



PUBLICATION OF DECISION LIST NUMBER 10/16-17

MUNICIPAL YEAR 2016/2017

Date Published: Tuesday 21st June 2016

This document lists the Decisions that have been taken by the Council, which require publication in accordance with the Local Government Act 2000. The list covers key, non-key, Council and urgent decisions. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in.

A valid request for call-in is one which is submitted (on the form provided) to the Scrutiny Team in writing within 5 working days of the date of publication of the decision by at least 7 Members of the Council.

Additional copies of the call-in request form are available from the Scrutiny Team.

If you have any queries or wish to obtain further report information or information on a decision please refer to:
– Claire Johnson (ext.4239)

Phone 020 8379 then extension number indicated

INDEX OF PUBLISHED DECISIONS – 21st June 2016

List Ref	Decision Made by	Date Decision to come into effect	Part 1 or 2	Subject/Title of Report	Category of Decision	Affected Wards	Eligible for Call-In & Date Decision must be called in by (If Applicable)	Page No.
1/10 16-17	Cabinet Member for Environment (Councillor Anderson)	Wednesday 29 June 2016	Part 1	Setting of the Level of Penalty Charge Notices under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015	Non-Key	All	Yes 28 June 2016	1

DECISIONS

For additional copies or further details please contact Claire Johnson (020 8379 4239), Governance Team.

LIST REFERENCE: 1/10/16-17

SUBJECT TITLE OF THE REPORT							
SETTING OF THE LEVEL OF PENALTY CHARGE NOTICES UNDER THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015							
Part 1 or 2 (relevant exempt Paragraph)	Wards affected by decision	Decision taken by	Date Decision comes in to effect	Interest declared in respect of the Decision	Category of decision (i.e. Key, Non-Key, Council, Urgent)	Contact Details	Eligible for Call-in & Date to be called in by
Part 1	All	Cabinet Member for Environment (Councillor Anderson)	Wednesday 29 June 2016	None	Non-Key	Sue McDaid 020 8379 3680	Yes 28 June 2016
DECISION							
<p>Subject to no Call-in being received, the following decisions will come into effect on Wednesday 29 June 2016:</p> <ol style="list-style-type: none"> 1) To agree the introduction of a penalty charge prescribed by new legal duties imposed on Local Housing Authorities from 1st October 2015. 2) To agree the level of penalty charge for a breach under the Regulations of £1,550 (full cost of recovery) for the first offence, £2,500 for the second and £5,000 for the third and subsequent offence. 3) To agree NOT to adopt an early payment option for a penalty charge notice to reflect the seriousness of a breach under the Regulations. 4) To delegate authority to the Head of Regulatory Services to review penalty charge notices on representation from a landlord in accordance with Section 10 of the Regulations and to conform, vary or withdraw the penalty charge notice following such review. 5) To approve the 'Statement of Principles' (Appendix 1) required to be published. 							
ALTERNATIVE OPTIONS CONSIDERED:							
<p>This is a mandatory piece of legislation and there are no alternative options to consider on the new provisions. The only optional element is whether to serve penalty charge notices; the penalty charge amount and whether to adopt an early payment option for a penalty charge.</p>							
REASONS FOR RECOMMENDATIONS:							
<ol style="list-style-type: none"> 1) The Regulations must be enforced by the Local Housing Authority and the Council must publish a 'Statement of Principles' before commencing statutory enforcement. 2) We are required by the Regulations to undertake works in default if the occupier consents. If we fail to impose a penalty charge, the Council will be unable to recover any costs incurred from enforcing a breach of the Regulations. The Council cannot prosecute the landlord for non-compliance with the remedial action notice. 3) It is envisaged the process for issuing a penalty charge notice for a breach of the Regulations to be the same as for other offences for which the Council currently issues penalty notices. 4) The penalty charge is considered justifiable and proportionate. The structured and increasing level reflects a landlord's continued and persistent disregard for tenant safety and legal responsibility. 5) With regard to the option of setting a lower amount if the penalty is paid within 14 days, it should be remembered that a penalty notice would only have been issued following failure by the landlord to take the action required in the Remedial Notice. Therefore, the penalty therefore should fully recover our costs and also act as a deterrent to non-compliance with the penalty charge notice. The setting of a lower amount for early payment may encourage payment but may not deter the unreasonable behaviour and would not cover our costs of administering the penalty notice. 							
BACKGROUND							
<p>Please note that a copy of the Part 1 report is available via the decision list link on the Council's democracy pages.</p>							