



**BABERGH & MID SUFFOLK DISTRICT COUNCILS**  
**PRIVATE SECTOR HOUSING ENFORCEMENT AND CIVIL PENALTIES POLICIES**

**APPENDIX 5: Joint Overview & Scrutiny Feedback**

**1.0 INTRODUCTION**

- 1.1 Joint Overview & Scrutiny reviewed the draft policies at the meeting held on 20<sup>th</sup> February 2023. This Appendix summarises the feedback and recommendations to Cabinet from Joint Overview & Scrutiny.

**2.0 QUESTIONS and FEEDBACK**

- 2.1 Overview & Scrutiny reviewed the draft policies and made comment / asked questions about the new draft policy.
- 2.2 The draft minutes of Overview & Scrutiny will be available to Members to review in advance of the Cabinet meeting.
- 2.3 Clarification was given to Members as to when a civil penalty notice would be issued instead of a prosecution and how the level of penalty is determined by the culpability and seriousness of harm. (Appendix 2, Paragraphs 5.3 and 5.4)
- 2.4 Confirmation was given the Policy does apply to Registered Providers of Housing.
- 2.5 In the last 18 months, no improvement notices or prosecutions have taken place. Officers explained, as per this draft enforcement policy we seek to work with landlords to achieve compliance rather than move straight to enforcement action. To date, this has been successful.
- 2.6 Should Suffolk have a landlord register? Officers explained the possibility of a Landlord's Register is within the Governments White Paper – A Fairer Private Rented Sector, June 2022. It would be prudent to wait outcomes of the White Paper before progressing a register for Suffolk.
- 2.7 Officers confirmed approval of the policies should act a deterrent to bad landlords.

**3.0 RECOMENDATIONS**

- 3.1 Overview & Scrutiny unanimously approved the recommendation to implement the new policies. The full recommendations approved at Joint Overview & Scrutiny:
1. That Overview and Scrutiny recommend to Cabinet to adopt the new private rented sector housing enforcement policy including the use of civil penalties as an alternative to prosecution. Agree a fair charging regime to recover the costs of housing enforcement action taken by the Council.

2. To recommend that Cabinet approve and authorise the use of civil penalty and financial penalty powers provided by the Housing and Planning Act 2016 (Appendix 2), Electrical Safety Regulations (Appendix 3) and Energy Efficiency (Private Rented Property) Regulations (Appendix 4).
3. To recommend to Cabinet the proposed charges for relevant housing enforcement action based on officer time taken and that any revenue arising from civil penalties will be retained within the service to meet the legal or administrative costs and expenses incurred under the relevant housing law.
4. To recommend to Cabinet that comments made at this meeting be made available to them when they discuss implementing the Private Sector Housing Enforcement & Civil Penalties Policy