

## Title: Housing Enforcement Policy 2013

### 1. Aim

The aim of this policy is to ensure effective management of council owned Housing Stock

### 2. Scope

This policy covers the following functional areas:

List:- (Housing)

- Housing
- Antisocial and nuisance Behaviour

### 3. Authorisations

In accordance with the Council's constitution, the Area Manager has a duty to appoint officers with suitable qualifications, experience and level of competency to enforce, or, to ensure that appropriate officers are trained to the required level to undertake an enforcement role.

### 4. General Principles

When carrying out enforcement action it is important that the Council works within the statutory framework set out and that it follows best practice and procedure.

In particular, the Council is committed to acting in a fair and consistent manner and has adopted this enforcement policy as part of this commitment. When exercising its enforcement functions, the Council will act in such a way which is

- transparent;
- accountable;
- proportionate;
- consistent;
- targeted only at cases in which action is needed

Relevant advice/guidance and legislation underpinning this strategy includes

- Dover District Councils Overarching enforcement strategy
- Advice from CPS
- Home Office COPS and Guidance
- Regulator's Code

- Human Rights Act 1998
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigator Powers Act 2000
- Data Protection Act 1998
- Freedom of Information Act 2000
- The Protection of Freedoms Act 2012
- Housing Act 1985/1996 as amended

## 5. Interventions and Enforcement

After considering all relevant information one or more of the following courses of action shall be taken :-

- no action
- informal action (verbal or written)
- Possession Action
- injunction – only in exceptional cases

Not all of these options are available in every case. This underlines the need to consider powers available under each piece of legislation individually.

In making any decision on enforcement, officers will consider the following criteria:-

- the seriousness of the offence
- the offender's past history
- consequences of non-compliance
- the known or likely public benefit of the chosen enforcement action
- the willingness of the offender to prevent a recurrence and in the case of a business, the confidence in management
- the likely ability of any witnesses to give evidence and their willingness to co-operate
- the Crown Prosecution Service's Code of Practice for Crown Prosecutors

## 4. TYPES OF ENFORCEMENT ACTION

a) **No action** – where no problems are witnessed and there is insufficient evidence to proceed.

b) **Informal Action.**

Informal action includes:-

- Verbal advice. To be given where the offender shows an understanding and willingness to remedy contraventions of a minor nature.

- Written advice. To be used where there is no imminent risk to health and the officer believes the offender will co-operate in remedying the offence. Written advice may also be given where it is felt necessary for the offender to consider their liabilities under law.

Informal action is appropriate where;

- the act or omission is trivial nature and it can be simply remedied.
- confidence in the individual/businesses management is high
- consequences of non-compliance will not pose a significant risk to health.
- there is insufficient evidence for formal action at the time (although formal action may follow at a later date).

**c) Fixed penalty notice (FPN) working  
With Env Health or Street Scene**

This option can only be used for certain offences, e.g. littering and failing to remove faeces after a dog has fouled. This option gives the offender the opportunity to discharge liability for the offence by payment of a specified amount. FPNs must only be issued where there is sufficient evidence to prosecute. If the FPN is not paid within a specified time the case should proceed to prosecution.

Further information on the use of FPNs is given in the Fixed Penalty Notice Operational Policy

**d) Injunction**

On rare occasions action under the relevant legislation may be considered ineffective, e.g. where previous prosecution has not resulted in improvement or continued wilful breaches of legislation. Any cases where it is felt an injunction is warranted must be discussed with legal services.

**e) Proceedings for possession of property.**

In extreme cases of antisocial or nuisance behaviour EKH can take action under Section 83, 1985 Housing Act.

6. Policy monitoring
----------------------

To ensure compliance with this policy, the enforcement activities of Housing Service will be monitored regularly by the Head of Service and are subjected to a regular audit process.

This policy will be reviewed annually by the Head of Service

7. Training and Development
-----------------------------

Appropriate resources will be made available for training officers to enable them to

successfully carry out their duties within this policy

## 8. Equality impact assessment

This Policy falls within the Overarching Enforcement Strategy Equality Impact Assessment