

**LUTON BOROUGH COUNCIL  
PRIVATE SECTOR HOUSING  
SERVICE LEVEL ENFORCEMENT POLICY**

**INTRODUCTION**

The aim of this enforcement policy is to ensure that people who own and rent residential property within the Borough of Luton are aware of what they can expect from the Private Sector Housing Team, and to ensure consistency in the way different officers treat our customers, whilst recognising they have some discretion. It is therefore designed to ensure fair, consistent and transparent delivery of enforcement activity from the Private Sector Housing Team. It sets out how the Council deals with hazards found in private sector dwellings in the Borough, and how it uses its enforcement duties and powers in a fair and equitable manner.

The Corporate Enforcement Policy applies to all Enforcement Actions taken by the Council. This policy is specific to the Private Sector Housing Team and is applied in accordance with the Corporate Enforcement Policy.

The method of assessing housing conditions and the enforcement powers are governed by the Housing Act 2004, which details the main powers of local authorities to deal with private properties.

**GUIDING PRINCIPLES**

The Private Sector Housing Team aims to raise housing standards by responding both reactively and proactively.

Proactively by

- Identifying and inspecting houses in multiple occupation (HMOs) by carrying out surveys of the district and prioritising inspections by focusing on high risk HMOs, working closely with the Luton and Bedfordshire Fire Service
- Operating a mandatory HMO Licensing Scheme for certain high risk HMOs
- Operating an Additional HMO Licensing Scheme for all other HMOs

Reactively by responding to

- service requests from private sector tenants who contact the Council concerned about defects in their properties.
- service requests about private sector properties affecting their neighbours.
- requests for assistance from Private Sector Landlords
- requests for assistance from owner occupiers

## **ENFORCEMENT ACTIONS**

The Private Sector Housing Team will try and resolve issues by engaging with the Landlord of a property but where the Landlord does not co-operate or where serious conditions exist, can ensure compliance with relevant standards by undertaking Works in Default, or prosecuting, or in some circumstances, both.

Private Sector Housing has delegated powers to enforce standards in the private sector by service of Statutory Notice using a variety of legislation including:-

### Housing Act 2004

- Housing Health and Safety Rating System (HHSRS)
  - A range of enforcement options will be used in accordance with the Housing Health and Safety Rating System Enforcement Guidance by the Office of the Deputy Prime Minister
- Sections 254 and 257 Housing in Multiple Occupation (HMOs)
- Licensing of HMOs Part 2 – Housing Act
- Interim and Final Management Orders - Part 4 Housing Act
- Rent Repayment Orders

### Local Government (Miscellaneous) Provisions) Act 82 s29

- Securing of empty dwellings

### Building Act 1984

- Drainage

### Environmental Protection Act 1990

- Statutory nuisances from domestic premises

### Caravan Sites and Control of Development Act 1960

- Licensing of Mobile Home Sites

### Local Government (Miscellaneous Provisions) Act 1976

- Requisition for Information

### Public Health Act, 1961

- Drainage

Public Health Act, 1936

- Filthy & Verminous premises

Prevention of Damage by Pests Act 1949

- Accumulations of refuse leading to rodent infestation

### **Statutory Notices**

Where appropriate a Statutory Notice will be served on the person responsible (usually the landlord or owner) requiring compliance with the relevant legislation.

The Notice will state:

- The person responsible for complying with the Notice
- The date by which the works must be completed
- The works required
- The consequences of non-compliance
- The mechanism for appealing against the Notice

In the majority of cases, a Notice requiring works to a property will be preceded by a Notice seeking confirmation of ownership and management etc.

### **Charge for Enforcement Action**

There will be a charge for Notices served under the Housing Act 2004.

### **Works in default**

Where a notice has specified works that must be undertaken and this requirement is not complied with, the Council may itself undertake those works and do whatever is required by the notice. The Council may then recover costs for undertaking those works from the landlord plus an administration charge. Works in default will therefore be considered as an option in most cases of non-compliance.

### **STANDARDS**

Where investigating complaints we undertake to make a first response within the following timescales:-

Urgent complaints within 1 working day

Examples include:

- Electrical supply cut off at time of call
- Water supply cut off at time of call
- Soil/Waste pipe blocked or leaking at time of call
- No heating (during the colder months – usually Nov-Apr)

- Housing defect presenting an imminent and serious risk of harm

Non urgent complaints within 3 working days

Examples include:

- Intermittent power, gas or water supply
- Toilet not flushing
- Heating or hot water not working (during the warmer months May-Oct)
- Filthy and verminous premises
- Damp and condensation
- Basic repairs

Access to properties is normally achieved by informal means by appointment with the occupier. If there is a need to enter a premises and prior notice would be counterproductive a visit will be made to the property without giving prior notice.

Landlords should note that their tenant(s) have a right to invite us into the property for the purpose of inspection or investigation without the need to inform the landlord or require their permission. In many cases the tenant does not want the landlord to be present during our visits. For these reasons we do not, as a matter of course, give prior notification to landlords when we have arranged inspections of their properties.

In appropriate circumstances, a Notice of Entry will be served or an application made to the Magistrates' Court for a warrant to enter, e.g. if access is refused, or the premises are vacant, or giving prior notice would be counterproductive.