

Worcester City Council

HOUSING ENFORCEMENT POLICY

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1 Introduction

- 1.1 The Housing Act 2004 and subsequent regulations introduced powers for local authorities to assess housing conditions and contained a package of enforcement measures. These powers, together with other legislation such as the Housing Act 1985 and Protection from Eviction Act 1977, can be used to tackle poor housing conditions and management.
- 1.2 The purpose of this policy is to outline the Council's approach to tackling poor housing conditions and poor management particularly in the private sector using enforcement. This work is undertaken by Strategic Housing Services (SHS) Private Sector Housing officers. We work to improve housing conditions mainly through our advisory and partnership role with landlords, running the landlord forum and liaising with national representative bodies, with owner occupiers, empty home owners and businesses.
- 1.3 This policy outlines the approach we will take when considering enforcement action and it is intended to ensure that we deal with everyone in a consistent and fair way. This is in accordance with the Regulators' Code published in April 2014. This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that a decision to depart from the Code will be properly reasoned, based on material evidence and documented.
- 1.4 The SHS Team recognise the importance of the private rented sector in providing a third tenure type to all sections of society and particularly in reducing the burden on social housing by making a significant contribution towards providing good quality accommodation and meeting housing need. The majority of landlords maintain their properties to a good standard but there are some who neglect their responsibilities and there are properties that are in very poor condition. The City has a high number of Houses in Multiple Occupation (HMO) due to the growth of the University of Worcester and increased demand for shared accommodation due to welfare reform changes. The City has an estimated 1,500 HMOs and operates the mandatory and additional licensing schemes.
- 1.5 Similarly the majority of home owners are responsible in maintaining their properties but there are small number of owners who have give little consideration for the condition of their home, the safety of the occupiers or the quality of the surrounding environment and the effect a poorly maintained home can have on the neighbourhood.
- 1.6 The SHS Team's primary role is to educate and advise owners and landlords as to the standards expected, including how to obtain resources to assist with works, where necessary. However in some circumstances it will be necessary to take appropriate formal action to resolve disrepair issues and these include using our powers to improve, repair, close or demolish dwellings that are not fit for purpose.

- 1.7 We believe that improving conditions in the private sector can have considerable benefits for the city including preventing homelessness, promoting equality in housing, maintaining the asset value of the housing stock, supporting independence at home for vulnerable occupants and ensuring all the residents of Worcester live in a pleasing and safe environment. There are definite links between poor quality housing and health issues so it is also about health and wellbeing.
- 1.8 The Housing Act 2004 provided a system for assessing and enforcing standards of housing conditions as well as regulating HMOs. It applies to all dwellings regardless of tenure.

2. Background

- 2.1 In 2014 the council carried out a House Condition Survey across all tenures and a further "street walking" project to identify HMOs across the City. The findings from this survey and the previous one in 2004 highlighted about 2000 unfit properties and just over 6000 in substantial disrepair. These two measures accounted for nearly 20% of the total stock and the greatest numbers were in the owner-occupied sector. There were 8,700 properties classed as non-decent, with the majority of these being in the private rented sector, and 2300 households were identified as being in fuel poverty.
- 2.2 Within Worcester the House Condition Surveys estimated that 11% are unfit, 75% do not have adequate fire safety precautions and 20% have inadequate amenities
- 2.3 From the House Condition Surveys, a number of actions will be outlined in more detail in our Private Sector Strategy. The overriding private sector priority for the Council is to drive up standards in the private rented and HMO sector and to identify and ensure the licensing of mandatory and additional HMOs. In addition to this we are keen to tackle, in a targeted way, issues of hazards, disrepair and poor thermal comfort. Grant funding is now very limited so we need to investigate alternative sources of undertaking and financing work and by working in partnership particularly with landlords.
- 2.4 This enforcement policy will clearly contribute to the Council addressing some of the issues highlighted above and will support many of our other strategies including our Housing and Homelessness Strategies, Tackling Fuel Poverty and Community Safety. Tackling poor housing conditions also supports the work of many other organisations including social care, health organisations and the Police.
- 2.5 On a national level the policy supports the provisions of the Housing Act 2004, Homes for All and achieving decent homes as well as a number of other Government objectives and plans. Regionally the West Midlands recognises the importance of working with the private housing sector to drive up standards, and address issues of homelessness.

3. Principles of Good Enforcement

- 3.1 In carrying out enforcement work the Council has some broad principles that it will expect officers to follow. The first are outlined in the Regulators Code published in April 2014:
- Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
 - Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
 - Regulators should base their regulatory activities on risk.
 - Regulators should share information about compliance and risk.
 - Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
 - Regulators should ensure that their approach to their regulatory activities is transparent.
- 3.2 We are committed to the principles of the Government's Enforcement Concordat which provides the basis for fair, practical and consistent enforcement. It is based on the principles that anyone subject to enforcement regulation should receive clear explanation of what they need to do to comply and have an opportunity to resolve difficulties before formal enforcement action is taken. We will also have regard to other good practice guidance or principles as these become available
- 3.3 We will encourage the co-operation of individuals to keep their premises in good repair to ensure the long-term sustainability of the area and to protect their own safety and welfare.
- 3.4 Before taking action we shall consider the circumstances and views of owners and tenants together with the need to improve standards. This ensures that any subsequent action we follow will be proportionate to the risks.
- 3.5 We shall carry out our enforcement role in an equitable and consistent manner to ensure regulatory standards are met whilst helping owners and landlords meet their obligation through information and advice.
- 3.6 Properties will be inspected and rated by the Property Standards and Enforcement Officers. All officers have been trained in undertaking Housing Health and Safety Rating System (HHSRS) inspections and we will ensure there is consistency in approach through the use of relevant internal procedures.
- 3.7 Any decision to consider formal enforcement action shall be properly considered and the basis for the decision recorded. The decision making process will always take into account the evidence available, the significance of the alleged offence, the likely affect of the proposed enforcement action, the response and history of the alleged offender and the consideration of public interest. Risk assessments will be undertaken for each enforcement action considered to ensure consistency.

4. Strategic Risks

- 4.1 There are risks associated with undertaking enforcement action particularly in relation to the potentially spiralling costs of enforcement and undertaking work in default (see later). The level of recovery, in the short term, is likely to be low. In addition there is the potential of damage to the Council's reputation in the event of an unsuccessful hearing at Court or the First-tier Tribunal. The First-tier Tribunal is where landlords can appeal to any Council decision in relation to enforcement action taken. The findings of the First-tier Tribunal are published nationally to help all Local Authorities share the decisions made.
- 4.2 However, there are also risks associated with not taking action in the event that we become aware of a defect but choose not to pursue any (or only limited) enforcement actions and it is not possible to justify this course of action. It is to be noted that there is a Statutory Duty to carry out enforcement action on Category 1 hazards as assessed using HHSRS.

5. Levels of Enforcement Action

Prevention

- 5.1 We believe that the first step in enforcement is prevention, through raising awareness and promoting good practice. Methods of achieving this include the provision of advice and information, the advising of persons at the earliest opportunity of any offence or likely offence, the setting of reasonable standards in licensing and liaison with other agencies, for example the Fire Service.
- 5.2 In Worcester the regular landlord's forum and newsletter have been well received and have been a crucial way for us to advise landlords regarding their rights and responsibilities as well as allowing us to obtain an insight into the housing market and landlords views on the range of services we offer. While the Accreditation Scheme has been replaced with additional licencing from September 2015 it historically encouraged landlords to improve the conditions of their properties.

Working with Other Agencies

- 5.3 It is important to note that some enforcement responsibilities are shared with other Council departments and organisations including Worcestershire Regulatory Services, Planning and the Hereford and Worcester Fire Service. We will also work with other Council and regulatory services if more appropriate enforcement action is relevant. For example Section 215 of the Town & Country Planning Act 1990 (the Act) provides Councils with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, a notice can be served on the owner

requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out.

- 5.4 Powers are also available under s219 to undertake the clean up works and to recover the costs from the landowner. Section 215 of the Town and Country Planning Act 1990 can be used to address over grown gardens.
- 5.5 There are also powers to address dangerous buildings or structures.
- 5.6 We will work in conjunction with these other departments and organisations to ensure a consistent and efficient approach.
- 5.7 For example, we have signed up to a national standard and have a joint protocol in principle agreed with the Hereford and Worcester Fire Service and we must consult them if we are serving a Prohibition Order in relation to the hazard of Fire.

Informal Action

- 5.8 Where appropriate we will seek to resolve situations without issuing formal notices or taking legal action. This will be our first option when the circumstances indicate that a minor offence may have been committed and we are confident that appropriate corrective action will be taken. We will confirm our advice in writing, explaining in a clear manner, explaining why any recommended remedial work is necessary and the time scale it should be completed. We will make sure that legal requirements are clearly distinguished from recommendations if applicable. Where a landlord or owner agrees to start work we will wait, where appropriate, before serving a notice unless the landlord/owner fails to start the work within a reasonable time.

Legal Notices

- 5.9 Many of the various pieces of legislation that we enforce provide for the service of formal notices on individuals, businesses and other organisations. For example:
 - **Improvement notices** can specify contraventions of legislative requirements and set out required works or actions with timescales. Notices can thereby be used to improve a situation.
 - **Prohibition orders** can be used to prohibit the occupation of all or part of a dwelling. Such action will only be taken when warranted by significance of risk to the health and safety of people who may be affected thereby. In very severe situations an Emergency Prohibition Order will be considered requiring immediate occupation.
 - **Suspended improvement notices and prohibition orders** may be served where appropriate, for example when little current risk is apparent but potential future changes, such as change in the sort of person occupying of a dwelling, would increase the risk.

- **Hazard awareness notices** can be used to advise the owner, landlord and tenant of an issue that we have concerns about but which is not serious enough to warrant legal action.
- **Remedial Action** can be used when the hazard is serious enough to require immediate remedial works. Or when a landlord after receiving a Remedial Notice to install a smoke detector still has not the Council would install one and charge the landlord for this.

5.10 Where a formal notice is served, it will explain what is wrong, what is required to put things right and what the likely consequences are if the terms of the notice are not carried out. The notice will also contain information about the right to appeal and the method and timescale for doing so.

Carrying out works

5.11 We will always look principally to the relevant responsible person(s) to resolve matters of concern but will, where necessary and enabled by legislation, take immediate action, such as carrying out work in default where responsible persons have failed to carry out the works required themselves, in the interests of health and safety or to prevent an imminent risk to health. This will be assessed on a case by case basis.

5.12 The works in default will be carried out only after the service of a notice, usually an improvement notice. Any works undertaken will be re-charged and a legal charge can be placed on a property if payment is not forthcoming and so may not be recovered until the property is sold at a later date.

Prosecution

5.13 Legal proceedings will be instituted where appropriate. This may be the case where the legislation, for example with breaches in HMO licences and Management Regulation only has the option for Officers for prosecution rather than serving a formal notice. The decision to prosecute will be based on the circumstances of the individual case and will take into account the evidential test and public interest test as set down in the Code for Crown Prosecutors. The range of factors to be considered includes, whether there is enough evidence and whether it is reliable, the history of the alleged offender, the significance of the alleged contravention and effect thereof. The decision will be taken by a senior officer who has not carried out the actual investigation.

Civil Penalties

5.14 An alternative to prosecution will be the issuing of a civil penalty charge. The decision for this option will be based on the same considerations of factors as that for a prosecution. The decision will be made by a senior officer to whether a prosecution or a civil penalty would be the most appropriate course of action for the property and occupiers. This will be considered for a HMO landlord to determine whether they are a fit and proper person to run a HMO. Where a landlord receives two or more civil penalties over a 12 month period the Council will consider including that persons details on the database of rogue landlords.

Formal Cautions

- 5.15 Formal cautions may be used where it is appropriate to the offence and likely to be effective in preventing further non compliance with the law. A formal caution may be appropriate for minor offences or where there is a practical expression of regret by the offender. A caution will only be given where the offender admits the offence, understands the significance of the caution and gives their informed consent to the caution. A formal caution will be recorded and will be used to inform future decisions on prosecution and may be cited in any subsequent court proceedings.

Rent Repayment Orders

- 5.16 Where the landlord has been convicted of an offence covered by the Order an application may be made by the Council to the First-tier Tribunal for a rent repayment order. In some circumstances the Council may also decide to apply to the First-tier tribunal for a rent repayment order when the landlord has not been convicted of the offence. Considerations of the value of the rent to be recovered in these cases would follow the guidance produced by the DCLG. A senior officer will decide on a case by case basis whether this would be appropriate for the Council to do or whether to advise the tenants that they could apply themselves. The Council can also apply for Housing Benefit to be returned.

Powers to Require Documents

- 5.17 Authorised officers have the powers to require:
- Documents to be provided to enable them to carry out powers and duties under the Housing Act 2004
 - Electrical and gas safety certificates to be provided in relation to HMOs
 - Any person with an interest in a property to provide details about its ownership or occupation.
- 5.18 It is an offence not to produce the required information. Where information is not provided formal action will be considered such as a caution or prosecution if appropriate.

Powers of Entry

- 5.19 Entry to a property is usually required to enable authorised officers to carry out statutory functions. We will normally make an appointment in the first instance and will give 24 hours notice to the occupants and owners of the intention to inspect the property.
- 5.20 Powers of entry will allow an officer, at any reasonable time, to enter a property to carry out an inspection and gather evidence, take someone with them,

take appropriate equipment or materials and take any measurements, photographs, recordings and samples as necessary. In some cases, powers of entry will be used to carry out works.

- 5.21 The Council will exercise its statutory powers to gain entry without giving prior notice to investigate an alleged offence or to carry out a statutory duty where it is necessary to:
- Protect the health and safety of any person or to protect the environment without avoidable delay.
 - Prevent the obstruction of officers where this is anticipated.

5.22 We can apply to the Magistrates Court for a Warrant to Enter Premises if necessary.

Boarding up Properties

5.23 The Council also has powers to board up properties that are insecure after all efforts have been made to contact and work with the owner to make the property safe and correct any hazards found in the properties. A notice is served in accordance with the Local Government (Miscellaneous Provisions) Act 1982, s29 and is to include details of any works required and the reason why those works are required, i.e., prevention of unauthorised entry.

HMO Declaration

5.24 Due to the high number of HMOs within the City, the Council will consider serving a s255 notice. If the authorised officer is satisfied that a property is an HMO, then he/she may serve an HMO declaration. Interested parties can appeal but if not must licence in accordance with the licence conditions.

Seizure of Assets Gained Through Criminal Activity

5.25 Where it is considered that assets belonging to an individual have been obtained through criminal activities, the Council will consider the use of powers within the Proceeds of Crime Act 2002 to trace and recover those criminal assets.

6. Dealing with vulnerable occupants

6.1 In undertaking property inspections the officers will give broader consideration to the needs of vulnerable occupants including other housing options, and referring people to the Housing Advice Team, other Registered Providers (RPs), support services or social care.

7. Housing, Health and Safety Rating System

7.1 The Housing Act 2004 provides a system for assessing and enforcing standards in housing conditions as well as regulating HMOs. The Act introduced the

HHSRS which applies to all residential premises. It covers 29 hazards. A hazard rating is expressed as a numerical score which falls within a band. There are 10 bands. A score within band A-C is a Category 1 hazard. A score within band D-J is a Category 2 hazard. An authorised officer will undertake a survey of the property and then score the hazard.

7.2 Local authorities have a duty to act when a Category 1 (A to C) type hazards are found and a discretionary power in relation to Category 2 (D and below) hazard. The courses of action available to authorities where they have either a duty or a power to act are to:

- Serve an improvement notice requiring remedial works in accordance with s11
- Make a prohibition order, preventing the use of the whole or part of a dwelling or restricting the number or class of permitted occupants in accordance with s20 or s21
- Suspend either of the above
- Serve a hazard awareness notice in accordance with s28
- Make a demolition order* in accordance with s265 of the 1985 Housing Act
- Declare a clearance area* in accordance with s289 of the 1985 Housing Act
- Take emergency remedial action* under s40 or make an emergency prohibition order under s43 of the Housing Act 2004

* Only in respect of Category 1 hazards.

7.3 Where a Category 1 hazard exists we shall take the most appropriate enforcement action in accordance with the Housing Act 2004. The Act requires that the works specified in an improvement notice relating to a Category 1 hazard must as a minimum reduce the hazard from Category 1 status but may extend beyond this. We would seek that any work specified, achieves a significant reduction in the hazard level and be of a standard that ensures no further intervention is required for a minimum twelve month period. We will consider likely costs and inherent design deficiencies in determining the remedial action required.

7.4 The council will take account of the following factors;

- Extent, severity and location of the hazard
- Proportionality – cost and practicability of remedial works
- Multiple hazards
- The extent of control an occupier has over works to the dwelling (e.g. dependent on tenure type)
- Vulnerability of current occupiers
- Likelihood of occupancy changing
- Social exclusion
- The views of the current occupiers
- Fuel poverty and affordable warmth issues

7.5 In determining the most appropriate course of action for a Category 2 hazard we will consider if there is a permanent and persistent risk to the health, safety and/or comfort of the occupiers, and whether there is more than one

hazard which, when looked at together. We will also consider if action is necessary due to exceptional circumstance. The Housing Assistance Policy should be taken into account when considering any assistance that can be provided e.g. home repair assistance .

- 7.6 In some circumstances there maybe implications for the SHS service where the tenant is particularly vulnerable and where it is unsafe for the tenant to remain at the property, it may be appropriate to provide temporary accommodation.

8. Houses in Multiple Occupation (HMO)

HHSRS and HMOs

- 8.1 The HHSRS applies to all HMO's including those that are exempt from the definition of an HMO by virtue of s254 and schedule 14, because they are owned or managed by a public body. In the case of an HMO the home or unit within the HMO is assessed, as are any shared rooms, means of access and any buildings or gardens associated with the home. Different homes within the HMO will therefore have different hazard profiles, although in practice, the common parts will only have been assessed once.
- 8.2 Where the HMO is licensed, an inspection of the property must take place within 5 years of the application for a licence. Maintaining the amenities and services will be a condition of the licence along with fire safety and any breaches of this will be dealt with by the most appropriate part of the legislation i.e Part one or Part 2. Where a category one hazard is identified should result in action being taken under Part One of the Housing Act 2004 rather than Part Two unless this is not possible e.g. enforcement under the HHSRS takes priority over other types of enforcement that relates exclusively to HMOs.

Other types of enforcement

- 8.3 Enforcement action can also be taken against the person controlling or managing an HMO under the licensing provisions of the Housing Act 2004, if they:
- a) operate a licensable HMO without a licence
 - b) if they allow an HMO to be occupied by more persons than the license permits to occupy it
 - c) if they breach any condition of the license
- 8.4 Under the Management of Houses in Multiple Occupation (England) Regulations 2006 there are duties for the landlord to carry out. Where landlords fail in their duty and it has not been resolved the option for enforcement is prosecution or civil penalty.
- 8.5 In addition to this, other sanctions can be imposed on unlicensed HMOs. A tenant living in a property that should have been licensed but was not, can apply to the Tribunal to claim back any rent paid during the unlicensed period (limited to 12 months). This is called a Rent Repayment Order and a claim

should be made as soon as possible after a prosecution or as in 5.16 above, as the rent to be claimed declines over time. A council can reclaim any housing benefit paid during the unlicensed period (limited to 12 months) and a landlord cannot use a s21 notice under the Housing Act 1988 (as amended) to gain automatic possession of the property at the end of a tenancy. We can provide tenants advice and assistance in the event of this occurrence.

Revocation of Licenses

- 8.6 We will consider revoking any licence that has been issued where either the personal characteristics of the licence holder or relevant person or the condition of the property require it. With regard to the personal characteristics of the licence holder (or relevant person e.g. manager) we will revoke the licence if the licence holder ceases to be a fit and proper person.
- 8.7 The Council can revoke a licence if the number of occupants or other current standards that apply would render the property unlicensable in its present condition. This can in certain circumstances where landlords consistently do not adequately manage tenants and anti-social behaviour is a nuisance to neighbours or communities.
- 8.8 Revocation can be in agreement with the license holder, following their application or by the Council acting on its own initiative.
- 8.9 The date any revocation comes into effect is either when it is made, if it was agreed with the license holder, or when rights to appeal against revocation expire or are exhausted.

9. Protection from Eviction and Harassment

- 9.1 The Protection from Eviction Act 1977 and the Protection from Harassment Act 1977 state the specific legal remedies for illegal eviction and harassment for most types of tenancies.
- 9.2 Illegal eviction and harassment and criminal acts and carry potential penalties of imprisonment and fines. The Housing Act 1988 sets out the liability of landlords who have evicted illegally to pay damages to tenants for the loss of the right to occupy as well as the Council or the tenant being able to apply for a rent repayment order.

10. Empty Properties

- 10.1 The enforcement action in relation to empty homes is included in a separate document. This may include, Works in Default, Empty Dwelling Management Orders, Enforced Sales and Compulsory Purchase Orders.

11. Delegated Authority

- 11.1 The council has delegated the authority to serve notices under various acts, including the Housing Act 2004, to the Head of Strategic Housing and in turn delegated the service of some of these directly to the officers

12. Charges

- 12.1 The council can, by virtue of s49 of the Housing Act 2004, make a charge for enforcement action taken to recover administrative and other expenses in connection with the inspection of the dwelling, consideration of any action to be taken and the service of statutory notices.

- 12.2 Charges will be based on the staffing (plus on-costs) of the officers involved in the case, usually the Property Standards and Enforcement Officers and Systems Support Assistant who are responsible for;

- a) determining whether to take action
- b) identifying the action to be specified
- c) drawing up, serving and authorising notices

There may be additional charges for the administration, land search and work of legal services.

- 12.3 Should works in default be carried out we will endeavour to ensure that the cost of works are reasonable. However, we will seek to recover these costs from the relevant person. The costs will be in addition to the administrative and any other relevant expenses and the annual fees and charges schedule will provide details of the relevant charges

- 12.4 When the Council carries out work in default an invoice requesting payment for the work will be sent to the appropriate person in accordance with the Council Sundry Debt Recovery Policy. If this is not paid within 30 days, a first invoice reminder is sent requesting payment immediately. If the invoice is not paid within 14 days of the first reminder and another 14 days of the second written reminder being sent, the matter, depending on the size of the debt, will be referred to the Council's Legal Services for possible County Court action.

- 12.5 Sometimes the Council are able to make repayment plans with the co-operation of our Finance Section to ease the burden of repayment of those who may be in financial difficulties. This will depend on individual circumstances.

- 12.6 Alternately, the Council will place a charge on the property, which means that when the property is sold, the Council will expect to be paid the amount of the debt plus interest charges resulting from the debt. This is not generally a preferred method as it is slow and dependant on the equity in the property however maybe appropriate in some cases.

- 12.7 The ultimate method, by which the Council can reclaim its costs, is to force the

sale of the property. The owner would receive the proceeds of the sale less the debt, interest and the Council's costs.

12.8 All unpaid charges will be pursued and registered as a land charge.

13. Action against Owner-Occupiers

13.1 We are enabled by legislation to take action against owner-occupiers regarding their dwelling's condition, the state of it inside and condition of the external environment etc. However, we will usually only look to act when the contravention identified is adversely affecting others or has the potential to do so or that the hazard identified is so severe to the owner occupier. Examples of such cases include foul drainage defects giving rise to a public health risk to the community or a holed roof leading to rainwater penetration into a neighbouring property. For more details please see the factors we will consider, listed above in the HHSRS section. We will also take into consideration, whether the building is listed and any restrictions this may place on work undertaken.

14. Registered Providers

14.1 The main provision for improving housing owned by Registered Providers (RPs) is the Decent Homes standard and the Council receives annual updates about progress towards achieving this standard. Although the RPs are subject to enforcement action, where complaints are made we will first direct the tenant to the relevant office or repairs contact telephone number. When considered appropriate, we will ask to be kept informed by the RP regarding progress of works within a reasonable timescale.

14.2 We work in partnership with a number of RPs in the city and have a positive relationship with them. We believe that this relationship, and the RP's own commitment to providing good quality accommodation, would make any more serious action unnecessary. We anticipate that in most circumstances we would refer the tenant to the complaints procedure of the RP and supporting them through this process or request an interview and discussion with the Chief Executive / relevant Director.

15. Neighbourhood Renewal Assessment Process (NRA)

15.1 In assessing local areas and individual properties we will give consideration to the Neighbourhood Renewal Assessment process in determining the most appropriate form of action to be taken.

16. Appeals Process

16.1 The method of appeal following service of a formal notice is now dealt with by the First-tier Tribunal a body consisting of 3 persons including a lawyer and valuer. There is a Property Tribunal based in Birmingham and it will be expected to deal with instances where the landlord or owner feels the work required is unreasonable or that they are not the most appropriate person for

the notice to be served on. All landlords and owners have the right to go to the Tribunal and we will ensure the information regarding this service is attached to all formal notices.

17. Service Standards

17.1 The SHS team adheres to corporate service standards which outlines generic and service specific standards in relation to the work we undertake. In addition, we have included some additional standards we will work to in relation to enforcement;

- We will enter into discussion and offer advice to anyone to try to ensure that they do not unnecessarily expose themselves to the possibility of formal action through a lack of understanding, or information
- We will be consistent in our approach by following the criteria and guidance set down in relevant legislation and codes of practice
- We will ensure that before pursuing a prosecution or civil penalty, the case will be subject to independent review by a senior officer
- We will aim to keep you informed of the process verbally and /or in writing
- In taking action under the Housing Act 2004 we shall prepare a statement of reasons for taking such action. This shall be attached to any notices or orders served
- Where informal means are disregarded or where there is evidence of significant negligence and/or risk to health the appropriate formal action may be taken
- Prosecution will be restricted to those persons who have a blatant disregard for the law and refuse to co-operate in achieving reasonable requirements

18. Key Documents

18.1 In developing this enforcement policy we have give consideration to a number of relevant key documents including the Worcestershire Strategic Housing Partnership Plan, Homelessness Strategy Private Sector Strategy, and Tackling Fuel Poverty – “Keeping Warm in Worcester” (our Affordable Warmth Strategy). These strategies outline how the council will drive up housing conditions in Worcester through tackling key issues such as achieving , improving houses in multiple occupation, reducing empty homes and eliminating fuel poverty. Please see these strategies for more information about actions we are taking to tackle these issues.

18.2 There are procedure documents in place for each activity above.

19. Complaints

19.1 The Council has a policy and procedure for dealing with any complaints regarding the work of the Strategic Housing Private Sector Housing team. Complaints can be made in writing or on-line at the following link:

<http://www.worcester.gov.uk/feedback>

19.2 The City Council allows for complainants to appeal and request further investigation if they are not happy or feel that important information has not been taken into account. The general route of escalation is:

Stage I – the initial investigation and response by the service.

Stage II – review independent of the Service by a Service Manager or Director

Stage III – referral to the Local Government Ombudsman

19.3 We aim to satisfy complainants promptly and as early in the process as possible. We will acknowledge a complaint within two working days indicating the timescale for the full response.

19.4 For Stage I complaints, we will give a full response within 15 working days or, if investigation will take longer, we will keep the complainant informed of the time scale and reasons for delay.

19.5 For Stage II complaints, we will give a full response within 20 working days or, if investigation will take longer, we will again keep the complainant informed of the time scale and reasons for delay.

19.6 In the event that the complaint cannot be resolved via the Council's formal complaint procedure, the complainant will be referred to the Local Government Ombudsman.