



# Regulator's Code

## Private Sector Housing Team Statement

The [Regulators' Code](#) is issued by the government and applies to the Private Sector Housing team's functions under the Housing Acts 1985, 1996 and 2004.

This statement outlines how the Private Sector Housing team will apply the requirements of the Code in practice and how we will engage with landlords, residents and partners.

### **1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow.**

We have a dedicated Private Sector Housing team that works with private landlords, estate agents, home owners and housing associations to provide advice, guidance, information and updates.

Through our partnership with the National Landlord Association (NLA) we host joint landlord forums with neighbouring authorities, training and events.

We also communicate with private landlords and estate agents quarterly with our Newsletter to highlight any key legislative changes and inform all on the focus that the Private Sector Team will be tackling in the coming quarter in Dacorum.

Our Private Sector Housing team can be contacted on 01442 228154 or emailed at [PSHousing@dacorum.gov.uk](mailto:PSHousing@dacorum.gov.uk).

***1.1. Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity***

Our approach to regulating Private Sector Housing is set out in our Enforcement Policy. This policy takes into consideration all possible approaches to regulating Private Sector Housing. All enforcement action taken will be both proportionate and reasonable. When deciding the type of action required, we will consider:

- The seriousness of the deficiencies identified in the property;
- The past history of compliance;
- The confidence in management and the degree of wilfulness involved;
- The consequences of non-compliance;

- The existence of statutory duties or discretionary powers; and
- The likely effectiveness of the various enforcement options.

When deciding the appropriate action, we will also consider the views of the tenants and landlord, as well as any relevant partners e.g. the Fire Service.

***1.2. When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:***

- *understand and minimise negative economic impacts of their regulatory activities;*
- *minimising the costs of compliance for those they regulate;*
- *improve confidence in compliance for those they regulate; and*
- *encourage and promote compliance.*

Private Sector Housing, including the Private Rented Sector, has a significant impact on the economic growth of the borough. When setting out policies and procedures our aim is to support and enable good landlords to operate and therefore encourage more people to live and work in Dacorum. Our approach to regulation minimises the cost to good landlords and looks to create a co-operative relationship where landlords feel able to approach the service and ask for advice.

***1.3. Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.***

All officers in the team are authorised to enforce delegated powers on behalf of the Council. The competency of officers to regulate the private rented sector through investigation and enforcement is maintained by completion of mandatory training and any relevant qualifications. Our Private Sector Housing Team includes a qualified Environmental Health Officer. The management team undertake weekly case reviews with officers to ensure there is a consistent approach to regulation. Where cases are escalated and action above an Improvement Notice or Prohibition Notice is required, the Private Sector Enforcement Panel will determine which is the most effective and proportionate course of action to take. This action will then be carried out by the Environmental Health Officer.

***1.4. Regulators should ensure that their officers understand the statutory principles of good regulation and of this Code, and how the regulator delivers its activities in accordance with them.***

This statement will provide a guide to all on how our team maintain and understand the statutory principles of good regulation. We use online tools such as <http://rdna-tool.bis.gov.uk/> to maintain our knowledge and challenge approaches through regular case reviews. Additionally, policies and procedures used by officers are developed using the requirements set out in the Regulator's Code.

## **2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views**

***2.1. Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service***

***standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.***

The Housing Service has significant experience in engaging partners and service users. These mechanisms are utilised by the Private Sector Housing Team. Engagement activities include attending community events to raise awareness, running campaigns, carrying out consultation with specific groups and working with partners to inform our policies.

We hold regular landlord forums with neighbouring authorities in conjunction with NLA and produce quarterly newsletters websites and manuals for landlords, tenants and other interested parties: [www.dacorum.gov.uk/home/housing/private-housing](http://www.dacorum.gov.uk/home/housing/private-housing)

[Anyone wishing to take part in consultation can sign up via http://www.dacorum.gov.uk/home/do-it-online/consultation-feedback](http://www.dacorum.gov.uk/home/do-it-online/consultation-feedback)

Anyone wishing to give feedback on the service they received from our Private Sector Housing team should use the Compliments and Complaints process [www.dacorum.gov.uk/home/do-it-online/make-a-complaint](http://www.dacorum.gov.uk/home/do-it-online/make-a-complaint).

***2.2. In responding to non-compliance that they identify, regulators should clearly explain:***

- *what the non-compliant item or activity is,*
- *the advice being given,*
- *actions required or decisions taken, and*
- *the reasons for these.*

***Regulators should provide an opportunity for:***

- *dialogue in relation to the advice, requirements or decisions,*
- *with a view to ensuring that they are acting in a way that is proportionate and consistent.*

***This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.***

We produce a range of documents which can be accessed on our website outlining what our expectations are and any support available to Landlords, Tenants and Home Owners. This information can be accessed [here](#).

All communications sent out by the team are written in Plain English so the recipient can clearly understand what non-compliance has been identified, any recommendations or actions required and associated timescales.

Any discussions are recorded on our in-house system FLARE to ensure there is consistent advice being given by any officer.

All cases are managed on an individual basis. Officers use a range of methods both IT and face-to-face to communicate decisions and advice as well as offering an opportunity to discuss any outstanding issues.

**2.3. Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.**

Legal rights of appeal are provided in all cases where we've served a legal notice or where we have granted or refused a licence, and we make this clear in any related correspondence. Contact details for appeals are:

First Tier Tribunal (Property Chamber)

Residential Property: Eastern Region, Cambridge County Court, 197 East Road, Cambridge, CB1 1BA

- By email, to [rpeastern@hmcts.gsi.gov.uk](mailto:rpeastern@hmcts.gsi.gov.uk)
- By phone, on 01223 841524

If there is no legal right of appeal, the council's internal complaints process should be used: [www.dacorum.gov.uk/home/do-it-online/make-a-complaint](http://www.dacorum.gov.uk/home/do-it-online/make-a-complaint)

[If the complaint is not dealt with satisfactorily by the Council's internal complaints process, that person may be able to make a further complaint to the Local Government Ombudsman: https://www.lgo.org.uk/make-a-complaint/fact-sheets/housing/housing-complaints-by-private-landlords](https://www.lgo.org.uk/make-a-complaint/fact-sheets/housing/housing-complaints-by-private-landlords)

**2.4. Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.**

We will ensure that all letters where required include information on rights to representation or the right to appeal including contact information.

**2.5. Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.**

Our Council's Compliments, comments and complaints service at [www.dacorum.gov.uk/home/do-it-online/make-a-complaint](http://www.dacorum.gov.uk/home/do-it-online/make-a-complaint) procedure is referred to in correspondence to anyone who uses our service. If the complainant is not satisfied at the end of this process, they are referred to the relevant ombudsman.

**2.6. Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate.**

We consistently encourage both informal and formal feedback. Where the service is undertaking research or looking to include residents and landlords in the decision making process, we will proactively undertake consultation.

Everyone we engage with as a service can also send feedback to the [PSHousing@dacorum.gov.uk](mailto:PSHousing@dacorum.gov.uk) mailbox or utilise compliments, comments and complaints service at [www.dacorum.gov.uk/home/do-it-online/make-a-complaint](http://www.dacorum.gov.uk/home/do-it-online/make-a-complaint) . Alternatively we have the opportunity for anyone accessing information on our webpage to provide feedback by clicking the 'Give feedback on this page' button <http://www.dacorum.gov.uk/home/housing/private-housing>

### **3. Regulators should base their regulatory activities on risk**

#### ***3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.***

We will fully investigate all complaints and requests we receive using relevant powers to gather information and gain access to properties where necessary. Using a triage approach, we will prioritise cases based on the level of risk to people living in the property. Our service standards require us to respond to any request within 3 working days. The triage process is used to decide what level of response is required.

Where further information needs to be gathered, officers may contact the complainant or landlord or undertake an informal visit to the property to verify the complaint. Following information gathering they will then decide whether further action needs to be taken.

#### ***3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.***

All cases are reviewed throughout to ensure the type of intervention used by officers is appropriate.

Officers will use a range of tools to help guide this decision-making process including informal inspections, Housing Health and Safety Rating System (HHSRS), interviews with tenants and landlords.

We will also review all interactions associated with the property or landlord in question. This may include but is not limited to; the cautionary database, historic complaints and planning records.

Any enforcement action above service an Improvement Notice or Prohibition Notice will be signed off by the internal Private Sector Enforcement Panel and lead by the Environmental Health Officer.

#### ***3.3. Regulators designing a risk assessment framework, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.***

Our enforcement policy sets out our framework for action. This has been developed to capture all requirements of the service. Consultation is now being undertaken to develop the underpinning procedures.

#### ***3.4. Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.***

This is set out in our Enforcement Policy.

### ***3.5. Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly***

We will conduct audits on cases against the desired outcomes to assess the effectiveness of the chosen regulatory activities. This will be captured in an annual report to the Housing Senior Management Team and Enforcement Work Group.

## **4. Regulators should share information about compliance and risk**

### ***4.1. Regulators should collectively follow the principle of “collect once, use many times” when requesting information from those they regulate.***

Information we collect is entered into our secure database so it can be used many times without needing to request it more than once. Other regulatory services in the Council also use the same database.

All officers are expected to maintain high quality notes and file all documents relating to a case. They are expected to notify management or other responsible teams where information is missing or incorrect.

### ***4.2. When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.***

The Council has information sharing agreements and protocols with a large number of other services and regulators. This is set out in our [Privacy Policy](#). In all forms requesting information from an individual we make it clear how this information can be used.

## **5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply**

### ***5.1. Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.***

We provide landlords and agents a variety of advice and guidance on our website outlining the rights and responsibilities of those we regulate.

[Where formal advice is being given by the team, it will be set out clearly in writing what are the legal requirements and what are recommendations.](#)

### ***5.2. Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.***

Advice and guidance is available from the following:

- Our private sector housing website [www.dacorum.gov.uk/home/housing/private-housing](http://www.dacorum.gov.uk/home/housing/private-housing)
- By contacting us on 01442 228000 and or at [PSHousing@dacorum.gov.uk](mailto:PSHousing@dacorum.gov.uk).
- Keep in touch and register to receive information for our Private Sector News Letter [www.dacorum.gov.uk/home/housing/private-housing/private-landlords](http://www.dacorum.gov.uk/home/housing/private-housing/private-landlords)
- Factsheets with further information about the standards expected for different kinds of private rented property [www.dacorum.gov.uk/home/housing/private-housing/private-landlords/property-conditions](http://www.dacorum.gov.uk/home/housing/private-housing/private-landlords/property-conditions)
- House in Multiple Occupation licences [www.dacorum.gov.uk/home/housing/private-housing/private-landlords/hmo-licences](http://www.dacorum.gov.uk/home/housing/private-housing/private-landlords/hmo-licences)
- Landlords Handbook [www.dacorum.gov.uk/home/housing/private-housing/private-landlords/landlords'-handbook](http://www.dacorum.gov.uk/home/housing/private-housing/private-landlords/landlords'-handbook)

***5.3. Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.***

Consultations are carried when we make major changes. We consult in a number of different ways depending on what is appropriate in the circumstances. Examples of the way we consult are through our contact list of landlords, landlord panel and forums, online questionnaires, landlord newsletters, and in some cases we will advertise in the local press.

***5.4. Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.***

We are committed to working with landlords and residents and creating a working relationship so they feel they can approach our service for advice and support.

Where we can, we will take an informal approach to regulation as we understand in some cases they may not be aware of the issue. We will also utilise services commissioned by the Council such as Herts Mediation to resolve issues where there is a breakdown in relationship.

Our links with the homelessness team allow us to have a joined up approach to tackling illegal eviction or harassment as a result of reporting an issue.

***5.5. In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.***

Our regulatory officers already work in a way that is helpful and aims to support compliance. We work hard to ensure our advice is current and contributes at a national level to regulatory issues in the sector. Officers receive training on the requirements of the Regulators' Code. We also undertake consistency exercises on hazard rating assessments.

***5.6. Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.***

Corporate working groups such as the Enforcement Group mean we work collaboratively with all regulatory teams in the council allowing for a joined up approach.

Additionally, we attend County Wide networks to establish relationships with services such as trading standards and other Local Authorities.

We have a Service Level Agreement in place with the Fire Service and notify them of buildings with suspected hoarding or an increased fire risk.

## **6. Regulators should ensure that their approach to their regulatory activities is transparent**

**6.1. Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.**

**6.2. Regulators' published service standards should include clear information on:**

**a) how they communicate with those they regulate and how they can be contacted;**

This information can also be found above at the beginning of this document.

**b) their approach to providing information, guidance and advice;**

This information can also be found above in section 5.

**c) their approach to checks on compliance, including details of the risk assessment framework used to target those checks and protocols for their conduct, clearly setting out what those they regulate should expect;**

[Our service standards are published online here](#)

We have two approaches to checking compliance, 'Reactive' and 'Proactive'.

### **Reactive:**

- Responding to complaints from; tenants, residents or representatives in relation to concerns.
- Responding to referrals from other agencies or professionals (e.g. referral from Hertfordshire Fire and Rescue about housing conditions).
- Reacting to intelligence received about a particular housing provider or the quality of services provided to a particular client group.

### **Proactive:**

Our Enforcement Policy allows us to target action. We may proactively carry out compliance checks on:

- Types of property: Rented properties that aren't licenced, houses in multiple occupation, those with a low score on their Energy Performance Certificate, empty homes.
- By owner or agent: Where we have concerns about the level of compliance we may carry out unannounced visits. We may be accompanied by other regulators, such as the Police, Fire Service, Trading Standards and or Immigration Service.

Visits may be announced or unannounced and in some circumstances will be out of hours and or under a warrant.

**d) their enforcement policy, explaining how they respond to non-compliance;**



The information can be found in the enforcement policy.

***e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and***

The Private Sector Housing team can set fees and require charges:

- Licensing properties - Parts 2 & 3 Housing Act 2004 (sections 63, 87)
- Enforcement Action - Part 1, Housing Act 2004 (section 49)
- Work in default for failure to comply with a notice - Part 1 Housing Act 2004, Schedule 3 Part 3 of the Housing Act 2004 and other private sector housing legislation
- Penalty Charge Notices for failure to provide Energy Performance Certificates the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007

Our fees and charges are calculated to ensure that cost to the Council for the officer time spent on a particular function or process is recovered. We have ensured that our fees are consistent with the requirements of EU law.

There are exceptions to this method of calculating fees, for example for penalty charge notices for failure to provide an Energy Performance Certificate. These charges are set at £200, as per regulation 43 of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.

Where charges are made and not paid on demand interest will be levied. We will also charge for the costs of recovering outstanding debts and may use powers to enforce the sale of property under Law of Property Act 1925 where appropriate.

***f) how to comment or complain about the service provided and routes to appeal.***

Guidance on how to comment or complain and routes to appeal can be outlined in section 2 above.

***6.3. Information published to meet the requirements of this Code should be easily accessible, including being available at a single point on the regulator's website that is clearly signposted, and it should be kept up to date.***

This document is intended to demonstrate point by point our compliance with the Regulators' Code. Each section clearly explains how we will meet the requirements and provides links and contact details where necessary.

***6.4. Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.***

We train our officers on our Enforcement Policy and on the Regulators' Code. Officer's behaviour is also formally assessed annually to ensure they meet expected behaviour.

Decisions to take enforcement action are subject to scrutiny through case reviews or the Private Sector Enforcement Panel to ensure they are in line with the Enforcement Policy and our checks and balances requirements.

***6.5. Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer***

***satisfaction surveys, and data relating to complaints about them and appeals against their decisions.***

We compare our performance and customer satisfaction against different equalities groups, as well as many other factors. Our services is continually benchmarked against other Hertfordshire and Bedfordshire authorities and we are active members of Housing Quality Working Groups. We will publish data about complaints, appeals and include information about prosecutions and other enforcement. This will be published annually in our Private Sector newsletter.