



Executive Director/Director Non-Key Executive Decision Report

Author/Lead Officer of Report: Michelle Houston, Service Manager

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Report to: Janet Sharpe
Date of Decision: 16 April 2018
Subject: Intervention and Enforcement Policy for the Private Rented Sector

Which Cabinet Member Portfolio does this relate to? Neighbourhoods and Community Safety

Which Scrutiny and Policy Development Committee does this relate to? Safer and Stronger Communities

Has an Equality Impact Assessment (EIA) been undertaken? Yes No

If YES, what EIA reference number has it been given? 246

Does the report contain confidential or exempt information? Yes No

Purpose of Report:

This report seeks approval of the amended Intervention and Enforcement Policy. The current policy was approved by Cabinet in 2007.

It is an important policy about how the council regulates the private rented sector in Sheffield. To ensure the policy remains up to date and relevant, reflecting the current guidance and the law, the policy has been reviewed and amended.

Recommendations:

It is recommended that;

- a) The Intervention and Enforcement Policy, which forms part of the Private Sector Housing Services Policy, be amended as detailed by this report. The amended policy is attached to this report.

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Karen Jones
	Legal: Brendan Twomey
	Equalities: Louise Nunn
	Cabinet Member: Cllr Jayne Dunn
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	Lead Officer Name: <i>Michelle Houston</i>
	Job Title: <i>Service Manager</i>
Date: <i>13 April 2018</i>	

1. PROPOSAL

- 1.1** This report seeks approval of the amended Intervention and Enforcement Policy (the Policy) for the regulation of the private rented sector. The amended Policy is attached to this report.
- 1.2** The current policy was approved by Cabinet in 2007, as part of the wider Private Sector Housing Policy. It gave delegated authority to the Director of Housing, in consultation with the Cabinet Member for Safer Neighbourhoods, to revise the Policy.
- 1.3** Since Cabinet made the above delegation the Council has undergone a restructuring process. Under the new structure, the relevant functions relating to private housing standards, previously exercised by the Director of Housing are now exercised by the Director of Housing and Neighbourhood Services.
- 1.4** Also under the current structure, responsibility for private housing standards, which previously rested with the Cabinet Member for Safer Communities, now rests with the Cabinet Member for Neighbourhoods and Community Safety.
- 1.5** Therefore the delegated authority may be exercised by the Director of Housing and Neighbourhood Services in consultation with Cabinet Member for Neighbourhood and Community Safety. The Cabinet Member for Neighbourhood and Community Safety has been consulted on these proposals.
- 1.6** Councils must continually review their policies, and this has resulted in the proposed amendments. The policy also incorporates new powers and duties introduced in current legislation such as the Housing and Planning Act 2016.
- 1.7** All local authorities have a legal duty to regulate the private rented sector. This incorporates various statutory duties and powers, and ensures that private rented tenants have various levels of protection in the way their home is maintained and managed.
- 1.8** There are around 40,000 private rented properties in Sheffield, and the sector is generally good. There are many professional landlords in the city with good properties and good management practices.
- 1.9** However, there are a minority of landlords that require various levels of intervention from the Council to ensure they are complying with their landlord responsibilities. The proposed amended Policy details the circumstances when the Council may intervene and the type of action it may take.
- 1.10** The policy is clear that the Council's preference is to work in a positive and co-operative way with landlords, providing encouragement and

education, to enable them to maintain or improve management and housing standards in respect of their properties.

1.11 The policy is also clear that the Council will focus its resources on those landlords that continually fail to comply with their obligations and allow their tenants to live in unsafe and poorly managed properties.

1.12 The amended policy reflects some legislative changes mainly introduced in the Housing and Planning Act 2016. One of the most significant is the introduction of Civil Penalties, which may be issued as an alternative to prosecution. It is hoped the new measures will increase the options available to us for targeted and effective enforcement action.

2. HOW DOES THIS DECISION CONTRIBUTE ?

2.1 The private rented sector is continuing to grow, accommodating around 19% of Sheffield's residents. It is essential to ensure good management and housing standards, that the Council takes its responsibilities seriously to regulate the private rented sector, and use all the legal tools available.

2.2 Sheffield Council's vision is for housing to be at the heart of high quality, safe and distinctive places to live, enabling Sheffield's communities to thrive and be successful.

2.3 Economic Success of the City

The Council and its partners are ambitious for economic growth.

Improving the condition and safety of homes is vital to the overall attractiveness of the neighbourhood and is a key component to why people choose to live and work in an area.

Investment into properties also incorporates the employment of local builders and other contractors which contributes to the local economy

2.4 Thriving Neighbourhoods and Communities

The provision of support to landlords, and where required targeted enforcement action, will improve housing within the private sector, increasing confidence in the area.

Better property conditions and management should also encourage stability in neighbourhoods – where tenants choose to settle and become cohesive and active members in that community.

2.5 Better Health and Wellbeing

Addressing hazards in the home, poor property conditions and management practices in privately rented accommodation will help create safer home environments contributing to an overall improvement in physical, mental and emotional health and wellbeing.

2.6 **Tackling inequalities**

It will improve the safety and wellbeing of some of the most vulnerable residents by tackling private rented landlords who let out high risk dangerous and sub - standard properties.

3. **HAS THERE BEEN ANY CONSULTATION?**

3.1 There is no statutory requirement to consult. However we have sought the views and comments on the proposed amended Policy from specialist officers in the Private Housing Standards team, other departments and our university partners.

3.2 We have also had regular briefing meetings with the two major landlord associations in the city; Sheffield and District Landlord Association and Sheffield Student Landlord Association, giving them the opportunity to consider and provide comments on the draft amended Policy.

3.3 With specific regard to the introduction of Civil Penalties, we have been involved with the creation of some civil penalties best practice guidance in conjunction with other local authorities. This guidance will make sure that we are transparent and consistent in our decision making when applying the new powers.

4. **RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

4.1 Equality of Opportunity Implications

4.1.1 As a Public Authority, the Council have legal requirements under Section 149 of the Equality Act 2010. These are often collectively referred to as the 'general duties to promote equality' with particular regard to persons sharing the relevant protected characteristics-age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4.1.2 It is considered that the Council's Intervention and Enforcement Policy and the proposed amendments to it, comply with this duty as the impact on individuals and businesses is equality neutral, being the same whether or not the individual or any person involved with the business has a protected characteristic.

4.2 Financial and Commercial Implications

4.2.1 Regulating the private rented sector is a statutory duty for all local authorities, and consequently has financial resource implications.

4.2.2 The service is funded from a mixture of general resources, grant and fee income.

4.2.3 A major change is the introduction of financial Civil Penalties. The

Council may impose a Civil Penalty as an alternative to prosecution in respect of some offences. Income received from imposing a Civil Penalty must be retained by the Council and used to fund its private sector housing enforcement functions. It is expected that the cost of administering Civil Penalties will be covered by the income generated.

4.3 Legal Implications

4.3.1 The Localism Act 2011 provides local authorities with a “general power of competence” which enables them to do anything that an individual can do as long as the proposed action is not specifically prohibited. A purpose of the Act is to enable local authorities to work in innovative ways to develop initiatives that meet local need. The Council’s Intervention and Enforcement Policy and the proposed amendments to it fall within the general power of competence. In addition, there is no specific statutory prohibition, preventing the Council making the proposed amendments to the Policy. The Council therefore is empowered to amend the Policy, as detailed in this report.

4.3.2 A purpose of the Policy is to provide consistent and transparent decision making around intervention and enforcement of private housing standards. Further, in respect of some enforcement functions, for example, Civil Penalties, the Government, in guidance, has directed that authorities implement specific policies, to assist decision making. The purposed amended Policy includes these policies. It is therefore important, when exercising these functions, that Council officers have a good understanding of the Policy and have proper regard to it when making decisions.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 There are no alternative options to consider as it is essential that we have a policy, keep it under review and amend it when necessary. It is also important that amendments reflect local need and current legislation and guidance.

6. REASONS FOR RECOMMENDATIONS

6.1 It is essential that the Council reviews private housing to ensure that good management and housing standards are improved or maintained within the sector. Also that the Council acts effectively, using the powers available to it to regulate the sector. The Intervention and Enforcement Policy ensures that decisions made in the exercise of these powers are consistent and transparent.

6.2 To ensure the Policy remains relevant and properly reflects local need and current legislation and guidance, it is important that it is kept under review and amended when required. This has resulted in the proposed amended Policy.