

FENLAND DISTRICT COUNCIL

PRESS RELEASE

November 18, 2020

Council's housing penalty is upheld following failed appeal by landlord

A £4,550 fine issued by Fenland District Council on a Wisbech landlord for housing offences has been upheld after an appeal by the landlord was rejected by a property tribunal.

The Council served five Civil Penalty Notices on the landlord earlier this year for failing to rectify a number of safety hazards at the block of flats he owned.

The notices were served under new powers granted to local authorities in 2017, which allow the Council to issue penalties up to a maximum of £30,000 for certain housing offences as an alternative to prosecution.

The landlord appealed one of the penalty notices relating to defective windows, which was heard in September by the Eastern Residential Property First-tier Tribunal. The Tribunal has now published its findings and dismissed the appeal. Upholding the Council's action, the Tribunal said the evidence was clear and the penalty of £4,550 was confirmed.

Fenland District Council's Private Sector Housing team first inspected the block of three flats in Wisbech in early 2018 and identified significant breaches of regulations including:

- Non-working fire alarm system and defects to the fire doors
- Building defects including damp, severely worn carpets on the stairs, insufficient heating and inadequate security
- Defective, warped and rotting windows

The Council served improvement notices requiring remedial works to the properties, but the work was not completed within the specified time scale or not to the standard required. Consequently, the Council issued five Civil Penalty Notices for failing to comply with the improvement notices, totalling £8,852.

Councils can serve civil penalties for a number of offences under the Housing Act 2004 and are able to retain income from the fines to help meet the costs and expenses incurred from public sector housing enforcement.

Fenland District Council has served penalties for failure to comply with improvement notices and breaches of house of multiple occupation (HMO) regulations, including failure to licence a licensable HMO. More recently tenants have also been fined for illegally sub-letting to others.

To date, the Council has served 29 civil penalties ranging from fines of £500 to £30,000. All income received from fines is reinvested in improving the management and condition of housing in Fenland.

Cllr Samantha Hoy, Fenland District Council's Portfolio for Housing, said: "Fenland District Council is committed to protecting residents from substandard and dangerous living conditions, supporting good and improving landlords and taking a robust stance against criminal landlords."

"We will not hesitate to use legal powers to improve standards in the private rented sector and landlords who place the health and safety of tenants at risk can expect enforcement action to be taken against them. It's also a warning to tenants that if they sublet, we can and will serve penalties on them as they are in effect the landlord."

- For landlord and tenant advice, contact the Council's private sector housing team on 01354 654321, email: privatesectorhousing@fenland.gov.uk or visit: www.fenland.gov.uk/housing

ENDS

For more information contact Fenland District Council press office on 01354 622226