



DERBY CITY COUNCIL

NEIGHBOURHOOD, SOCIAL COHESION AND HOUSING STRATEGY CABINET MEMBER BRIEFING

FRIDAY 13 APRIL 2007

Housing Act 2004 Part 1: Power to charge for certain enforcement action

RECOMMENDATION

- 1.1 To approve a standard charge of £200 as a means of recovering certain administrative and other costs incurred in connection with certain enforcement action under Part 1 of the Housing Act 2004.
- 1.2 To authorise the Assistant Director – Housing and Advice Services - to undertake a review of this charge annually and alter the level of charge accordingly.

SUPPORTING INFORMATION

- 2.1 Section 49 of the Housing Act 2004 provides a power for Local Housing Authorities to make such reasonable charge as they consider appropriate as a means of recovering certain administrative and other costs incurred by them in –
 - a) serving an improvement notice under section 11 or 12;
 - b) making a prohibition order under section 20 or 21;
 - c) serving a hazard awareness notice under section 28 or 29;
 - d) taking emergency remedial action under section 40;
 - e) making an emergency prohibition order under section 43; or
 - f) making a demolition order under the Housing Act 1985 (c.68).
- 2.2 The expenses are, in the case of the service of an improvement notice or a hazard awareness notice, the expenses incurred in –
 - a) determining whether to serve the notice,
 - b) identifying any action to be to be specified by the notice, and
 - c) serving the notice.
- 2.3 The expenses are, in the case of emergency remedial action under section 40 –
 - a) determining whether to take such action, and
 - b) serving the notice required by subsection (7) of that section.

- 2.4 The expenses are in the case of a prohibition order under section 20 and 21 of the Housing Act 2004, an emergency prohibition order under section 43 or a demolition order under section 265 of the Housing Act 1985, the expenses incurred in –
- a) determining whether to make the order, and
 - b) serving copies of the order on persons as owners of premises.
- 2.5 A local housing authority may make such reasonable charge as they consider appropriate as a means of review under section 17 or 26 of the Housing Act 2004 (review of suspended improvement notices and prohibition orders).
- 2.6 The amount of the charge may not exceed such amount as is specified by order of the appropriate national authority. No such order has been made at the date of this report.
- 2.7 A breakdown of the likely activities involved in the enforcement actions outlined above is provided in appendix 2 attached.
- 2.8 A standard charge of £200 is less than the actual expense incurred in undertaking enforcement action and is therefore reasonable in the Council's opinion.

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Breakdown of activities involved in enforcement action

IMPLICATIONS

Financial

1. Income obtained from these charges will offset the costs involved in taking formal enforcement action. It is considered easier and less bureaucratic to set a standard fee in this way rather than charging in each case on a pro-rata basis.
- 1.2 The annual review of the charge is necessary to take account of inflationary pressure and any unforeseen costs not apparent at this stage.

Legal

2. The power to charge for enforcement is contained in section 49 of the Housing Act 2004.

Personnel

3. None.

Equalities impact

4. None

Corporate priorities

- 5.1 Charging for enforcement action under the Housing Act 2004 contributes to corporate priority CP6a by improving Council services and CP 6b by increasing value for money.

Breakdown of activities involved in enforcement action

The activities which typically need to be taken in determining whether to serve a hazard awareness notice, improvement notice, take emergency remedial action, make a prohibition order or a demolition order, carry out a review of a suspended improvement notice or prohibition order and subsequently identify any action to be specified in a notice / order and serving of the notice / order are as follows...

- a) travel to and from the relevant dwelling
- b) inspection of the relevant dwelling
- c) preparation of an inspection report
- d) preparation of a Housing Healthy and Safety Rating System assessment
- e) preparation of a 'Most Appropriate Course of Action' report
- f) preparation of an informal letter to the landlord inviting consultation
- g) preparation of a specification of work / action required to be specified in a notice
- h) preparation of the legal documentation
- i) checking of the legal documentation by Team Manager
- j) service of notice/order.