

Private Sector Housing Enforcement Policy

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Introduction

Local Housing Authorities (“LHA”) are the primary enforcement agency for ensuring the protection of the health, safety and welfare rights for occupiers and visitors in private sector housing within England and Wales.

North West Leicestershire District Council (“the Council”) has set out its overall approach to enforcement in its General Enforcement Policy 2014.

This policy sets out the general approach of the Council to private sector housing enforcement and it sets out what owners, landlords, their agents and tenants of private sector properties can expect from officers.

Authorised officers (“officers”) of the Council have both statutory duties and discretionary powers to undertake enforcement action, using a range of legislation, to address issues arising at private rented properties, caravan sites and mobile home sites.

Equality Statement

The Council and its officers are committed to the equality of opportunity in employment and the provision of its services. In developing this policy, the Council has recognised its responsibilities under the Equality Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share protected characteristics and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

The council’s Equality, Diversity and Inclusion policy can be found on the Council’s website.

[Equality, Diversity and Inclusion - North West Leicestershire District Council \(nwleics.gov.uk\)](http://nwleics.gov.uk)

Approval of the Enforcement Policy

This policy was approved by the Council’s Cabinet on 23rd September 2014

Aim of the Policy

This Enforcement Policy aims to:

- Demonstrate transparency of enforcement with respect to private sector housing, caravan sites and mobile home sites within the district by setting out legal requirements, policies and principles that officers will follow when enforcing legislation;
- Ensure that all properties let as residential properties throughout the district, including those in private ownership, are of good quality and well managed;
- Ensure that all residents of North West Leicestershire have a home that is safe, secure, dry and not overcrowded;
- Improve the condition and energy efficiency of homes in the private rented sector through maintaining decency standards, and raising them where possible;
- Ensure Houses in Multiple Occupation (HMO’s) are safe and well managed and all relevant Management Regulations are adhered to;

- Ensure Private Sector Housing is not left empty for an unreasonable amount of time or becomes an eyesore and nuisance to neighbouring homes.

This Enforcement Policy applies to both individuals and businesses and should be read in conjunction with the general Enforcement Policy which sets out the general parameters of enforcement.

Enforcement

5.1 Regulators' Code

The Legislative and Regulatory Reform Act 2006 ("the 2006 Act") requires the Council to have regard to the Regulators' Code. This Enforcement Policy has regard to the Regulators' Code in that it follows the principles of good regulation set out in the 2006 Act, in that regulatory activities are carried out in a way that are transparent, accountable, consistent, proportionate to risk and targeted at cases where action is required.

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.

The Council's Service Standards can be found on the Council's website.

[Customer service standards - North West Leicestershire District Council \(nwleics.gov.uk\)](http://nwleics.gov.uk)

5.2 Enforcement Objectives

The main objectives of this Enforcement Policy are to ensure that:

- Privately rented accommodation, including HMOs, and accommodation provided by registered providers of social housing, are free from actionable hazards that affect the health and safety of the tenant, licensee or any visitor;
- Private rented accommodation and tenancies are managed in accordance with relevant statutory requirements;
- Privately rented accommodation meets minimum energy efficiency ratings;
- All licensable properties are licensed, with licence conditions being met;
- Targeted action is taken to bring empty homes back into use;
- Owners or occupiers of privately owned accommodation or land do not cause statutory nuisance, or an unacceptable risk to public health and safety, or to the environment or neighbourhood; and
- Caravan and mobile home sites are managed in compliance with site licence conditions and relevant statutory requirements.

Tenure Groups

The Public Protection Team has investigative and enforcement powers relating to all private housing regardless of tenure. However, the approach may vary depending on the tenure of the household. Tenure falls into broadly three main groups:

6.1 Private landlords and tenants

Tenants are reliant on their landlord or their managing agent to adequately maintain their home in accordance with legal requirements.

6.2 Owner occupiers

The prime responsibility for maintaining and improving this type of housing tenure is the responsibility of the owner.

6.3 Registered social landlords

Registered Providers (“RPs”) are governed by the Regulator of Social Housing. RPs have their own procedures in place for reporting problems and making complaints.

Tenants are primarily reliant on the Registered Social Landlord (RSL) to adequately maintain their home in accordance with legal requirements. If this is not the case, the Council will investigate complaints from tenants.

Inspections

Where there are reasonable grounds to suspect a failure or where there is a statutory duty to do so, authorised officers will inspect properties in the private rented sector that fail to meet regulatory housing standards. Where such inspections have been completed, the Council will consider whether further action is necessary. If further action is necessary, the Council will determine what action is most appropriate to the particular circumstances of the case and may decide to exercise enforcement powers if the circumstances of the case make it necessary to do so. The Council will consider an inspection where there are imminent and significant risks to the health and safety of tenants and or the wider public.

7.1 Reactive Inspections

Reactive inspections will be carried out on those premises for which there are statutory requirements and/or present the greatest risk to occupiers and the public, for example where:

- There appears to be significant risks to the health and safety of occupiers and/or visitors;
- The tenant or prospective occupier is vulnerable;
- The issues are complex or involve neighbouring properties; and/or
- There is a poor history of compliance with legal requirements for housing conditions and/or management practices.

7.2 Proactive Inspections

Proactive inspections will be carried out in respect of private rented accommodation that is subject to HMO and discretionary licensing (if adopted by the Council) under Parts 2 and 3 of the Housing Act 2004 respectively and caravan sites and mobile home sites licenced by the Council, for the purpose of assessing compliance with:

- Licence conditions;
- Licence evasion;
- Housing conditions; and/or
- Property management.

7.3 Targeted Inspections and Proactive Interventions

Targeted inspections may take place of properties owned or managed by landlords or managing agents who have a poor history of legal compliance with regard to providing satisfactory housing conditions and/or management practices. Intelligence of legislative breaches may be gathered from partner agencies, by identifying those with previous enforcement action or via lack of engagement.

This service will not usually act on anonymous complaints, unless there is good cause for further investigation such as an imminent risk or danger. Relevant information will be recorded in case of any future complaints.

Retaliatory Eviction

8.1 Tenants may be fearful of making a housing complaint due to the risk of retaliatory eviction. Therefore, Officers ensure that when they undertake investigations tenants are made aware of their rights and Officers are mindful of retaliatory eviction.

A revenge or retaliatory eviction is when a private landlord takes steps to evict tenants just because they have asked for repairs or complain about bad housing conditions.

8.2 A revenge or retaliatory eviction cannot usually take place for 6 months after the Council has served an improvement notice or an emergency remedial action notice. However, the tenant must also have written to the landlord advising them of the repair issues.

If an Officer suspects that a retaliatory eviction may have taken place, they will take steps to investigate the matter and take appropriate enforcement action where required.

Enforcement Action

The Public Protection Team will respond to enquiries and complaints about substandard, unsafe, problematic and empty housing and where standards are not met, enforcement action may be taken.

Decisions will be made by competent and authorised officers, in accordance with legislation and by having regard to enforcement guidance, as to the most appropriate course of action. Where there is non-compliance after an informal approach has been made, formal action will be considered. However, where there are serious breaches of legal requirements, the Council will consider formal action in the first instance to safeguard the health, safety and welfare interests of occupiers, visitors and members of the public.

9.1 Prevention

The Public Protection Team encourages compliance with meeting regulatory housing standards for the maintenance of minimum housing standards and fair treatment of tenants by offering:

- Empty homes week;
- Landlord forum;
- Social media to highlight new legislation;
- Communication via website; and
- Mail shots.

9.2 No Action

In some cases, it may not be appropriate for the Council to take any enforcement action. The circumstances in which the Council may consider no action appropriate include:

- Where the risk is low and does not sufficiently present a significant risk to the occupiers, visitors or members of the public;
- The breach is of a technical nature;
- The allegations are unsubstantiated and unwitnessed;

- The tenant or occupier does not support enforcement action and the Council takes the decision enforcement action is not appropriate in the circumstances; and/or
- Where there are special circumstances regarding the person against whom action would be taken.

9.3 Informal Action

In the first instance, for most cases, tenants are encouraged to take their own action and report the problem to their landlord. This will usually be in the form of a written complaint affording the landlord sufficient time to respond. Where the problem cannot be resolved and a complaint is received by the Council the Public Protection Team will investigate.

Where defective housing conditions are evidenced to justify investigation and it is considered appropriate to take action, the Council aims to offer landlords, managing agents, owners and service users an opportunity to work informally with the Council to effect change to meet regulatory compliance and establish good management practices in respect of lower risks.

The circumstances in which the Council may consider informal action appropriate include:

- If taking no action presents a significant risk of harm to the occupiers, visitors or members of the public;
- Where the issue is not sufficiently serious to warrant formal action or where formal action will not achieve the desired result; and/or
- To allow responsible landlords, managing agents and owners an opportunity to comply with regulatory requirements and agree to undertake the works required by the Council in a short time scale.

9.4 Formal Action

When considering if formal enforcement action is to be taken, the Council will have regard to the impact the informal action has had, the lack of confidence in the property owner, including any history of non-compliance, and the health, safety and welfare of the occupants at the property. Anyone likely to be subject to formal enforcement action will receive clear explanations of what they need to do to comply and have an opportunity to resolve difficulties before formal action is taken.

The circumstances in which the Council may consider formal action appropriate include:

- If taking informal action has not achieved the expected outcome as set out in the request to take action or carry out works;
- The Council has a duty to serve a notice or order or take specific action;
- Remedial action needs to be taken quickly due to significant risk to the health, safety and welfare of the occupiers;
- There is evidence of previous non-compliance; and/or
- There is a long-term empty property.

The following options for taking formal action are available:

Action under the provisions of Part 1 of the Housing Act 2004 to:

- Serve an improvement notice under sections 11 and/or 12;
- Serve a suspended improvement notice under section 14;
- Make a prohibition order under sections 20 and/or 21;
- Make a suspended prohibition order under section 23;

- Serve a hazard awareness notice in accordance with sections 28 and/or 29;
- Take emergency remedial action under section 40;
- Make an emergency prohibition order under section 43; and
- Make a demolition order under section 265 of the Housing Act 1985.

The Council has a general duty to act where category 1 hazards are identified. The Council has a discretionary power to act in respect of category 2 hazards. All category 1 hazards will be dealt with as a priority over category 2 hazards.

9.4.1 Serving Statutory Notices or Orders

The Council will consider serving these notices when it is identified that a landlord is failing to comply with housing or other health and environmental legislation.

Legal notices will detail any rights of appeal and any rights to an extension of time to comply with the requirements of the notice, if requested for legitimate reasons.

9.4.2 Housing health and safety rating system (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is a risk-based approach under the Housing Act 2004 used to tackle poor housing conditions and focus on any of the hazards that are potentially present within dwellings including those that are unoccupied. There are 29 hazards that arise from disrepair, lack of maintenance or poor design. The assessment determines whether there are category 1 or category 2 hazards and identifies the type of work that is needed on properties to conform with the requirements of the HHSRS assessment.

9.4.3 Improvement Notice

Section 11 of the Housing Act 2004 – Category 1 hazards;

Section 12 of the Housing Act 2004 – Category 2 hazards

This notice should be served in response to identified category 1 and category 2 hazards, where reasonable remedial works can be carried out to reduce the hazard sufficiently. Both category 1 and category 2 hazards can be included on the same notice.

9.4.4 Prohibition Order

Section 20 of the Housing Act 2004 – Category 1 hazards

Section 21 of the Housing Act 2004 – Category 2 hazards

This order should be served in response to identified category 1 and category 2 hazards. It may prohibit the use of part or all of a property for some or all purposes or for occupation by a particular number or description of people. An order may be appropriate where conditions present a risk but remedial action is unreasonable or impractical. In a HMO it can be used to prohibit the use of specified dwelling units. Both category 1 and 2 hazards can be included on the same notice

9.4.5 Hazard Awareness Notice

Section 28 of the Housing Act 2004 – Category 1 hazards

Section 29 of the Housing Act 2004 – Category 2 hazards

This notice should be served where a less serious hazard has been identified but it is not reasonable or appropriate to serve an improvement notice or prohibition order. It is served in an advisory capacity to draw attention to the need for remedial action. This notice is not registered as a land charge and has no appeal procedure and both category 1 and category 2 hazards can be included on the same notice.

9.4.6 Emergency Action

Where there is a category 1 hazard present that is considered to represent an imminent risk of serious harm to the health and safety of the occupiers of a dwelling, the Council may serve an Emergency Prohibition Order or take emergency remedial action. Such emergency actions would involve either the removal of certain defects giving rise to an immediate risk or the closure of part of the dwelling.

9.4.7 Suspended Improvement Notices or Prohibition Orders

The Council has the power to suspend the operation of an Improvement Notices and Prohibition Orders until a specified time has passed or a specified event has occurred. Such action would not normally be the preferred enforcement action unless the circumstances of the current occupants were such that other options were not practical or where there is evidence of programmed maintenance by landlords. The suspensions must be registered as a local land charge and they must be reviewed at the very least every 12 months.

Other enforcement action

10.1 Demolition Order

Section 265 of the Housing Act 1985

Demolition Orders are orders requiring the demolition of a property and are used where the property condition is such that hazards are present and remedial works are not possible or reasonable because of excessive cost or other reason. A Demolition Order should only be used in response to category 1 hazards, but not if the building is listed.

10.2 Clearance Area

Section 289 of the Housing Act 1985

A Clearance Area can be declared on a single or group of properties as a result of category 1 hazards and can be served due to the poor arrangement of the street or area to be cleared. The Council is required to consult on the declaration of a clearance area and publish its intentions.

10.3 Drainage

Building Act 1984

The Council has the power to deal with defects in buildings that require major repairs to drainage systems.

10.4 Enforced Sale

The Council has the power to force the sale of a property where it seeks to recover unpaid debts incurred by the Council in undertaking essential repair works in default.

Local Authorities have the statutory power to force the sale of a property through section 103 of the Law of Property Act 1925. Where Local Authorities have carried out work in default under some of the above legislation and are unable to recover the debt, it is possible under this legislation to register a charge on the property. This charge can then be recovered by way of an enforced sale.

10.5 Rent Repayment Order

The Council may apply to the First Tier Tribunal for a Rent Repayment Order ("RRO") where a landlord has committed a relevant offence (as set out in section 40 of the Housing and Planning Act 2016). A RRO is an order requiring the landlord to repay a specified amount of rent paid by a tenant or pay a local housing authority a specified

amount in respect of a relevant award of universal credit paid to any person in respect of rent under the tenancy.

An application for a RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a civil penalty. The Council will offer advice and guidance to assist tenants to apply for a RRO in cases where the tenant paid the rent themselves.

10.5.1 Relevant offences

- Failure to obtain a property licence for a HMO (section 72(1) of the Housing Act 2004);
- Failure to obtain a property licence for a house in a designated selective licensing area (section 95(1) of the Housing Act 2004);
- Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004);
- Failure to comply with a Prohibition Order (section 32 of the Housing Act 2004);
- Breach of a Banning Order made under section 21 of the Housing and Planning Act 2016;
- Using violence to secure entry to a property (section 6 of the Criminal Law Act 1977);
- Illegal eviction or harassment of occupiers of a property (section 1 of the Protection from Eviction Act 1977).

10.6 Banning Orders

For serious offenders, where a landlord has committed one or more offences specified in the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018, the Council may apply to the First Tier Tribunal for a Banning Order that bans a landlord from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

A banning order, if granted, must be for a minimum period of 12 months. There is no statutory maximum period for a banning order.

The Council will generally pursue a banning order for the most serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other banning order offences (or received any civil penalty in relation to a banning order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including:

- The harm, or potential harm, caused to the tenant;
- The need to punish the offender;
- The need to deter the offender from repeating the offence; and/or
- The need to deter others from committing similar offences.

10.7 Electrical Safety Standards

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (“the Regulations”) require landlords to ensure the electrical installations in private

rented sector properties are safe for continued use and carry out periodic testing to evidence this.

The Regulations apply to all new specified tenancies from 1st July 2020, and all existing specified tenancies from 1st April 2021, and require landlords to carry out electrical testing no more than every five years and provide copies to tenants and to the Council on request.

Where the Council believes that a landlord has breached their duties under the Regulations, it may do one, or a combination of, the following:

- Serve a remedial notice on the landlord, requiring them to take action in respect of the breach;
- Carry out urgent remedial action where a report indicates it is required;
- Carry out remedial action where a landlord is in breach of a remedial notice; and/or
- Issue a financial penalty of up to £30,000 in respect of a breach of the Regulations.

Representations and appeals are built into the legal process and these will be highlighted in any relevant correspondence and notices.

Where a financial penalty is proposed, the penalty shall be determined in accordance with the Council's Private Sector Housing Civil Penalties Policy. Proceeds of civil penalties can be used to carry out private rented sector enforcement.

10.8 Protection from unlawful eviction and harassment

The Council has the power to take criminal proceedings for offences of illegal eviction and/or harassment. If the evidence justifies it, officers may carry out investigations and the Council may consider prosecution if it believes an offence has been committed.

Where the harassment takes the form of the landlord/agent not undertaking necessary repairs, and the property is in poor condition, the Council also has powers under the Housing Act 2004, through the Housing Health and Safety Ratings System (HHSRS), to take enforcement action to secure improvements to the condition of the property.

10.9 Community Protection Notice

Authorised officers have the power to issue a Community Protection Warning (CPW) and Community Protection Notice (CPN) under section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014 to combat anti-social behaviour. CPNs can be used to tackle a landlord's behaviour where this is having a detrimental effect on the quality of life of those in the locality.

10.10 Work in default

The Housing Act 2004 and other legal powers outlined in this policy make provision for the Council to carry out works to a property where the person responsible has failed to comply with a formal notice. Any action taken would be in accordance with legislative requirements and may be taken either with or without the consent of the responsible person. The Council will aim to recover all costs incurred by completing work in default, the sum recoverable becomes a local land charge on the premises concerned.

10.11 Notice of Entry

Officers will give the required written notice under the appropriate power of entry and will clearly state which power of entry is being used and why.

Where the Council is unable to gain access using a notice of entry or where prior warning is likely to defeat the purpose of the entry the Council may apply to the Magistrates' Court for a warrant to enter.

If a warrant is authorised, entry can be secured by force, if necessary, in association with the police. Officers will, upon request, produce their identification and written authorisation for inspection.

10.12 Civil Penalties

The Council may serve notices imposing civil penalties, as an alternative to prosecution, of up to a maximum of £30,000 in respect of the following offences under the Housing Act 2004:

- Section 30 – Failure to comply with an Improvement Notice
- Section 72 – Offences in relation to licensing of HMOs
- Section 95 – Offences in relation to licensing of houses under Part 3 (inc. selective licensing)
- Section 139 – Offences of contravention of an overcrowding notice
- Section 234 – Failure to comply with management regulations in respect of HMOs
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)
- A further breach of the Tenant Fees Act 2019 that occurs within five years of the imposition of a financial penalty or conviction for a previous breach (a civil penalty of up to £5,000 may be imposed in respect of an initial breach of the Tenants Fees Act 2019)

10.13 Simple caution

Simple cautions may be considered as an alternative to taking a prosecution.

When considering a simple caution the Council will take account of guidance and its general Enforcement Policy.

10.14 Prosecution

The Council may prosecute where there is a summary offence, a serious or recurrent breach or endangerment, to a serious degree, of the health, safety or well-being of people, or where there is a failure to comply with a statutory notice. The officer must investigate the offence, this may involve interviewing relevant people under caution, following the relevant parts of the Police and Criminal Evidence Act 1984.

When considering prosecution the council will take into account the Code for Crown Prosecutors and its general Enforcement Policy.

In prosecution cases where the defendant is found guilty by the Magistrates' Court or the Crown Court, in addition to any fine imposed the Council will seek to recover the costs incurred in bringing the prosecution case, including administrative costs for file preparation, attendance at court and associated legal services.

10.15 Proceeds of crime

The Proceeds of Crime Act 2002 affords the Council, where there is non-compliance by a landlord or owner with any legislative requirements in the private rented sector and who is in receipt of substantial financial gain, to consider taking action to confiscate or recover monies gained through illegal activities. The Council will consider using this legislation where appropriate.

10.16 Local land charge

Certain notices, orders and charges made under the Housing Act 2004 are required to be registered as a local land charge against the property to which it relates until the notice is either withdrawn or complied with. The Council will use this legislation where appropriate.

10.17 Recovery of costs

The Council will aim to recover all the costs and expenses it incurs in carrying out its statutory functions. The costs incurred will include the cost by hour of labour, parts and officer time. Action taken by the Council to recover costs and expenses will be in accordance with the legislative provisions of the relevant Acts.

The Council reserves the right not to invoice or to waive a charge for enforcement action in exceptional circumstances with each case being considered on its own merits.

All charges, where applicable, are set out in the North West Leicestershire District Council Fees and Charges Schedule.

The Licensing of Houses in Multiple Occupation

Mandatory requirements for licensing apply only to houses (or flats) that are in multiple occupation. Under current legislation, a landlord or agent must apply to the Council for a licence for each residential property having:

- Five or more occupiers living in two or more households; or
- Two or more households sharing amenities (either a kitchen, living room or bathroom/toilet facilities).

This enforcement policy will also apply to any properties which become HMO properties as a result of any future legislative changes.

The Council has discretionary powers to introduce licensing for other residential accommodation through additional or selective licensing schemes.

Additional licensing can be used for a HMO that is not subject to mandatory licensing.

11.1 Partnership working

The Council have a Memorandum of Understanding (MOU) with Leicestershire Fire and Rescue and will follow this when assessing fire safety in any HMO.

11.2 Overcrowding

Section 139 of the Housing Act 2004 allows the council to serve an Overcrowding Notice in respect of a HMO that is not required to be licenced or subject to an interim or final management order, where there is found to be a breach of the statutory overcrowding standard.

Officers will investigate complaints about overcrowded conditions from:

- Private rented sector tenants complaining about their own property;
- Other parties concerned about children or vulnerable adults; and
- Other parties where there are significant conditions that are legitimately impacting on a neighbour's health, safety or welfare.

In certain circumstances, advice may be given to the occupiers that their health and safety is at risk from the overcrowded conditions, but no enforcement action will be taken against the landlord.

Where enforcement action is taken that requires tenants to move out of a property, the Public Protection Team will liaise with the Council's Housing Choices Team, who will be able to give advice.

The effect of an overcrowding notice is that the person served must comply with the terms of the notice and if they fail to do so, they commit an offence for which the Council may consider prosecution. An overcrowding notice may either prohibit new residents or limit the number of people sleeping in the HMO, or both of these requirements on the same notice. Overcrowding in non-HMOs is classed as a hazard and may be dealt with by using the Housing Act 2004 notices as detailed above.

11.3 Management Orders

Schedule 3 of the Housing and Planning Act 2016 amends the Housing Act 2004 to allow interim and final management orders to be made in cases where a banning order has been made.

11.3.1 Management Regulations

The Management of Houses in Multiple Occupation (England) Regulations 2006 ("the Management Regulations") made under the Housing Act 2004 impose duties on landlords and managers of all HMOs (whether or not subject to licensing). There are no notice serving powers under the Management Regulations but the Council can prosecute for breach of the regulations.

11.3.2 Interim and final management order

The Council is under a duty to make an interim and final management order where necessary. The Council will instigate this action where necessary but as a last resort. All practical steps will be taken to assist the owner of the property to satisfy the licensing requirements.

An interim management order is made for the purpose of securing any action that the Council considers necessary, to protect the health, safety and welfare of the occupants.

The Council has a duty to make an interim management order in respect of a property where there is no reasonable prospect of it being licensed in the near future or it is necessary to protect the health, safety and welfare of the occupants.

Where a licence has been revoked, for any reason, but the revocation is not yet in force, if, when the revocation is in force, there is no reasonable prospect of the property regaining its licence an interim management order must be made by the Council.

Once an interim management order has been made the Council must take over the management of the property for up to 12 months. This includes carrying out any remedial works necessary to deal with the immediate risks to health and safety.

If there is still no prospect of a licence being granted after 12 months, then a final management order must be made which may be in force for up to 5 years. If after 5

years there is no prospect of the property being licensed, a further management order must be made.

Management orders can be varied or revoked at any time as a result of a request from the owner or on the initiative of the Council.

Review

This policy will be reviewed in line with the corporate policy register or sooner if there are changes in structure, titles and/or responsibilities and any legislation.

Covid-19 (Coronavirus) and other outbreaks

Officers will aim to maintain effective enforcement of standards in private rented properties by way of routine inspections and enforcement action. Inspections and enforcement action take place with due regard to statutory and non-statutory guidance, any current public health guidance and in consideration of any related local health and safety policies and procedures.

Links with other policies

This policy has been considered alongside the following policies:

- The general Enforcement Policy
- The Civil Penalties Policy
- Returning Houses to Homes Policy and Procedures (Private Sector)
- North West Leicestershire Housing Strategy (2021 – 2026)
- Private Sector Housing Conditions and Empty Homes Enforcement Procedure
- Private Sector Housing Conditions and Empty Homes Enforcement Protocol
- Rent deposit guarantee scheme
- Homeless prevention and Rough Sleeping Strategy 2019 - 2024
- Tenancy Strategy

Appendix A – Key Legislation

Housing enforcement issues can sometimes be resolved through the use of other, more appropriate legislation, regulations, orders or guidance. The Council will consider the use of, but is not limited to, the following relevant legislation to meet the aims of this Policy.

- The Housing Act 2004
- Prevention of Damage by Pests Act 1949
- Local Government Miscellaneous Provisions Act 1982
- Building Act 1984
- Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968
- Environmental Protection Act 1990
- Housing Act 1985
- Law of Property Act 1925
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Public Health Act 1936
- Town and Country Planning Act 1990
- Energy Act 2011; 2013
- Enterprise and Regulatory Reform Act 2013
- Mobile Homes Act 1983; 2013

