

MEMBERS' QUESTIONS

AGENDA ITEM 6

QUESTION 1

MR NIGEL HARTIN will ask the following question:

Could the portfolio holder advise Council how many complaints the Council has received over the last two years regarding private landlords' maintenance of property & how many of those complaints have proceeded to prosecution.

MR MALCOLM PRICE, the Portfolio Holder for Housing, will reply:

The Council, through the activities of the Private Sector Housing Team deals with a wide range of service requests relating to housing conditions. Although powers available to the Council cover all tenures, the vast majority of service requests relate to maintenance issues in private rented accommodation.

During the last two years there have been 1,269 service requests of this type.

The Council's own Private Sector Housing Enforcement Policy has adopted the principles of good enforcement which require any enforcement activity to be undertaken in a targeted, transparent, proportionate and consistent manner.

The Housing Act 2004 provides the basis for a progressive, risk based approach to dealing with housing conditions. The Act enables Housing Authorities to use a wide range of possible interventions including Informal Action, Hazard Awareness Notice, Improvement Notice, Prohibition Order, Emergency Remedial Action, Emergency Prohibition Order, Demolition Order, Interim or Final Empty Dwelling Management Order, Compulsory Purchase, Simple Caution, Works in Default and Prosecution.

The Council is initially encouraged to pursue an informal approach where immediate formal intervention cannot be justified. In the majority of cases this successfully resolves the poor conditions. Should it be necessary the appropriate formal action is pursued. In extreme cases it is therefore theoretically possible to serve a formal notice, subsequently prosecute and if necessary carry out work in default with recovery of expenses.

In practice, prosecution does not in itself resolve unsatisfactory conditions for the benefit of the present or future occupant. In addition, the prosecution process is both time consuming and costly.

During the last two years, 21 statutory notices have been served by the Council in relation to resolution of unsatisfactory housing conditions. One of these has been the subject of an unsuccessful appeal by the owner to the Residential Property Tribunal which ruled in favour of the Council. This justified the service of an Improvement Notice and resulted in the owner carrying out the necessary work costing in excess of £60,000.

None of the 1,269 service requests received over the last two years resulted in the formal prosecution of a private sector landlord.