

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting14th December 2017

1. Title of Item/Report

Private Sector Housing : The Housing and Planning Act 2016 - Rent Repayment Orders and Civil Penalty Charges

2. Record of the Decision

Consideration was given to a report on Private Sector Housing: The Housing and Planning Act 2016 - Rent Repayment Orders and Civil Penalty Charges.

The private rented sector had grown significantly in recent years and nationally accounted for one in five households. Against this backdrop Government was keen to ensure that authorities had the necessary tools to ensure a quality private rented sector in their locality (in terms of both housing condition and management) and could effectively tackle rogue landlords.

The Council aimed to support good landlords who provided decent well maintained homes, whilst taking a proactive approach to tackling rogue and irresponsible landlords who knowingly rent out accommodation that was unlicensed, substandard or unsafe. The Housing and Planning Act 2016 (which received Royal Assent on 12th May 2016 and was enacted in October 2016) introduced a range of new powers which had been given to local authorities. The purpose of this report was to update members on the new powers and to seek approval to adopt at a local level.

RESOLVED that:

1. The provisions of the Housing and Planning Act 2016 ('the Act') and the introduction of civil penalty charges for certain offences under the Housing Act 2004 be endorsed.
2. The power to apply for a banning order against certain persons convicted of a banning order offence to prohibit them from letting property for a specified period of time be endorsed.
3. The power to apply for a Rent Repayment Order for certain

offences to seek recovery of rent paid by Universal Credit be agreed.

4. Delegated authority be granted to the Director of Economic Growth and Development Services to enforce the provisions of the Act and that the Scheme of Delegation be amended accordingly.

5. Delegated authorisation be given to the Director of Economic Growth and Development Services to prepare and agree a penalty fee structure in respect of the penalty charges in line with the Act and Statutory Guidance for relevant offences specified under the Act, in consultation with the Director of HR, Legal and Communications and Cabinet Member for Regeneration and Housing.

6. A fee structure be adopted to set penalty charges for certain specified offences under the Housing and Planning Act in accordance with Statutory Guidance.

7. The introduction of a Private Sector Housing Civil Penalty Policy (Appendix A), Rent Repayment Order Policy (Appendix B) and amendments to the Council's Enforcement and Regulatory Policy for Private Sector Housing (Appendix C) be approved.

8. The Director of Economic Growth and Development Services be authorised to make any necessary amendments to the above policies, should this be required, once further regulations have been introduced.

3. Reasons for the Decision

The Private Sector Housing Civil Penalty Policy, Rent Repayment Order policy and amended Enforcement and Regulatory Policy for Private Sector Housing sets out the Council's approach to Civil Penalties and Rent Repayment Orders, taking into account the statutory guidance set out by the Government under Section 41 and Schedule 9 of the Housing and Planning Act 2016.

The introduction of the above will help the Council tackle criminal, rogue and irresponsible landlords, improve standards in the private rented sector and ensure that private rented housing is safe, well managed and properly maintained.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

N/A

7. Date and Time by which Call In must be executed

Midnight, 22 December 2017

Proper Officer
18 December 2017