

Report of Head of Built Environment

HOUSING RENEWAL ENFORCEMENT POLICY 2010 REVIEW

1 Purpose of Report

1.1 This report seeks to:

- a) Reduce crime and anti-social behaviour by enabling the problems presented by empty properties to be more effectively addressed;
- b) Improve the life chances of young people by more effectively enforcing living conditions in the private rented sector;
- c) Deliver efficient and responsive services by ensuring prompt action is taken by landlords to address poor living conditions; and
- d) Enhance the environment by addressing the problems caused by empty and neglected properties to their neighbours and the wider community.

1.2 The approval of the report's recommendations will:

- a) Provide a strong incentive to landlords to deal promptly with poor living conditions in the properties they manage, through a clear, fair and transparent process with appropriate sanctions; and
- b) Facilitate effective action to deal with the problems caused by empty properties and cost effectively take ownership away from those who fail to respond to the advice and assistance offered through the Council.

2 Executive Summary

Amendments are proposed to the Housing Renewal Enforcement Policy and delegated powers to provide more comprehensive and effective control of poor housing conditions in the private rented sector. This will protect those most vulnerably housed in what is traditionally the housing sector in which the poorest conditions are found.

3 Appendices

3.1 Appendix A contains the revised Housing Renewal Enforcement Policy, Appendix B provides a revised list of delegated powers to be implemented by the Executive Director through a scheme of sub-delegation and Appendix C contains the Equalities Impact Screening for the proposals.

4 Proposed Action:

4.1 Members are invited to RESOLVE to adopt the amended Housing Renewal Enforcement Policy (Appendix A) including the introduction of a fee of up to £300 for the service of notices under the Housing Act 2004; and

4.2 Members are invited to NOTE the sub-delegation to Housing Renewal of powers under the Environmental Protection Act 1990 and the Town & Country Planning Act 1990 (Appendix B) in accordance with this policy.

5 Background

- 5.1 The Housing Act 2004 introduced the Housing Health and Safety Rating System which has proved a comprehensive and effective method for assessing and enforcing housing conditions.
- 5.2 The Act also introduced new powers to License larger houses in multiple occupation and Empty Dwelling Management Orders (EDMO). These powers have proved less effective due to the time consuming bureaucratic processes required in establishment and administration, resulting in only 27 EDMOs nationwide having been served since the legislation was introduced.
- 5.3 When a notice is served under the Housing Act 2004 the recipient may appeal to a Residential Property Tribunal (RPT). In the last year there have been a number of successful appeals against notices on the basis that the Council's inspector did not have the correct authority or follow the correct procedure in carrying out their inspection.
- 5.4 It has also been agreed as part of the ZBB process that the Council should exercise its power to charge for Improvement Notices.
- 5.5 The Housing Renewal Enforcement Policy has therefore been reviewed in consultation with local landlords and letting agents to address these issues. An Equalities Impact Assessment has also been carried out (Appendix C).

6 Discussion

- 6.1 The revised Housing Renewal Enforcement Policy (Appendix A) has been amended as follows:
 - a) 5.8 the addition of the power to serve an Abatement Notice under the Environmental Protection Act 1990 Section 79 to address the adverse effect on living conditions sometimes caused by the disrepair of a neighbouring property eg. damp penetration;
 - b) 5.9 the addition of the power to serve a Notice under the Town & Country Planning Act 1990 Section 215 to address the adverse impact of poorly maintained, often empty dwellings, in the local neighbourhood. This will enable Housing Renewal to directly address one of the major problems presented by empty houses and through the process of work in default, placing a charge on the property and enforcing sale to reclaim the cost. Through this process ownership of the property will be transferred to third party who will carry out necessary works to bring it back into use;
 - c) 5.12 the introduction of a fee of up to £300 for the service of an Improvement Notice under the Housing Act 2004; and
 - d) 9 Typical Enforcement Procedure. This section combined with c) above establishes a clear procedure indicating anticipated timescales and an effective sanction to ensure that the issue of poor living conditions is addressed promptly by those responsible.
- 6.2 The exercise of the powers identified in 6.1 will provide Housing Renewal with more comprehensive powers to address housing related issues. The clear procedure ensures that landlords are aware of what to expect and how to avoid the additional costs of enforcement action; and the charging of fees for the service of notices both reflects the costs to the Council of implementing its enforcement powers and provides a significant incentive to landlords to comply with the required standards.

- 6.3 It is also proposed that the power of entry under section 239 of the Housing Act 2004 be extended to the 2 No. Housing Technicians to facilitate formal inspection and effective enforcement of the Housing Health & Safety Rating System.
- 6.4 The Equalities Impact Assessment (Appendix C) identifies a predominantly positive impact of the proposals, benefiting vulnerably housed tenants who are often on low incomes.

7 Legal Powers

- 7.1 The necessary powers to implement these proposals are appropriate to the function of Housing Renewal and can be provided through Council approval and a scheme of delegation.

8 Financial and Value For Money Implications

- 8.1 The charging of a fee for the service of notices served under the Housing Act 2004 will provide an income.
- 8.2 If work in default is required to remove a hazard(s) from a property, approval of the necessary budget to finance the work will be sought from Committee. The property owner will then be invoiced for the cost plus an administration charge with a charge being placed on the property if necessary in order to reclaim the cost. This would therefore not have a net cost to the Council.

9 Risk Analysis

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
Landlords delaying the removal of hazards to their properties placing the tenants at risk.	Possible injury to the tenant	Very likely in a property where a Category 1 hazard has been identified	Prompt & effective enforcement action with the prospect of failure to comply costing the owner money.

10 Implications for Resources

- 10.1 None.

11 Implications for Stronger and Safer Communities

- 11.1 Reduce crime and anti-social behaviour by enabling the problems presented by empty properties to be more effectively addressed;
- 11.2 Improvement in the health and safety of tenants in the private rented sector.

12 Implications for Equalities

- 12.1 An Equalities Impact Screening has been carried out Appendix C identifying a largely positive impact of implementing the policy for landlords and tenants alike.

This refers to the Council's duty to design its services around the needs of local people, and to evaluate the impact of its services, policies and activities on different groups in society to eliminate discrimination.

13 Author and Contact Officer

Clive Culling – Housing Renewal Manager

14 Consultees

Geoff Hollands – Connect Law

David Haynes – Environmental Protection Manager

Mike Kilpin – Development Control Manager

Paula Lawton – Business Improvement Manager

Steven Wood – Head of Built Environment

Terry Wright – Executive Director

Mike Hudson – Interim Head of Accountancy

15 Background Papers

None

Draft Housing Renewal Enforcement Policy 2010

Housing Renewal

June 2010

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1 ENFORCEMENT POLICY STATEMENT

- 1.1 It is the policy of the Borough Council of Wellingborough to protect and promote the health, safety and welfare and quality of life of all residents in the Borough. In addition the Council strives to maintain and improve the quality of the environment in all aspects affecting the health and well-being of the community.
- 1.2 This Policy document is intended to act as the focus for all enforcement actions carried out by the Housing Renewal Service under the delegated authority granted by the Council. The primary objective is to deliver a consistent approach to all activities, which is substantially in line with the enforcement policies adopted by this and other councils, and any advice which has emerged from government or interested organisations.
- 1.3 There is a clear need to demonstrate that decisions regarding enforcement action are taken in a fair and reasonable way in accordance with guidelines which are publicly available and readily understood. It is also important to adopt measures which will help achieve consistency between authorities while retaining an awareness of any particular local circumstances or sensitivities which may be significant within the Borough.
- 1.4 The enforcement action referred to in this document primarily relates to the administration and enforcement of the following legislation:
- Housing Act 2004;
 - Housing Act 1985;
 - Housing Grants Construction & Regeneration Act 1996;
 - Local Government (Miscellaneous Provisions) Act 1976
- and Regulations made thereunder.
- 1.5 All authorised officers, when making relevant decisions as to the correct course of action will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and endorsed at Service Head level before the decision is taken (unless it is considered that due delay would be prejudicial or that there would be risk to the public).
- 1.6 As part of this Enforcement Policy the Council has adopted the central and local government Concordat on Good Enforcement. By adopting the Concordat the Council is committed to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

2 ENFORCEMENT CONCORDAT

- 2.1 This government document sets out what business and others being regulated can expect from enforcement officers.

The Concordat is a blueprint for fair, practical and consistent enforcement which was drawn up in consultation with local government, consumer groups and businesses.

- 2.2 A copy of the Concordat is attached as Annex A to this policy.

- 2.3 In order to adhere to the principles outlined in the Concordat the following measures will be undertaken:

- Service level and performance standards will be published annually;
- Information on the rules that we apply will be provided in plain language;
- Advice will be provided to assist businesses and the public to avoid enforcement action;
- Complaint procedures and rights of appeal will be well publicised;
- Legal requirements will be proportionate to risks involved as far as the law allows;
- Procedures will be established to ensure that enforcement is carried out in a fair, equitable and consistent manner.

3 ENFORCEMENT OPTIONS

- 3.1 Achieving and maintaining a consistency of approach to making all decisions which concern housing enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the guidance in case law, notes and other documents is always considered and followed where appropriate.
- 3.2 Enforcement decisions must always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:
- seriousness of offence;
 - the past history (if any);
 - confidence in management (if applicable);
 - the consequence of non-compliance;
 - likely effectiveness of the various enforcement options.
- 3.3 Having considered all relevant information and evidence, the choices for action are:
- to take no action;
 - to take informal action;
 - to serve statutory notices;
 - to serve cautions;
 - to prosecute;
 - to carry out work in default.
- 3.4 This policy document provides detailed guidance applicable to the various options for enforcement action.
- 3.5 Where enforcement action is being considered which it is believed maybe, or clearly is, inconsistent and appears contrary to case law or other appropriate guidance, the matter should first be raised with the Head of Service, after consulting the council's legal advisers.

4 INFORMAL ACTION

- 4.1 Informal action will consist of offering advice, a verbal warning or a written request for action in the form of a letter, a schedule generated as a consequence of an inspection, investigation or a visit to premises.
- 4.2 Circumstances when informal action as described above will be deemed appropriate include:
- the act or omission is not serious enough to warrant formal action;
 - the individual or company's past history suggest that informal action will achieve compliance;
 - confidence in management's/owner's ability to correct a defect is high;
 - standards are generally good suggesting a high level of awareness of statutory responsibilities;
 - the consequences of non-compliance are acceptable, e.g. minor matters, or the time period allowed to seek compliance does not present a risk to public health.
- 4.3 All schedules produced following a programmed inspection should clearly differentiate between items which relate to "recommendations" and will lead to good practice.
- 4.4 Persons in receipt of an informal notice (verbal or written) will be given every opportunity to discuss the requirements with the inspecting officer and agree an appropriate programme and timetable. Encouragement will be given to recipients to seek advice at each stage of the process.

5 STATUTORY NOTICES AND ORDERS

- 5.1 A Statutory Notice, Order or Direction will be the first formal sanction issued by the Council.

The Statutory Notices, Orders and Directions detailed below may be appropriate in any of the circumstances listed or combination thereof:

5.2 Housing Act 2004. Sections 28 & 29 Hazard Awareness Notice

- i) a category 1 or 2 hazard exists;
- ii) the occupier(s) do not wish to face the upheaval of major work
- iii) there is no serious imminent risk to the occupiers

5.3 Housing Act 2004. Sections 11 & 12 Improvement Notice

- i) a category 1 or 2 hazard exists;
- ii) there is a lack of confidence in the successful outcome of an informal approach;
- iii) there is a history of non-compliance with informal action;
- iv) standards are generally poor with little management awareness of statutory requirements;
- v) the consequence of non-compliance could be potentially serious to public health;
- vi) effective action is needed to be taken quickly in order to remedy conditions which are serious or deteriorating.

5.4 Housing Act 2004. Section 20 & 21 Prohibition Order

- i) a category 1 or 2 hazard exists;
- ii) repair of the dwelling is not a financially viable option;
- iii) the dwelling is occupied;
- iv) there is a lack of confidence in the owner satisfactorily resolving the problem.

5.5 Housing Act 2004. Section 40 & 43 Emergency Remedial Action and Emergency Prohibition Order

- i) a category 1 hazard exists;
- ii) there is an imminent risk of serious personal harm
- iii) there is a lack of confidence in the owner satisfactorily resolving the problem.

- iv) the consequence of non-compliance could be potentially serious to public health;
- v) effective action is needed to be taken quickly in order to remedy conditions which are serious or deteriorating.

5.6 Housing Act 1985, Part XVII - Compulsory Purchase

- i) the dwelling has been vacant for a significant period;
- ii) the property is in poor condition and is having an adverse impact on the local amenity;
- iii) there is justifiable public complaint;
- iv) a financial land charge exists as a result of default works by the Council;
- v) there is a lack of confidence in the owner satisfactorily resolving the problem
- vi) the proposed action is in accordance with the Council's Housing Strategy.

**5.7 Housing Act 2004. Section 139
Overcrowding Notice (Houses in Multiple Occupation – HMO)**

- i) the HMO is not suitable for occupation by the existing number of occupants;
- ii) an excessive number of persons are likely to be accommodated in the HMO;
- iii) management cannot be relied upon to limit the occupancy to an acceptable standard.

**5.8 Environmental Protection Act 1990. Section 79 (1)(a) & 80
Statutory Nuisance Abatement Notice**

- i) where the officer responsible is satisfied that the state of repair of a property is causing a nuisance prejudicial to the health of the occupier of a neighbouring dwelling;
- ii) there is a lack of confidence in the owner satisfactorily resolving the problem.

**5.9 Town and Country Planning Act 1990. Section 215 & 216
Notice to Require Proper Maintenance of Land**

- i) where the amenity of the area is adversely affected by the condition of a long-term empty residential property;
- ii) there is a lack of confidence in the owner satisfactorily resolving the problem.

5.10 **Building Act 1984. Section 72 & 99**
Means of Escape from Fire Notice

- i) where one or more storeys in a flat or hostel have floor levels more than 20 feet above external ground level;
- ii) consultation with the fire authority indicates that the means of escape from fire is not adequate

5.11 **Other Notices**

Other notices include those Notices specified in any of the Acts listed in the policy statement, the enforcement of which is delegated to the Corporate Directors.

Other Notices should be served where there is a direct contravention of legislation or a defect/condition affecting the health, safety or welfare of any person and for which no agreed alternative solution has been accepted which would otherwise lead to an early resolution of the matter.

5.12 **Fees**

The person on whom a Notice is served under the Housing Act 2004 will be charged up to £300 for the service, dependant upon the cost to the Council of the enforcement action to date.

5.13 **General**

It will be common practice for officers to discuss the need to issue Notices with their managers in advance. Officers with delegated authority to issue Notices will only exercise this power after giving full consideration to circumstances. Notices will be served after all alternative remedies have been exhausted, or have been demonstrated to be inappropriate.

Except in the case of emergency, the appropriate report form must be completed and the course of action approved prior to the service of a statutory notice.

6 PROSECUTIONS

6.1 General Guidance:

The following detailed advice must be read and interpreted having full regard to the following principles:

Reasonableness: Is the proposed course of action reasonable in terms of cost, likely outcome and appropriateness to the offence?

Ultra Vires: Does legal authority exist for the proposed course of action and is it vested in the Council or any individual officer concerned? If formal action is contemplated, have all the requirements of PACE been met?

The Crown Prosecution Service Code: This code sets out two clear principles or tests which should be considered before any prosecution is embarked upon. These are the evidential test and the public interest test. The evidential test requires there to be a "realistic prospect of conviction" based upon reliable and admissible evidence. The public interest is concerned with balancing the possible "for" and "against" factors which may exist.

- 6.2 The decision to initiate court proceedings will be taken by the Head of Service following consultation with the investigating officers. The guidelines contained in any relevant Codes of Practice must be taken into consideration and the investigating officer must be able to clearly show there is relevant, admissible, substantial and reliable evidence to support legal action. The Head of Legal Services will be consulted as necessary.
- 6.3 Prosecution will, in general, be restricted to those persons who blatantly disregard the law, refuse to achieve basic minimum requirements or who place the public at risk.
- 6.4 The circumstances which warrant prosecution will normally be characterised by one or more of the following:
- where the alleged offence involves a flagrant breach of the law such that public health, safety and well-being is put at risk. The seriousness of the alleged offence will take into regard the risks or harm to public health, identifiable victims, failure to comply with Statutory Notices or disregard of public health for financial reward;
 - where the alleged offence involves a failure to correct an identified and serious risk and the offender has been given reasonable opportunity to comply with the lawful requirements of an enforcement officer;

- where the offence involves the failure to comply in full or in part with the requirements of a Statutory Notice; where there is a history of similar offences related to risk to public health;
- where there are any overriding local factors which must be taken into account.

6.5 Prior to the commencement of proceedings the appropriate report form must be completed and the course of action approved.

7 SIMPLE CAUTIONS

- 7.1 The “Simple Caution” may be used as an alternative to prosecution. The procedure as detailed at 6.2 above will be followed.

A simple caution may only be used where the tests for prosecution are otherwise satisfied, that is to say that a conviction must be more likely than not and there is a public interest in prosecuting. In assessing the first test all possible defences must be taken into account including the availability of “due diligence” or “best practical means” defences.

- 7.2 Home Office Circular states the purpose of a simple caution is:

- to deal quickly and simply with less serious offences;
- to divert less serious offences away from the Courts;
- to reduce the chances of repeat offences.

- 7.3 The simple caution may be used in place of court proceedings when:

- the interests of justice will not be served by court action;
- for offences of a minor nature not actioned following service of a Statutory Notice and where there is no risk to public health or to the environment;
- a “technical offence” has been committed and there is a need for the offence to be formally recorded.

- 7.4 To safeguard the suspected offenders interests the following conditions must be fulfilled:

- the tests for prosecution are satisfied, that is to say a conviction is more likely than not and there is a public interest in prosecuting;
- the suspected offender must admit the offence;
- the suspected offender must understand the significance of a formal caution and agree to being cautioned.

- 7.5 The decision to issue a simple caution will be taken by the Head of Service following consultation with the investigating officer and completion of the appropriate report form (Appendix A).

Unless there are particular reasons not to, refusal of a formal caution will normally be followed by a prosecution for the alleged offence(s). It is important therefore to ensure that before a caution is offered, the case satisfies all of the tests and requirement for a prosecution.

- 7.6 Any formal caution issued by the Borough Council under the above will not be cited in relation to an offence committed more than 3 years after the caution is issued.

8 WORK IN DEFAULT

8.1 Work in default may be undertaken by the Council in the instances described below where a statutory notice has been served but not complied with by the recipient.

8.2 Housing Act 2004. Schedule 3 Improvement Notices - Power to take action without agreement

In most cases it is expected that work in default will be undertaken but Committee authorisation is required having regard to the following considerations:

- i) degree of risk to or effect on the occupier(s) of the defect(s);
- ii) the availability of alternative sanctions eg prosecution;
- iii) likelihood of successful recovery of costs.

8.3 Local Government (Miscellaneous Provision) Act 1976 Protection of Buildings

Section 29 of this Act enables a local authority to carry out work to effectively secure a building against unauthorised entry or to prevent it from becoming a danger to public health.

A local authority may serve a notice that they propose to undertake work or may carry out work immediately in urgent circumstances. In each case the cost of the work is recharged on the owner of the property.

In view of the nature of this enforcement action authority has been delegated to officers for both the service of notices and to carry out works.

8.4 Environmental Protection Act 1990 Statutory Nuisances

Section 81 of this Act enables a local authority to do whatever is necessary to abate a nuisance if an abatement notice is not complied with.

Refer to 8.2 for the matters to be considered by Committee in deciding whether to proceed with work in default.

8.5 Town and Country Planning Act 1990 Power to Require Proper Maintenance of Land

Section 219 of this Act enables the local planning authority to take those steps required by a notice that have not been taken within the specified period of the notice or such extended period as may be allowed.

Refer to 8.2 for the matters to be considered by Committee in deciding whether to proceed with work in default.

9 TYPICAL ENFORCEMENT PROCEDURE

- 9.1 Housing Renewal become aware of a potential hazard or other problem affecting a private rented property.
- 9.2 An officer will make contact with the owner, or their agent, and the occupier to arrange a suitable appointment to inspect the property. (It should be noted that, if necessary, the Council may require access to the property within two working days.)
- 9.3 The officer will visit the property, bearing their written authority to carry out an inspection, and complete a survey to enable an assessment of the hazard/s or other problems. At this stage informal advice may be given regarding the severity and mitigation of hazards, however a full and considered response will be provided in writing within a week of the inspection.
- 9.4 Initially, subject to the severity of the risk to the occupier, a letter will be sent to the owner and/or their agent and copied to the occupier, identifying the problems that need to be rectified. The letter will request a written response within two weeks stating the action to be taken to resolve the issues raised and the timescale for completion of that action.
- 9.5 The letter may be accompanied by a Requisition for Information to formally establish the ownership, occupation and control of the property, should formal enforcement action prove necessary.
- 9.6 If a satisfactory response is received, in terms of appropriately prompt action to address the problems identified, the Council will monitor the situation to ensure compliance but take no further enforcement action.
- 9.7 However, if no written undertaking is received or the undertaking does not give appropriate urgency to the action required, a Notice may be served on the person managing or in control of the property requiring the completion of specified work within a reasonable timescale.
- 9.8 The person on whom a Notice is served under the Housing Act 2004 will also be charged up to £300 for the service, dependant upon the cost to the Council of the enforcement action to date.
- 9.9 The Council will then monitor progress to ensure the necessary action is taken. Failure to comply with the Notice may result in prosecution or the Council carrying out the work in default and charging the owner for the cost of the work plus a further administration charge.
- 9.10 On the final resolution of any issue requiring enforcement action by Housing Renewal a customer satisfaction questionnaire will be sent to the

owner or their agent regarding the conduct of the investigation and implementation of any action taken by the Council. The outcome of this survey will feed into the Council's reporting on national indicator NI 14 and will be used to inform future amendments to the Enforcement Policy.

- 9.11 Please note, the above process will not always be followed, particularly in relation to hazards that represent a high risk to occupiers or the general public, requiring more urgent action.

APENDIX B

LEGISLATION	FUNCTION
<p>Housing Act 2004</p> <p>PART 1</p> <p>Chapter 2</p> <p>Section 11 (Category 1 Hazards)</p> <p>Section 12 (Category 2 Hazards)</p> <p>Section 14</p> <p>Section 16</p> <p>Section 17</p> <p>Section 20 (Category 1 Hazards)</p> <p>Section 21 (Category 2 Hazards)</p> <p>Section 23</p> <p>Section 25</p> <p>Section 26</p> <p>Section 28 (Category 1 Hazards)</p> <p>Section 29 (Category 2 Hazards)</p> <p>Chapter 3</p> <p>Section 40</p> <p>Section 41</p> <p>Section 43</p> <p>Chapter 5</p> <p>Section 49</p> <p>PART 2</p> <p>Section 64</p> <p>Section 69</p>	<p>HOUSING CONDITIONS</p> <p>Improvement, Prohibition & Hazard Awareness Notices</p> <p>Authority for the service of an Improvement Notice</p> <p>Authority for the service of an Improvement Notice</p> <p>Suspension of Improvement Notices</p> <p>Revocation and Variation of an Improvement Notice</p> <p>Review of a Suspended Improvement Notice</p> <p>Authority to make a Prohibition Order</p> <p>Authority to make a Prohibition Order</p> <p>Suspension of a Prohibition Order</p> <p>Revocation & Variation of a Prohibition Order</p> <p>Review of a Suspended Prohibition Order</p> <p>Authority for the service of a Hazard Awareness Notice</p> <p>Authority for the service of a Hazard Awareness Notice</p> <p>Emergency Remedial Action</p> <p>Taking of Emergency Remedial Action</p> <p>Service of Notice of Emergency Remedial Action</p> <p>Emergency Prohibition Orders</p> <p>General & Miscellaneous Provisions</p> <p>Power to charge for certain enforcement action</p> <p>LICENSING OF HOUSES IN MULTIPLE OCCUPATION</p> <p>Authority to approve but not refuse a license application</p> <p>Authority to vary a license</p>

<p>Housing Act 2004 (cont)</p> <p>PART 4 Chapter 3</p> <p>Section 139 Section 144</p> <p>PART 7</p> <p>Section 235 Section 239 Section 240</p>	<p>ADDITIONAL CONTROL PROVISIONS FOR RESIDENTIAL ACCOMMODATION</p> <p>Service of an Overcrowding Notice Revocation and Variation of Overcrowding Notices</p> <p>SUPPLEMENTARY AND FINAL PROVISIONS</p> <p>Power to require documents to be produced Powers of entry Obtaining a warrant to authorise entry</p>
<p>Housing Grants Construction & Regeneration Act 1996. Part 1.</p>	<ul style="list-style-type: none"> • To approve or refuse applications for financial assistance for Disabled Facility Grants. • To cancel such grant approvals where work is not completed within prescribed time limits. • To enforce the legal conditions in respect of such financial assistance.
<p>Regulatory Reform (Housing Assistance)(England & Wales) Order 2002</p>	<ul style="list-style-type: none"> • To approve or refuse applications for financial assistance for Renovation and Home Repair Assistance Grants. • To cancel such grant approvals where work is not completed within prescribed time limits. • To enforce the legal conditions in respect of such financial assistance.
<p>Local Government (Miscellaneous Provisions) Act 1976</p> <p>Section 15</p> <p>Section 16</p> <p>Section 33</p>	<p>Authority to survey land which is being considered for compulsory purchase Service of a Notice to require information.</p> <p>Power to restore a supply of gas, water or electricity to a house where disconnection has occurred due to landlords default</p>

<p>Local Government (Miscellaneous Provisions) Act 1982</p> <p>Section 29</p>	<p>Power to take action in respect of houses which are not effectively secured against unauthorised access or are likely to become a danger to public health.</p>
<p>Housing Act 1985</p> <p>Part X</p> <p>Section 335</p> <p>Section 336</p> <p>Section 337</p> <p>Section 338</p> <p>Section 340</p>	<p>OVERCROWDING</p> <p>Power to require information about persons sleeping in a dwelling.</p> <p>Power to require production of a rent book.</p> <p>Power of entry to determine permitted numbers of persons.</p> <p>Service of Notice to abate overcrowding.</p> <p>General power of entry</p>
<p>Environmental Protection Act 1990</p> <p>Section 79 & 80</p> <p>Schedule 3</p>	<p>Power to serve a statutory nuisance abatement notice</p> <p>Powers of entry to ascertain whether a statutory nuisance exists and executing any work</p>
<p>Town and Country Planning Act 1990</p> <p>Section 215 & 216</p> <p>Section 219</p> <p>Section 330</p>	<p>Power to serve a notice to require proper maintenance of land</p> <p>Power to enter land, execute works and charge for cost of works required by a section 215 notice</p> <p>Power to require information as to interests in land</p>
<p>Simple Cautions & Prosecutions</p>	<p>Authority to issue a formal caution or institute legal proceedings in respect of failure to comply with any of the statutory requirements listed above.</p> <p>Such action to be taken in accordance with the Council's Enforcement Policy for Housing Renewal.</p>

APPENDIX C

Equality Impact Assessment (EqIA): Screening

Guidance Notes:

- In order to familiarise yourself with the EqIA process, an overview is available for information. You may access this in the following ways depending on how you prefer to work:

Browse intranet pages: [Overview of EqIA process](#)

Download Word document: http://172.31.4.31/site/scripts/download_info.php?fileID=4063

If, however, you are familiar with the process you may wish to proceed with this EqIA Screening using the help icons as detailed below.

- Use the help icon [H] located throughout this screening template in order to access notes on completing each section.

Service Area: Housing Renewal	Date screening completed:	
Name of policy/activity¹ being screened: Housing Renewal Enforcement Policy		
Full description of policy/activity¹ being screened (what is the reason for the policy/activity/who benefits): Council policy relating to the enforcement of housing conditions in the private sector. The policy ensures the implementation of a transparent, fair and effective procedure for the enforcement of housing conditions in the private rented sector. This provides clarity for those using the enforcement powers, encourages compliance on the part of those managing properties and protects the health & safety of the often vulnerably housed tenants.		
Is this a new or existing/updated policy/activity¹?	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing/Updated
How is the policy/activity¹ approved/adopted:	<input checked="" type="checkbox"/> Committee/Board	<input type="checkbox"/> Delegated
Service Manager Responsible for Area:		
Name: Clive Culling	Job Title: Housing Renewal Manager	Contact details: 231854
Lead Officer conducting the assessment: Clive Culling		
Others involved in the assessment: <i>(this could include front line officers, people with specialist knowledge or interest):</i>		

¹ Policy/activity in this context includes policies, services, strategies, functions, projects, plans, restructures, major events, etc

APPENDIX C

Marie Regan & Paula Lawton

Key screening questions:

- Could this policy/activity² and the way we deliver it affect some groups in society differently (negative impact)?
- Can this policy/activity² and the way we deliver it promote equal opportunities (positive impact)?

Equality Strand	1. Assessment of Potential Impact of Policy/Activity [H]		2. Reason for the Assessment of Potential Impact identified at 1. [H]	3. Mitigating Circumstances [H]	4. Actions
Race [H]	Negative	Low	<p>2.1 There is nothing integral to the amended enforcement policy that could be discriminatory. However, the way that it is applied could be discriminatory towards a number of groups including racial groups as a result of unintentional unfairness in its application.</p> <p>2.2 Potential for unfairness in relation to race could result from poor communication due to language difficulties</p> <p>2.3 Impact on minority group tenants who do not speak English – possible difficulty with communication with the council where cases of enforcement are required.</p>	<p>3.1 The policy complies with the best practice of the Enforcement Concordat and, where possible, the issues are dealt with on an informal basis.</p> <p>3.2 A meeting is sought with the owner at the property concerned which should highlight any difficulties with understanding.</p> <p>3.3 The transparency of the enforcement process that should be expected and the opportunity for someone to appeal against a notice or make a formal complaint to the Council about the conduct of one of its officers, provide significant protection to anyone subject to enforcement action.</p>	<p>4.1 Enforcement policy translation to be made available on request</p> <p>4.2 Use equalities monitoring form to find out core data of landlords and use this information to find out the best method of communication required.</p>

² Policy/activity in this context includes policies, services, strategies, functions, projects, plans, restructures, major events, etc
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<p>Disability [H]</p>	<p>Negative</p>	<p>Low</p>	<p>2.4 See 2.1 above</p> <p>2.5 Potential for unfairness in relation to disability could result from poor communication due to disabilities such as sight and/or hearing impairment, or learning difficulties and/or low levels of literacy</p>	<p>3.4 See 3.1, 3.2 & 3.3 above</p>	<p>4.3 Enforcement policy available in alternative formats (eg large print, CD or Braille) on request.</p> <p>4.4 Use equalities monitoring form to find out core data of landlords and use this information to find out the best method of communication required.</p>
<p>3. Gender [H]</p>	<p>Neutral</p>	<p>Low</p>	<p>2.6 At this stage, we have no reason to believe that the policy could potentially have a negative impact on this customer group.</p>		
<p>Age [H]</p>	<p>Neutral Positive</p>	<p>Low</p>	<p>2.7 At this stage, we have no reason to believe that the policy could potentially have a negative impact on this customer group.</p> <p>2.8 Information on the rules that we apply will be provided in plain language;</p>		
<p>Sexual Orientation [H]</p>	<p>Neutral</p>	<p>Low</p>	<p>2.9 At this stage, we have no reason to believe that the policy could potentially have a negative impact on this</p>		

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			customer group.		
Religion/ Belief [H]	Neutral	Low	2.10 At this stage, we have no reason to believe that the policy could potentially have a negative impact on this customer group.		
Landlords / Agents [H]	Positive Positive Positive	Unknown	2.11 Advice provided to assist businesses and the public to avoid enforcement action; 2.12 Complaint procedures and rights of appeal are well publicised; 2.13 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the enforcement policy.		
Tenants / Local Residents	Positive Positive	High High	2.14 The policy will make the Council more effective in achieving prompt action to remove hazards from homes in the private rented sector assisting tenants who are often from the most vulnerable socio-economic groups; 2.15 Local residents will benefit from the improvement in the appearance of neglected sites & buildings.		

Is a full Eq/A required for this policy/activity? [H] Yes No

If yes, please indicate the date that the Eq/A will commence: N/A

This Eq/A screening must be agreed by the Equalities Steering Group representative for your service area and signed off by your Head of Service or Corporate Director.

In the event of any queries, contact the Council's Equalities Co-ordinator on ext 1872 or e-mail: equalities@wellingborough.gov.uk

Agreed by Equalities Steering Group Representative:
Name: _____ Signature: _____ Date: _____

M Regan _____ 28/05/10

Agreed by Head of Service or Corporate Director:
Name: _____ Signature: _____ Date: _____

Suzanne Wood _____ 28/05/10

If the new policy, function, strategy, major plan, project, event, procedure or restructure is going to be approved or agreed by Members, then you will need to indicate on the Committee Report / Forward Plan if and when an Eq/A will take place, or if this has already been done.

Please attach a copy of this Eq/A to the document(s) to which it relates, and send to the Council's Equalities Co-ordinator to feed into the Corporate Equalities Action Plan: equalities@wellingborough.gov.uk

³ Policy/activity in this context includes policies, services, strategies, functions, projects, plans, restructures, major events, etc
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