

Charging Policy for Private Sector Housing Enforcement Services

1. Introduction

The Private Sector Housing Team is responsible for enforcing, undertaking and administering a range of functions, all referred to here as services, to maintain and improve housing conditions in the private sector. Fees will be charged for the administration and provision of such services in accordance with legislative provisions. Such fees will be subject to the charging policy set out in this document.

Where made, charges will be reasonable and seek to recover the costs incurred in providing a particular service or function. All charges are set out below in Table 1: Charges for Private Sector Housing Services.

When administering a charge the following principles will apply:

- It is reasonable for the local authority to charge for such services
- The charging policy is clear and transparent
- The charges are fair
- The consequences of failing to pay the charge are clear

Actions which are subject to the charging policy are:

- The service of enforcement notices under the Housing Act 2004 and associated legislation
- Discretionary property inspections/consultations including immigration visits.
- The licensing of houses in multiple occupation(HMOs)
- The licensing of mobile home sites
- Organising work in default, emergency remedial action or other activity associated with the enforcement of the legislation above.
- Prosecution for non- compliance with legal notices.

2. Enforcement notices under the Housing Act 2004

The Council's Private Sector Housing Enforcement Policy encourages an informal approach to resolve problems and in those situations no fee is payable. Where this fails and formal enforcement becomes necessary a charge will be made.

Enforcement notices and actions which are subject to a charge are:

- Improvement Notices
- Suspended Improvement Notices
- Prohibition Orders
- Suspended Prohibition Orders
- Emergency Prohibition Orders
- Works in default
- Emergency remedial Action
- Other activity associated with the above legislation

The Council will charge a property owner (landlord), or appropriate person (agent), a set fee for issuing notices and orders. Any demand for payment will be made in

writing at the time of service of the relevant notice. The decision to serve a notice will be taken in accordance with The Private Sector Housing Enforcement Policy.

3. Works in default/emergency remedial action

Where a landlord or his agent has failed to comply with an Improvement Notice and it is necessary to complete works in default, or where emergency remedial action is required, the Council may charge a landlord, or appropriate person, a fee to complete the works in addition to the actual cost of the works.

The fee will recover administration costs, including officer time and any associated costs, in carrying out the work and will be calculated at an hourly rate. The owner will be notified of the intention to undertake works on their behalf and that there will be a charge for the service.

4. Circumstances where we may not charge

Hazard awareness notices are advisory in nature and are not subject to a charge.

Suspended Improvement Notices and Suspended Prohibition Orders are not subject to a charge under the following circumstances:

- The property is currently occupied by an owner;
- The landlord is willing to undertake works but the occupant does not want the works to be undertaken, or
- A crowding and space hazard exists and the Council does not wish to make the current household homeless – but wishes to limit future occupation.

Where it is necessary to serve an Improvement Notice or Prohibition Order (including suspended notices/orders) on an Owner Occupier, the EH Lead Specialist will decide, based on the circumstances of the individual case if it is appropriate to apply the charge.

5. Discretionary services

Immigration Clearance Surveys and non-statutory advice (visits/consultations) are offered by the Council, the latter only as resources allow, and will be charged at an hourly rate based on staff and administration costs. For Immigration inspections, payment will usually be required on inspection and an assessment letter will not usually be issued until after payment has been received

6. Licensing of Houses in Multiple Occupation

The Council will charge a standard fee to licence Houses in Multiple Occupation (HMOs). Properties must be licensed if they meet the mandatory HMO licensing criteria or come under any additional or selective licensing designation. The fee charged will seek to recover the cost to the council of providing the service.

The Council has the right to charge additional fees where additional work is required to ensure the property is correctly licenced. This may include but not exclusively, officer and administration time in chasing late applications, associated documents and having to conduct additional property visits.

Recently the Government announced that from October 1st 2018 new mandatory licensing requirements were to be introduced for HMOs. These included steps to;

- Remove the storey rule so all houses with 5 or more people from 2 or more households are in scope
- Extend mandatory licensing to flats above and below business premises (regardless of storeys)
- Set a minimum size of 6.52sq-m for all rooms in licensed HMOs in line with existing overcrowding standard (Housing Act 1985)

We are still analysing what impact this will have on the HMO property market locally and on our own workload going forward but for the time being we are keeping our fees unchanged at £400 for a five year HMO license of up to five rooms with an additional charge of £30 for each additional room.

Licensing of Mobile Homes

Fees will be charged for activities associated with the licensing of mobile homes. Separate guidance will be issued in due course covering this matter following consultation with stakeholders.

7. Prosecution costs

The Council will always seek to recover costs when taking prosecutions for non-compliance with legislation.

8. Invoices and debt recovery

Details on how to pay costs will be provided when payment is requested and/or can be found on the SSDC website.

Where works are carried out following the service of a notice, a local land charge will be made against the property and will be discharged once full payment is made. These expenses carry interest from the date of service of notice until full payment is made. Failure to pay the charge can result in an annual interest charge until full payment is made.

9. Review of charges

Charges are subject to change and will be reviewed on a periodic basis. The EH Lead Specialist will retain discretion to waive charges in exceptional circumstances where it is in the best interest of the case.

Table1: Charges for Private Sector Housing Services

Service	Chargeable service	Existing Charge	New Charge
Housing Act 2004: Enforcement notices, orders and actions	<ul style="list-style-type: none"> • Improvement Notice • Suspended Improvement Notice • Prohibition Order • Suspended Prohibition Order • Emergency Prohibition Order 	No fixed charge, £150-£300 per notice	£ 395 per notice.
As above	<ul style="list-style-type: none"> • Works in default • Emergency remedial Action 	No fixed charge £150-£300 per action	£41.00 per hour
Discretionary property visits and inspections	<ul style="list-style-type: none"> • Immigration Clearance Survey • Non-statutory property inspections and advice/consultations 	£90 £42.75 for letters/advice	£145 Cost based on hours worked
Licensing rented properties	<ul style="list-style-type: none"> • Charge for standard HMO with up to five letting rooms. Extra £30.0 per room for each extra room. 	£400 for up to 5 rooms with £30 for each extra room	No change. £400 for up to 5 rooms with £30 for each extra room
Hourly rate	<ul style="list-style-type: none"> • For all other chargeable services by Private Sector Housing officers. 	No fixed charge	£41.00 per hour