

ENFORCEMENT POLICY WITH REGARD TO PRIVATE SECTOR HOUSING

AIM

This part clarifies how the Residential Health Section will carry out its enforcement role with regard to private sector housing and what business and residents can expect from the Service and its officers. It commits those staff involved with private sector housing to ensure that any enforcement is taken in an appropriate, fair, consistent, proportionate and transparent manner, and is in accordance with the Government's Enforcement Concordat that this Council has signed up to.

OBJECTIVES

In carrying out their duties Residential Health staff will:

- Follow all relevant procedures
- Be appropriately trained and authorised
- Clearly distinguish between works that are a legal requirement and works that are recommended to be carried out
- Consider any written representation made to the Head of Environmental Services or Assistant Head of Environmental Service by the recipient of a formal letter or notice.

ENFORCEMENT OPTIONS

The Housing Act 2004 introduced a new risk assessed approach to the inspection of dwellings which replaced the former housing fitness standard.

The new system, called the Housing Health and Safety Rating System (HHSRS) enables risks from hazards to the health and safety of occupier(s) to be removed or minimised. The HHSRS evaluates both the likelihood of an accident or "occurrence" that could cause harm and the probable severity of the outcome of that accident or occurrence.

The system scores and calculates hazard risks and categories them as Category 1 or Category 2 hazards. The more serious hazards are categorised as **Category 1 hazards under the HHSRS and the Council has a statutory duty to deal with them.**

The Council has discretionary powers to deal with Category 2 hazards and the following describes the criteria that will be applied in determining what action the Council will take when dealing with such hazards.

Residential Health staff have the following enforcement options open to them to ensure appropriate standards are achieved:

- Informal action
- Formal letter
- Statutory Notices and Orders
- Works in Default
- Formal Caution

- Prosecution

The use of an enforcement option does not preclude further options being used or more than one option being used at a time e.g. works in default and prosecution.

CRITERIA

The following criteria will be taken into account when deciding the most appropriate enforcement option.

- Guidance issued by Central Government
- The seriousness of the offence i.e. the hazard score
- Whether the enforcement option is in the public interest
- Past history having regard to the landlord's or his agent's management of the premises and compliance with informal/formal notices
- Confidence in the person responsible for management or repairs
- Any statutory duty or discretionary power to take specific enforcement action
- The circumstances and wishes of the actual vulnerable occupants

ENFORCEMENT ACTION IN RESPECT OF CATEGORY 2 HAZARDS UNDER THE HOUSING HEALTH AND SAFETY RATING SYSTEM

The Council has discretion to take enforcement action where it finds Category 2 hazards. The Council is minded to enforce Category 2 hazards where the hazard falls into hazard band D, E, or F and

- there is a Category 1 hazard also present at the accommodation, or
- the hazard relates to a failure of the thermal comfort criteria of the Decent Home Standard, or
- the Category 2 hazard is progressive and will likely become a Category 1 hazard unless preventive action is taken, particularly within the next 12 months or
- the hazard needs to be remedied in order to enable the dwelling to meet the Decent Home Standard if occupied by a vulnerable household, or
- if a number of Category 2 hazards collectively create a more serious situation warranting preventative/remedial action, or
- in other exceptional circumstances at the discretion of the Head of Environmental Services or the Assistant Head of Environmental Services, who will record his decision in writing.

IMPLEMENTATION

All authorised officers shall have regard to this policy and all relevant Service area procedures.