

## Report of the Chief Executive

**PRIVATE SECTOR HOUSING CIVIL PENALTIES POLICY**1. Purpose of report

To seek approval of a proposed policy for the use of civil penalties for specified offences under the Housing Act 2004.

2. Detail

Civil penalties have been introduced by the government as a discretionary enforcement measure. They are designed to enable local housing authorities to impose a financial penalty as an alternative to prosecution for specified offences contained within the Housing Act 2004.

In the majority of cases, the Council has no need to take formal action in relation to housing conditions in the private rented sector and matters are resolved informally. However, in a minority of cases, the intervention is more formal. Adopting a Private Sector Housing Civil Penalties Policy will mean additional enforcement options are available to the Council to help protect occupants and help ensure residents can live in safe homes.

The proposed introduction of the use of civil penalties is not intended to increase the level of enforcement activity but to allow a greater range of enforcement tools that can be considered and applied to the worst offenders when informal and formal actions have failed to achieve compliance. It also provides an alternative to prosecution. There will be no negative impact on compliant landlords.

The use of civil penalties is also the sanction which a local authority can impose for a breach by a landlord of the recently introduced Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

The proposed policy (appendix 1) details the factors which have to be taken into account and the methodology proposed in order to arrive at a fixed penalty figure in various cases. Consultation on the policy has been undertaken and appendix 2 contains the two responses received.

3. Financial impact

Currently, any issues with landlords are dealt with before a civil penalty would be issued, and so it is not expected that income would increase significantly under this policy.

4. Equality Impact Assessment

As this is a change to policy / a new policy an equality impact assessment is included at appendix 3 to this report.

**Recommendation**

**The Committee is asked to APPROVE the Private Sector Housing Civil Penalties Policy.**

Background papers

Nil