

APPENDIX C

A REPORT ON THE RESPONSES TO THE CONSULTATION ON THE INTRODUCTION OF CIVIL PENALTIES FOR CERTAIN HOUSING

1. INTRODUCTION

The proposals generated a reasonable amount of interest. It was very pleasing to have received the views of both private tenants and landlords.

Respondent categories:

	Number of Responses	Percentage
Private tenant	29	60.42
Private landlord	9	18.75
Other	10	20.83

2. CONSULTATION QUESTIONS

Q1. Do you support the Council's wish to improve standards in the private rented sector?

Universal support for this proposal was received from the respondents.

Q2. Do you support the Council's wish to use civil sanctions as an alternative to prosecution for certain housing officers?

There was very strong support for this proposal (77.55%) from the range of respondents.

3. THE COUNCIL'S RESPONSE TO THE WIDER ISSUES RAISED BY RESPONDENTS IN THEIR FEEDBACK

1. Retaliatory eviction

New provisions were introduced by the Deregulation Act 2015. This protects tenants against unfair eviction, where they have raised a legitimate complaint about the condition of their home. The process for making a representation to a landlord is set out on Shelter's website, or alternatively, the Council would advise tenants speak to a NDC Housing Officer.

2. Civil sanctions and prosecutions

Civil penalties were introduced by the Housing and Planning Act 2016, as an alternative to prosecution. NDC will still prosecute landlords for the most serious offences.

Any money gained as a result of civil penalties will be reused for housing enforcement purposes.

3. Banning Orders for the worst landlords

The 2016 Act also brought in Banning Orders for the most serious and prolific offenders, as well as a database for rogue landlords and property agents.

4. Difficulty accessing the private rented sector

The Council would urge anyone experiencing problems with accessing the market or having worries with the security of their tenancy, to make contact as soon as possible.

5. Paying Housing Benefit to tenants living in poor housing

The Council is not able to restrict the payment of benefits depending on the condition of a tenant's property.

6. Can the Council locate the poor private rented sector housing in the district?

The Council has recently purchased a stock condition modelling report from the Building Research Establishment. This will enable it to target its enforcement activity.

7. What advice does the Council routinely provide landlords?

The Council does not normally provide landlords with updates on changes to the legislation/new guidance, etc. The Council wants, however, to promote voluntary compliance without having to regulate and the Council will review its capacity to convene a landlords' forum.

Civil penalties of up to £30K, should act as a strong deterrent to discourage landlords breaking the rules. Councillors will not be involved in considering the appropriate penalty for a specific case.

8. Issues raised re a number of historical cases.

A number of respondents raised issues which related to the way cases had been investigated by the Environmental Health & Housing Service in the past. These cases will be reviewed.

9. What action will the Council take against 'bad tenants'?

The Council will not condone behaviour that is wrong, especially when it impacts on others. It will take action against individuals linked to anti-social behaviour. The Council will not impede landlords who appropriately use Section 21 Notices to end tenancies.

10. Will the introduction of civil penalties impact on local rent levels?

No impact on local rent levels is anticipated.

11. Should all landlords be registered/licensed?

The Council is investigating the use of discretionary licensing powers to further raise standards in the private rented sector.

4. RESPONSE ANALYSIS

Question: Are you a Private Tenant or Private Landlord?

Answer Option	Response	Response %
Private Tenant	29	60.42
Private Landlord	9	18.75
Other	10	20.83
Other Responses:		
1	Town Councillor	
2	Homeowner	
3	Health Provider	
4	Fire Service	
5	Neither	
6	Resident living next to an HMO. Town Councillor; and	
7	Fire & Rescue Service	
8	Working in area of health inequalities	
9	Owner Occupier	
10	Ex-renter	

Question: Do you support the Council's wish to improve standards in the private rented sector?

Answer Option	Response	Response %
Yes	49	100.00
No	0	0.00
Don't know	0	0.00

Question: Do you support the Council's wish to use civil sanctions as an alternative to prosecution for certain housing offences?

Answer Option	Response	Response %
Yes	38	77.55
No	3	6.12
Don't know	8	16.33