat of Good Enforcement, which has also been adopted by the Council.

The policy was further updated in March 2016.

## **Introduction**

The Private Sector Housing Team (PSHT) is part of the Housing and Development Control Unit within Burnley Borough Council. The PSHTs concerned mainly with the Private Rented Sector however its remit also extends across all forms of tenure where appropriate. The Council have statutory duties to regulate and enforce the Housing, Health and Safety Rating System, Licensing of Houses in Multiple Occupation and other rented dwellings in areas subject to selective licensing. We also use other relevant legislation to ensure that homes are safe and well managed.

Delivery of this policy helps to achieve the following Council Strategic Objectives:

- PLACES - Making the Borough a Place of Choice
- PEOPLE – Creating flourishing, healthy and confident communities.

The policy sets out the broad principles and processes which Officers will follow when enforcing housing related legislation to ensure the approach is fair and consistent which will stand up to scrutiny. It will explain how the Council will take steps to ensure that housing does not adversely affect the health, safety and welfare of the occupiers or visitors and how it will improve the management of the private rented sector.

The document is divided into three sections:

- Part A – Sets out the policy aims and objectives
- Part B – Sets out the legislation and policies used by the PSHT
- Part C – Sets out the general enforcement policies and principles, including fees and describes the types of action available to the Council to ensure compliance with the legislation and duties under the remit of the Private Sector Housing Team.

## **Part A Policy Aims and Objectives**

### **A1. Aims**

- To explain the legal responsibilities, principles and priorities the Council will follow when enforcing legislation in relation to the private housing sector.
- To ensure Officers make balanced and consistent enforcement decisions when carrying out their duties.

### **A2. Objectives**

- Ensure that when brought to the Council's attention, tenants of a private landlord or Registered Provider live in homes free from hazards that pose risks to their health, safety and welfare;
- Ensure the satisfactory management of all rented properties including houses in multiple occupation (HMO's);
- Ensure letting and management businesses are members of a Government registered Redress Scheme;
- Ensure all HMO's and properties situated in a selective licensing area are licensed where required, licensed conditions are met and the properties are safe;

- Work with the Fire and Rescue Service to ensure satisfactory means of escape from fire and other fire precautions in HMOs;
- Ensure landlords implement the requirements detailed in The Smoke Alarm and Carbon Monoxide (England) Regulations 2015
- Reduce the number of long term vacant properties;
- Alleviate overcrowding in private sector accommodation;
- Prevent unlawful evictions and harassment;
- On occasion, in serious cases we will be called to support owner occupiers who are living in homes which could be detrimental to their health and wellbeing.

## **Part B Legislation and Policies Used**

### **B1. Part 1 of the Housing Act 2004 and the Housing, Health and Safety Rating System (HHSRS)**

#### **B1.1 Introduction**

The Housing Act 2004 (“the Act”) is a significant piece of legislation and the one that is commonly enforced by the PSHT. This chapter outlines the provisions of the Act; it should be noted that this is not a definitive interpretation of the legislation and does not provide a full statement of the law - it is simply a summary.

Part 1 of the Housing Act 2004 details the system used for assessing the condition of residential premises. This is called the Housing Health and Safety Rating System (HHSRS) and is a way of identifying faults in a dwelling and evaluating the potential effect of those faults on the health, safety and welfare of the occupants and/or visitors.

The principle of this system is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. The system scores a hazard on the basis of the likelihood of an occurrence that could cause harm over the next twelve months and the probable severity of the outcome, if it did happen.

#### **B1.2 Property Inspections and Keeping Records**

If a complaint is received that suggests there is the existence of hazards at a property the need for a HHSRS inspection will be assessed. As the Council receive over 300 complaints of disrepair per year, the assessment will be based upon the information given by the complainant to determine the potential seriousness of the hazards and within in how many days an inspection is required. In some cases of minor hazards the landlord or managing agent will be contacted to facilitate compliance before an inspection is undertaken. This procedure will be used particularly in cases where the landlord or managing agent is accredited under the Good Landlord and Agent Scheme.

Where there is reason to believe that a property requires an inspection, we will as far as possible, inspect the whole property, both internally and externally in accordance with the HHSRS Operating Guidance.

Where there is a particular hazard requiring immediate action a partial inspection may be carried out initially. Once action to deal with the immediate problem is in progress a follow up inspection of the entire property will be undertaken to assess other hazards.

We are required by the HHSRS regulations to keep an accurate record of all inspections carried out, either in paper copy or electronic form. The private sector housing team use a standard property inspection form when undertaking any inspections.

In a minority of cases an occupier may withdraw their complaint or state that they do not want the Council to undertake an inspection. Where the Council believe that serious hazards exist at the property or the occupier has withdrawn the complaint under duress the inspection will be pursued.

### **B1.3 Category 1 Hazards**

Under section 5 of the Act the Council have a mandatory statutory duty to take the most appropriate enforcement action where a Category 1 hazard exists in a residential premises. Category 1 hazards are those that could have a serious adverse effect on the health, safety or welfare of the occupiers or visitors to the property. It is still permissible to take informal action unless there are indicators to the contrary such as a previous history of non-compliance or where it is known that the person responsible for the premises has been aware of the hazard and has not taken any remedial action. Informal action will be replaced by a statutory notice if at any time it appears that satisfactory progress to reduce or remove the hazard(s) is not being made. The statutory notices for category 1 hazards can include:

- Improvement Notice
- Prohibition Order
- Hazard Awareness Notice
- Emergency Remedial Action
- Emergency Prohibition Order
- Demolition Order
- Declaration of a Clearance Area

### **B1.3 Category 2 Hazards**

Under section 7 of the Act the Council **DO NOT** have a mandatory statutory duty to take enforcement action where a category 2 hazard exists in a residential premises. The Council can however use discretionary powers to take enforcement action. As with category 1 hazards an informal approach will first be taken followed by a statutory notice if at any time it appears that satisfactory progress to reduce or remove the hazard(s) is not being made. The statutory notices for category 2 hazards can include:

- Hazard Awareness Notice
- Improvement Notice
- Prohibition Order

It is considered appropriate for enforcement action to be taken in relation to category 2 hazards where:

- Any category 2 hazard is assessed as being an F or above;
- A Case falls outside the above general policy where the officer considers that there are justifiable reasons for taking action. An example may be where there are multiple low category 2 hazards leading to the property being in an overall poor state of repair. The decision to proceed in these cases should be agreed with the Private Sector Housing Manager.

The Act permits more than one course of enforcement action to be taken on the same hazard or the same action to be taken again where the Council consider that the action taken by the recipient of the notice so far has not proved satisfactory.

#### **B1.4 Standard of Remedial Work**

As a minimum, category 1 hazards should be reduced to category 2 hazards assessed below a band F. Regard will be had to the extent of the work that is reasonable in order to reduce the hazard(s) significantly without incurring excessive costs.

A “patch and mend” approach should be avoided wherever possible. The works should be substantial and specified to be effective for a minimum of five years.

#### **B.1.5 Powers of Entry**

Authorised Officers have powers of entry to carry out a survey and examination of any residential premises to determine whether any action under the Act should be taken or whether any offence has been committed.

Where ever possible occupiers and owners will be given at least 24 hours’ notice, usually in writing of an intended inspection.

It is a criminal offence to obstruct an Authorised Officer from inspecting a house.

Authorised Officers will be wearing photographic identification and carry a letter of authorisation signed by the Head of Housing and Development Control.

If entry to a property is refused the Council will consider applying to the Magistrates Court for a Warrant to authorise entry especially where the Council believe serious hazards exist at the property.

#### **B1.6 Vacation of Properties Following a HHSRS Inspection**

This is a frequent occurrence in the Borough and is often referred to as a “retaliatory eviction”. Tenants may be deterred from reporting disrepair to the Council for fear of being asked to leave their house by the landlord. Consequently new legislation under the Deregulation Act 2015 contains provisions suspending the operation of Section 21 in order to protect a tenant against retaliatory eviction.

However if the tenant leaves of their own accord or a Section 21 Notice was served before the complaint of disrepair or other grounds for possession such as rent arrears are being pursued the following action will be taken:

- When the property becomes vacant after a HHSRS inspection and after a schedule of remedial work has been sent it will be placed on void monitoring. If the property is re-let by the same landlord that the schedule of remedial work was sent to without the required remedial work being undertaken the Council will serve an enforcement notice.
- If there were Category 1 hazards found at the property a Suspended Improvement Notice will be served.
- If an Improvement Notice has been served prior to the property becoming vacant and the landlord confirms in writing that he/she intends to use the house for their own family’s use, the Improvement Notice will be revoked and replaced with a Hazard Awareness Notice.
- If the property is to be re-let then the Improvement Notice will be suspended.

#### **B1.7 Powers to Require Documents**

Section 235 of the Act allows the Council to require documents from a person to assist the Council undertaking their duties in relation to the Act of for the purpose of investigating whether any offence has been committed.

### **B1.8 Owner Occupiers**

As explained in the introduction to this policy the PSHT will in the main deal with the private rented properties, however occasions will arise whereby Category 1 hazards are identified in owner occupied properties. The duty to take action still applies although it would not generally be in the public interest to enforce compliance unless the health and safety of the public or visitors was being endangered by the hazard.

## **B2. Part 2 of the Act Houses in Multiple Occupation (HMOs)**

### **B2.1 Introduction**

HMOs are recognised as an important type of housing accommodation within the Borough and often the only viable source of housing accommodation for vulnerable residents. They are recognised as higher risk accommodation in relation to fire, inadequate facilities, overcrowding and poor management.

Section 254-259 of the Act defines what an HMO is. Although not an extensive explanation a HMO means a building or part of a building (e.g. a flat):

- Which is occupied by more than two households and in which more than two households share an amenity or,
- Which is occupied by more than two households and which is a converted building which does not entirely comprise self contained flats or,
- Which comprises entirely of converted self contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulations and more than one third of the flats re occupied under short term tenancies.

### **B2. 2 The Mandatory Licensing of HMOs**

Part 2 and certain provisions in Part 7 of the Act introduce a mandatory licensing scheme for HMO's, the aim of this new regime is to provide greater protection for the health, safety and welfare of occupants of HMO's. Aside from physical standards in HMOs other provisions of the licensing scheme focus on the management of the premises; and the 'fitness' of those managing or providing HMO accommodation.

Mandatory Licensing will ensure that those HMOs which present the most significant health and safety risks come to the attention of the Council, placing a more direct obligation on landlords to provide acceptable standards. Every HMO that has three storeys or more and that has at least five people are living there must be licensed.

The Act places the following general duties on the Council in respect of licensable HMOs:

- **To effectively implement a licensing regime**

A licensing process is in place which requires the owner to make an application. The details of which are set out on the Council's website.

- **To determine licence applications within a reasonable time**

The Council will work towards determining all HMO licence applications within 90 days of a valid licence application being received. To be regarded as a valid application it must comprise of:

- A fully completed application, with all required signatures and dated,
- Associated documentation listed in the application form such as a gas safety certificate and electrical installation report;
- Payment of the correct fee;
- Any other information requested by the Council to assist in determining whether the licence should be granted.

If the required information is not received from the applicant within a reasonable timescale of 90 days the application will be deemed invalid and cancelled.

➤ **To take all reasonable steps to ensure that applications for licenses are made in respect of HMOs which are required to be licensed but are not currently licensed**

The person who has control or the person who is managing the HMO is required to apply to the Council for a licence. The Council will take all reasonable steps to ensure applications are made to them; such steps will include publicity of the new requirements through the Council’s website, the media, the Private Rented Sector Forum, landlord evenings and the Good Landlord and Agent Scheme (GLAS). Periodic training courses for landlords and managing agents will also be arranged.

**B2. 3 Licence Fees**

The Act allows the Council to charge a fee to cover the costs incurred in undertaking all duties involved in the administration of the licensing process. The fee is reviewed and agreed annually by the Council’s Executive Committee. Current fee levels can be found on the Council’s website.

Where it is found that a HMO was not licensable at the date of application, and where the licence fee was paid, then the Council is obliged to refund the fee in full, whether or not the licence was subsequently granted.

In certain cases, a property will have been licensable at the date of application but circumstances may have changed before the licence has been granted, for example, the occupation may have reduced to less than five persons and the landlord has no intention of re-letting the property to five or more persons. In some cases, the property may be sold prior to the licence being granted. In such cases a partial refund of the licence fee will be made to the applicant, apportioned to reflect the work undertaken in the processing the application. The amount of refund will be as follows:

Application received and processed	50 % refund
Notice of Intention under Schedule 5(1) served but the final licence and Notice of Decision to Grant a Licence under Schedule 5 (7) not yet served	20 % refund

There will be no entitlement to a refund after the licence has been granted and all associated documentation has been appropriately served.

The legal procedures and requirements in relation to the granting or refusing of a HMO licence are detailed in Part 2 and Schedule 5 of the Act as well as associated



regulations. Although it is not necessary to undertake an inspection of the HMO before the decision is made to grant the licence the Council will undertake such an inspection as a matter of course. For a licence to be granted the following conditions must be met:

- The dwelling is reasonably suitable for the occupation of the number of persons or households specified in the application or determined by the Council;
- The proposed licence holder is a fit and proper person who is the most appropriate person to be granted the licence;
- The proposed manager of the HMO is a person having control of the house and is also a fit and proper person;
- The proposed management arrangements are satisfactory.
- The proposed fire precaution arrangements are satisfactory.

#### **B2.4 Reasonably Suitable for Occupation**

Under section 65 of the Act the Council must be satisfied that the HMO is reasonably suitable for occupation by a specified maximum number of persons. In making this assessment, regard must be taken of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended). These regulations require that the following matters must be taken in to account when assessing suitability for occupation:

- The provision of an adequate means of space heating in each unit of living accommodation
- The provision of adequate and sufficient toilet facilities, plus facilities for personal washing and bathing
- The provision of adequate and sufficient kitchen facilities
- The provision of appropriate fire precaution facilities and equipment.

The regulations do not specify an exact standard, nor do they contain any requirements regarding minimum room sizes. It is for the local authority to set their own standards, based upon these general headings, and to determine the minimum room sizes that will be imposed in order to assess maximum occupancy levels. A document on the required standards for HMOs has been produced, which identifies these requirements,

#### **B2.5 HMO Standards**

The HMO standards adopted by the Council and attached as [appendix 1](#) incorporates:

- Standards prescribed by the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- Management standards prescribed by the Management of Houses in Multiple Occupation (England) Regulations 2006.
- Space standards prescribed by the Chartered Institute of Environmental Health.
- Requirements of the 'fit and proper' person test
- Lancashire County Council guide to fire precautions and means of escape from fire in HMOs.

#### **B2.6 Duration of the Licence**

The maximum period for a licence is prescribed by the Act and as 5 years. The majority of licences will be granted for this period. A licence may have to be granted for a reduced period if the applicant is under lease for less than 5 years.

### **B2.7 Section 255 HMO Declarations**

Where there may be a dispute or confusion over whether a building is an HMO, and the Council are satisfied that the building is an HMO, it will issue a declaration which puts beyond doubt that such a building is to be regarded as an HMO.

### **B2. 8 Discretionary Licensing**

Discretionary powers are available to extend the scope of licensing within the private rented housing sector beyond the mandatory scheme for HMOs. Under the heading of discretionary licensing, there are two distinct types:

- Additional HMO Licensing (Part 2 of the Housing Act 2004) Section 56 of the Act gives powers to the Council to designate areas, or the whole of the area within their district, as subject to additional licensing in respect of some, or all, of the HMOs in its' area that are not already subject to mandatory licensing. An additional licensing area can only be made where widespread and significant problems of ineffective management can be identified.
- Selective Licensing (Part 3 of the Housing Act 2004) Section 80 of the Act gives powers to the Council to designate areas, or the whole of the area within their district, as subject to selective licensing in respect of all privately rented accommodation, provided certain conditions are met. Selective licensing can only apply in areas of low housing demand, or in areas experiencing problems of widespread and persistent anti-social behaviour, or both. Both types of discretionary licensing require approval of the Secretary of State, and will only be approved where specific conditions of the legislation and guidance issued by the Department of Communities and Local Government have been met

The current position in Burnley is that there are currently no Additional Licensing areas. There is however areas of the Borough that have been designated Selective Licensing areas.

## **B3. Part 3 Selective Licensing**

### **B3.1 Introduction**

The Council have declared a number of areas in the Borough as selective licensing designation areas. These are areas of the Borough that have been identified as suffering from low housing demand. The main aim is to improve the management of private rented properties within the area. When combined with a wider housing and economic regeneration programme we aim to improve the social, economic and environmental conditions within the area. To achieve this we aim to:

- Improve the management of the private rented sector
- Improve the condition of the private rented sector
- Reduce anti-social behaviour
- Reduce environmental crime
- Reduce empty properties

A licence is required for each privately rented dwelling in the areas.

### **B3.2 Securing an Application**

The Council will take all reasonable steps to secure an application from the person having control or managing a house situated in a selective licensing designation area that is required to be licensed. This will include:

- Advertising that a selective licensing designation area has come into force following the legal requirements;
- Where properties are known to the licensing team sending an application pack or reference to the online service to the owners and or managers;
- Sending a reminder letter where applications are not received.
- Providing guidance and advice on the completion of the application process.

It is however the owner or managers responsibility to determine whether their house is required to be licenced and to request an application pack from the Local Authority if they have not received one.

### **B3.3 Determining a Licence Application**

The Council will work towards determining all a selective licence application within 90 days of a valid licence application being received. To be regarded as a valid application it must comprise of:

- A fully completed application, with all required signatures and dated,
- Associated documentation listed in the application form such as a gas safety certificate and electrical installation report;
- Payment of the correct fee;
- Any other information requested by the Council to assist in determining whether the licence should be granted.

If the required information is not received from the applicant within a reasonable timescale of 90 days the application will be deemed invalid and cancelled.

The legal requirements in relation to granting or refusing a licence are detailed in Part 3 and Schedule 5 of the Act as well as associated regulations. For a licence to be granted the following criteria must be met:

that the proposed licence holder—

- is a fit and proper person to be the licence holder, and
- is, out of all the persons reasonably available to be the licence holder in respect of the house, the most appropriate person to be the licence holder;

that the proposed manager of the house is either—

- the person having control of the house, or
- a person who is an agent or employee of the person having control of the house;
- that the proposed manager of the house is a fit and proper person to be the manager of the house; and

- that the proposed management arrangements for the house are otherwise satisfactory.

### **B3. 4 Failure to Apply for a Licence**

It is a criminal offence if a person having control of or managing a house or HMO which is required to have a licence has not applied for one. The Local Authority will determine whether a prosecution case should be taken. Before deciding whether a prosecution will be taken against an individual or company the Prosecuting Officer will consider whether taking the case is in the public interest and whether there is sufficient evidence to show that an offence has been committed.

### **B3. 5 Invalid Application Forms**

The Local Authority will seek to invalidate an application for a licence if upon request, missing information is not received or if the full fee does not accompany the application form and no payment plan has been agreed with the authority. Invalidated applications will then be addressed as an offence for operating a house or HMO that is required to be licensed without a licence.

### **B3.6 Rent Repayment Orders**

Failure to obtain a licence for a house or a HMO can have serious financial consequences for the landlord. If the landlord is found guilty of an offence for failing to apply for a licence the Council will pursue a Rent Repayment Order (RRO). Such an order is made to the Residential Property Tribunal requiring the landlord to repay the housing benefit received during the time the house was not licensed.

### **B3.7 Failure to Comply with Licence Conditions**

The licence holder or individuals bound by the licence commits an offence if they fail to comply with any condition of the licence. The Council will seek to revoke the licence if:

- The licence holder or any other person commits a serious breach of the licence condition or repeatable breaches of the conditions.
- The Local Authority no longer considers the licence holder or manager to be a fit and proper person.

Failure to comply with a licence condition is an offence for the licence holder or individuals bound by the licence. The Local Authority will determine whether a prosecution case should be taken in cases where there are serious or repeated breaches. Before deciding whether a prosecution will be taken against an individual or company the Prosecuting Officer will consider whether taking the case is in the public interest and whether there is sufficient evidence to show that an offence has been committed.

Minor breaches will be addressed through correspondence in the first instance.

Annual reminders are sent out to licence holders requesting up to date gas safety certificates.

Officers monitor the designation areas and undertake property checks to ensure the licence conditions are being met.

### **B3. 8 Management Orders**

The Local Authority will use Management Orders to take over the control of problematic properties:

- When there is no reasonable prospect of the property being licenced;
- To protect the health, safety or welfare of the tenants;
- To protect the health, safety or welfare of other occupiers or landowners in the neighbourhood of the property.

### **B3. 9 Variation of a licences**

The Council can vary the terms of a licence with or without the agreement of the licence holder if the circumstances regarding the relevant HMO or other property have changed.

### **B3. 10 Revocation of a licences**

The Council may have to revoke a licence. The grounds for revoking a licence include:

- A request of revocation from the owner
- Where the Council believes that the licence holder is no longer a fit and proper person
- As a result of the number of occupants or other current standards that apply the HMO would not have been licensable under its current conditions.

### **B3.11 Temporary Exemption Notice**

The Council may serve a temporary exemption notice where a person who is required to be licensed notifies the Council that they propose to take steps to ensure the property is no longer required to be licensed. The notice is served on this person and exempts that property from being licensed for a period of 3 months. In exceptional circumstances the Council may serve a second temporary exemption notice that lasts a further 3 months. No further notice can be served after the expiry of the second. The Council can refuse to serve a temporary exemption notice which allows a right of appeal. Such circumstances where the Council may refuse to serve a temporary exemption notice is where the owner has failed to supply clear evidence showing that they are taking steps to exempt the HMO or other property from the criteria for licensing.

### **B3. 12 Licence Appeals**

The applicant or any relevant person may appeal to the First Tier of the Lands Tribunal against a decision by the Council to:

- Refuse or grant a licence
- Grant a licence
- To vary or revoke a licence
- To refuse to vary or revoke a licence.

### **B3. 13 Public Register**

Section 232 of the Housing Act 2004 requires every housing authority to establish and maintain a register of:

- all licenses granted under Part 2 and 3 of the Act (HMO and selective licensing);
- all temporary exemption notices served and
- all management orders made.

The register may be in such a format as the authority consider necessary subject to requirements prescribed in regulations.

### **B3.13 Fee and Charging Structure for Selective Licensing**

Part 3 of the Housing Act 2004 outlines that the Authority may require the application to be accompanied by a fee fixed by the authority. The Authority is not permitted to make a profit from the introduction of the Selective Licensing programme and any surplus must be ring-fenced for use on the scheme. The fees should, however, take account of all costs incurred in administering selective licensing schemes.

The fee structure will be reviewed annually.

Applications will be charged the full amount to accompany the application form. At the Council's discretion a payment plan or direct debit may be established to agree to payments to be made over an agreed period of time, any such plan/agreement can only be repaid by direct debit.

Applications for licences in the last six months of the designation will be eligible for a reduced fee of 50%, this is where properties have not been licensable prior to the 6 month deadline.

Applications made for a licence during the designation will be based on the agreed fee structure.

Licenses are non-transferrable. Applications resulting from a change in ownership of a licensed property will be charged the full standard fee.

A fee will not be reimbursed if a property is sold before the end of the designation area.

Where a licence is refused or revoked, the applicant or licence holder will not be entitled to any refund of fees and will still be required to pay any outstanding charges linked to the application.

The structure is based upon the staff time taken to administer the selective licensing schemes along with overheads and recharges.

An accredited landlord will be entitled to a 30% discount; a landlord must be accredited at the time of the designation areas come into force.

A discount of £100 will be applied to the overall application cost of the fee if the applicant submits a fully completed application form and all requested documentation within 3 months of the designation area coming into force. Payment must be received in full or a direct debit payment plan agreed. Failure to continue to make the annual direct debit payment will result in the loss of the early application discount.

Current fee levels can be found on the Council's website.

### **B4. Accreditation**

Accreditation supports selective licensing as a voluntary initiative to drive up standards in the private rented sector through good landlords and managing agents. Accreditation started in the early 1990s, particularly in the student sector. These early schemes were operated by Higher Educational Institutions and/or their agencies and some local authorities.

Accreditation is a partnership; giving landlords an opportunity to work with the Council. Each scheme has a set of standards relating to the management and physical condition of privately rented accommodation. Landlords who join the scheme and abide by the standards are accredited. There is no compulsion for landlords to join, but there are advantages.

Burnley's accreditation scheme, The Good Landlord and Agent Scheme (GLAS) was first established in 2001. [Appendix 2](#) contains the Council's Accreditation policy. Through continuing development of the scheme more landlords and agents are encouraged to join and improve the condition of their properties. These improved conditions physically enhance living conditions for tenants and residents living in communities that have been identified as deprived.

The scheme is important for promoting and implementing proactive policies and initiatives within the private rented sector Borough wide.

### **B5. Landlord Development Days**

The Council holds regular Landlord Development Days to ensure landlords and managing agents are aware of their legal responsibilities and best practice in relation to property management. This helps ensure the GLAS standards and licence conditions are being met.

In addition annual newsletters and email bulletins are sent to licence holders when new legislation or changes in the private rented sector are introduced.

### **B6. The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014**

New legislation has been introduced which means that from 1<sup>st</sup> October 2014 it is a legal requirement for all lettings agents and property managers in England to join one of three Government-approved redress schemes.

Whilst the majority of lettings agents and property managers provide a good service there are a minority who offer a poor service and engage in unacceptable practices. This requirement will mean that tenants and landlords with agents in the private rented sector and leaseholders and freeholders dealing with property managers in the residential sector will be able to complain to an independent person about the service they have received. Ultimately the requirement to belong to a redress scheme will help weed out bad agents and property managers and drive up standards.

The requirement will be enforced by the Council who can impose a fine of up to £5,000 where an agent or property manager who should have joined a scheme has not done so.

### **B7. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

The regulations require private rented sector landlords, from 1<sup>st</sup> October 2015, to have:

1. At least one smoke alarm installed on every storey of their rental property which is used as living accommodation.
2. A carbon monoxide alarm in any room used as living accommodation where solid fuel is used.
3. The landlord must make sure the alarms are in working order at the start of each new tenancy.

Failure to comply with these regulations will result in a remedial notice being served. Failure to comply with the remedial notice could result in a penalty fine not exceeding

£5,000. The Council's statement of principles for determining the financial penalties in relation to this legislation is available on the Council's website.

## **B8. HOUSING ACT 1985 (as amended)**

### **B8.1 Section 265 - Power to make Demolition Order**

A demolition order is an option for the Council to use to deal with the existence of Category 1 hazards on a residential premises. A demolition order requires the property to be vacated within a specific time and subsequently demolished. It is a criminal offence to allow the property to be occupied after the demolition order has come into effect. If the person upon whom the order has been served does not demolish the building, the Council can demolish it instead and recharge the person accordingly. Should the Council be required to demolish the property, and the demolition leaves an adjacent terrace property party wall exposed, then the Council will construct a new gable wall and will recover the cost from any compensation monies owing to the owner.

### **B8.2 Section 289 - Declaration of clearance area**

A clearance area is an area that is to be cleared of all buildings. Where Category 1 hazards exist on a residential premises, the Council can declare a clearance area. If this is chosen as the most appropriate enforcement action. The Council is required to consult on the declaration of a clearance area and publish its intentions. Owners and in certain cases occupiers of properties are compensated accordingly.

### **B8. 3 Section 324 – Overcrowding**

A property is overcrowded when the number of persons sleeping in the dwelling contravenes either the specified room or space standard. It is an offence for either an occupier or landlord to cause or permit overcrowding. The Council can prosecute the person causing such an offence. Where a dwelling is found to be overcrowded the Council may serve notice on the occupier, in writing requiring him to abate the overcrowding within 14 days from the date of service of notice.

## **B9. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### ***Section 16 - Requisition for Information***

When the Council need to obtain information about a property in respect of which we are proposing to take enforcement action we will serve a requisition for information on the occupier and/or any person who has a legal interest in it, or who directly or indirectly receives rent, or is authorised to manage or to arrange for its letting.

It will always indicate the Act and section of the Act that it is proposing to enforce. Generally speaking a Requisition for Information is served at an early stage to ensure that it is corresponding with the correct person(s) but where the Council feel that urgent enforcement action is necessary it may be served at the same time as a formal Notice.

### **B10. Re-Possession of a Property – The Housing Act 1988/Rent Act 1977**

This legislation details the correct procedure that landlords must follow to end a tenancy agreement; any variation of this procedure may be classed as an illegal eviction. The Protection from Eviction Act 1977 makes harassment and illegal eviction a criminal and civil offence. The Council will investigate any complaints of harassment or illegal eviction. Officers will talk to landlords regarding the potential consequences of illegal eviction; help tenants to get back into their home after an illegal eviction and may prosecute landlords who illegally evict or harass their tenants.

Under the Deregulation Act 2015 and The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015 new assured shorthold tenancies



in England starting from October 1st 2015 onwards will have to use the new standardised Section 21 form and abide by all the requirements for valid service. For the purpose of this legislation new assured shorthold tenancies include the renewal of tenancies but not statutory periodic tenancies.

A Section 21 cannot be served in the first 4 months of the original tenancy but it may be served at the outset of a replacement tenancy.

For tenancies after October 1st 2015 a valid Section 21 can only be given when the tenant has been provided with a copy of a valid Energy Performance Certificate, Gas Safety Certificate and the most recent version of 'How to rent: The checklist for renting in England'. This should all be provided at the start of the tenancy. Additionally, if an updated gas safety certificate is obtained during the course of the tenancy a copy of this must have been given to the tenant.

For new and old Section 21 notices the deposit needs to be protected correctly and the prescribed information given to all relevant parties if a deposit was taken.

Retaliatory eviction is where a tenant informs the landlord of a repair that needs to be performed and the landlord serves an eviction notice in response.

Landlords will not be able to serve a valid Section 21 if;

- The tenant has made a written complaint to the landlord about the condition of the property prior to its being served; and
- The landlord has not provided an adequate written response within 14 days (this does not mean the work actually has to be done within this period); and
- The tenant has then complained about the same matters to the relevant local authority who have decided to serve an Improvement Notice in respect of the property or have carried out emergency remedial action themselves using their powers under the HHSRS.

### **B11. Protection From Eviction Act 1977**

This Act contains measures to protect residential occupiers from illegal eviction and harassment. The Act makes it a criminal offence for a landlord to evict a residential occupier without having followed the stated legal procedure to bring the tenancy or licence to an end. The Act also makes it a criminal offence for a landlord or a person acting on the landlords behalf to carry out acts of harassment to force a tenant to give up or leave their tenancy.

### **B12. Protection From Harassment Act 1997**

This Act makes it a criminal offence for a person to commit acts of harassment against another. Whilst not specifically designed to protect private tenants it can be used as an enforcement tool for cases where the available evidence does not allow for a prosecution under the Protection From Eviction Act 1977.

### **B13. Vacant Properties**

#### **B13.1 Introduction**

Burnley currently has approximately 2,500 vacant properties which create a negative impact on the local environment by attracting anti-social behaviour and vandalism. The empty property strategy ([appendix 3](#)) details how vacant properties within Burnley will be

tackled. The purpose of the strategy is to encourage owners to bring their properties back into use; however enforcement action will be used where informal tools fail.

### **B13.2 Compulsory Purchase Orders**

Where an owner cannot be found or refuses to take action to deal with an empty property which has been empty for more than six months and/or is giving rise to problems in the neighbourhood, or compulsory purchase is considered the most satisfactory way of dealing with a particular problem, the Council will consider compulsory purchase action to buy the property. The property would then be renovated resold or leased to Calico. In some cases the property would be sold prior to renovation with a Building Licence. This licence requires the person acquiring the property to renovate it to a specified standard within a specified timescale or usually between 6 and 12 months.

### **B13.3 Empty Dwelling Management Orders**

EDMOs were introduced in the Housing Act 2004 to address the problem of empty homes by bringing vacant properties back into use and addressing the poor state of repair. There are two types of EDMO – interim and final. They both allow the Council to manage vacant properties on behalf of the owner or contract a third part to do so, i.e. a Registered Provider. The Council does not become the legal owner of the property and cannot sell or mortgage the property.

### **B13.4 Enforced Sale**

The Enforced Sales Procedure is a process by which the Council brings about the sale of a privately owned house. It is used as a means to “sell on” a long-term vacant house (vacant longer than six months) to a new owner, in circumstances where the present owner is either unwilling or unable to deal with the house and its associated problems.

Enforced sale can be used for those properties that have charges raised against them following statutory improvement works, where the property remains empty and is causing a significant nuisance to the surrounding area.

### **B13.5 Section 215 of the Town and Country Planning Act 1990**

This section allows the Council to take steps requiring land/premises to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of the borough is being adversely affected by the condition of neighbouring land and buildings the Council can serve a notice on the owner requiring the situation to be remedied.

The notice will detail the action that needs to be taken and the time in which the action must be complete. If the required action is not undertaken by the owner the Council can undertake the clean-up works and recover costs from the owner.

The notices can be used to address the appearance of vacant properties which have in some cases resulted in the owner then continuing remedial work to bring the property back into use.

Not complying with a notice is a criminal offence; the Council can prosecute the person who received the notice if he intentionally failed to comply with the notice Owners can appeal against the section 215 notice to the Magistrates Court.

### **B14. Park Homes**

The PSHT are responsible for licensing Park Home Sites. Sites can apply for a licence if they have gained or are in the process of obtaining the required planning permission to operate as a recognised caravan, mobile home or park home site. These sites are commonly known as ‘protected sites’. The PSHT will determine whether the site comply

with the Model Standards 2008 for Caravan Sites in England before a licence can be granted. Licensed sites will be inspected annually; any breaches will be enforced under the Mobile Homes Act 2013. There are associated costs with the licensing and inspection of the Park Homes Sites. The Charging policy is available on the Council's website.

## **Part C – General Enforcement Policies and Principles**

### **C1. Enforcement Concordat and the Regulators Compliance Code**

The Council have signed up to this concordat. This document incorporates the Enforcement Concordat produced by the Government and sets out what businesses, individuals and the community as a whole can expect from the PSHT. It commits us to good enforcement policies and procedures.

The primary function of the PSHT enforcement work is to protect the health, safety and welfare of the public. At the same time, equitable and consistent enforcement helps to maintain a level playing field for local business, as well as our service users.

We recognise that the effectiveness of legislation depends upon the compliance of those regulated and that most businesses and individuals want to comply with the law. We will, therefore, assist and advise wherever possible, whilst taking firm action against those who flout the law or act irresponsibly.

The Council and the Housing and Development Control Unit formally adopt the Government's Concordat on Good Enforcement. We thereby commit ourselves to the following policies and procedures:-

#### **C1.1 Standards**

In consultation with business and other interested parties, we will draw up clear standards setting out the level of service and performance that the public and business can expect to receive. We will publish these standards and our annual performance against them.

#### **C1.2 Openness and Transparency**

We will provide accessible information and advice, in plain language, on the legislation that we enforce. We will be open about how we set about our work, consulting local business and other interested parties. We will always discuss general issues, specific failures or problems with anyone who has been enforced against. We will seek to ensure that people understand what is expected from them as well as knowing what they can expect from us.

#### **C1.3 Helpfulness**

We will actively work with local business to advise on, and assist with, compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. All staff who visit properties will identify themselves by name and carry identification cards. We will offer a contact point and telephone number to encourage further liaison. Applications for licences will be dealt with efficiently and promptly. We will strive to ensure that, wherever practicable, our activities are effectively co-ordinated to avoid unnecessary overlaps and/or delays.

### **C1.4 Complaints about our service**

We will maintain our informal and formal corporate complaints procedures, which are easily accessible to all service users, and which explain all rights of complaint and appeal, including the likely timescales involved.

### **C1.5 Proportionality**

We will take into account the costs of compliance for business by ensuring that any enforcement action we take or remedial action we require is proportional to the risks. We will, as far as the law allows, work with business and individuals so that they can meet their legal obligations, without unnecessary expense.

### **C1.6 Consistency**

We will train and develop our officers so that they are consistent in interpreting and enforcing legislation. Whilst officers necessarily exercise judgement in individual cases, we will have arrangements in place to promote consistency, including liaison with other authorities and enforcement bodies. One such way of providing a consistent approach with other authorities is through the 'HOME SURE' working group which consists of officers from the East Lancashire authorities.

This policy will be administered in accordance with the adopted Equal Opportunities Policy. Enforcement decisions will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or sexual orientation.

## **C2. 1 The Regulators' Compliance Code**

The Council are required by the Legislative and Regulatory Reform Act 2006, to have regard to The Regulators' Compliance Code.

This Enforcement Policy is compliant with the Code in that it aims to promote efficient and effective approaches to regulatory inspection and enforcement, thereby improving regulatory outcomes without imposing unnecessary burdens upon property owners and occupiers. Any departures from the Code will be properly reasoned, documented and based upon material evidence.

The Code does not however apply to actions under Part 1 of the Housing Act 2004 relating to the HHSRS. Actions under Part 1 will therefore continue to be subject to the principles of the Enforcement Concordat.

## **C3. Human Rights Act 1998**

All enforcement activity will be undertaken with due regard to the provisions of the above legislation, which derives from the European Convention on Human Rights especially:

Article 6 – the right to a fair trial;

Article 8 – the right to respect for private and family life;

Article 1 of the First Protocol, which relates to the protection of property.

## **C4. Data Protection Act 1998**

In the course of their work Officers will comply with the Data Protection Act. All information and evidence gathered during the course of carrying out the duties will be treated confidentially. Confidential information will not be divulged unless required by law or by some other significant reason that is in the public interest.

## **C5. Intervention**

The Private Sector Housing Team will work both proactively and reactively to improve the conditions and management of private sector housing.

## **C5.1 Proactively**

Proactively we will

- Identify houses in multiple occupation (HMOs) by carrying out surveys of the borough
- Inspect licensed HMOs to assess hazards under the HHSRS, to ensure compliance with the licence conditions and the management regulations
- Inspect properties in priority areas and selective licensing areas to assess hazards under the HHSRS and to ensure compliance with the licencing scheme and the associated licence conditions
- Review the condition of Burnley's housing stock through house condition surveys
- Inspect property portfolios in the ownership or management of a particular landlord or managing agent where serious concerns over management standards or condition are identified in any one of the properties in the portfolio.
- Identify vacant properties by utilising Council Tax data and carrying out surveys of the borough, Officers will then respond according to the level of vacancy

## **C5.2 Reactively**

Reactively we will respond to:

- Requests for advice and assistance from owners and residents of all tenures on housing condition and the management of those houses.
- Private sector tenants who contact the Council complaining about disrepair in the properties they live in.
- Registered Social Landlord (RSLs) tenants who contact the Council about disrepair in the properties they live in.
- Private sector and RSL tenants who contact the Council about illegal eviction and harassment.
- An official complaint from a local Councillor or Officers in other partner agencies such as Social Services, the Fire Brigade or the Police explaining that hazards may exist in a residential premises.

## **C6. Ensuring Compliance with the Legislation**

As detailed in this policy there are a variety of tools available to the Council to ensure the required standards are met and improved in Private Sector Housing.

### **C6.1 Advice and Guidance**

We will provide advice on appropriate housing standards, HMO standards, fire safety, legislation and legal procedures to stakeholders within the private housing sector. We cannot however give specific legal advice on a particular matter.

Advice and guidance is an essential part of the work that we do to raise standards within the private rented sector. The following methods will be used to provide advice:

- The posting of information on the Council's website,
- Verbal advice,
- Written advice, guidance, information leaflets, dissemination of official best practice guidance,
- Holding six weekly landlord forums through the Private Rented Sector Forum,
- Holding six monthly landlord evenings,
- The provision of training for landlords and managing agents through the Landlord Development Day
- Attending meetings of professional bodies regarding the private rented sector,
- Attending resident group meetings and selective licensing surgeries.

### **C6.2 No Action**

The assessment may conclude that some cases cannot be resolved by the range of powers detailed in this policy. In such cases the decision to take no action will be confirmed in writing and where appropriate sign posted to other units within the Council or to other organisations.

In other cases it may not be appropriate to pursue action. This can be where the cost of the remedial action to ensure compliance far outweighs the detrimental impact of the contravention.

### **C6.3 Pre-Enforcement Action**

Through the referral of a complaint unless the complaint is assessed as potentially having the existence of a Category 1 hazard the landlord and or managing agent of the property will be contacted and given 7 days to address the received complaint before a HHSRS inspection is arranged.

If the complaint is resolved within 7 days the case will be closed, alternatively the case will be referred to a HHSRS inspection.

In considering whether pre-enforcement action is appropriate in particular cases, consideration will be given to the track record (if any) of the person (or company). In particular, Officers will consider whether any enforcement notices have had to be served in the past, the recipient's response to them and the ability and willingness of the recipient to keep to agreed timetables of work.

Pre-enforcement action will be used predominantly where the identified hazards are relatively minor and do not pose a serious risk to the health, safety and welfare of the occupants, or other persons. Pre-enforcement action can be used to resolve matters of a more serious nature in exceptional circumstances. However, even though advice has been given initially, the Council reserves the right to proceed to formal action where the property owner is clearly not going to carry out the repairs within a timescale acceptable to the Council and the occupying tenant, if any.

It should be noted that it is not always possible to use pre-enforcement action especially where the legislation requires formal action to be taken straight away.

### **C6. 4 Formal Action**

Formal action involves the serving of enforcement notices and orders. Most notices and orders served require the recipient of the notice or order to commence and complete specified works within the specified time limits.

The decision regarding when to serve a notice or order depends upon whether there is a duty or a power to take such action and will take into account the following:

- Where the pre-enforcement action has not resulted in compliance with the legislation,
- There is a lack of confidence that the recipient of the notice or order will comply,
- There is a history of non-compliance,
- The consequences of non-compliance have a serious risk of harm to the health, safety or welfare of the public.
- The owner/person having control is unknown or unable to be contacted.

All notices and orders have notes with them that explain the effect and the recipient's right of appeal. Officers will always be willing to discuss the works specified in the notice or order and the reason for the service.

Statutory notices and orders are legal documents. Once served failure to comply with them has serious implications, normally resulting in one or more of the following sanctions.

Any extensions of time limits for compliance with a statutory notice or order, once served must be justified, recorded and confirmed in writing to all recipients of the notice or order.

## **C7. Sanctions**

Failure to comply with a statutory notice or order will normally result in the Council seeking to prosecute and or undertake the work in default. Alternatively some of the statutory provisions impose monetary penalties for failing to comply.

### **C7.1 Work in Default**

Work in default is a power contained in several types of statutory notice. The legislation authorises the Council, to employ a contractor to enter the property and carryout the work required to ensure compliance. If the Council has to do this, it will charge the appropriate person for the cost of the works, together with the costs involved in arranging for the work to be done. These costs will be added to those already incurred in serving the original notice.

The Council has a duty to ensure that the works are carried out a fair price and to an adequate standard. However the Council has to undertake the works in a short timescale. This can be expensive as contractors carrying out emergency works often do so at a premium rate. It is usually cheaper for the landlord or manager to organise their own remedial work.

It should be noted that carrying out work in default does not exclude the Council from either issuing a formal caution or prosecuting the offender. The Council is entitled to ensure that the work is carried out and Officers will then also consider if it is appropriate to take further action.

### **C7. 2 Cautions**

An alternative to prosecuting a person is the issuing of a formal caution. A formal caution is where an offender is given written details of the offence and he/she signs to say that he/she admits the offence. It is not a form of sentence.

A record of the caution will be kept at the Council for a period of three years and it may subsequently influence a decision to instigate proceedings should the offender break the law in the future. It may also be cited if the Council takes legal action for a subsequent offence.

The service of a formal caution will be considered when the circumstances of the offence satisfy the criteria detailed below:

- The offence is sufficiently serious to warrant prosecution; and
- It is a first offence; and/or
- The offence occurred through ignorance and the offender has expressed remorse and a willingness to comply with the law in future; and
- The officer believes that a formal caution will prevent repeat offences.

A formal caution may only be issued if the following criteria are satisfied:-

- There is sufficient evidence of the offender's guilt to give a realistic prospect of conviction.
- The offender admits that they are guilty.
- The offender will accept the formal caution and understands its significance.
- It is in the public interest to issue a formal caution rather than instigate prosecution proceedings.

### **C7.3 Prosecution**

The Council recognises that the decision to prosecute is important. In making a decision to prosecute, a two stage test is applied:

- The first stage is the evidential test, which requires that there must be sufficient, admissible and reliable evidence that an offence has been committed by an identifiable individual or company, that there is a realistic prospect of conviction. If the case does not pass this test, it must not proceed, no matter how serious or important it may be
- Secondly, a decision must be made as to whether a prosecution would be in the public interest.

A prosecution will normally be pursued in the following circumstances:

- Where an individual or company has deliberately, negligently or persistently breached legal obligations
- Where an individual or company has deliberately or persistently ignored written warnings or formal notices and / or orders
- Where an individual or company has endangered the health, safety or well being of occupiers, visitors or the public to a serious degree
- Where an individual has assaulted or obstructed an Officer in the course of their duties



- Where a HMO or house is required to be licensed and has been operating without a licence.

Mitigating factors are important, but, by definition, are likely to be in conflict with any decision that is made to prosecute. These factors have to be balanced against the evidential and public benefit tests. It is expected that where a case meets all other criteria then mitigating factors will not prevent a prosecution from proceeding, however any investigating Officer must identify any mitigating factors, and these must be included in any report. Mitigating factors may include:

- Any reasonable explanation provided by the individual or company
- Evidence that the individual or company intends to prevent a recurrence of the problem
- The offender's attitude to the offence

Any decision to authorise a prosecution will be made by the Private Sector Housing Manager or a more senior Officer. All prosecutions will be brought without unavoidable delay, and there is a requirement to lay information with the Courts within six months of the identified date that the offence was committed.

All prosecutions will be taken by the Council's Governance, Law and Regulation Unit.

#### **C7.4 Penalty Charge Orders**

Several new pieces of legislation have introduced a monetary penalty notice for failure to comply with legislation or a remedial orders. The Council will serve and pursue such orders where there is evidence of non-compliance.

#### **C7.5 Recovery of Costs**

Local Authorities are able to recover the costs incurred in serving certain notices and orders under Part 1 of the Housing Act 2004 with respect to housing related hazards under the Housing Health and Safety Rating System. There is provision in the Act for secondary legislation to be brought in to impose a maximum charge that can be levied for such action, but to date, no such regulations have been made by the Government.

Such costs can include the time spent on inspecting the property, scoring the hazards, paying for any specialist reports (such as structural, electrical and gas safety reports), preparing the notice or order and schedule of works, plus the typing of the notice/order and associated administrative tasks and postal charges.

The charges that the Council will make for taking statutory action will be based upon the hourly pay rate of the officer(s) involved with any particular case inclusive of all associated overheads (such as stationary and office accommodation).

As well as recovering the actual capital cost of carrying out work by default where a statutory notice has not been complied with, the Council will make a charge to cover the costs incurred in arranging for a contractor, supervising the work and all associated administrative procedures. The charge will be based upon the same officer hourly rates as those for the service of statutory notices.

Until cleared, all outstanding debts will be registered with the Local Land Charges Registry as a financial charge. Once registered, the charge will accrue compound interest

The costs of carrying out the work in default will be invoiced to the owner. If after 30 days the invoice has not been paid the Council will look at recovering the debt from the rent if the tenant is in receipt of Housing Benefit.

**C8. Multi Agency Work**

There will be complex cases which require a multi-agency approach from numerous agencies and other teams within the Council to resolve the matters raised with the Council. This is often where a vulnerable occupier(s) requires significant support from other agencies such as Social Services. In some cases the most suitable course of action may be to rehouse the occupiers which will involve joint working with the Housing Advice Team.

The PSHT work closely with the Council’s Streetscene Unit in relation to anti-social behaviour and dirty back yards; particularly when the properties are situated in selective licensing area. Other collaborative work includes cases where there is the need to use powers under the Housing Act 2004 and the Public Health Act 1936 or the Environmental Protection Act 1990.

**C9. Review of the Policy**

<b>Date of Review</b>	<b>March 2016</b>
<b>Next Review</b>	<b>March 2017</b>