

NORTH LINCOLNSHIRE COUNCIL

**ASSETS, CULTURE AND HOUSING
CABINET MEMBER**

HOUSING LAW UPDATE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 This report outlines recent changes in Housing and case law that have implications for Operational Housing.

2. BACKGROUND INFORMATION

- 2.1 There are two recent changes in Housing and Case Law to highlight.
- 2.2 The Deregulation Act 2015 has amended the law surrounding retaliatory evictions and tenancy deposits. It has also changed the law relating to “no fault possession notices” (section 21 notices). Landlords will now find it more difficult to evict their tenants as a result of the changes.
- 2.3 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 now make it an offence to rent out a property if it does not have smoke alarms and a carbon monoxide alarm where there is a solid fuel appliance. The local authority will have to issue a compliance notice where alarms are not provided. If the landlord still does not fit the alarms after service of the notice, we will have to fit the alarms and serve a fixed penalty notice to recover the costs.
- 2.4 The above changes came into force on the 1 October 2015. Many of the changes in the Deregulation Act are only relevant for new tenancies started on or after the 1 October this year.
- 2.5 In addition to the changes in the law, there has been a change in case law related to homelessness and our duty to rehouse. The vulnerability test for someone who is homeless has been amended. This will result in an enhanced need for information at the initial assessment.

3. OPTIONS FOR CONSIDERATION

- 3.1 This is an information report and as such there are no options for consideration.

4. ANALYSIS OF OPTIONS

4.1 Officers need to prepare and publish a 'statement of principles' before issuing any fixed penalty notices under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. This will set out any charges that will apply.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are financial and staffing implications resulting from alterations to our current working practices to meet the changes. Incorrectly served section 21 notices are likely to become a regular issue from early next year. A large number of the properties we visit do not have smoke alarms. As such, further action will prove necessary. We hope to contain the additional workload within our current resources. However, we will review the impact on resources once the changes are fully implemented.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 The report was circulated to colleagues in finance, legal and public health. Any comments received were incorporated into the information presented.

8. RECOMMENDATIONS

8.1 That the Cabinet Member notes the recent legislative changes and those resulting from court decisions and the potential impacts on staff resources.

8.2 That a further report is brought to obtain approval for the statement of principles related to the fixed penalty notice under the Smoke and Carbon Monoxide Alarm (England) Regulation 2015.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report:

- Deregulation Act 2015
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015