

# DECISION NOTICE

Notice is given that the following decision has been taken under the Provisions set out in the Council's Constitution

**Decision maker:** Cabinet Member for Housing and Planning

**Date:** 1 August 2017

**Decision in the matter of:** Housing Enforcement Policy

**Decision:** That the Portfolio Holder

- 1 approve the Service Specific Housing Enforcement Policy that is appended to the Cheshire East Enforcement Policy, and
- 2 authorise the Executive Director of Place to put all necessary steps in place to implement the Policy.

**Background:** The Housing and Planning Act 2016 introduced a range of measures to tackle poor landlords, including civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences, and the extension of rent repayments orders to cover additional offences. Both changes came into effect on 6 April 2017.

Statutory guidance issues on 6 April 2017 detailed the requirement for local housing authorities to develop and document their own policy on when to apply these sanctions and should decide each case independently.

Civil penalties can be used as an alternative to prosecution for certain offences under the Housing Act 2004. Unlike civil penalty notices in other areas of the Council's regulatory powers, civil penalties for housing offences cannot be applied as on the spot fines. They can be used as the culmination of a process where a landlord has failed to carry out corrective actions that the Council requires from them and the appeal and notice periods have expired.

The amended service specific Enforcement Policy in relation to Housing will establish whether the circumstances of the housing offence(s) warrants a civil penalty or prosecution. The Policy also details the level of civil penalties that will be applied.

Rent repayment orders can be applied for by either a tenant or a local authority where the landlord has committed certain housing offences, and a maximum of 12 months rent has to be repaid to the tenant, or where the rent is paid by Housing Benefit/ Universal Credit, repaid to the local authority.

**Background Documents:** The background papers relating to this report can be inspected by contacting the report writer.

**Approved:**

Signed.....  
Councillor Ainsley Arnold, Cabinet Member for Housing and Planning

**Date:** 1 August 2017

**Advising Officer:** Signed.....  
Karen Whitehead, Housing Standards & Adaptations Manger

# DECISION NOTICE

Notice is given that the following decision has been taken under the Provisions set out in the Council's Constitution

**Decision maker:** Cabinet Member for Housing and Planning

**Date:** 1 August 2017

**Decision in the matter of:** ECO Flexible Eligibility Statement of Intent

**Decision:** That the Portfolio Holder:

- 1 approve the ECO Flexible Eligibility Statement of Intent, and
- 2 authorise the Executive Director Place to put all necessary steps in place to implement the Statement of Intent.

**Background:** The Energy Company Obligation is a government energy efficiency scheme to help reduce carbon emissions and tackle fuel poverty. It was introduced in April 2013 and has undergone a number of amendments, the most recent being implemented in April 2017.

The scheme provides a range of energy efficiency measures to be funded by the largest energy suppliers, including insulation and replacement boilers. The primary focus of the scheme is to improve the ability of low income and vulnerable households to heat their home, but also extends to reducing carbon emissions for other households through lower cost measures.

ECO Flexible Eligibility is an opportunity for local authorities to set local criteria to be able to refer households to suppliers for support, in recognition of the fact that not all households that need support with improving their homes necessarily receive income related benefits. The purpose of ECO Flexible Eligibility is to identify private households that may benefit from energy saving measures and are fuel poor households and low income households.

The final decision on whether a household receives an ECO measure will be made by the energy supplier or their agents/contractors. By publishing a Statement of Intent the Council is increasing opportunities for residents to benefit from energy saving measures provided by energy suppliers and their agents/contractors.

**Background Documents:** The background papers relating to this report can be inspected by contacting the report writer.

**Approved:**

Signed.....  
Councillor Ainsley Arnold, Cabinet Member for Housing and Planning

**Date:** 1 August 2017

**Advising Officer:**

Signed.....  
Karen Whitehead, Housing Standards & Adaptations Manger