



Central Bedfordshire Council Housing Solutions Enforcement Policy

Directorate	Social Care Health and Housing
Service	Housing Solutions
Author	Terry Gilbey Housing Assistance Manager
Reviewed	11 th November 2014

1. Introduction

1.1 The Housing Solutions Service is responsible for enforcing a wide range of Statutory provisions relating to housing and environmental conditions affecting health and safety.

1.2 The objectives of the service are to:

- Improve the condition and quality of housing in Central Bedfordshire
- Improve the standards of homes in the private sector
- To assess local housing conditions
- To reduce the number of properties with serious risks to health and safety
- To reduce the number of vulnerable households living in non decent homes
- To improve the energy efficiency and warmth of homes and to help reduce fuel poverty
- To improve the standards in HMOs (houses in multiple occupation).
- To work closely with private sector landlords towards improving conditions and the standard of management of private rented housing
- To provide an excellent service that is accessible to anyone living in the private sector that may have poor living conditions

To reduce the number of empty properties in Central Bedfordshire

To deal with homelessness and provide a range of housing options and pathways

To discharge homelessness duty to suitable private rented accommodation where appropriate

To provide temporary accommodation

To administer the Housing Register in line with the allocations policy

To provide Local Welfare Provision

1.3 The Housing Solutions Service works both **reactively and proactively**.

Reactively the service will respond to:

- Private sector tenants who contact the Council with complaints about disrepair or poor conditions within their home.
- Complaints about properties that may be causing problems for neighbouring properties.
- Enquiries from owner-occupiers or private tenants and landlords who would like advice about housing conditions.
- Allegations of harassment and illegal eviction
- Enquiries for advice about the legal minimum housing standards, particularly in HMOs (houses in multiple occupation).
- Complaints about disrepair or poor conditions on licensed caravan sites.
- Deal with enquiries about disabled facilities grants (DFGs), discretionary loan/assistance, local welfare provision.

Proactively the service will:

- Identify the general types and conditions of the private sector housing stock by carrying out surveys of Central Bedfordshire.
- Operate a programme of inspections for any HMOs discovered in Central Bedfordshire.
- Operate a programme of inspections for all licensed caravan and mobile home sites in Central Bedfordshire.

- Take part in educational forums for landlords about the standards required for letting properties.

- 1.4 This policy deals with the practical application of enforcement procedures that will be used to achieve statutory housing and environmental standards. It sets out what owners, landlords, their agents and tenants of private sector properties can expect from officers.
- 1.5 Enforcement, in the context of this policy is not limited to formal enforcement action such as prosecution, but includes for example the inspection of premises for the purpose of checking compliance with legislation and provision of advice.
- 1.6 This policy seeks to support the Council's corporate aims, objectives and strategies with respect to private sector housing.

2. Principles of Good Enforcement

- 2.1 Any enforcement action will be compliant with relevant legislation and guidelines in line with the principles of good enforcement action outlined in the regulators compliance code.
- 2.2 When regulating businesses, officers of the Council will adopt the principles outlined in the Hampton Report "Reducing administrative burdens: effective inspection and enforcement", and any subsequent legislation
- 2.3 These principles are:
- Regulators, and the regulatory system as a whole, should use a comprehensive risk assessment to concentrate resources on the areas that need them most;
 - Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take;
 - No inspection should take place without a reason;
 - Businesses should not have to give unnecessary information, nor give the same piece of information twice;
 - The few businesses that persistently break regulations should be identified quickly;
 - Regulators should provide authoritative, accessible advice easily and cheaply; and
 - Regulators should recognize that a key element of

their activity would be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.

- 2.4 Enforcement action will be in accordance with the Regulator's Compliance Code, the statutory code of practice for regulators that came into force on 6th April 2008.

In exercising their duties and other functions, officers will seek to do so in a firm but fair, open and consistently helpful way.

- 2.5 **Standards:**
We will draw up clear standards setting out the level of service and performance the public and business people can expect to receive.

- 2.6 **Helpfulness**
We believe that prevention is better than cure and that our role therefore involves actively working with landlords and businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage landlords to seek advice/information from us. Applications for approval of licenses etc will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively coordinated to minimise unnecessary overlaps and time delays.

- 2.7 **Consistency**
We will minimise the costs of compliance for landlords and business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

- 2.8 **Openness**
Means explaining actions clearly in plain language and discussing compliance failures or problems with anyone experiencing difficulties. A clear distinction will be made between legal requirements (what must be done) and advice or guidance (what is desirable).

3. **Shared Enforcement**

- 3.1 The range of enforcement matters dealt with by the Council in this policy area is such that there may well be occasions when there is a need to work with other agencies, for example the Fire Authority or the Health and Safety Executive, by carrying out joint inspections.

- 3.2 In determining the most appropriate form of investigation and

enforcement action, officers will have regard, so far as they are aware, to any potential or existing action of other Council services or outside agencies.

- 3.3 Where matters are identified by, or reported to our officers that are the enforcement responsibility of another Council service or outside agency, persons involved will, so far as is reasonably practicable, be informed that the matter will be referred to the appropriate service or agency.
 - 3.4 Where enforcement action is being taken by another Council service or outside agency, we will provide all reasonable assistance including the production of witness statements and collection and sharing of evidence etc. subject to any legal constraints and the meeting of any reasonable expenses.
4. **Levels of enforcement action**
- 4.1 The actions available to the Housing Solutions Service to improve the standards of private sector housing are broadly divided into 2 categories; Informal and formal action.
 - 4.2 Officers are authorised to operate the service according to this policy and prepare and carry out enforcement work where necessary on behalf of the Council.
 - 4.3 Council officers will seek compliance with legislation by one or more of the following:

Advice and guidance:

To assist individuals, existing and prospective businesses and other organisations to comply with their legal obligations. This will be achieved by providing both information leaflets and the opportunity for face-to-face contact to discuss and help resolve potential problems.

Informal warnings:

These will be used to reinforce advice and guidance where minor breaches of the law may have been discovered but it was not thought appropriate to take formal action. These warnings will be written. Where warnings are issued, follow-up visits will normally be made to ensure the problem is being rectified. Warnings issued in respect of significant breaches of the law will include timescales within which the breaches should be remedied and will always result in follow-up visits to ensure compliance.

It should be noted that it is not always possible to adopt an informal approach especially where the legislation requires formal action to be taken straight away.

Formal enforcement:

This includes the use of statutory (legal) notices, simple cautions and prosecution. Such action will normally be taken when informal action has failed to achieve a satisfactory resolution and in instances where there is a failure to comply with a notice within the specified time period or there is a subsequent breach of the regulations

Immediate action:

This includes the power to take emergency action by entry to premises, if necessary and making safe areas or articles which are a cause of imminent danger of serious harm.

- 4.4 Enforcement will normally progress through the advice/informal stages before formal enforcement. In serious cases, where the offence involves a significant breach of the law such that the residents health, safety, environment or well being is or has been put at risk, it may be appropriate to commence formal enforcement immediately. Examples of when this may be relevant include offences of harassment and illegal eviction under both the Protection from Eviction Act 1977 and the Caravan Sites Act 1968.

The following guidance will be followed where formal enforcement options are being considered.

- 4.5 **Power to Charge for Enforcement Action**
Section 49 of the Housing Act 2004, allows the Council to make a reasonable charge as a means of recovering expenses incurred in serving the following;

- An improvement notice.
- Making a prohibition order.
- Serving a hazard awareness notice.
- Taking emergency remedial action.
- Making an emergency prohibition order.
- Making a demolition order.

The expenses are in connection with the inspections of the premises, subsequent consideration of any action to be taken, and the service of notices.

Section 9C of the Caravan Sites and Control of Development Act 1960 (CSCDA 1960) allows the Council to make a reasonable charge as means of recovering expenses incurred in serving a compliance notice in relation to a park home site. Section 9F of the CSCDA 1960 allows for the Council to recover expenses in relation deciding whether to take action, serving enforcement notices and carrying out the specified works in relation to both emergency action (Section 9E) and

works following conviction for failing to comply with a compliance notice (Section 9D).

5. **Sanctions**

5.1 If the recipient of a notice does not comply with the notice, the Council has various sanctions it can impose. Depending on the type of notice served, non-compliance can be:

- Not doing any work at all,
- Not starting the work by the time specified within the notice,
- Starting the work but then not making reasonable progress, or
- Starting the work and then not finishing it.

5.2 **Works in Default**

Works in default is a power given to the Council, to ensure work is carried out to a property. If the recipient of the notice does not do the work required by the notice, the Council may employ a contractor to enter the property and carry out the work itself. The Council will charge the appropriate person for the cost of the works together with the costs involved in arranging for the work to be done.

It should be noted that carrying out the work in default does not exclude the Council from issuing a formal caution or prosecuting the offender. The Council is entitled to ensure that the work is carried out and to consider if it is appropriate to take further action. In fact, in the case of non-compliance with a compliance notice served under Section 9A of the CSCDA 1960, works in default would only be possible after a successful conviction for breach of licence conditions.

There are various methods by which the Council can recover the costs incurred in carrying out the work in default, dependent on the type of notice that has been served.

5.3 **Sundry debtor method**

Using this method the Council will send out the appropriate person an invoice requesting payment. The Council's Finance Department will then be responsible for recovering the owed monies with placing a specific financial charge on the property an option should other methods fail.

5.4 **Charge on the property**

The Council can put a charge on a property. The charge remains in place until the Notice is complied with and, in the case of the Council carrying out and paying for works in default, until the debt is cleared. If the property is made available for sale a local land charges search by the purchaser's solicitor will show the outstanding Notice and trigger the repayment to the Council from the proceeds of the sale – before the seller

obtains his payment.

- 5.5 **Sequestrating rents**
The Council is entitled to serve Notice on the appropriate person to reclaim the costs of the works in default. In some cases, if this Notice is not complied with (i.e. the costs are not paid) the Council can then serve a Notice on the tenant requiring him to pay the rent direct to the Council until such time as the costs are recovered.
- 5.6 **Forcing sale of the property**
The ultimate method by which the Council can reclaim its costs is to bring about the sale of the property. The proceeds of the sale will be given to the owner less the amount owed for the work in default, and less the amount incurred by the Council in selling the property.
- 5.7 **Simple Caution**
An alternative to prosecution is a Simple Caution. A Simple Caution is where an offender is given written details of the offence and he or she signs to say that he or she admits the offence. A simple caution is not a conviction, although it does form part of an offender's criminal record and may be cited in subsequent proceedings.
- 5.8 The Council keeps a record of the caution for a period of three years and it may subsequently influence a decision to instigate proceedings should the offender break the law in the future. It may also be cited in court if the Council takes legal action for any subsequent offence.
- 5.9 **Prosecution**
Non – compliance with any of the Notices referred to in this policy document is generally a criminal offence. The Council is the prosecuting authority for such offences and as they are criminal in nature, proceedings are taken in the Magistrates Court.
- 5.10 **Revocation of a Park Home Site Licence**
The Council may apply to the courts for a licence to be revoked upon a third or subsequent conviction for not complying with a compliance notice.
6. **Taking Action and Imposing Sanctions**
- 6.1 The decision to take informal or formal action will be made by the officer in charge of the case in consultation with the relevant manager.
- In deciding whether to issue a simple caution or proceed with a prosecution, the initial decision will be made by the officer in charge of the case in consultation with the relevant manager.

Having prepared the case and collected the evidence, officers will then consult the Council's Legal Section to discuss the merit of the action proposed. If the sanction is agreed by Legal Services, the Legal Service or external solicitor will be requested to commence legal proceedings or, where appropriate, a simple caution will be issued.

6.2 When enforcement Action will be taken.

Enforcement Notices are not served lightly. They are issued when there is no alternative and when reasonable attempts have been made to achieve the necessary action voluntarily.

In determining whether or not to serve a notice each case is looked at individually and the following factors by way of example only are taken into account;

The effects of the situation on the health and safety of those affected.

The intentions of the perpetrator in respect of those affected.

Any previous complaints about the perpetrator or formal action taken against them for similar situations.

The future life of any property involved.

The willingness of the perpetrator to correct any problems without the need for formal enforcement action.

6.3 The above list is non exhaustive and as each case is considered on its merits, will need to take into account factors relevant to the case in hand.

6.4 When we will impose sanctions

In all cases when an offence is committed, consideration will be given as to whether a sanction should be imposed and if so, which one. In some cases it may be appropriate to impose two sanctions for example, carrying out the work in default and also prosecuting the offender.

6.5 Works in default

When determining if work in default is appropriate, officers will consider the following:

The reason for non-compliance to the original notice.

The effects of not carrying out the work on the health and safety of those affected.

The wishes of the tenant where the Notice has been served in respect of a rented property.

The reason for the work not being carried out in the first place.

This is not an exhaustive list and other factors may be taken into account.

6.6 **Caution or Prosecution**

Prosecution

The decision to either offer a simple caution or take prosecution is one that is not taken lightly. Officers recognise that their decision is significant and could have far reaching consequences upon the alleged offender and others.

- 6.7 Each case is unique and must be considered on its own merits. However, there are general principles that apply to the way in which officers decide whether an action should be applied and if so which one. The decision to offer a simple caution or to take a prosecution will be made by the Council's Legal section in consultation with the relevant manager. There are two overarching tests used by this Section in determining whether to impose a sanction. These are the evidential test and the public interest test.

6.8 **The Evidential Test**

Enforcement officers must be satisfied that there is enough evidence to provide a realistic prospect of conviction. This involves considering what the defence may be and how it affects the prosecution case. It is an objective test and means that a court is more likely than not to convict the offender of the charge alleged. This is separate test from the one the criminal courts will apply; a court should only convict where it is sure of the defendant's guilt.

- 6.9 In deciding whether there is a realistic prospect of conviction, consideration is given to matters such as:

Is the evidence admissible in court? There are certain legal rules that might mean that evidence that seems relevant might not be used at a trial.

Is the evidence reliable? Officers must consider whether there is evidence that may detract or support any admission by the offender.

Officers have to consider the witness they may use and whether there are concerns about their accuracy or credibility.

This is not an exhaustive list and other factors may be taken into account.

6.10 **The Public Interest Test**

If the evidential requirements are met, officers must then consider whether the public interest requires a prosecution. It is not the case that officers will prosecute simply because an offence has been committed. There should generally be a public interest in bringing an offence to Court. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence, or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

6.11 The following factors are examples of factors taken into account when determining public interest:

The seriousness of the offence. In housing terms, for example, this will mean officers looking at the effect of not complying with a Notice.

Whether there was violent or intimidating behaviour on the part of anyone involved during the time of committing the offence.

The vulnerability of the victim of the offence. This is a particularly important consideration when harassment or unlawful eviction has also occurred and the victims are elderly, suffering ill health or disability or it has affected young children.

The history of the offender. In particular, officers will have regard to whether Notices have been served in the past, the response to those Notices and any previous related convictions.

The likely penalty. Consideration will be given to whether the offence is such that it would only attract a nominal penalty from the Courts.

Reason for the offence occurring. Although there may be, on the face of it, a breach of the law, there may be a statutory defence available in housing offences. For example failure to comply with a Notice may only be an offence if the person intentionally failed to comply with it. Other factors will also be considered. For example, if the offence results from genuine mistake or misunderstanding these may be factors against prosecution that would be balanced against the seriousness of the offence.

This is not an exhaustive list and other factors may be taken

into account.

6.12 **Simple Caution**

A simple caution should be used for low level offending. The aims of the simple caution is to deal quickly and simply with less serious offences where the offender has admitted the offence. It will divert offenders where appropriate from appearing in the criminal courts, In addition it will record an individual's criminal conduct for possible reference in future criminal proceedings or relevant security checks, and reduce the likelihood of re-offending.

6.13 When deciding if a simple caution is appropriate the Council must consider whether:

There is a realistic prospect of conviction,

The offender has admitted the offence,

It is in the public interest to use a simple caution as a means of disposal

A simple caution is appropriate to the offence and the offender

The offender must understand the significance of the caution and give his informed consent to accepting the caution.

In addition the Council will have regard to Home Office guidance on administering a simple caution.

7. **Legislation**

7.1 This section lists the legislation commonly enforced by the Housing Solutions Service and outlines the provisions. It is not an exhaustive list and is not a full statement of the law – it is a summary.

7.2 The Council has a range of enforcement options to address hazards as defined in part 1 of the Housing Act 2004 that can exist in residential premises as follows:

Improvement notices – section 11 and 12 Housing Act 2004
Prohibition Orders – section 20 and 21 Housing Act 2004
Hazard Awareness Notices – section 28 Housing Act 2004
Demolition Order – section 265 Housing act 1985 as amended
Clearance Areas – section 289 Housing Act 1985 as amended
Emergency Remedial Action – section 40 Housing Act 2004
Emergency Prohibition Order – section 43 Housing Act 2004

7.3 The first five options are available for both category 1 and category 2 hazards. The last two are not available for category 2 hazards:

The action the council takes must be the most appropriate course of action in relation to the hazard and have close regard to the Government's Housing Health and Safety Rating System Enforcement Guidance.

- 7.4 In particular, Officers should have regard to advice in the Enforcement Guidance in relation to considering formal or informal action for identified category 2 hazards. The Council will not normally take enforcement action in relation to category 2 hazards. However, the following should be considered by Officers in addition to the Government's Enforcement Guidance;
- 7.4.1 Where a high score band D hazard is identified (800 or above), Officers should consider use of discretionary enforcement powers,
- 7.4.2 Where a number of individual category 2 hazards are identified in one building, Enforcement Guidance relating to Multiple Hazards should be considered in relation to overall safety of that building.
- 7.4.3 Where significant category 2 hazards occur in addition to category 1 hazards in the same building, it is reasonable to take enforcement action in relation to these significant category 2 hazards as well.
- 7.4.4 In exceptional circumstances **and** where agreed by the Head of Private Sector Housing Services or Assistant Director of Housing enforcement action can be taken in relation to Category 2 hazards not covered by the above. However, in all cases, consideration of Enforcement Guidance should be made.
- 7.5 The following table gives a summary of the legislation that the Council can use where appropriate;

Housing Act 2004	This notice may be served when the Council is satisfied that:
Improvement Notices Section 11	A Category 1 hazard exists on any residential premises and may relate to more than one Category 1 hazard.
Improvement Notices Section 12	A Category 2 hazard exists on any residential premises and may relate to more than one Category 2 hazard.
Prohibition Orders Section 20	A Category 1 hazard exists on any residential premises and may relate to more than one Category 1 hazard.
Prohibition Orders Section 21	A Category 2 hazard exists on any residential premises and may relate to more than one Category 2 hazard.
Hazard Awareness Section 28	A Category 1 hazard exists on any residential premises and may relate to more than one Category 1 hazard.
Hazard Awareness Section 29	A Category 2 hazard exists on any residential premises and may relate to more than one Category 2 hazard.

<p style="text-align: center;">Emergency Measures</p>	<p>This action may be taken when the Council is satisfied that:</p>
<p>Emergency Remedial Action Section 40</p>	<p>A Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers and no Management Order is in force. May be taken for more than one Category 1 hazard on the same premises or in the same building containing one or more flats.</p>
<p>Emergency Prohibition Orders Section 43</p>	<p>A Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers and no Management Order is in force. May be taken for more than one Category 1 hazard on the same premises or in the same building containing one or more flats.</p>
<p>Other Measures</p>	<p>This action may be taken when the Council is satisfied that:</p>
<p>Demolition Orders Section 46</p>	<p>A Category 1 or 2 hazard exists in a dwelling or HMO, which is not a flat, and a Management Order is not in force. In the case of a building containing one or more flats that a Category 1 or 2 hazard exists in one or more of the flats contained in the building or in any common parts of the building. For Category 2 hazards, this also has to meet circumstances laid out in an order made by the Secretary of State.</p>
<p>Clearance Areas Section 47</p>	<p>Each of the residential buildings in the area contains a Category 1 or 2 hazard and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area. This is as a result of their bad arrangement or the narrowness or bad arrangement of the street. For Category 2</p>

<p>Offences in relation to the Licensing of HMO's Section 72</p> <p>Rent Repayment Order Section 96</p> <p>Interim Management Order Section 102</p> <p>Final Management Order Section 113</p> <p>Interim Empty Dwelling Management Order (EDMO) Section 133</p>	<p>hazards, this also has to meet circumstances specified or described in an order made by the Secretary of State.</p> <p>An offence of operating an HMO without a licence or for failing to satisfy the conditions of the license has taken place without reasonable excuse. This may take the form of revocation of a license and/or prosecution.</p> <p>A HMO is operating without a license or a selective license and notice has not been received to them to notify that particular steps are being taken to no longer require the house to be licensed.</p> <p>A HMO is operating without a license or the license has been revoked but is not yet in force or, in coming into force the revocation will mean that the health and safety condition will be satisfied. In these circumstances where the property is not required to be licensed, an interim management order can be made by application to the Residential Property Tribunal.</p> <p>The house would be required to be licensed or, if not required to be licensed, on expiry of the Interim Management Order for the purpose of protecting the health, safety and welfare of the occupying persons.</p> <p>A dwelling has been wholly unoccupied for a period of at least 6 months, there is no reasonable prospect that the dwelling will become occupied unless an Interim EDMO is made and they themselves have made reasonable efforts to notify the proprietor of the dwelling and to ascertain what steps</p>
--	--

<p>Final Empty Dwelling Management Order (EDMO) Section 136</p>	<p>are being taken to occupy that dwelling.</p> <p>The dwelling is likely to become or remain unoccupied, they have taken all such steps as was appropriate to securing the occupation of the dwelling, they have taken into account the interests of the community and the effect that the order will have on the rights of the relevant proprietor and the rights of third parties, may make a final EDMO in respect of a dwelling.</p>
<p>Overcrowding Order Section 139</p>	<p>Having regard to the rooms available, an excessive number of persons are being or are likely to be, accommodated in the HMO concerned.</p>
<p>Compulsory Purchase Orders Housing Act 1985</p>	<p>The local authority may compulsorily purchase a property for immediate resale to a registered social landlord where it is felt that all other actions will fail.</p>

7.6 Caravan Sites

The Caravans Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) provides the majority of the formal enforcement tools to deal with caravan and mobile home sites (commonly referred to as park home sites).

Operating without a Licence

Section 1 of the amended act makes it an offence for an “occupier” to cause or permit their land to be used as a caravan site without holding a licence for the site. A fine of level 5 on the standard scale can be levied upon summary conviction for an offence under this section.

Compliance Notices

Where conditions on a site licence are breached the Council can serve a compliance notice under Section 9A of the

amended act setting out what conditions have been breached, what steps are required to remedy the breaches and the timescales for compliance. Failure to comply with the compliance notice may result in a fine of level 5 on the standard scale upon summary conviction. Where two or more convictions for non compliance with site licence conditions had occurred prior to conviction then the Council can apply to the Court for an order revoking the site licence.

The Council may carry out works in default under Section 9D following conviction.

Emergency Action

The Council may take emergency action under Section 9E of the amended act where the site operator has failed or is failing to comply with a site licence condition and, as a result of such failure, there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.

Offences by Bodies Corporate

Under Section 26A of the amended act an officer of a body corporate (as well as the body corporate itself) can be guilty of an offence under the aforementioned sections and punished accordingly if proven that the offence was committed with the consent or connivance of the officer of that body corporate or as a result of their negligence.

Further details on how the Council should deal with enforcement in relation to Park Homes can be found in the Historical Breaches Policy and also the DCLG Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime which was due to be published in late 2014.

Harassment or Illegal Eviction of Park Home Residents

Section 3 of the Caravan Sites Act 1968 (as amended by the Mobile Homes Act 2013) makes it an offence for a site owner or their agent to interfere with the peace or comfort of the occupier or persons residing with them or to withdraw/withhold services or facilities reasonably required to occupy the park home as a residence knowing that this may cause them to abandon the unit or remove it from site. A fine not exceeding the statutory maximum and/or up to 12 months imprisonment can be levied upon summary conviction, or on conviction on indictment to a fine and/or imprisonment of up to 2 years.

7.7 Other legislative provisions

The Housing Solutions Service is also responsible for enforcing some provisions within other legislation such as the Public Health Acts 1936 and 1961, the Prevention From Eviction Act 1977, the Building Act 1984 and the Environmental Protection Act 1990.

7.8 Officers should consult with Social Care/Welfare, Tenancy Support, Housing Management Officers, Legal Services, and Housing Options Officers within Housing Solutions as appropriate. This is particularly important for the purposes of determining a suitable approach to enforcement and after-care where there are vulnerable occupants,

7.9 Confidentiality

The Council will at all times strive to maintain the confidentiality of persons requesting its service. However, in the case of prosecution and witness statements, it may be required to reveal the names and addresses of both parties involved in a complaint.

7.10 Monitoring the Policy

To ensure that officers comply with this enforcement policy, a senior officer will check files to ensure that the necessary considerations have been given to a case and that the appropriate documentation is in place on the file

7.11 Ensuring accuracy in taking formal action

Formal action should only be taken where every attempt has been made to ensure that the details relating to the action are correct and accurate. Where there is any doubt, Officers must consult with colleagues and/or managers. Consultation with managers must occur for significant formal action, where any errors may have significant implications for the Council. These requirements are aimed at minimising reputational risks to the Council, minimising risk of delays to the desired action, and minimising potential costs to the Council.

7.12 How to contact us

By telephone You can use the telephone number on any correspondence we have sent, or contact the Housing Solutions Service on 0300 -300-8302.

In person at: Central Bedfordshire Council Offices, High Street North, Dunstable, Bedfordshire. LU61LF

or

Central Bedfordshire Council Offices, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire. SG17 5TQ

By writing to: The Housing Solutions Service, Central
Bedfordshire Council Offices, Priory House, Monks Walk,
Chicksands, Shefford, Bedfordshire. SG17 5TQ