

**NORTH SOMERSET COUNCIL  
DECISION**

**DECISION OF: THE EXECUTIVE MEMBER FOR HOUSING, STRATEGIC  
PLANNING, HIGHWAYS AND ECONOMIC DEVELOPMENT  
WITH ADVICE FROM: DIRECTOR OF PEOPLE AND COMMUNITIES  
DIRECTORATE: PEOPLE AND COMMUNITIES**



**DECISION NO: PC 22 (2018/19)**

**SUBJECT: Strategic Housing Service Enforcement Policy**

**KEY DECISION: YES**

**BACKGROUND:**

The primary function of local government regulatory activity is to protect the public, the environment and groups such as consumers, residents and tenants, workers and businesses. The existing strategic housing enforcement policy requires updating mainly as a result of the Housing and Planning Act 2016 and new legal powers.

It is important that enforcement functions are carried out in an equitable, practical and consistent manner, and that those subject to regulation and those on whose behalf enforcement is carried out are aware of the Council's approach to different enforcement activities. The revised policy sets out how Strategic Housing Services intend to undertake their regulatory responsibilities. It sets out when formal enforcement action is likely to be appropriate and details the actions that could be taken against individuals.

The main changes are:

- Incorporating policy guidelines for setting civil financial penalties
- Incorporating a statement of principles for the Smoke and Carbon Monoxide Alarm Regulations 2015
- Updating the policy in relation to our approach to providing information and guidance to service users and its link to enforcement

**DECISION:**

To approve the updated Strategic Housing Services Enforcement Policy as attached.

## **REASONS:**

The aims of the revised policy are to:

- set out the legal responsibilities, policies, principles and priorities that the Strategic Housing Service will follow when enforcing relevant legislation;
- help provide housing which is safe and provides a healthy environment;
- increase public confidence in the quality of private rented accommodation;
- raise the profile and increase transparency and consistency of enforcement activity carried out by the Strategic Housing Service.
- publish policy guidelines for setting civil financial penalties

Within the Strategic Housing Service, the Private Sector Housing Service primarily deals with the enforcement action described in the policy, those actions that fall within the scope of this service can cover all privately owned residential accommodation and associated land.

The policy sets out our approach to charging for enforcement action and makes it clear that, where appropriate, the true cost of our time involved in taking formal action, such as serving notices, orders etc will be recovered.

## **OPTIONS CONSIDERED:**

If there is no published policy the council could fail when taking enforcement action and be unsuccessful when seeking to recover costs.

## **FINANCIAL IMPLICATIONS:**

The financial implications are incorporated into existing budgets.

### **Costs**

Any costs associated with this decision are included in existing budgets or have been factored into the calculation of a fixed penalty charge, where appropriate.

### **Funding**

There is no funding associated with this decision although income generation has been incorporated into relevant budgets as appropriate.

## **LEGAL POWERS AND IMPLICATIONS**

The legal powers associated with the decision are as contained in the Constitution and specific legislation. The regulatory activities will be governed by the Regulators Code 2014 under the requirements of the Legislative and Regulatory Reform Act 2006.

**CONSULTATION**

Legal Services have been consulted on this updated policy. Neighbouring authorities have who enforce the legislation in their areas have also been consulted through the West of England Housing Groups; the collective view was achieving a level of consistency was important in that any appeals would be considered by the same tribunal and landlords will own properties in other areas.

**RISK MANAGEMENT**

There are no significant risks associated with this decision and any risks will be evaluated in line with good practice.

**EQUALITY IMPLICATIONS**

Have you undertaken an Equality Impact Assessment? Yes

See Appendix B of the policy.

**CORPORATE IMPLICATIONS**

This policy will contribute to the corporate aims of Quality Places and Improving Health and Well-being.

**BACKGROUND PAPERS**

Regulators Code 2014

<https://www.gov.uk/government/publications/regulators-code>

Strategic Housing Services Enforcement Policy 2013

<http://www.n-somerset.gov.uk/wp-content/uploads/2015/11/housing-enforcement-policy.pdf>

SIGNATORIES:

DECISION MAKER(S):

Signed: ..... 

Title: Executive Member for Housing,  
Strategic Planning, Highways and Economic Development

Date: ..... 28/8/18 .....

WITH ADVICE FROM:

Signed: .....  
Title: Director of People and Communities  
Date: .....

Signed: *MAH* .....  
Title: Head of Strategy and Housing  
Date: *23/8/18* .....

**Footnote: Details of changes made and agreed by the decision taker since publication of the proposed (pre-signed) decision notice, if applicable:**

*Decision taken with advice solely from the Head of Housing and strategy & title of Head of Housing + strategy corrected.*

