

Proposed Change to the Constitution

Title:

Additional officer authorisations for Private Sector Housing Team - Environmental Health Officers and Private Sector Housing Officers Number 2

Relevant section of the Constitution (including page/paragraph number):

Part 3

TABLE 4 – DELEGATIONS TO OFFICERS IN THE CHANGE AND COMMUNITIES DIRECTORATE

DELEGATIONS TO THE HEAD OF HOUSING, HEALTH AND ENVIRONMENT

Appendix 6 to Table 4

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Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

Add the list of legislation in the next box to Appendix 6 of Table 4 (convention is that it just the title of the legislation that is listed rather than all the detail that we have provided which is there as an explanation)

Reason, including referenced documents/acts, for proposed change:

A review has identified that some historic and more recent legislation associated with private sector housing enforcement is missing from Appendix 6 to Table 4
The list is below and includes, for completeness, Regulations made under the Acts if it is felt that these need to be listed separately.

Legislation to be added	Reason required
Housing and Planning Act 2016 https://www.legislation.gov.uk/ukpga/2016/22/contents/enacted	The Act contains new powers for local authorities.
Part 2 Rogue landlords & property agents <ul style="list-style-type: none"> Chapter 2 Banning orders Chapter 3 Database of rogue landlords and property agents Chapter 4 Rent repayment orders 	Required for enforcement purposes to deliver private sector housing function as set out in Private Sector Housing Enforcement
Part 5 Housing, estate agents & rent charges <ul style="list-style-type: none"> Electrical safety standards <ul style="list-style-type: none"> section 122 Electrical safety standards for residential properties section 123 Electrical safety standards: enforcement Housing regulation in England <ul style="list-style-type: none"> section 125 Licences for HMOs section 126 Financial penalty as an alternative to prosecution under Housing Act 2004 section 127 Offence of contravening an overcrowding 	

<p>notice</p> <ul style="list-style-type: none"> • Housing information in England <ul style="list-style-type: none"> ○ Section 128 tenancy deposit information ○ Section 129 use of information obtained for other statutory purposes • Client money protection schemes for property agents sections 133, 134 & 135 <p>Part 7 Compulsory purchase etc</p>	<p>Policy.</p> <p>Previously omitted and should have been added to scheme of delegation when the Act came into force.</p>
<p>Mobile Homes Act 2013 https://www.legislation.gov.uk/ukpga/2013/14/contents/enacted</p> <p>Amends Caravan Sites and Control of Development Act 1960, caravan Sites Act 1968 and Mobile Homes Act 1983. The first two Acts are included in Appendix 1 to Table 4.</p> <p>Whole Act (15 sections)</p>	<p>Required for enforcement purposes to deliver private sector housing function as set out in Private Sector Housing Enforcement Policy.</p>
<p>Smoke and Carbon Monoxide Alarm (England) Regulations 2015 & Amendment Regulations 2022 https://www.legislation.gov.uk/ukdsi/2022/9780348234978</p> <p>Made under Housing Act 2004 section 250, which is included in Appendix 6 to Table 4 and Energy Act 2011 section 150</p>	<p>The Regs contain new powers for local authorities.</p> <p>Required for enforcement purposes to deliver private sector housing function as set out in Private Sector Housing Enforcement Policy., please advise if they need to be specifically listed.</p>
<p>Enterprise and Regulatory Reform Act 2013 https://www.legislation.gov.uk/ukpga/2013/24/contents/enacted</p> <p>The Redress Scheme for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc (England) Order 2014 https://www.legislation.gov.uk/uksi/2014/2359/memorandum/contents Made under section 83</p>	<p>Neither the Act nor the Regs are listed. They contain new powers for local authorities.</p>

	Required for enforcement purposes to deliver private sector housing function as set out in Private Sector Housing Enforcement Policy.
Energy Act 2011 https://www.legislation.gov.uk/ukpga/2011/16/contents/enacted The Energy Efficiency (Private Rented Property) Regulations 2015 amended 2019 https://www.legislation.gov.uk/uksi/2015/962/introduction/made Made under sections 43, 44, 45, 47, 48, 49, 50, & 52	The Regulations are made under the Act and neither are listed. Required for enforcement purposes to deliver private sector housing function as set out in Private Sector Housing Enforcement Policy.
Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 https://www.legislation.gov.uk/uksi/2020/312/contents/made Made under Housing & Planning Act 2016 sections 122 & 123 (see above).	Required for enforcement purposes, to deliver private sector housing function as set out in Private Sector Housing Enforcement Policy. Please advise if they need to be specifically listed.

Supported Housing (Regulatory Oversight) Act – 2023

<https://www.legislation.gov.uk/ukpga/2023/26/enacted>

New legislation to make provision about the regulation of supported exempt accommodation, and enforcement powers to licence and improve standards.

These omissions have only just come to light.

Timescale:

ASAP as officers are in the process of preparing cases for enforcement action under Housing and Planning Act 2016. In addition, other offences under any of this legislation could be discovered at any time following a complaint and enforcement action may be required.

Proposer:

Name:	Gary Stevenson
Title:	Head of Housing Health and Environment
Date:	19 February 2024

Approval (*to be completed by Legal Services*)

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
(*delete as appropriate)

Signature of Monitoring Officer:

Date:

Amendment No:	Date incorporated:
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