



Enforcement Policy

Private Sector Housing

1. Introduction

When carrying out regulatory work, the Private Sector Housing service will comply with the Council's Corporate Enforcement Policy, Enforcement Concordat and the Regulators Code. This departmental policy describes the procedures in place to ensure compliance with these documents and makes reference to specific issues associated with the regulatory work that we do, not necessarily shared with other Council departments.

2. Enforcement Procedures

The service will avoid imposing unnecessary regulatory burdens through our regulatory activities.

Proportionate approaches will be taken on matters that we regulate, based upon factors such as risks to individual occupants and their vulnerabilities, numbers of occupants and any vulnerabilities and risks to the wider neighbourhood.

We will ensure that our regulatory officers have the necessary knowledge and skills to support those we regulate and how to choose the correct, proportionate and most effective approaches to compliance.

We will give clear and reliable regulatory information, guidance and advice. Our customers can be confident that if they comply with that advice they will not face enforcement action.

This approach will be our first option to secure compliance; however, this may not always be appropriate and as such a reasonable approach using regulation will be followed, guided by these key principles of enforcement.

- Proportionality
- Consistency of approach
- Transparency
- Targeting
- And flexibility

When an officer identifies non-compliance, they will clearly explain what this is, the advice being given, actions required or decisions to be taken, and the reasons for these. However, we are committed to deal firmly with landlords or

property agents that deliberately or persistently fail to comply.

Where an officer witnesses a situation where immediate enforcement action is required to prevent or respond to a serious breach, appropriate action will be taken.

There are a wide range of options available covering the breadth of housing functions and these include:

- Statutory notices
- Formal prosecutions
- Financial penalties e.g., fixed penalty notices
- Works in default
- Modification, refusal, suspension and revocation of Licences or changes to conditions
- Closure / prohibition of premises
- Emergency Remedial Action
- Prohibition of persons
- Anti-social behaviour powers

Any enforcement action considered necessary will follow the procedures below:

- i) Once an offence is deemed by an Officer to have been committed, the appropriate action will be taken to remedy the offence, guided by the principles of the Council's Corporate Enforcement Policy.
- ii) When an Officer believes enforcement action is appropriate they shall ensure that:
 - The action is in line with recognised guidance on securing compliance.
 - the action is in line with the powers used by authorised officers
 - the action is proportionate to the alleged offence.
 - the evidence is likely to stand up to legal scrutiny to demonstrate an offence has occurred.
 - A successful defence is unlikely and any interference with a Convention under the Human Rights Act 1998 is justified.
 - It is in line with the Regulation of Investigatory Powers Act 2000.
 - The Council's enforcement policy has been adhered to.
 - they differentiate between a legal requirement which is essential to that of "good practice" which is desirable where necessary.
- iii) If the appropriate action is to consider a prosecution or financial penalty, any officer who instigates this will ensure that:
 - the action is proportionate to the alleged offence.
 - evidence gathered in accordance with the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996 and Criminal Justice and Police Act 2001.
 - a successful defence is unlikely and any interference with a Convention under the Human Rights Act 1998 is justified.
 - It is in line with the Regulation of Investigatory Powers Act 2000.
 - consideration has been given to the general principles contained within the Code for Crown Prosecutors and the action satisfies the "Evidential

- Test” and the “Public Interest Test”
- and the action is consistent with the overall enforcement approach taken across the department.

3. Consideration of Shared Enforcement Roles

The breadth and nature of housing work means that we regularly come across situations where other council departments and outside agencies also have a role in protecting human health. In dealing with those situations and applying the correct regulations, it is important that all those involved are aware of their role and the need to ensure that they work effectively together. The following list describes the main areas of shared responsibility and some of the other agencies with whom we will work.

<u>Department/Agency</u>	<u>Nature of Shared Responsibility</u>
Development Management and Building Control, Preston City Council	Applications for Planning Permission and Building Control requirements
Trading Standards Department, Lancashire County Council	
Health & Safety Executive	Health & safety in the construction sector, specifically premises being built or converted to use as housing
Lancashire Constabulary	Community safety/ ASB
Lancashire Fire & Rescue Service	Fire safety - ensuring that fire safety standards are maintained in premises used for private rented housing.

Although the degree of overlap between these agencies and the Council may vary from case to case, we will always follow the procedures outlined below. Where there is a need to share enforcement information with other agencies we will follow the provisions of the Data Protection Act 1988.

i) Routine Requests for Service

Where such a request is received and it is immediately apparent that it is the responsibility of another agency, the request will be forwarded to that agency as soon as practicable and in any event, within 5 working days. The customer will also be informed that their request has been passed on.

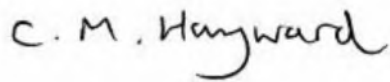
ii) Investigations

During the course of routine investigations, it may become apparent that another agency should be involved or taking the lead role. If this is the case, our investigation will cease, pending further instructions from the lead agency. (Gathering information and evidence on behalf of another agency could, in some cases, compromise this information). Any information gathered by our

department will be passed on immediately to make sure the investigation is not delayed in any way.

iii) Joint Investigations

There may be some circumstances where joint visits or investigations may be necessary. Similarly, certain application or licensing procedures undertaken by the Council may require input from more than one department or agency. In such cases, all relevant information will be shared openly and promptly between the parties involved.

A handwritten signature in black ink that reads "C. M. Hayward". The signature is written in a cursive style with a large, sweeping 'H'.

Chris Hayward

Director of Development and Housing