

WYRE FOREST DISTRICT COUNCIL

**COUNCIL MEETING
WEDNESDAY 19th APRIL 2006**

HMO and Housing Enforcement Policy

OPEN	
COMMUNITY STRATEGY THEME	Improved Health and Wellbeing
CORPORATE PLAN THEME:	Enabling Community Wellbeing
KEY PRIORITY:	Housing and Independent Living
CABINET MEMBER:	Councillor Mrs. Anne Hingley
RESPONSIBLE OFFICER:	Head of Planning Health and Environment
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APPENDICES	1. Houses in Multiple Occupation Policy 2. Housing Enforcement Policy 3. Housing Legislation Copies of the appendices have been circulated electronically and are on the Council's website. A public inspection copy is available on request (see front cover for details)

1. PURPOSE OF REPORT

- 1.1 This report introduces written policies regarding houses in multiple occupation (HMOs) and housing enforcement work. Further it advises on the range of enforcement powers available and the need to update the constitution subsequent to the implementation of the Housing Act 2004. Members are asked to consider and adopt the proposed policies and agree that the constitution be updated as necessary.

2. RECOMMENDATION

The Council is asked to DECIDE :

- 2.1 The Houses in Multiple Occupation Policy as set out in Appendix 1 be adopted.**
- 2.2 The Housing Enforcement Policy as set out in Appendix 2 be adopted.**
- 2.3 Delegated authority be given to the Head of Planning, Health and Environment and Head of Legal and Democratic Services and any officers authorised in writing by him/her, to exercise the powers available under the legislation**

detailed in Appendix 3 and regulations made thereunder, including the following:

- a) Sign and service of notices
- b) Sign and issue of licences, permits, orders and other documents
- c) Execute works, including works in default
- d) Procure samples and carry out other necessary investigations
- e) Exercise powers of entry
- f) Engage specialist advisors/contractors and authorise their entry and investigation.
- g) Issue Formal Cautions and Institute legal proceedings (in consultation with the Head of Legal and Democratic Services).

2.4 The Council's Constitution be updated as necessary such that the above powers and legislation listed in Appendix 3 are properly incorporated.

3. BACKGROUND

- 3.1 The general enforcement policy of the Council has been followed until now in respect of housing issues. The proposed policy is in line with already adopted principles set out in the Enforcement Concordat published by the Cabinet Office in 1998.
- 3.2 The Best Value Performance Indicator BVPI 166 on Environmental Health encourages all enforcement services within the range of environmental health work to be covered by enforcement policies.
- 3.3 The Housing Act 2004 introduces a number of new powers and types of notice to deal with housing standards. It also introduces a system of licensing for certain types of HMO.
- 3.4 The new powers and licensing system will come into force from April 6th 2006. A number of regulations have been made under the Housing Act 2004.

4. KEY ISSUES

- 4.1 The Housing Section of the Planning, Health and Environment Division enforces a wide range of housing related legislation as detailed in Appendix 3.

5. FINANCIAL IMPLICATIONS

- 5.1 The Licensing of HMOs is anticipated to result in an income in the first year of approximately £5,000. The licence period is 5 years and there is no anticipated additional income during this period.
- 5.2 Within the Housing Enforcement Policy a charge of £50 is proposed for enforcement activity in certain limited circumstances. Charging for enforcement activity is only expected to cover additional enforcement costs for the specific circumstances and will not result in any significant income.

- 5.3 The implementation of the other additional powers and the Housing Enforcement Policy can be met from within existing budgets.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 These policies are necessary for the proper implementation of new powers and licensing under the Housing Act 2004 in particular. Failure to have robust policies in place and failure to update the constitution would mean that new powers could not be enforced with potential significant legal implications.

7. RISK MANAGEMENT

- 7.1 The Council has a statutory duty to enforce the legislation.

8. CONCLUSION

- 8.1 The adoption of relevant, practical policies and updating of the constitution give proper response to the new powers available, provide a clear and open approach to dealing with enforcement and HMOs for the benefit of officers, members and the public.

9. CONSULTEES

- 9.1 Head of Legal and Democratic Services

10. Background Papers

- 10.1 Housing Act 2004

5.4.06