



**Private Housing  
Enforcement Policy**

**June 2009**

Approved by Cabinet 29<sup>th</sup> June 2009

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## Summary

The Private Housing Enforcement Policy details how the Council will regulate standards in private housing in Southampton. It also provides a background to the legislation and guidance on which it is based.

It is important for local authorities to have an enforcement policy to ensure consistency of approach among council officers. Members of the public also know what to expect from the service.

An enforcement policy also aids clarity if the Council takes legal proceedings or enforcement action is appealed against.

This new policy reflects a change in national legislation and guidance. As a result a 'light touch' will be used where appropriate and actions will be targeted at the worst problems, in the worst properties, which are operated by the least compliant landlords.

## 1 Introduction

- 1.1 The Private Housing service is part of the Council's Housing Solutions Division and aims to protect and improve lives by ensuring homes are safe and warm.
- 1.2 The Corporate Enforcement Policy outlines Southampton City Council's general approach to enforcement. It states that different areas of the Council may develop more detailed policies specifically relevant to their areas. This policy provides details of the Council's approach to regulating housing standards in Southampton.
- 1.3 The Corporate Policy states that:
  - Most people want to comply with the law
  - The Council will provide awareness, advice and assistance whenever possible to the public, businesses and organisations to help them meet their legal obligations before embarking on the enforcement process
  - The Council is committed to carrying out its duties in a fair and consistent manner and ensuring that enforcement action is proportional to the seriousness of failure to comply with statutory requirements
  - The decision to use enforcement action will depend on the severity of the non-compliance
- 1.4 Effective and well-targeted regulation is essential in promoting fairness and protection from harm. The Regulators' Compliance Code is a

statutory code of practice for regulators<sup>1</sup>. From 6 April 2007, the Council has been required to have regard to the Code when regulating housing standards and its specific obligations have been included in this policy. The overriding principle of the Code is that regulation and its enforcement should be proportionate and flexible enough to allow or even encourage economic progress.

- 1.5 The aim of this policy is to ensure that regulation and enforcement of housing standards is consistent, risk-based, targeted and proportionate and is carried out in line with the Corporate Enforcement Policy, Regulators' Compliance Code, the Enforcement Concordat (which the Council has signed up to) and other relevant detailed guidance, such as the Housing Health and Safety Rating System (HHSRS) Enforcement Guidance and HHSRS Operating Guidance.

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<sup>1</sup> Published by the Department for Business Enterprise and Regulatory Reform (BERR) – see section 6 for details

## **2 General enforcement policy and principles**

### **2.1 Economic progress**

The Private Housing service will only intervene when there is a significant risk to the health and safety of occupants, neighbours or visitors to a property. The supply of good quality, affordable privately rented accommodation is essential to meet local housing need and is closely linked to Southampton's economic progress. Private landlords in the city range from those with large portfolios to those with one or two properties. The Service aims to provide clear advice, guidance and information on meeting minimum standards and to give all landlords a reasonable opportunity to put problems right before taking formal enforcement action. Fair and consistent regulation benefits service users, local businesses, landlords, agents and property owners, by helping to maintain a "level playing field". In accordance with the Regulators' Compliance Code, the Service will consider the impact that its regulatory interventions may have on economic progress, including a thorough consideration of the costs, effectiveness and perceptions of the fairness of regulation. The service will only adopt a particular approach if the benefits justify the costs<sup>2</sup> and it entails the minimum burden compatible with achieving its objectives of ensuring homes are safe and warm.

### **2.2 Risk assessment**

The Service will use risk assessment to concentrate resources in the areas that need them most and on the properties in the worst condition. For example, the results of the most recent Private Sector Stock Condition Survey will be used to identify areas or types of accommodation in Southampton where housing conditions are worst and will target action accordingly. Following the receipt of a service request or complaint about poor housing conditions, an initial risk assessment will normally be carried out and any follow up advice or action will depend on the outcome of the initial assessment, which may not always involve a visit to the property. Complaints about housing association properties will be referred to the association to investigate first. Suitably trained officers routinely use the Housing Health and Safety Rating System (HHSRS), which is a statutory, evidence-based, risk assessment method for assessing and dealing with poor housing conditions.

### **2.3 Advice and guidance**

The Service will provide authoritative, accessible advice easily and affordably. Wherever possible, this will be provided free of charge on

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<sup>2</sup> Costs and benefits include economic, social and environmental costs and benefits

the Council's website. General information, advice and guidance to make it easier for landlords, agents, home owners and others to understand their regulatory obligations will be provided in clear, concise and accessible language, using a range of appropriate formats and media. The Service will consult with landlords' associations and others when developing both the content and style of this guidance. When offering compliance advice the Service will distinguish between statutory requirements and advice or guidance aimed at improvements above minimum standards. Advice will be confirmed in writing, if requested. The Service welcomes enquiries from home owners and landlords about complying with minimum standards and ensuring homes are safe and warm and this will not directly trigger an enforcement action. However, the Service will not act as a consultant for home owners or landlords and is not able to complete non statutory detailed assessments for specific properties (such as fire safety risk assessments; confirming in detail the work that would be required to let a property in multiple occupation; or in detail the work required to reduce the risk from significant hazards in a property to an acceptable level).

#### **2.4 Inspections, other visits and information requirements**

No inspection will take place without a reason. Inspections and other visits will take place in response to a reasonable complaint or request for service, or where poor conditions have been brought to our attention; in accordance with risk-based and targeted programmes (see paragraph 2.2); in accordance with statutory inspection requirements (such as for mandatory licensing of houses in multiple occupation [HMOs]); or on receipt of relevant intelligence. Following an inspection, positive feedback will be given wherever possible to encourage and reinforce good practices. The service will focus its greatest inspection effort on the worst properties and the landlords who regularly fail to comply with regulations or frequently have properties with poor conditions. The Service will endeavour not to ask for unnecessary information or to ask for the same piece of information twice.

#### **2.5 Compliance and enforcement actions**

The Service will seek to quickly identify the few landlords, agents, property owners or businesses that persistently break regulations and ensure that they face proportionate and meaningful sanctions. By facilitating compliance through a positive and proactive approach, the Service aims to achieve higher compliance rates and reduce the need for reactive enforcement actions. However, those that deliberately or persistently break the law will be targeted. For example, where poor conditions are identified in a rented property, the service will seek to identify and inspect other properties owned or managed by the same individual or company. Landlords who have achieved good levels of compliance, for example through accreditation schemes, will receive

lighter inspections, where risk assessment justifies this. When considering formal enforcement action the Service will, where appropriate, discuss the circumstances with those suspected of a breach and take these into account when deciding on the best approach. This will not apply where immediate action is required to prevent or respond to a serious breach or to deal with an imminent risk to health or safety, or where to do so is likely to defeat the purpose of the proposed enforcement action. The Service will ensure that clear reasons for any enforcement action are given and complaints and appeals procedures are explained at the same time.

## **2.6 Accountability**

The Service will be accountable for the efficiency and effectiveness of its activities, while remaining independent in the decisions that it takes. Transparency will be maintained by publishing an Annual Business Plan and through the routine reporting of performance information. Information and advice will be provided on how decisions are made and charges are set. Employees will provide a courteous, prompt and efficient service and will identify themselves by name. A contact point, telephone number and email address will be provided. Applications for licences etc. will be dealt with efficiently and promptly and services will be effectively coordinated to minimise unnecessary overlaps and time delays. Information about independent appeal mechanisms, such as to the Residential Property Tribunal Service (RPTS), and the Council's corporate complaints procedure will be provided. The complaints procedure has four stages and the final stage involves the complainant taking the matter directly to the independent Local Government Ombudsman Service, which is external to the Council. The complaints procedure will be followed for any complaints received about the Service or the application of this enforcement policy.

### **3 Specific enforcement policies**

#### **3.1 Authority to investigate or enforce**

The Housing Act 2004 and associated secondary legislation sets out the duties and powers that Southampton City Council has in relation to regulating housing standards in its capacity as Local Housing Authority. Powers are also contained in the Housing Act 1985 as amended and other legislation, such as the Environmental Protection Act 1990 and the Public Health Acts 1936 and 1961. This is not a complete list.

#### **3.2 Enforcement action**

3.2.1 In accordance with the Corporate Enforcement Policy, the decision to use enforcement action will depend on the severity of the non-compliance. Factors that will be taken into consideration include:

- The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals
- Evidence that suggests that there was pre-meditation in the commission of an offence
- The alleged offence involves a failure to comply in full or in part with the requirements of a statutory notice or order
- There is a history of previous warnings or the commission of similar offences
- Aggravated circumstances such as aggressive or violent behaviour

3.2.2 Enforcement decisions and actions will be made with due regard to the provisions of the Human Rights Act 1998, anti-discrimination legislation, the Council's anti-poverty strategy and any other relevant Council strategies. When officers are considering using any enforcement powers or action, all relevant legislation, Orders, Regulations and other relevant codes and guidance will be considered before action is taken. This includes the European Convention on Human Rights and any decisions made by the European Court of Human Rights.

3.2.3 Enforcement action will be consistent with the Council's overall Housing Strategy and the Service will adopt a coordinated approach with other Council services and other relevant agencies, in particular in connection with preventing and dealing with homelessness.

#### **3.3 Enforcement options**

3.3.1 When deciding on what enforcement action to take the Service will take into account the Corporate Enforcement Policy and guidance given in

the Housing Health and Safety Rating System (HHSRS) Enforcement Guidance. Informal action will always be considered unless there is a statutory obligation to do otherwise. When considering informal action the council will have regard to any health and safety risks present at the property. Informal action will normally be the preferred first stage approach, unless there is a known history of poor management or compliance on the part of the owner or agent. This will normally be the case even where emergency action is required. The Service prefers to work with owners and agents in order to achieve improvements, prior to considering statutory action.

3.3.2 The Service will have regard to the “Macrory principles” outlined in the Regulators’ Compliance Code when deciding on the type of enforcement action to take. This means that sanctions should:

- Aim to change the behaviour of the offender
- Aim to eliminate any financial gain or benefit from non-compliance
- Be responsive and consider what is appropriate
- Be proportionate to the nature of the offence and the harm caused
- Aim to restore the harm caused by non-compliance
- Aim to deter future non-compliance

3.3.3 Before deciding to serve a statutory notice under the Housing Act 2004, the detailed guidance given by the HHSRS Enforcement Guidance as to whether a notice should be issued and what type, will be taken into account.

The action taken in relation to both Category 1 and Category 2 hazards<sup>3</sup> will be the most appropriate in all the circumstances, taking into account the hazard score determined under HHSRS; whether there is a duty or discretion to act (in the light of the score); and both potential and actual vulnerable occupants.

3.3.4 The enforcement options outlined in the HHSRS Enforcement Guidance and contained in the Housing Act 2004 (the Act) are:

- Service of an **Improvement Notice** under section 11 or 12 of the Act (sets out the work that is required to remove or reduce hazards)

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<sup>3</sup> The Housing Health and Safety Rating System (HHSRS) is the statutory way of assessing housing hazards. The HHSRS Operating Guidance sets out the way in which hazard scores and bands are calculated. Hazards are either classified as Category 1 (most serious) or Category 2.

to an acceptable level within a certain timescale) – available for Category 1 and Category 2 hazards

- The making of a **Prohibition Order** under section 20 or 21 of the Act (prohibits the use of part or all of a property for some or all purposes, or occupation by particular numbers or descriptions of people) - available for Category 1 and Category 2 hazards
- Improvement Notices and Prohibition Orders may be **suspended** (come into effect on a certain date or when certain conditions are met or varied)
- **Emergency Remedial Action** under section 40 of the Act (allows the Service to take or arrange whatever remedial action considered necessary to remove an imminent risk of serious harm)
- **Emergency Prohibition Order** under section 43 of the Act (prohibits the use of all or any part of the premises with immediate effect)
- Service of a **Hazard Awareness Notice** under section 29 of the Act (makes the responsible person aware of the existence of a hazard and the steps that may be taken to remove or reduce it to an acceptable level). No further action is required by the person served with the notice, but any hazard awareness notices served may be monitored and if reasonable progress has not been made to remedy the hazard the Council have the ability to review the action and consider taking other action if appropriate.
- **Demolition Order** and **Clearance Area** available under Part 9 of the Housing Act 1985 as amended

3.3.5 In addition, prior to taking certain enforcement action the Service may have to consult with the Hampshire Fire and Rescue Service, or may need to make an application to the Residential Property Tribunal Service.

3.3.6 In certain circumstances, it may also be necessary to carry out a Neighbourhood Renewal Assessment as part of an option appraisal process, in order to determine the most satisfactory course of action. This is a process whereby the cost of taking one course of action is compared and balanced against the cost of another, to determine which is the most appropriate.

3.3.7 The Council has a duty under Part 1 of the Housing Act 2004 to take enforcement action where Category 1 hazards exist. Therefore, a statutory notice will usually be served for all properties where Category 1 hazards exist, unless the owner or person in control undertakes

works voluntarily and commences such works before a notice would ordinarily be served.

### 3.3.8 *Discretionary power to deal with Category 2 hazards*

Under Section 7 of the Housing Act 2004, local authorities have a power rather than a duty to take enforcement action with respect to Category 2 hazards.

As with Category 1 hazards, the Council has powers to require that Category 2 hazards are removed or reduced to an acceptable level. The same types of notice and order are available except for Emergency Remedial action and Emergency Prohibition Orders. The powers to make a Demolition Order or to declare a slum clearance are included in section 7 of the Housing Act 2004 as options to deal with Category 2 hazards, however only in circumstances prescribed by Order of the Secretary of State. To date the Government has not made such an Order.

Whilst there is no obligation for the Council to take action with respect to category 2 hazards, it cannot fetter its discretion and as such it is considered appropriate for enforcement action to remain available in the following circumstances:

- Any Category 2 hazard assessed as falling within Bands D, E or F where found in conjunction with a Category 1 hazard<sup>4</sup>
- Two or more Category 2 hazards assessed as falling within Bands D, E or F
- Any single Category 2 hazard assessed as falling within Bands D, E or F, where the vulnerability of the occupier due to age or infirmity significantly increases the risk of harm occurring, or where the hazard relates to crowding and space
- Any single Category 2 hazard assessed as falling within Bands D, E or F, in a House in Multiple Occupation affecting means of escape from fire or shared standard amenities
- Any Category 2 hazard assessed as falling within Bands D, E, F or G within a defined strategic area for the purpose of achieving a strategic objective such as a Burglary Reduction Initiative
- Cases falling outside the above general policy may arise from time to time, but where the case officer considers there are justifiable

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<sup>4</sup> Category 1 hazards are banded A to C. Category 2 hazards are banded D to J. Band A is the most serious and band J is the least serious. Further details about the Housing Health & Safety Rating System can be found at: <http://www.communities.gov.uk/publications/housing/hhsrcoperatingguidance>

reasons for taking action, the decision to proceed must be agreed by the Private Housing Manager.

### *3.3.9 Time limits*

Time limits are given for completing works, which are set with consideration to the amount of work required, the risk to the occupants and the estimated time required to complete that work. The council will consider applications to vary the time limits in accordance with the enforcement policy.

### *3.3.10 Owner occupiers*

Occasions will arise whereby Category 1 hazards are identified in owner occupied properties where the owner is not eligible for financial assistance, is unwilling to use financial assistance, or where no financial assistance is available from the Council. The duty to take action, as required under Section 5 of the Housing Act 2004 still applies. However it would not generally be in the public interest to enforce compliance unless the hazard in question was adversely affecting an adjoining property or was endangering the health and safety of the public or visitors to the property (such as Postal Service workers).

Where it appears that there would otherwise be little prospect of such a hazard being remedied within the forthcoming 12 months (for example through a Warm Front Grant to install central heating / insulation to remedy the hazard of excess cold) then the hazard will be brought to the attention of the owner by the service of a Hazard Awareness Notice. No charge would generally be made for the service of such a notice.

This fulfils the Council's duty under section 5 of the Housing Act 2004 but has no subsequent enforcement consequences.

In some exceptional cases, in line with the guidance given by the HHSRS Enforcement Guidance, it will be necessary to serve an Improvement Notice or Suspended Improvement Notice in respect of hazards in owner occupied properties. No charge would generally be made for the service of such a notice and the Service will work with the owner occupier and others (such as the Home Improvement Agency) to offer advice and assistance in complying with the requirements of the notice.

Where financial assistance is provided to owner occupiers in the form of a loan, there are conditions attached. Breach of any of the loan conditions may result in formal enforcement action, e.g. to recover funds.

### *3.3.11 Requests to extend statutory notice time periods*

Requests to extend notice timescales will be considered if they are received in writing at least 7 days before the date on the existing notice, which the notice recipient wishes to change.

### *3.3.12 Housing Improvement Financial Assistance*

This Enforcement Policy should be read in conjunction with the current Private Sector Housing Renewal Strategy, which outlines the financial and other assistance available to improve housing conditions in Southampton.

### *3.3.13 Houses in Multiple Occupation (HMOs)*

The Council has a separate HMO policy. However, it is based on the same principles as this Enforcement Policy and therefore, decisions to prosecute for non-licensing or a breach of HMO Management Regulations etc. will be made in accordance with the principles contained in this Private Housing Enforcement Policy.

### *3.3.14 Other action*

The Council will consider applying to the Residential Property Tribunal Service for a Rent Repayment Order, to reclaim rent paid by Housing Benefit or Local Housing Allowance, in all cases where this action is available. Tenants will also be advised of the ability to apply for a Rent Repayment Order for other rents paid, where this is applicable.

The council will consider the use of Compulsory Purchase Orders to support strategic aims.

The use of Interim Management Orders and Final Management Orders will always be considered in cases where there is a duty to make such an order. The Council may apply to the Residential Property Tribunal Service to make an Interim Management Order, Special Interim Management Order or Final Management Order in cases where there is a power to take such action and the requisite conditions have been met.

The Council may consider using their power to seek an Interim Empty Dwelling Management Order by application to the Residential Property Tribunal Service. The use of Final Empty Dwelling Management Orders will be considered in all appropriate cases.

3.3.15 The Corporate Enforcement Policy outlines a range of enforcement options, including use of a Formal Caution instead of a prosecution. The principles contained in the corporate policy will be followed when deciding what action to take.

### **3.4 Authorisation of officers**

- 3.4.1 Only officers who are competent by training, qualification and/or experience will be authorised to undertake enforcement action. Authorised officers will also have sufficient training and understanding of quality systems to ensure a consistent approach to service delivery. The Officer Scheme of Delegation sets out the delegated powers given to officers. The Division also holds a list of authorisations that have been given to individual officers.
- 3.4.2 Officers who undertake criminal investigations will be conversant with the provisions of the Police and Criminal Evidence Act 1984 (PACE), the Criminal Procedure and Investigations Act 1996 (CPIA) as amended, the Criminal Justice Act 2003, the Data Protection Act 1998, the Human Rights Act 1998, the Disability Discrimination Act 2005, the Regulation of Investigatory Powers Act 2000 and other related legislation, regulations, orders etc.

### **3.5 Powers of entry**

The Council will follow the national legislation and guidance when exercising powers of entry and will give consideration to other guidance and decisions of the Residential Property Tribunal Service. Access to properties is normally achieved by appointment with the occupier and/or owner and Officers will ensure that at least 24 hours notice is given. However, in certain specified circumstances, there is no requirement for notice to be given prior to entry. Therefore, in these cases, no notice of entry will be provided. Each entry will be individually authorised by the appropriate officer in writing and will state the particular purpose for which the entry is authorised.

In appropriate circumstances, the council will consider the service of a Notice of Intended Entry and/or to apply to the Magistrates' Court for a warrant to enter the property, as legislative powers allow. Human Rights legislation will always be considered prior to entering premises when executing a warrant.

If, during an inspection, officers suspect that an offence has been committed, or if the inspection is specifically to identify an offence, officers will comply with the relevant PACE Code of Practice.

### **3.6 Vacation of a property following statutory action**

If a landlord confirms in writing that he/she intends to use the house for their own or own family's use, then any Improvement Notice served may be revoked and replaced by a Hazard Awareness Notice.

If the landlord fails to give any indication regarding his/her future proposals for the property or if it appears that the property is likely to remain vacant, then the Improvement Notice will continue to be enforced as the operation of an Improvement Notice does not depend on tenure.

Where a landlord gives an undertaking in writing that the required remedial work will be done prior to any new tenant moving in, then the improvement notice may be suspended until such time that the house is reoccupied or some other stated date. The situation will be reviewed at least every six months.

Where the property becomes vacant following the service of an Improvement Notice relating to Category 2 hazards, the notice will normally be revoked and replaced by a Hazard Awareness Notice. Suspension of the notice as in the case for Category 1 hazards may however be appropriate where it appears that there is a high likelihood that the property will be re-let.

In all cases, the Service will seek to prevent retaliatory evictions (where a landlord takes action to gain possession of a property lawfully following a tenant complaining about poor housing conditions). Where there is evidence of a retaliatory eviction, the Service will continue to require any necessary improvements to the property to be made and, if necessary, will take enforcement action in accordance with the principles contained in this Enforcement Policy.

### **3.7 Empty properties**

The Council will take appropriate enforcement action in relation to long-term empty properties, giving due consideration to the Council's Empty Property Strategy. The Council will apply the above general principles in addition to the strategy.

### **3.8 Harassment and illegal eviction**

The Council will consider using its power to investigate cases of alleged illegal eviction and/or harassment on an individual case by case basis.

### **3.9 Charges and recovery of costs**

The Council will usually make a charge for statutory notices served under Part 1 of the Housing Act 2004, as permitted by section 49 of the same Act. The charges will be reviewed and published annually. Any such charges will be invoiced after a minimum of 28 days has elapsed from the date of service of the notice.

### *3.9.1 Works Carried Out in Default*

The Council will consider completing work in default in all appropriate cases and seek to recover the costs from the owner or occupier, together with an administrative charge.

### *3.9.2 Recovery of costs including the Councils Enforced Sale Procedure*

The council will seek to take reasonable steps to recover any costs and expenses incurred in taking enforcement action. This will include considering the use of the Council's Enforced Sale Procedure where work is carried out in default of a statutory notice and the person responsible for repaying the costs and expenses has failed to repay them.

## 4 What is expected of tenants?

- 4.1 Before considering taking any action in respect of a tenanted property the tenant(s) will normally be required to contact their landlord about the problems first. Legislation covering landlord and tenant issues requires that tenants notify their landlords of any problems with the property. This is because it is more difficult for landlords to carry out their obligations under the legislation, unless they have been made aware of the problem. Where the matter appears to present an imminent risk to the health and safety of the occupants, it is expected that tenants will still try to contact their landlord, even if this is after they have contacted the service. Copies of correspondence between the landlord and tenant should be provided for officers.

In certain situations tenants will not be required to write to their landlord first, for example:

- Where there is a history of harassment/threatened eviction/poor management practice;
- Where the tenant appears to be vulnerable or where there are vulnerable members of the household;
- Where the tenant could not for some other reason be expected to contact their landlord/managing agent;
- Where the property is a House in Multiple Occupation which appears to fall within HMO licensing.

Tenants are responsible for keeping officers informed of any contact they have had with their landlord (or the landlord's agent or builder, etc.), which may affect the action the Council is taking or considering taking. Tenants should also consider seeking independent legal advice about their own individual powers to resolve any dispute with their landlord.

- 4.2 Housing Association tenants have standard procedures to follow if their landlord does not carry out repairs in a satisfactory manner, and also a final right of appeal to the Housing Ombudsman Service. For this reason, the Service will not assist these tenants unless the property contains a Category 1 hazard or is a House in Multiple Occupation which does not comply with current fire safety standards and the Housing Association's own procedures have not resolved the issue. The exception to this is if the Housing Association concerned has received a poor assessment of its repairs provision on audit and it has further been assessed that there is little or no prospect of improvement.

### 4.3 Situations where a service may not be provided

Where any of the following situations arise consideration will be given to either not providing a service or ceasing to provide a service:

- Where the tenant(s) are, of their own free will, shortly to move out of the property
- Where the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, to arrange or carry out works
- Where the tenant(s) have, in the opinion of the Council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair
- Where the tenant's only reason for contacting the Private Housing Service, in the opinion of the Council, is in order to get re-housed. If a tenant does not want their present accommodation to be brought up to standard that service will not be provided
- Where the tenant(s) have requested a service and then failed to keep an appointment and not responded to a follow up letter or appointment card
- Where the tenant(s) have been aggressive, threatening, verbally or physically abusive towards officers
- Where there is found to be no justification for the complaint, on visiting the property
- Where the service has determined, through council procedures, that the complainant is 'vexatious'
- Where the tenant unreasonably refuses to provide the Council with relevant documentation

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## **5 Monitoring and review**

- 5.1 In accordance with the Regulators' Compliance Code, the Service will keep its regulatory activities and interventions under review, with a view to considering the extent to which it would be appropriate to remove or reduce the regulatory burdens they impose.
- 5.2 The Service will set up a monitoring system to examine a sample of enforcement cases. The quality system will aim to promote consistency in the enforcement procedures. Feedback and the results from the monitoring will be discussed as part of regular one to one and team meetings. The results will also be reported regularly at Divisional Management Meetings and quality review meetings.
- 5.3 This document will be subject to an annual review with additional reviews as and when required. Changes will be introduced to accommodate new legislation, guidance and local needs. The Head of Division will consult with the relevant Executive Member before any such changes are implemented.
- 5.4 If you have any comments or queries on this policy, please contact:

Private Housing Manager  
Housing Solutions  
Southampton City Council  
Southbrook Rise  
4-8 Millbrook Road East  
Southampton SO15 1YG

Telephone: 023 8083 2606  
Email: [housing.renewal@southampton.gov.uk](mailto:housing.renewal@southampton.gov.uk)  
Fax: 023 8083 2029  
Minicom: 023 8083 2798

- 5.5 The satisfaction of landlords and other businesses with the way in which they have been regulated will be assessed through a postal questionnaire following each contact. The information collected will be reported annually as part of a National Performance Indicator (NI) 182 - business satisfaction with local authority regulatory services.

### **5.6 Application of the policy**

All officers will refer to this policy and the appended documents when making enforcement decisions. It must be read in conjunction with the appended documents and Divisional enforcement procedures. Regard must also be given to any relevant internal quality procedures. The Division will develop an enforcement and quality procedure for officer guidance.

Any departure from this policy must be exceptional, capable of justification and be fully considered by the Head of Division before a final decision is taken. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made.

In cases of emergency or where exceptional conditions prevail, the Head of Division may suspend all or part of this policy where necessary to achieve effective running of the service and/or where there is a risk of injury or to health of employees or members of the public.

## **6 Related policies and documents**

### **Southampton City Council Corporate Enforcement Policy**

available at

<http://www.southampton.gov.uk/thecouncil/thecouncil/meetings-agendas-reports/meetingpapers/ShowDocument.asp?PKID=5931>

or by phoning the Council on **023 8022 3855**

### **The Regulators' Compliance Code (Statutory Code of Practice for Regulators)**

available at <http://www.berr.gov.uk/files/file45019.pdf>

or by phoning the Department for Business, Enterprise & Regulatory Reform on **020 7215 5000**

### **The Housing Health and Safety Rating System – Enforcement Guidance**

available at

<http://www.communities.gov.uk/documents/housing/pdf/safetyratingsystem.pdf>

or by phoning Communities and Local Government on **020 7944 4400**