

Private Sector Housing Enforcement Policy

Amendment to the Policy based on the implications of COVID-19 (Coronavirus).

Decision under Delegated Powers

Officer Requesting Decision

Rebecca Short – Private Sector Housing Manager

Officer Making the Decision

Alison Simmons - Head of Strategic and Private Sector Housing

Recommendation

To approve the temporary inclusion of the proposed 'Appendix 6 COVID-19 (Coronavirus)' as detailed below.

Reason

To respond to the COVID-19 outbreak with regard to the enforcement of standards in rented properties and clarify the approach to be taken during this time in line with Government guidance.

Authority for Decision

In 2018, Cabinet approved a new Private Sector Housing Enforcement Policy and resolved that the delegated authority be given to the Head of Strategic and Private Sector Housing, in consultation with the Cabinet Lead Member for Regulatory Services Enforcement and Licensing, to make amendments to the Policy.

Decision and Date

Signed:



Date:

17th April 2020

Head of Strategic and Private Sector Housing

Background

In 2018, Cabinet approved a new Private Sector Housing Enforcement Policy that seeks to ensure that all properties let as residential properties throughout the Borough are of good quality and are well managed.

On 26th March 2020, the Coronavirus Act 2020 came into force.

The Act relates to a wide range of matters associated with the COVID-19 outbreak and the Government has published advice on the actions required by everyone to stop the spread of the virus, including maintaining strict separation from others wherever possible during this unprecedented time.

The Government has also issued guidance for local authorities on enforcing standards in rented properties during the COVID-19 outbreak

During this time, it will be harder for officers to carry out their work in the usual way and the inspection of properties and taking of enforcement action will be affected. It is acknowledged that Landlords will also find it more difficult to comply with their legal obligations.

The proposed Appendix 6 COVID-19 (Coronavirus), in line with Government guidance, updates the Policy for this period of time to make it clear that the Council will;

- Ensure that the work of its officers is carried out in line with the Council's Health and Safety Policies and Procedures
- Prioritise resources to ensure vulnerable tenants and imminent risks to health are targeted
- Base all decisions on an assessment of risk
- Take a pragmatic approach to enforcement that ensures tenants are kept safe and landlords are supported

It is proposed that this addition to the Policy remains in place until such time as revised Government guidance enables normal services to resume.

The Lead Member has been consulted and has approved the minor amendments to the Private Sector Housing Enforcement Policy.

Comments from HR

Financial Implications

There are no additional financial implications.

Risk Management

No risks identified

Key Decision:

No

Background Papers:

Private Sector Housing Enforcement
Policy 2018.

COVID-19 (Coronavirus)

On 26th March 2020, the Coronavirus Act 2020 came into force.

The Act relates to a wide range of matters associated with the COVID-19 outbreak and the Government has published advice on the actions required by everyone to stop the spread of the virus, including maintaining strict separation from others wherever possible during this unprecedented time.

During this time, it will be harder for officers to carry out their work in the usual way and the inspection of properties and taking of enforcement action will be affected. It is acknowledged that Landlords will find it more difficult to comply with their legal obligations.

As a result, during this time, Charnwood Borough Council will;

- Ensure that the work of its officers is carried out in line with the Council's Health and Safety Policies and Procedures
- Prioritise resources to ensure vulnerable tenants and imminent risks to health are targeted
- Base all decisions on an assessment of risk
- Take a pragmatic approach to enforcement that ensures tenants are kept safe and landlords are supported

Property Inspections

Where possible, officers will contact tenants with concerns about housing standards and utilise photographs or video footage to assess the nature of the issue.

Inspections by the Strategic and Private Sector Housing Service at this time will be reserved for situations where there is;

- A duty to inspect because, for example, there is an imminent risk to a tenant's health due to a serious hazard
- A serious hazard that was previously identified and may still exist
- A vulnerable tenant and it is not clear whether there could be a serious hazard present

Inspections will only be carried out where relevant Government guidance at the time allows and in line with the Council's Health and Safety Policy.

Enforcement Action

A pragmatic, appropriate and risk-based approach will be taken to enforcement action during the current situation and all decisions will be made on the merits of the individual case, based on the latest Government guidance.

The requirement for remedial works at this time will be carefully considered and steps will be taken wherever possible to isolate or contain rather than remedy hazardous conditions, for example through the use of Prohibition Order to cover part of property instead of Emergency Remedial Action.

In cases of extremely hazardous conditions, alternative accommodation might be considered as an alternative to Emergency Remedial Action.

Support for Tenants and Landlords

Where resources allow, for lower-risk hazards, advice and support will be offered to the tenant and the landlord.

In cases where a legal notice has already been served under the Housing Act 2004 and the landlord is having difficulties in completing the works at this time, if the notice provides for this, consideration will be given to suspension of the notice for a period.