



Under Occupation - Succession

RECOMMENDATION

- 1.1 To approve that the current policy on succession to tenancies is revoked and reverts back to comply and reverts back to comply with statutory requirements within Section 91 of the Housing Act 1985.

SUPPORTING INFORMATION

- 2.1 Derby Homes Board considered the above recommendation on 29 March 2007 and agreed to approve the said recommendation to the City Council with the proviso that an appeals process be incorporated into the policy.
- 2.2 Appendix 1 is the report presented and considered by Derby Homes Board on 29 March 2007 and gives detail and reason behind the proposal.
- 2.3 Appendix 2 was also presented to Derby Homes Board on 29 March 2007 to accompany the main report and provides working examples for consideration.

For more information contact:	Maria Murphy, 01332 711012, e-mail maria.murphy@derbyhomes.org
Background papers:	None
List of appendices:	Appendix 1 – Derby Homes Board Report 29 March 2007 – A10 Under Occupation - Succession Appendix 2 – Succession Policy – working examples.

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.