

# Gloucester City Council

<b>Meeting:</b>	<b>Cabinet</b>	<b>Date:</b>	<b>6 March 2024</b>
<b>Subject:</b>	<b>Regulating Housing Standards</b>		
<b>Report Of:</b>	<b>Cabinet Member for Planning and Housing Strategy</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>Yes</b>	<b>Budget/Policy Framework:</b>	<b>Yes</b>
<b>Contact Officer:</b>	<b>James Dykes – Housing Regulation, Resettlement and Projects Manager</b>		
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<b>Appendices:</b>	<b>1. Main report – Regulating Housing Standards Policy &amp; Supplementary appendices 1-8</b>		
	<b>2. Environmental Health and Regulatory Services Enforcement Policy 2009</b>		
	<b>3. Printed decision for the introduction of Civil Penalties to tackle Poor Housing Conditions &amp; Gloucestershire Civil Penalties Policy 2018</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To provide a policy that sets out the guiding principles of the regulatory framework for the private sector housing service and the delivery of its statutory functions. The policy and supporting appendices serve to inform decision makers and investigating officers of the framework in which they operate, in addition to providing information to those individuals and businesses which are regulated and those protected by regulations. The policy compliments the Councils existing Enforcement Policy and is drawn up in line with the principles of good enforcement and better regulation.

### 2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** to:

- (1) Agree the adoption of the Regulating Housing Standards Policy, supporting appendices and statements of principles.
- (2) Agree the revision and minor amendments to the Gloucestershire Civil Penalties Policy 2018 through the adoption of the Gloucester City Council Civil Penalties Policy (Appendix 3 to the Regulating

- Housing Standards Policy).
- (3) Agree the removal of discretionary 'Early Payment' deductions for Civil and Financial Penalties. Recipients of financial penalties are already legally afforded a 2-stage process to review and appeal the amount of the penalty.
  - (4) Delegated authority be given to the Corporate Director to approve decisions to introduce new Statements of Principles to supplement the Regulating Standards Policy.
  - (5) Delegated authority be given to the Corporate Director to approve decisions to review and amend the existing Statements of Principles supplementing the Regulating Standards Policy.

### **3.0 Background and Key Issues**

- 3.1 Housing is a key determinant of health and research shows that the condition of people's homes directly affects their health and wellbeing. The poorest quality housing is often found in the private sector, but this is not exclusive and housing issues are found across all tenures and some homeowners may struggle to maintain their homes, leading to hazardous conditions.
- 3.2 Gloucester City Councils Private Sector Housing service (PSH) aims to tackle health inequalities and safeguard our residents, who are affected by poor housing conditions, poor property management and unprofessional landlords. The service aims to achieve this through promoting engagement and education in providing advice, information, assistance, and the signposting of support to our service users. Where this approach fails or there is a statutory function to meet its regulatory objectives, enforcement action will be taken.
- 3.3 The role of the private sector housing service in regulating housing standards is a statutory function and is governed by the delegated authorisations of the enacted statutes. The legislative framework that empowers the council to take enforcement action does so by enacting the powers and provisions of a large array of legislation, statutes and supporting guidance. The large amount of regulatory requirements placed on landlords, property managers and owners as well as officers of the council can often be confusing and challenging to implement. A number of the statutes require that the Council has adopted Policies and Statements of Principles in place as does the Regulators' Code. This is a statutory code of practice introduced under section 23 of the Legislative and Regulatory Reform Act 2006 and came into force on 6 April 2014. Regulators covered by the code should have an adopted enforcement policy in place that incorporates the requirements of the code.
- 3.4 The Council aims to support and ensure all landlords, businesses and residents are compliant with their regulatory requirements. To avoid unnecessary regulatory burdens, the Council expects landlords, agents, and businesses to comply with the law and proactively manage their properties and tenancies.

- 3.5 Currently the Council only has a historical enforcement policy that is non-service specific and other policies that require amending to reflect changes to legislative requirements and regulatory options available specifically to the Private Sector Housing Service. The council is currently not able to use the full suite of the regulatory 'Options' available as a result of not having a detailed regulatory policy and supporting statements of principles. In the absence of such a policy it would be difficult for the Council to effectively demonstrate compliance with the Regulators' Code (or its predecessors) and exposes us to legal challenges and appeals in the delivery of our statutory functions and duties.
- 3.6 The Private Sector Housing Service, along with our partnership agencies, will adopt the shared principals of Engagement, Education and Enforcement in a holistic multi- agency framework to ensure that resources are delivered through an effective and efficient model with supporting individuals, residents and businesses in Gloucester City at its core.
- 3.7 A significant review was carried out of the existing policies previously adopted by the Council and the policies of the other districts in Gloucestershire. Further consultation has also been sought of One Legal and Finance.

#### **4.0 Social Value Considerations**

- 4.1 The Council expects landlords, agents, individuals and businesses to comply with the law and proactively manage their properties and tenancies. This is to ensure that the health and welfare of tenants are protected, their properties, and activities at their properties, are not having a negative impact on the amenity of the neighbourhood and compliant businesses can operate fairly and grow economically. The proposed policy and regulatory resources will be applied proportionally based on the seriousness of the offence/s and focused toward seeking the highest penalties for the worst offenders. The council will not hesitate to take legal action where we detect serious or systematic breaches of housing, environmental and public health legislation, with a supportive 'light touch' approach for compliant individuals and businesses.

The social value considerations of this tenure neutral regulatory and enforcement framework are:

- Promoting the provision of safe, decent and well managed accommodation in the City to improve health outcomes.
- Provide housing assistance services to support residents with disabilities to remain independent and make shape their own outcomes.
- Seeking behaviour change and pursuing regulatory action against

those who flout the law and act unprofessionally in the housing sector.

- Making a fairer rented housing market by eliminating the financial gain or benefit from those who are non-compliant.
- Providing transparent and consistent regulation in the housing market.
- Promoting professionalism and resilience within the housing sector.
- Actively seek to reduce fuel poverty and carbon footprint impact through targeted assistance and intervention.
- Promoting economic growth and a thriving housing sector, whilst making best use of existing stock.
- Promote stronger communities to support people's feeling of safety, well-being and health.
- Empowering residents to make positive decisions about their housing options and shaping their own outcomes.

## **5.0 Environment Implications**

- 5.1 The adoption of the policy and supplementary appendices will complement and enhance the existing regulatory framework and inform investigating officers and decision-makers to make robust decisions around when to take enforcement action. The enforcement options available to the private sector housing service can all have a positive environmental implication on the home environment and the surrounding community and neighbourhood. The minimum energy efficiency regulations will reduce carbon footprint and emissions from private rented housing.
- 5.2 Not being able to utilise the full breadth of regulatory tools available to officers will sometimes lead to an inability to take action without concern of legal challenge. This can lead to no action being taken which in turn has negative environmental implications.

## **6.0 Alternative Options Considered**

- 6.1 The alternative option to retain the existing policies was considered. This was discounted as it is best practice to review policies to allow for changes in new and amended legislation. If not officers may be limited in the regulatory options available to improve housing standards.
- 6.2 The role of the private sector housing service is to deliver its statutory functions as set out by the Legislation. Other alternative options are not available.

## **7.0 Reasons for Recommendations**

- 7.1 The recommendations respond to the changing statutory role of the private sector housing service and aim to provide the opportunity for better outcomes for residents.

- 7.2 The recommendations promote clear, consistent, and effective approaches to the practical application of enforcement to address health inequalities by improving housing conditions, wellbeing, and regulatory outcomes without imposing unnecessary burdens on compliant businesses.
- 7.3 The recommendations reduce the legal, financial, and reputational risk to the Council in the delivery of its regulatory functions.

## **8.0 Future Work and Conclusions**

- 8.1 None.

## **9.0 Financial Implications**

- 9.1 There are no financial consequences affecting the Council's budgeted position. Any charges being raised are based on statutory requirements and the receipts will be utilised in accordance with the statutory guidance.

(Financial Services have been consulted in the preparation of this report)

## **10.0 Legal Implications**

- 10.1 The Policies and associated appendices demonstrate compliance with the regulators code and enables Gloucester City Council to be able to approach enforcement in a consistent and fair manner that relevant to Private Sector Housing.

(One Legal have been consulted in the preparation of this report)

## **11.0 Risk & Opportunity Management Implications**

- 11.1 The recommendations reduce the legal, financial and reputational risk the Council is exposed to.
- 11.2 The recommendations will allow officers to positively improve resident's homes, outcomes and their health and well-being.
- 11.3 The environmental quality of local neighbourhoods is linked to housing repair and conditions, and improvements made to housing and how housing is managed will inherently impact positively on the local areas.
- 11.4 The recommendations will allow officers to make a fairer rented housing market by eliminating the financial gain or benefit from those who are non-compliant.

## **12.0 People Impact Assessment (PIA) and Safeguarding**

- 12.1 Legislation and its impacts are already screened and consulted on before

- coming into force. Full equality Impact assessments are completed.
- 12.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impacts; therefore, a full PIA was not required.

**13.0 Community Safety Implications**

- 13.1 None.

**14.0 Staffing & Trade Union Implications**

- 14.1 None.