

## **North Somerset Council Decision**

**Decision Of: Executive Member for Housing  
With Advice From: Director of Public Health and Regulatory  
Services**

**Directorate: Public Health and Regulatory Services**



**Decision No: PHRS014 2022/2023**

**Subject: Strategic Housing Enforcement Policy – update**

**Key Decision: Yes**

**Reason: The effects of the policy could be significant on two or more wards.**

### **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 strategic housing enforcement policy was amended to incorporate necessary changes resulting from the pandemic in line with government guidance and regulations at the time; those changes can now be removed.

We have taken the opportunity to review the policy and make some minor amendments in line with legislative changes and good practice.

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 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 arising from this decision are to:

- Remove Appendix E (Covid-19 pandemic related section)
- Revise the energy efficiency enforcement section for the private rented sector in preparation next phase of MEES (Minimum Energy Efficiency Standard)
- Electrical safety regulations – revised regulations requiring landlords to provide electrical safety reports to tenants.
- Introduce Banning Order Policy – clarifies situations when can apply for a Banning Order on national database
- Rent repayment orders – revised text to include decision making process below:

*When deciding whether or not to apply for a RRO the Council's policy is to:*

- *Treat each case on its own merits*
- *Ensure that applying for an RRO would meet the enforcement priorities in this policy*
- *Consider the impact of the breach on the occupier or others affected by the offence committed*
- *Consider the likelihood of the application being successful*
- *The level of resources it will take to make a successful application*
- *When it is more appropriate for the tenant to apply for the order themselves*

*The council is also obliged to have regard to the statutory guidance issued to local authorities on applying for an RRO entitled [Rent Repayment Orders under the Housing and Planning Act 2016: Guidance for Local Authorities](#).*

**Decision:**

1. To approve the updated Strategic Housing Services Enforcement Policy, as attached Appendix 1.

**Reasons:**

The relevant guidance and regulations in relation to the pandemic are now withdrawn or repealed and therefore enforcement of housing standards revert back to the pre-pandemic position.

The other proposed amendments follow a review of the policy to ensure it is in line with legislative changes and good practice.

**Options Considered:**

The removal of the pandemic related section is the only option otherwise, the policy would conflict with legislation and the aims of the policy. The opportunity to periodically update the policy is good practice and in line with legal and audit advice.

**Financial Implications:**

There are no significant financial implications although having clear policies and procedures on how enforcement and penalty decisions are taken will help support any challenge of subsequent appeal.

**Costs:**

Any costs will be funded through existing budgets.

**Funding:**

There is no funding linked to this decision.

**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.

**Climate Change and Environmental Implications:**

The revision of the section in relation to the enforcement of MEES regulations is important as draft government proposals will require privately rented accommodation to achieve a minimum EPC band C by 2028. Currently the accommodation must have a minimum EPC of Band E.

**Consultation:**

Legal Services have been consulted on this updated policy and removal of the addendum. The Adult Services and Housing Policy and Scrutiny Panel Working Group has been consulted and were supportive of the changes.

**Risk Management:**

This decision removes the risk that the policy could conflict with repealed or withdrawn pandemic guidance and restrictions imposed at the time.

**Equality Implications:**

Have you undertaken an Equality Impact Assessment? No

**Corporate Implications:**

There are no corporate implications arising from this decision.

**Appendices:**

Appendix 1 – Strategic Housing Enforcement Policy

**Background Papers:**

None

**Signatories:**

**Decision Maker(s):**



Signed: .

Title: Executive Member for Housing

Date: 01 August 2022

**With Advice From:**



Signed:

Title: Director of Public Health and Regulatory Services

Date: 01 August 2022

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