

**Agenda Item No:** 9.4 **Report No:** 4/17  
**Report Title:** Consideration of Private Housing Policies  
**Report To:** Cabinet **Date:** 4 Jan 2017  
**Lead Councillor:** Cllr. Maskell  
**Ward(s) Affected:** All  
**Report By:** Ian Fitzpatrick - Director of Service Delivery  
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**Purpose of Report:**

To consider three new private housing policies for adoption by Lewes District Council:

1. Redress Schemes Enforcement Policy
2. Smoke and Carbon Monoxide Alarm Enforcement Policy
3. Statement of Principles for Determining the Amount of a Penalty Charge

**Officers' Recommendations:**

That Cabinet–

- 1 Adopts:
  - a) the Redress Schemes Enforcement Policy set out at Appendix B;
  - b) the Smoke and Carbon Monoxide Alarm Enforcement Policy set out at Appendix A;
  - c) the Statement of Principles for Determining the Amount of a Penalty Charge set out at Appendix C.
- 2 Delegates to the Director of Service Delivery the implementation, administration and enforcement of all the above policies and Statement of Principles, in exercise of relevant legislation

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**1 Reasons for Recommendations**

- 1.1 To enable officers to use powers contained within the Smoke and Carbon Monoxide Alarm Regulations and the Redress Schemes for Lettings Agency Work and Property Management Work Order.

## **2 Information**

- 2.1 When exercising specified regulatory functions, local authorities are required by the Regulators' Code to publish a clear set of service standards, including their enforcement policy, explaining how they respond to non-compliance. This is an important document for regulators in meeting their responsibility under the statutory principles of good regulation, and to be accountable and transparent about their activities.

The Regulators' Code can be found on the GOV.UK website at;

<https://www.gov.uk/government/publications/regulators-code>

## **3. Redress Schemes Enforcement Policy**

- 3.1 The draft Redress Schemes Enforcement Policy is attached at Appendix A.
- 3.2 The purpose of this Policy is to implement the requirements of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014, made under the Enterprise and Regulatory Reform Act 2013. From 1<sup>st</sup> October 2014, all lettings agents and property managers in England must have joined one of three Government established and approved redress schemes, for dealing with complaints in connection with that work.

## **4. Smoke and Carbon Monoxide Alarm Enforcement Policy**

- 4.1 The draft Smoke and Carbon Monoxide Alarm Enforcement Policy is attached at Appendix B. The purpose of this Policy is to implement the requirements of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 which came into force on the 1<sup>st</sup> October 2015. The regulations require landlords of privately rented dwellings to:
- a) Install smoke alarms on each floor of their rented property;
  - b) Install a carbon monoxide alarm in each room where there is a solid fuel burning appliance;
  - c) Carry out checks to ensure the alarms are in working order at the start of each new tenancy.

## **5. Statement of Principles for determining the amount of a penalty charge**

- 5.1 The draft Statement of Principles for determining the amount of a penalty charge is attached at Appendix C. Both the Redress Schemes for Lettings Agency Work and Property Management Work Order 2014 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 enable the Council to issue penalty charge notices. In extenuating circumstances the sum of a penalty charge notice can be varied, the principles for how these will be considered are set out in the Statement of Principles (Appendix C).

## **6. Financial Appraisal**

- 6.1 There are no financial implications, although the application of penalty notices may lead to some additional income.
- 6.2 The policies will be implemented using existing staff resources.

## **7. Legal implications**

- 7.1 The adoption and implementation of policies and enforcement regimes relating to private housing are executive functions and therefore the responsibility of Cabinet.
- 7.2 The legislative framework for the policies recommended for adoption by Cabinet are set out in the body of the report. Lawyer consulted: OD – 7.12.16. Legal ref: 005738-LDC-OD

## **8. Risk Management Implications**

- 8.1 No new risks will arise if the recommendations are implemented

## **9. Equalities Implications**

- 9.1 Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender or gender identity, religion or belief, political views, disability, age or the sexual orientation of the suspect, victim, witness or offender.
- 9.2 The district has businesses managed and run by black and minority ethnic groups, and English may not be their first language. We will endeavor to provide material in their first language, and arrange interpretation services where necessary, to assist the individual to access advice, guidance, information and legislation.
- 9.3 Equality and fairness analyses will be conducted on these policies

## **10. Appendices**

Appendix A – Smoke and Carbon Monoxide Alarm Enforcement Policy

Appendix B – Redress Schemes Policy

Appendix C – Statement of Principles for Determining a Penalty Charge