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11 August 2020

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Wednesday 19 August 2020 at 6.00pm** via the Zoom application. (Joining details will be provided separately).

Under Regulations made under the Coronavirus Act 2020, the meeting will be held virtually. As a member of the public you can view the virtual meeting via the District Council’s website at www.derbyshiredales.gov.uk or via our YouTube channel.

Yours sincerely

James McLaughlin
Director of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

19 February 2020

3. PUBLIC PARTICIPATION

Public Participation, as provided for in the Constitution, is suspended temporarily and is replaced with an alternative mechanism for the public to bring matters to the Council’s attention.

Members of the public will be able to comment on any agenda item or matters in the wider public interest and will be invited to submit their questions or comments in writing, before 12 noon on the working day prior to the meeting by:

Web-form: [Make your submission here](#)

Email: committee@derbyshiredales.gov.uk

Post: Democratic Services, Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN

The Committee Team will assist any member of the public without access to electronic means by capturing their concerns over the telephone.

Phone: 01629 761133 (working days only 9am – 5pm)
Any such correspondence will be read out at the meeting.

The public will not be admitted to the meeting through virtual means. All meeting proceedings open to the public will be streamed live on our YouTube channel when all non -exempt items are being considered. Recordings of the meeting will also be available after the event on the District Council's website.

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

To answer questions from Members who have given the appropriate notice.

Page No.

6. IMPLEMENTATION OF POLICY: AMENDMENT (5) TO THE OFF-STREET PARKING PLACES ORDER 2013

04 - 09

To consider a report on representations received in respect of proposed amendments to the Off-Street parking Places Order 2013, seeking approval for the implementation of Off-Street Parking Places (Amendment No5) Order 2020, in accordance with section 35 and Part III of Schedule 9 of the Road Traffic Regulation Act 1984 and the Local Authority Traffic Orders (Procedure) (England and Wales) Regulations 1996.

7. FORMER PUBLIC CONVENIENCES & LAND TRANSFER – MONSAL HEAD

10 - 14

To consider an update report on the Monsal Head public conveniences, seeking approval for their freehold transfer, as a Community Asset Transfer to a newly formed Community Interest Company (CIC), to enable future provision of public convenience facilities at this site at no cost to the District Council. Also to note that the disposal of the public conveniences comprises an undervalue transaction (permitted under the General Disposal Consent 2003) and that each party is to meet their own legal cost.

8. HOUSING ENFORCEMENT – CIVIL PENALTIES AND BANNING ORDERS

15 - 23

To consider a summary report on a new enforcement power that enables the issuing of civil penalties, as an alternative to prosecution for certain housing offences under the Housing Act 2004 and a breach of a Banning Order under the Housing and Planning Act 2016, seeking approval for the adoption of a maximum civil penalty of £30,000, with no set lower limit and the scheme of delegation as detailed in the report.

9. ENFORCEMENT OF ENERGY PERFORMANCE OF BUILDINGS (ENGLAND AND WALES) REGULATIONS 2012 24 - 28

To consider a report, on the operational effectiveness, for District and Borough Councils to enforce the requirement for private rented properties to provide Energy Performance Certificates, seeking approval for the adoption of financial penalties and a scheme of delegation (to enforce such requirements) as listed in the report.

10. ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND AND WALES) REGULATIONS 2015 (AS AMENDED) 29 - 34

To consider a report, on the operational effectiveness, for District and Borough Councils to enforce improvements in the energy efficiency of privately rented properties, seeking approval for the adoption of financial penalties and a scheme of delegation (to enforce such improvements) as listed in the report.

Members of the Committee - Councillors: Sue Bull, Matthew Buckler, Martin Burfoot, Helen Froggatt (Vice Chair), Chris Furness (Chair), Clare Gamble, Susan Hobson, David Hughes, Tony Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

Substitutes – Councillors: Robert Archer, Jason Atkin, Richard Bright, Sue Burfoot, Neil Buttle, Tom Donnelly, Richard FitzHerbert, Alyson Hill, Claire Raw and Peter Slack

COMMUNITY AND ENVIRONMENT
19th August 2020

Report of the Director of Community & Environmental Services

IMPLEMENTATION OF POLICY: AMENDMENT (5) TO THE OFF-STREET PARKING PLACES ORDER 2013

PURPOSE OF REPORT

This report considers representations made in respect of proposed amendments to the Off-Street parking Places Order 2013, which was last updated in 2018.

RECOMMENDATION

That the Off-Street Parking Places (Amendment No5) Order 2020, as described within the appendix to this report, be approved and implemented in accordance with section 35 and Part III of Schedule 9 of the Road Traffic Regulation Act 1984 and the Local Authority Traffic Orders (Procedure)(England and Wales) Regulations 1996.

WARDS AFFECTED

All

STRATEGIC LINK

The car parking service provides a significant source of funding which is used to directly support the Council's Corporate Aims and Priorities, in particular: -

People: Providing you with a high quality customer experience

People: Achieve a sustainable financial position by prudent management of resources and reviewing services

Place: Implementing a programme of electric vehicle charging points in our car parks.

1 SUMMARY

- 1.1 The Off-Street (Parking Places) Order provides a framework through which the District Council's numerous car parks are regulated. There is a requirement to keep the Order up to date, which is achieved by the process of formal amendment.
- 1.2 This proposed amendment (No.5) will introduce controls on the use of electric vehicle (EV) charging bays, introduce a new car park at the Henmore, Ashbourne, and make revisions to existing car parks within the Order.

2 REPORT

2.1 Background

A report was presented to a meeting of this committee on 19th February 2020 which recommended various amendments to the Off Street Parking Places Order. These comprised:

- measures to control the use of EV charging points,
- the inclusion of a new pay and display car park at the Henmore, Ashbourne,
- Removal of Thorpe car park, and
- Revisions to boundaries at The Bus Station, Ashbourne and Rowsley car parks.

2.2 Procedure for making the proposed Parking Order Amendment

A special procedure for the making and amending of off street parking orders is laid down by section 35 and part iii of the Road Traffic Regulation Act 1984 and the Local Authority Traffic Orders (Procedure)(England and Wales) Regulations 1996.

Under this procedure, the Council must consult Police, Highway Authority, Freight Transport Association, Road Haulage Association and other organisations representing persons likely to be affected by the proposed order, as the Council thinks it appropriate to consult.

The Council must also publish general details of the proposed order in a local newspaper, deposit relevant documents in a public office for inspection by the public and take such other steps as it considers appropriate for ensuring adequate publicity of the proposals.

Any person may object to the Council's proposals within 21 days of the date the Council complied with the requirements above.

Before making the proposed order, the Committee must consider all objections duly made and not withdrawn. The Committee may modify the proposed order in the light of the objections. If the Committee considers that its modifications are substantial, then the Council must re-consult on the order. Alternatively, the Committee may make an order giving effect to parts of the proposed order, whilst deferring a decision on the remainder.

If the Committee decides to make the proposed order, then details must be published in a local paper within 14 days, a copy of the order deposited for public inspection and other publicity measures taken. In addition, all objectors must be sent a copy of the new order and reasons given where the Committee has not fully acceded to their objection.

2.3 How the Council has followed procedure

The following bodies were consulted by letter or email:-

- Derbyshire Constabulary
- Highway Authority (Derbyshire County Council)
- Freight Transport Association
- Road Haulage Association
- AA

- Derbyshire Fire and Rescue Service
- Derbyshire Ambulance Service
- Town and Parish Councils
- Councillors

General details of the proposed Amendment to the Order were published in adverts appearing in the Ashbourne News Telegraph and Peak Advertiser on 4th and 5th March 2020 respectively. Copies of the text of the newspaper notice were put up at every car park on 3rd March 2020 and a copy of the draft Amendment Order, together with copies of the original Order and Amendment Orders (1 - 4) were deposited at the Town Hall, Bank Road, Matlock.

2.4 Representations Received

No written representations have been received in respect of the proposed amendments and there have been no recorded viewings of the deposited draft Amendment Order at the Town Hall.

In light of the above, it is recommended that the proposed Amendment Order, detailed in the accompanying appendix, be made without further modification

3 RISK ASSESSMENT

3.1 Legal

Suggested: The procedure for amending the Parking Order has been followed in full and is set out in detail in paragraph 2.3 of the report. There is, therefore, a low level of legal risk attached to implementing the recommendations proposed in this report.

3.2 Financial

The EV charging points will be entirely funded and operated by BP Chargemaster, who will receive all income, though the Council will still receive parking fees for these bays. The proposed introduction of charging at the newly constructed Henmore car park will generate a modest increase in income. The other proposed changes have no impact on income. No objections have been received, reducing the risk of a challenge. The financial risk is assessed as low.

3.3 Corporate Risk

None

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Date	Description	Location
2013	Derbyshire Dales District Council (Off-Street Parking Places) Order 2013	Legal
2013	Off-Street Parking Places (Amendment No.1) Order 2013	Legal
2017	Off-Street Parking Places (Amendment No.2) Order 2017	Legal
2018	Off-Street Parking Places (Amendment No.3) Order 2018	Legal
2018	Off-Street Parking Places (Amendment No.4) Order 2018	Legal
02/03/2020	Proposed Derbyshire Dales District Council (Off-Street Parking Places)(Amendment No 5) Order 2020	Legal

7 ATTACHMENTS

Appendix 1 - Draft Off-Street Parking Places (Amendment 5) Order 2020



OFF-STREET PARKING PLACES (AMENDMENT NO. 5) ORDER 2020

The Derbyshire Dales District Council with the consent of Derbyshire County Council hereby made the following Order under Section 35(1) and (3) of the Road Traffic Regulation Act 1984 and Schedule 9 of the said Act and all other enabling powers to amend the Derbyshire Dales (Off-Street Parking Places) Order 2013 as follows:-

- A) This Order shall come into operation on the 1st October 2020 and may be cited as “The Off-Street Parking Places (Amendment No. 5) Order 2020.
- B) This Order is supplemental to the Derbyshire Dales District Council (Off-Street Parking Places) Order 2013 (as amended) (“The 2013 Order”), which subject to the amendments hereinafter mentioned remains in full force and effect.
- C) The 2013 Order shall be amended as set out in the following provisions of this Order.
- D) Amendment to Part 1 of the Order – General

Provision is made for the inclusion of the following interpretations within clause 2:

“Electric Charging Point”	means an installation adjacent to a Parking Bay for the purpose of recharging the supply of an Electric Vehicle by way of a connecting lead;
“Electric Vehicle”	means a motor car or motor cycle that is powered entirely or partially by electricity and is capable of being charged from an external source;
“Electric Vehicle Parking Bay”	means bays designed for use by Electric Vehicles in order to recharge their supply, using an Electric Charging Point, defined by lines, symbols and/or signage located within the boundaries of the Parking Bay;

- E) Amendment to Part 2 of the Order - Designation and Use of Parking Places

Clause 15.1 to be inserted to read as follows:

Electric Vehicle (EV) Parking Bays

15.1. Where within a Car Park there is a sign and/or surface markings that indicates a Parking Bay is designated as an Electric Vehicle Parking Bay, no motor vehicle or electric vehicle shall be permitted to stand or wait in the Parking Bay unless it is connected to an Electric Charging Point for the entire duration.

F) Amendments to Schedule 1 of the Order

To provide the following entries:

1. Henmore Car Par, Ashbourne

Column 1	Map Reference 48
Column 2	Henmore Car Park, Ashbourne
Column 3	Wholly within a parking bay, but not where designated for disabled persons vehicles
Column 4	Motor vehicles which are: a) small passenger vehicles b) light goods vehicles
Column 5	All days, including weekends and Bank Holidays
Column 6	Peak hours 8am to 6pm, Off-peak hours 6pm to 8am
Column 7	24 hours
Column 8	Tariff Table D

2. Wintercroft Lane Car Park, Thorpe (Map Reference 42)

DELETE ENTRY

3. Edgefold Road Car Park, Matlock (Map Reference 26)

The Maximum period for which vehicles may wait at Column 7 shall be amended to read:-

“1 hour during peak hours except in a designated EV charging bay when connected to an Electric Charging Point, no return within 1 hour”

G) Amendments to Maps

1. Henmore Car Park, Ashbourne (Map Reference 48) – New Addition
2. Bus Station Car Park, Ashbourne (Map Reference 1) – Amended Boundary
3. Industrial Estate Car Park, Rowsley (Map Reference 41) – Amended Boundary
4. Wintercroft Lane Car Park, Thorpe (Map Reference 42) – Delete Entry

Given under the Common Seal of Derbyshire Dales District Council on the _____ day of 2020

Executed as a Deed by affixing The Common Seal of DERBYSHIRE DALES DISTRICT COUNCIL In the presence of		
Seal Number		
Authority	Community and Environment Committee	
KLF/470		

19 AUGUST 2020

Report of Estates & Facilities Manager

FORMER PUBLIC CONVENIENCES & LAND TRANSFER – MONSAL HEAD

PURPOSE OF REPORT

To update members on the current position with the closed Monsal Head Public Conveniences following consideration of this matter at Council in November 2019 and to recommend their freehold transfer as a Community Asset Transfer to a newly formed Community Interest Company (CIC) to enable future provision of public convenience facilities at this site at no cost to the District Council.

RECOMMENDATION

1. That the terms outlined in paragraph 3 of this report for a freehold Community Asset Transfer of the Public Conveniences building and adjoining land as shown edged red on the plan at Appendix 1 to Monsal Head Community Toilets C.I.C (MHCTCIC) are agreed.
2. That it is noted that the disposal in 1. above comprises an undervalue transaction permitted under the General Disposal Consent 2003.
3. That each party meets their own legal costs.

WARDS AFFECTED

Bakewell; Litton and Longstone

STRATEGIC LINK

The transfer of the site to a Community Interest Company for use as public conveniences accords with the District Council's priorities under "People" to engage with community groups and encourage projects run by community groups and to achieve a sustainable financial position by prudent management of resources and reviewing services whilst also supporting the objective under "Place" to keep the Derbyshire Dales Clean, Green and Safe as expressed in the Corporate Plan 2020-24.

1 BACKGROUND

- 1.1 Members will recall that the public conveniences at Monsal Head were one of a number of sites approved for closure as part of the Review of Public Conveniences considered by Council on 30th April 2018. Following closure, the Estates and Facilities Manager was given delegated authority to negotiate, agree and implement a transfer of the facility to the owners of the adjacent hotel for a use which retained a public toilet facility on the most economically advantageous terms.

- 1.2 The decision to close the public conveniences was made on the basis of the poor condition of the building and the expenditure required to achieve modern standards, the relatively high cost of servicing and cleaning the facilities and the reasonable expectation that the proposed transfer would enable future provision of public convenience facilities at this site at no cost to the District Council.
- 1.3 Although provisional terms were agreed with the Penelope Thornton Hotels (PTH), negotiations stalled over a number of issues and the matter was referred back to Council in November last year where a deadline for completion was set.
- 1.4 As a result of the delays in the transfer of the public conveniences, following significant local concern about the lack of facilities at this site, additional interest in taking over and operating the site was received from 2 elected members who intended to set up a Community Interest Company (CIC) for this purpose
- 1.5 At the 21st November 2019 meeting of Council, it was resolved that should the terms proposed not be accepted by PTH and/or should the transfer not complete by 31st January 2020, the offer to transfer the site to PTH be withdrawn and that the Estates and Facilities Manager be given delegated authority to negotiate, agree and implement a Community Asset Transfer of the facility to the CIC within 6 months of the date of the Committee decision and should this not be achieved, the asset be placed on the open market for freehold sale by public auction.

2 CURRENT SITUATION

- 2.1 Although PTH were informed of the revised terms, no response was received within the timescales set and therefore the offer to transfer the site to PTH was withdrawn in January this year.
- 2.2 Following the withdrawal of this offer, the CIC became established as Monsal Head Community Toilets C.I.C (Company Number 12483933) with the objective to carry on activities which benefit the community and in particular (without limitation) to provide, for the public benefit, public conveniences at the location in the Peak District National Park known as Monsal Head adjacent to Monsal Dale.
- 2.3 Over the intervening months, inspections have taken place to establish a programme of works to be undertaken by the CIC upon transfer to enable the site to re-open as public toilets as soon as possible after transfer.
- 2.4 The 6 month timescale set for a proposed transfer to the CIC last November has slipped due to Covid 19 but terms have now been agreed for a freehold transfer of the site on the terms set out below.
- 2.5 The rationale for a grant payment upon the Community Asset Transfer of public toilets such as this has been £3000 plus the cost of backlog repairs up to a maximum of 1 years running costs. In the case of Monsal Head, the last recorded full year's running costs were £8445. In expectation of earlier transfer, no backlog repairs figure is recorded for this site but allowing for various enabling works including the removal of asbestos being undertaken at the Council's cost, it is considered that a grant payment of £7,500 would be reasonable in this case.

3 PROPOSED RECOMMENDATIONS

3.1 It is proposed that the freehold of the public conveniences and land shown edged red on the plan at Appendix 1 be transferred to Monsal Head Community Toilets C.I.C (MHCTCIC) on the following terms:-

- Peppercorn transfer of £1 consideration.
- subject to existing condition and title covenants
- Use of the public conveniences building will be restricted to a public conveniences with ancillary use as a concession by imposition of a restrictive covenant.
- A grant agreement is to be entered into to cover the payment of a one off grant of £7500 as an incentive.
- There will be a pre-emption clause for DDDC to acquire the property for £1 if the property is to be used for anything other than the provision of a public convenience and ancillary use as a concession.
- MHCTCIC is to be responsible for the registration of the property with Land Registry within 3 months of completion
- Each party to bear their own legal costs.

4 VALUATION

4.1 The proposed terms for the Community Asset Transfer of public conveniences and land at Monsal Head comprise an undervalue transaction as permitted under the General Disposal Consent 2003.

4.2 It is considered by the Council's Valuer that the value of the transfer equates to £40,000.

4.3 Under the General Disposal Consent 2003, Local Authorities are permitted to dispose of any interest in land held under the Local Government Act 1972 which they consider to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the area at less than best consideration subject to various conditions.

4.4 It is considered that the proposed terms for the transfer of the public conveniences and land at Monsal Head to MHCTCIC on the terms stated would comply with this legislation.

5 CONSULTATION

5.1 The relevant Ward Members and Local Council have been consulted on the proposed transfer and any comments received will be reported verbally at the meeting.

6 OTHER EXPRESSIONS OF INTEREST

6.1 **None received.**

7 RISK ASSESSMENT

7.1 Legal

The Council has a statutory duty under s.123 of the Local Government Act 1972 not to dispose of land for a consideration less than the best that can reasonably be obtained. Under the Local Government Act 1972 General Disposal Consent (England) 2003 general consent is given to local authorities to dispose of land where the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

- i) The promotion or improvement of economic well-being;
- ii) The promotion or improvement of social well-being;
- iii) The promotion or improvement of environmental well-being; and

The legal risk is therefore low.

7.2 Financial

Although the sale is an undervalue transaction, the transfer of the public conveniences and land at Monsal Head as proposed will remove a future maintenance liability for the Council and continue the provision of a community service. The grant of £7,500 can be met from the existing budget for the maintenance of public conveniences. Therefore the financial risk is assessed as low.

8 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors is also been considered: prevention of crime and disorder, equality of opportunity, environmental health, legal and human rights, financial personal and property considerations.

9 CONTACT INFORMATION

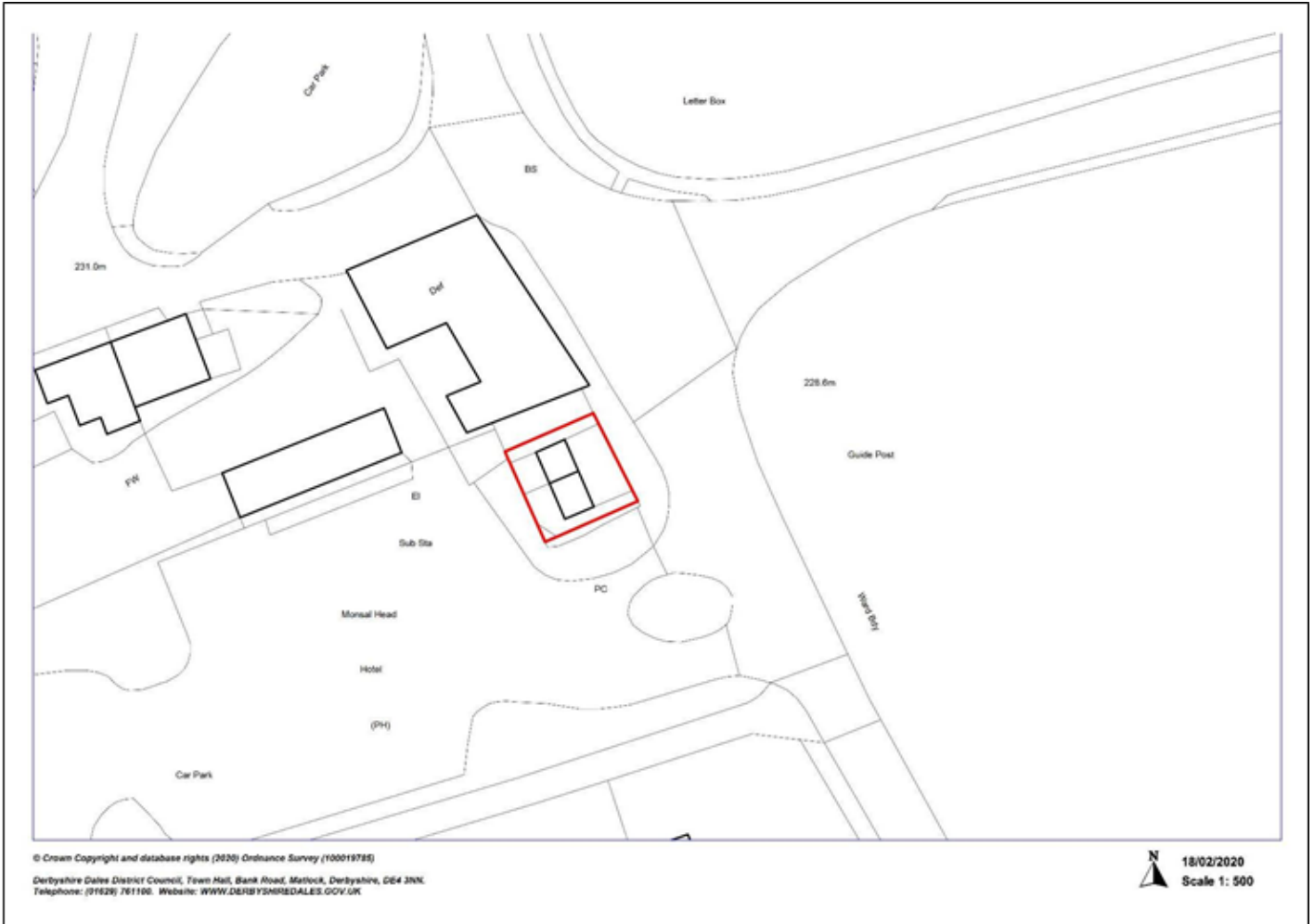
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10 BACKGROUND PAPERS

None

11 ATTACHMENTS

Appendix 1 – Site Plan



Report of the Director of Regulatory Services

HOUSING ENFORCEMENT – CIVIL PENALTIES AND BANNING ORDERS

PURPOSE OF REPORT

This report summarises a new enforcement power that enables the issuing of civil penalties as an alternative to prosecution for certain housing offences under the Housing Act 2004 and a breach of a Banning Order under the Housing and Planning Act 2016. A scheme of delegation for the issuing of civil penalties is recommended as are scaled amounts for the penalties.

RECOMMENDATION

1. That the District Council adopts a maximum civil penalty of £30,000, with no set lower limit. Each case should be taken on its own merits dependant on the severity of the offence, using the Civil Penalty Matrix, shown in attachment 1 of this report.
2. That the scheme of delegation detailed at paragraph 2.10 of this report is adopted.

WARDS AFFECTED

All

STRATEGIC LINK

The effective enforcement of housing offences links directly with the District Council's priority to maintain a clean and safe district.

1 BACKGROUND

- 1.1 The private rented sector is an important part of our housing market, housing 4.5 million households in England. The quality of privately rented housing has improved rapidly over the past decade with 82% of private renters satisfied with their accommodation, and staying in their homes for an average of 4 years.
- 1.2 The Government wants to support good landlords who provide decent well maintained homes and is keen to strike the right balance on regulation in order to avoid stifling investment in the sector.
- 1.3 But a small number of rogue or criminal landlords knowingly rent out unsafe and substandard accommodation" the government is determined to crack down on these landlords and disrupt their business model ⁽¹⁾.
- 1.4 Significant progress has already been made in doing this:
 - October 2015: the Smoke and Carbon Monoxide Regulations were introduced which require landlords to install smoke alarms on every floor of their property, and to install carbon monoxide alarms in rooms with solid fuel appliances;

- November 2015: Government introduced protection for tenants against retaliatory eviction where they have a legitimate complaint and stopped landlords from serving an open-ended eviction notice at the start of a tenancy; this was through a number of provisions in the Deregulation Act 2015.

1.5 The Government is clear that the small minority of landlords and property agents who knowingly flout their legal obligations, rent out accommodation which is substandard and harass their tenants should be prevented from managing or letting housing. The Housing and Planning Act 2016 introduced a range of measures to crack down on rogue landlords.

(1) Ministry of Housing, Communities & Local Government, Civil penalties under the Housing and Planning Act 2016, Guidance for Local Housing Authorities (April 2018).

2 REPORT

2.1 The Housing and Planning Act 2016 (sections 23, 126 and schedule 9) introduced a range of measures to crack down on rogue landlords and property agents. These include: Civil penalties of up to £30,000 as an alternative to prosecution for specified offences; extension of rent repayment orders to cover illegal eviction, breach of banning orders and certain other specified offences; banning orders for the most serious offenders and a database of rogue landlords and property agents against whom a banning order has been made or who have received two or more financial penalties.

2.2 The offences specified in Schedule 9 of the Act are: failing to comply with an improvement notice, offences in relation to the licensing of houses in multiple occupation, licensing of houses under Part 3 of the Act, overcrowding notices, and management regulations in respect of houses in multiple occupation.

2.3 Banning Orders (Part two, Chapter Two of the Housing and Planning Act 2016) are orders by the First-tier Tribunal that ban a landlord from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

2.4 Breach of a banning order is a criminal offence. A schedule of offences can be seen in the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017. Offences range from unlawful eviction and harassment of occupiers, failing to comply with an improvement notice and failure to comply with management regulations in respect of Houses in Multiple Occupation.

2.5 Parts of the Housing Act 2004 were amended by the Housing and Planning Act 2016. Civil penalties were incorporated into Section 249A of the Housing Act 2004.

2.6 The new powers relating to housing offences under the Housing Act 2004 came into force on 6th April 2017. The offence of a breach of a banning order came into force on 6th April 2018. They are not retrospective and will not apply to offences committed before that date.

2.7 In introducing this new provision Government has suggested a maximum level of

penalty of £30,000, but Local Authorities should adopt their own policy in determining the appropriate level of a civil penalty in a particular case. It is expected that the maximum penalty will be reserved for the very worst offenders.

2.8 Certain factors should be taken into consideration to ensure that the civil penalty is set at an appropriate level; these include:

- Severity of the offence
- Culpability and track record of the offender
- The harm caused to the tenant
- Punishment of the offender (A civil penalty should not be regarded as an easy or lesser option compared to prosecution)
- Deter the offender from repeating the offence
- Deter others from committing similar offences
- Remove any financial benefit the offender may have obtained as a result of committing the offence.

2.9 The income from civil penalties can be retained by the local housing authority provided that it is used to further their statutory functions in relation to their enforcement activities covering the private rented sector.

2.10 In order to enable this provision to work effectively and efficiently it is necessary for officers to obtain delegated authority to issue civil penalties. A recommended scheme of delegation is set out below:

Section	Provision	Delegation
Section 249A of the Housing Act 2004.	Issue of civil penalties for the offence of failing to comply with certain housing offences under the Housing Act 2004 and a breach of a Banning Order under the Housing and Planning Act 2016	Environmental Health Manager, Principal Environmental Health Officer, all Environmental Health Officers
Section 249A of the Housing Act 2004 and section 23 of the Housing and Planning Act 2016	To determine any representations received against the civil penalty notice and withdraw the notice or uphold or reduce the level	Director of Regulatory Services

	of penalty	
Section 249A of the Housing Act 2004 and section 23 of the Housing and Planning Act 2016	To instruct the Legal Services Manager to defend any appeal against a civil penalty notice to the First Tier Tribunal	Director of Regulatory Services

2.11 Enforcement action will only be undertaken in accordance with the Council's Enforcement Policy and this means that officers will adopt a phased approach in general. Officers working in the Environmental Health, Public Health and Housing team will take the lead role in investigating complaints and instigating any action.

3 RISK ASSESSMENT

3.1 Legal

The imposition of a financial penalty is imposed instead of a criminal prosecution and cannot be imposed if a prosecution has been obtained or has been issued in court. The Authority must consider that they would be able to prove the offence beyond reasonable doubt to impose the penalty.

Anyone aggrieved by the decision may appeal to a First Tier Tribunal and the penalty is suspended pending the outcome of the appeal.

Recovery of any unpaid penalty is by way of a County Court action.

The risk is therefore low, however there may be an increase in appeals, especially on the level of the penalty, and debt actions

3.2 Financial

As stated in the report, the income from civil penalties can be retained by the local housing authority provided that it is used to further their statutory functions in relation to their enforcement activities covering the private rented sector. The financial risk of adopting the recommended Civil Penalty Matrix is assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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Laura Salmon, Environmental Health Officer,
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Email: laura.salmon@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

7 ATTACHMENTS

Appendix 1 Civil Penalty Matrix

Appendix 1

Civil Penalty Matrix

DETERMINATION OF INITIAL CIVIL PENALTY LEVEL			
Level of culpability	Level of harm/effect		
	HIGH	MED	LOW
HIGH	£30,000	£15,000	£7,500
MED	£15,000	£7,500	£3,750
LOW	£7,500	£3,750	£1,875

Determining the Initial Level of Civil Penalties

In order to set the level of civil penalty the Council will take the following steps:

Step 1

- Assess the culpability and track record of an offender and,
- Assess the level of harm, or potential harm, to the occupiers

Step 2

We will then make adjustments having regards to:

- Any aggravating or mitigating circumstances

Step 3

Make final adjustments to ensure that:

- The level of penalty is fair and proportionate but in all instances will act as a punishment/deterrent and removes any benefit to the offence.

Notes

Culpability and track record of an offender

The level of culpability of a person will depend on a number of factors:

High level of culpability

A person will be deemed to be highly culpable where the Council is satisfied that they intentionally or recklessly breach or willingly disregard the law. Factors which may lead to that conclusion include:

- A history of non-compliance
- Despite a number of opportunities to comply they have still failed to comply
- The offender has been obstructive to the investigation or to investigating Officers
- The offender is an experienced landlord/agent with a portfolio of properties and would be expected to know their responsibilities

- There have been serious and/or systematic failure to comply with their legal duties

Medium level of culpability

Where a landlord commits an offence through an act or omission which the Council considers that a person exercising reasonable care would not commit. Factors that may lead to that conclusion include the following:

- It is a first time offence- with no high level culpability criteria being met
- The landlord/agent had systems in place to manage risk or comply with their legal duties but the systems were not sufficient or being complied with on this particular occasion

Low level of culpability

Where a person fails to comply, or commits an offence where:

- There was no or minimal warning given to the offender
- The breaches are minor
- The offence is an isolated occurrence
- A significant effort has been made in order to comply but was inadequate and did not achieve compliance

The above lists of factors are not intended to be exhaustive and when considering the level of culpability and other factors may be taken into account.

Level of harm or effect to the occupier

When considering the level of harm the Council will have regard to actual harm, potential harm and the likelihood of harm:

High

- Actual harm to an individual
- High risk of harm to an individual
- Serious level of overcrowding
- Serious effect on individual(s) or a widespread impact

Medium

- Adverse effect on an individual
- Medium risk of harm to an individual
- Moderate risk of harm to an individual(s) or a broader impact

Low

- Minimal adverse effect on individual(s)
- Low risk of harm to an individual
- Limited impact or effect on occupiers

The above lists of factors are not intended to be exhaustive and when considering the level of harm other factors may be taken into account.

Making further adjustments to the initial level of Civil Penalty: STEP 2).

The Council will consider if there are aggravating and/or mitigating factors in each case. These factors may affect the initial level of penalty reached in stage 1.

Aggravating factors may include but are not limited to:

- Previous convictions having regard to the offence to which it relates and the time elapsed since that offence
- Landlord motivated by financial gain
- Obstruction of the investigation
- Deliberate concealment of the activity/evidence
- Number of items of non-compliance – greater the number the greater the potential aggravating factor
- A record of letting substandard accommodation
- A record of poor management/ inadequate management provision
- Lack of a tenancy agreement/rent paid in cash

Mitigating factors may include, but are not limited to:

- Co - operation with the investigation e.g. attends a PACE interview
- Any voluntary steps taken to address issues e.g. submits a licence application
- Acceptance of responsibility e.g. accepts guilt and remorse for the offence(s)
- Willingness to undertake training
- Health reasons preventing reasonable compliance e.g. mental health, unforeseen health issues, emergency health concerns
- Has no previous convictions
- Vulnerable individual(s) where there vulnerability is linked to the commission of the offence
- Previous good character and/or exemplary conduct.

For each aggravating or mitigating factor which applies to each specific case the level of fine will be adjusted accordingly based on the circumstances, up to the maximum fine of £30k.

Determining the Final Level of Civil Penalty: STEP 3).

The statutory guidance advises that a guiding principle of civil penalties is that they should remove any financial benefit that the landlord may have obtained as a result of committing the offence. This means that the amount of the civil penalty imposed will normally not be less than what it would have cost the landlord to comply with the legislation in the first place.

The final consideration when setting the level of penalty is therefore, making sure that any financial benefit to the offender of committing the offence is removed, and that as well as being fair and proportionate, the level of penalty acts as an effective deterrent.

When determining any gain as a result of the offence the Council will take into account the following issues:

- Cost of the works required to comply with the legislation
- Any licence fees avoided
- Any other factors resulting in financial benefit

This matrix should be read in conjunction with Derbyshire Dales District Council's Civil Penalty Enforcement Policy and the [current guidance](#) issued by the Ministry of Housing, Communities and Local Government.

Report of the Director of Regulatory Services

ENFORCEMENT OF ENERGY PERFORMANCE OF BUILDINGS (ENGLAND AND WALES) REGULATIONS 2012

PURPOSE OF REPORT

The Council has been working closely with other Derbyshire districts/boroughs and Derbyshire County Council Trading Standards to improve the standards of the private rented sector. It has been identified that it would be operationally effective for Districts and Boroughs to enforce the requirement to provide Energy Performance Certificates in private rented properties.

RECOMMENDATION

1. That the District Council adopts the financial penalties set out in paragraph 2.4 of this report.
2. That the scheme of delegation detailed at paragraph 2.6 of this report is adopted.

WARDS AFFECTED

All

STRATEGIC LINK

To achieve more effective and efficient enforcement of standards in the private rented sector, in particular the energy performance of buildings. This links directly with the District Council's priority to maintain a clean and safe district and the District Council's Corporate Enforcement Policy. This also links with the District Council's work on climate change and the pledge to reduce carbon emissions.

1 BACKGROUND

- 1.1** Across Derbyshire the private rented sector has grown but consistently has some of the poorest quality housing with tenants having to put up with cold and avoidably hard to heat homes. The districts, as housing authorities, are all seeking to improve standards and consistently the ability to heat a home is the biggest source of complaint. The Energy Performance Certificate (EPC) should be used by the tenant to inform their decision about the cost of keeping the home warm. The EPC should be informing prospective tenants when looking at their housing options.
- 1.2** The cost of an EPC is less than £100 but failing to be able to produce an EPC can have serious consequences to landlords as well as tenants.
- 1.3** The Government has introduced regulations to increase the energy efficiency of homes; The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. The Regulations create a new minimum standard and makes it an offence to let out a property that does not reach the minimum rating of E, thus making it an offence to rent out a property rated as F and or G for new tenancies from 1st April 2018 (subject to specified exemptions e.g. listed buildings). This falls within the enforcement

remit of the Housing Authorities and officers have begun to contact the owners of the lowest rated properties.

- 1.4 Derbyshire County Council has arranged for delegation to district/borough Councils to be able to absorb enforcement of EPC in private rented properties as part of their normal duties, given that the ability of tenants to keep warm is a key part of the existing workload. This delegation is not intended to relate to house sales but the renting of domestic properties only.

2 REPORT

- 2.1 Under Derbyshire County Council's revised Constitution, their duty (as a local weights and measures authority) to enforce the Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended) has been delegated to districts and boroughs within Derbyshire; including Derbyshire Dales District Council. This delegation was confirmed by the County Council's Director of Community Services in July 2019. The scope of the delegation is limited to domestic private rented properties (as defined by s42 of the Energy Act 2011).
- 2.2 It is proposed that changes to delegation arrangements are made that will ensure that local housing authorities can enforce the requirements to produce an Energy Performance Certificate (EPC) in the rented sector. EPCs are a requirement of the Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended) made under the Energy Act 2011 and the enforcement responsibilities sit with Derbyshire County Council Trading Standards.
- 2.3 Enforcement of the Energy Performance of Buildings (England and Wales) Regulations 2012 allows penalty charge notices to be issued to the relevant person (owner/landlord or person acting on their behalf such as a letting agent) where an enforcement officer of the local housing authority is able to show that the requirements set out in the table in paragraph 2.4 below have not been met.
- 2.4 In introducing this provision Government has specified the levels of penalty under Part 7 s38 of the Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended). These levels are set out in the table below:

Regulation	Requirement	Penalty for breach
6 (2) and 6 (5)	The EPC is made available free of charge to any prospective tenant, and given to the eventual tenant.	£200 (dwelling)
7 (2)	The relevant person must ensure that an EPC is commissioned before marketing the building for rent	£200 (dwelling)
7 (3)	A person acting on behalf of the relevant person must satisfy themselves that an EPC has been commissioned before marketing on their behalf	£200 (dwelling)
7 (4) and 7 (5)	The relevant person and the person acting on their behalf must use all reasonable efforts to ensure that the EPC is obtained within 7 days of the start	£200 (dwelling)

	of marketing. The EPC must be obtained within the period of 21 days following the expiry of the 7 day period mentioned in 7 (4)	
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2.5 The income received from financial penalties for failure to meet the requirements in the table above may only be spent on functions relating to housing enforcement duties.

2.6 In order to enable this provision to work effectively and efficiently it is necessary for officers to obtain delegated authority to issue the penalty charge notices. A recommended scheme of delegation is set out below:

Enforcement of Energy Performance of Buildings (England and Wales) Regulations 2012		
Regulation	Provision	Delegation
6 (2) and 6 (5)	Issue of penalty charge notices for the offence of failing to make an EPC available free of charge to any prospective tenant, and given to the eventual tenant.	Environmental Health Manager, Principal Environmental Health Officer, All Environmental Health Officers.
7 (2)	Issue of penalty charge notices for the offence by the relevant person of failing to ensure an EPC has been commissioned before marketing the building for rent.	
7 (3)	Issue of penalty charge notices for the offence of person acting on behalf of the relevant person having not satisfied themselves that an EPC has been commissioned before marketing on their behalf.	
7 (4) and 7 (5)	Issue of penalty charge notices for the offence of the relevant person and the person acting on their behalf for failing to use all reasonable efforts to ensure that the EPC is obtained within 7 days of the start of marketing. Or that the EPC is not obtained within the period of 21 days following the expiry of the 7 day period mentioned in 7 (4)	
Enforcement of Energy Performance of Buildings (England	To determine any representations received against a penalty charge and to withdraw or uphold the charge	Director of Regulatory Services

and Wales) Regulations 2012		
Enforcement of Energy Performance of Buildings (England and Wales) Regulations 2012	To instruct the Legal Services Manager to defend any appeal against a penalty charge to the County Court	Director of Regulatory Services

2.7 Enforcement action will only be undertaken in accordance with the Council's Enforcement Policy and this means that officers will adopt a phased approach in general. Officers working in the Environmental Health Public Health and Housing team will take the lead role in investigating complaints and instigating any action.

3 RISK ASSESSMENT

Legal

3.1 The imposition of a financial penalty replaces any criminal sanction as there is no power to prosecute under this legislations. The Authority cannot issue a penalty charge notice after the end of 6 months after the breach of duty occurred.

Anyone aggrieved by the decision may appeal request a review of the decision and then can appeal the penalty in the County Court.

Recovery of any unpaid penalty is by way of a County Court action as a debt

The risk is therefore low, however there may be an increase in appeals and debt actions

Financial

3.2 As stated in the report, the income from financial penalties for failure to meet the requirements set out in this report may only be spent on functions relating to housing enforcement duties. The financial risk of adopting the recommended financial penalties is assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

None

7 ATTACHMENTS

None

COMMUNITY AND ENVIRONMENT COMMITTEE

19 August 2020

Report of the Director of Regulatory Services

ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND AND WALES) REGULATIONS 2015 (AS AMENDED).

PURPOSE OF REPORT

The Council has been working closely with other Derbyshire districts/boroughs and Derbyshire County Council Trading Standards to improve the standards of the private rented sector. It has been identified that it would be operationally effective for Districts and Boroughs to enforce improvements of the energy efficiency of privately rented properties.

RECOMMENDATION

1. That the District Council adopts the financial penalties set out in paragraph 2.6 of this report.
2. That the scheme of delegation detailed at paragraph 2.10 of this report is adopted.

WARDS AFFECTED

All

STRATEGIC LINK

To achieve more effective and efficient enforcement of standards in the private rented sector, in particular the energy performance of buildings. This links directly with the District Council's priority to maintain a clean and safe district and the District Council's Corporate Enforcement Policy. This also links with the District Council's work on climate change and the pledge to reduce carbon emissions.

1 BACKGROUND

- 1.1 Across Derbyshire the private rented sector has grown but consistently has some of the poorest quality housing with tenants having to put up with cold and avoidably hard to heat homes. The districts, as housing authorities, are all seeking to improve standards and consistently the ability to heat a home is the biggest source of complaint. The Energy Performance Certificate (EPC), introduced by the Energy Performance of Buildings (England and Wales) Regulations 2012, is a tool which should be used by tenants to inform their decision about the cost of keeping the home warm. The EPC should be informing prospective tenants when looking at their housing options.
- 1.2 The cost of an EPC is less than £100 but failing to be able to produce an EPC or to let out a sub-standard property can have serious consequences to landlords as well as tenants.
- 1.3 The Government has since introduced regulations to increase the energy efficiency of homes; The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 as amended. The Regulations create a new minimum standard and makes it an offence to let out a property that does not reach the minimum EPC rating

of E, thus making it an offence to rent out a property rated as F and or G for new tenancies from 1st April 2018 (subject to specified exemptions e.g. listed buildings). This falls within the enforcement remit of the Housing Authorities and officers have begun to contact the owners of the lowest rated properties.

1.4 According to a 2011 report by the Building Research Establishment “EPC F and G rated properties are the most energy inefficient of our housing stock. They impose unnecessary energy costs on tenants and the wider economy and can lead to poor health outcomes, with a resulting resource pressure on health services. These properties also contribute to avoidable greenhouse gas emissions”. Increasing the energy efficiency of our domestic rental stock can help:

- Manage the energy costs of tenants, including those of some of the most vulnerable to the cold;
- Improve the condition of properties and help reduce maintenance costs;
- Lower demand for energy thereby smoothing seasonal peaks in energy demand, and as a result increase our energy security;
- Reduce greenhouse gas emissions

1.5 The Regulations are designed to ensure that those tenants who most need more thermally efficient homes, particularly vulnerable people and the fuel poor, are able to enjoy a more comfortable living environment and lower energy bills. Although newly built homes in the private rented sector (PRS) tend to have higher energy-efficiency ratings than the average, there remains a stock of older, often pre-1919 properties, which are less efficient and are difficult and costly to heat. These less efficient properties result in higher tenant energy bills, and for many, the likelihood of living in fuel poverty” (Department for Business, Energy & Industrial Strategy, 2019).

1.6 Where all the relevant energy efficiency improvements for the property have been made (or there are none that can be made) but the property remains sub-standard; does not reach an EPC rating E (regulation 25), then the situation must be registered on the PRS Exemptions Register and supported by the necessary evidence. The exemption will last five years; after five years it will expire and the landlord must try again to improve the property’s EPC rating to meet the minimum level of energy efficiency. If this cannot be achieved, a further exemption may be registered.

1.7 Exemptions from the prohibition on letting substandard property which are claimed by a landlord may not pass over to a new owner or landlord upon sale or other transfer of that property. If a let property is sold or otherwise transferred with an exemption in place, the exemption will cease to be effective and the new owner will need to either improve the property to the minimum standard at that point, or register an exemption themselves where one applies, if they intend to continue to let the property.

2 REPORT

2.1 Under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 enforcement of minimum energy efficiency in domestic privately rented properties falls to local authorities. It is the responsibility of local authorities to appoint authorised Officers to exercise the powers within the said regulations.

2.2 It is proposed that changes to delegation arrangements are made that will ensure that

local authorities can enforce the requirements to produce an Energy Performance Certificate (EPC) with a minimum rating E. This delegation is not intended to relate to house sales but the renting of domestic properties only (as defined by s42 of the Energy Act 2011).

- 2.3 Since 1 April 2018, where the enforcement authority believes that a landlord may be in breach of the prohibition on letting a sub-standard property (as described in para 1.3 of this report), or a landlord has been in breach of the prohibition at any time in the past 12 months, the enforcement authority may serve a compliance notice that requests information from that landlord which will help them to decide whether that landlord has in fact breached the prohibition.
- 2.4 Enforcement of The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 as amended allows financial penalties to be issued to a landlord where an Enforcement Officer of the local authority is able to show that the requirements set out in the table in paragraph 2.6 below have not been met.
- 2.5 Authorised Officers also have the provision to serve a Publication Penalty (regulation 39), which means that the enforcement authority may publish some details of the landlord's breach on a publicly accessible part of the PRS Exemptions Register. The enforcement authority can decide how long to leave the information on the Register, but it will be available for view by the public for at least 12 months.
- 2.6 In introducing this provision Government has specified the maximum levels of penalty under Part 3, Chapter 6 of The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 as amended. These levels are set out in the table below:

Regulation	Breach	Penalty for breach	Publication penalty notice period
40 (2)	Where the landlord has let a sub-standard property in breach of the Regulation 23 for a period of less than 3 months	£2000	none
40 (3)	Where the landlord has let a sub-standard property in breach of the Regulation 23 for 3 months or more	£4000	1 year
40 (4)	Where the landlord has registered false or misleading information on the PRS exemptions register under regulation 36(2)	£1000	1 year
40 (5)	Where the landlord has failed to comply with a compliance notice in breach of regulation 37(4)(a)	£2000	2 years

- 2.7 It is proposed that Derbyshire Dales District Council adopts the maximum penalties shown in the table above, with the provision to offer a 50 % discount if the total amount of fine is paid within 14 days. Penalty notices to a landlord must not exceed £5,000 per incident. Further penalty notices may be issued if a landlord fails to comply with any required action in a penalty notice.
- 2.8 The penalty fees outlined in this report are intended to provide sufficient incentive for landlords to comply and are imposed because of the vital importance to improve the energy efficiency in the private rented sector.
- 2.9 The income received from financial penalties for failure to meet the requirements in the table above may only be spent on functions relating to housing enforcement duties.
- 2.10 In order to enable this provision to work effectively and efficiently it is necessary for officers to obtain delegated authority to issue the financial and publication penalties. A recommended scheme of delegation is set out below:

Regulation	Breach	Delegation
40 (2)	Issue a penalty notice of £2000 where the landlord has let a sub-standard property in breach of the Regulation 23 for a period of less than 3 months	Environmental Health Manager, Principal Environmental Health Officer, All Environmental Health Officers.
40 (3)	Issue a penalty notice of £4000 where the landlord has let a sub-standard property in breach of the Regulation 23 for 3 months or more	
40 (4)	Issue a penalty notice of £1000 where the landlord has registered false or misleading information on the PRS exemptions register under regulation 36(2)	
40 (5)	Issue a penalty notice of £2000 where the landlord has failed to comply with a compliance notice in breach of regulation 37(4)(a)	
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	Authority to reduce the maximum sum of any of the fixed penalty notices under the Regulations to bring the total penalty to no more than £5,000 per incident.	Environmental Health Manager, Principal Environmental Health Officer, All Environmental Health Officers.
The Energy Efficiency (Private Rented Property) (England and Wales)	Authority to publicise information relating to a penalty charge under regulation 39 on the PRS Exemptions Register	Environmental Health Manager, Principal Environmental Health Officer, All Environmental Health Officers.

Regulations 2015		
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	Authority to accept a 50% reduction in a penalty charge if paid within 14 days	Environmental Health Manager, Principal Environmental Health Officer, All Environmental Health Officers.
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	To determine any representations received against the penalty charge and waive or uphold the charge, allow additional time to pay or substitute a lower penalty.	Director of Regulatory Services/Environmental Health Manager
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	To instruct the Legal Services Manager to defend any appeal against a penalty charge to the First Tier Tribunal	Director of Regulatory Services

2.11 Enforcement action will only be undertaken in accordance with the Council's Enforcement Policy and this means that officers will adopt a phased approach in general. Officers working in the Environmental Health Public Health team will take the lead role in investigating complaints and instigating any action.

3 RISK ASSESSMENT

3.1 Legal

The imposition of a financial penalty replaces any criminal sanction as there is no power to prosecute under this legislations. The Authority cannot issue a penalty charge notice after the end of 6 months after the breach of duty occurred.

Anyone aggrieved by the decision may appeal request a review of the decision and then can appeal the penalty in the County Court.

Recovery of any unpaid penalty is by way of a County Court action as a debt

The risk is therefore low, however there may be an increase in appeals and debt actions

3.2 Financial

As stated in the report, the income from financial penalties for failure to meet the

requirements set out in this report may only be spent on functions relating to housing enforcement duties. The financial risk of adopting the recommended financial penalties is assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

None

7 ATTACHMENTS

None

BACK TO AGENDA