

# **Report of the Strategic Director of Place to the meeting of Regeneration and Economy Overview and Scrutiny Committee to be held on 28 February 2017**

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**Subject:**

**Update on the work of the Housing Standards Team**

**Summary statement:**

The Housing Standards team (HST) delivers a number of statutory functions to address housing conditions across the district. This report provides an update for members on housing conditions and the work of the HST taken to address these.

Steve Hartley  
Strategic Director of Place

**Portfolio:**

**Health and Wellbeing**

Report Contact: Julie Rhodes/Liam Jowett

Phone: (01274) 431163/7595

E-mail: [Julie.rhodes@bradford.gov.uk](mailto:Julie.rhodes@bradford.gov.uk)

**Overview & Scrutiny Area:**

**Regeneration and Housing**



## 1. SUMMARY

The Housing Standards team (HST) delivers a number of statutory functions to address housing conditions across the district. This report provides an update for members on housing conditions and the work of the HST taken to address these.

## 2. BACKGROUND

- 2.1 Members have been clear that the provision of quality and affordable housing is a key strategic priority and recognise the importance of a good quality private rented sector in the Council's "Housing and Homelessness Strategy for Bradford District - A Place to Call Home: 2014-2019".
- 2.2 Members last received an update on the work of the Housing Standards team in September 2015. This report provides an update on activity since that date.
- 2.3 The Housing Standards Team based within the Economy and Development service is a statutory service responsible for inspecting property in order to ensure compliance with various housing and other legislation. The service is largely reactive and particularly focuses on conditions in the private rented sector, although it does perform a number of statutory functions relating to statutory nuisance and filthy and verminous premises across all tenures.

The HST is also responsible for the administration and enforcement of the mandatory licensing scheme for Houses in Multiple Occupation (HMOs).

- 2.4 In 2015/16 the service received 1416 service requests, all of which related to housing condition, the majority of which were from the private rented sector. By the end of Quarter 2 in 2016/17 we have seen a 37% increase in service requests compared to the number received by this point in 2015/16.
- 2.5 The main legislation enforced by the team is the Housing Act 2004. This legislation came into force in April 2006 and uses the Housing Health and Safety Rating System (HHSRS) as the prescribed method of assessing a house's condition. Under the HHSRS officers are required to ensure that each property is assessed against 29 separate hazards. Using the assessment tool hazards are categorised as either Category 1 or Category 2 hazards.
- 2.6 Under the Housing Act 2004 the Council must keep the housing conditions in their area under review and has a duty to remove Category 1 hazards where they exist.
- 2.7 The HHSRS is based on risk assessment and is not prescriptive. All 29 hazards in each property must be individually risk assessed, thus the outcome of the assessment between properties will vary.
- 2.8 Some property types pose a higher risk than others; For example in back to back properties which are common in the District (approximately 10,500) there is a higher risk of serious injury should a fire occur as there is only one way out of the house and this can be through a high risk room, such as a kitchen or living room. Also the high proportion of pre – 1919 housing in Bradford's housing stock means that the



hazard of falls on stairs due to the steepness of stairs in these properties is often identified.

- 2.9 In 2015/16 the most frequently scored hazards were Fire, Damp and Mould, Excess cold, electrical hazards and falling on stairs.
- 2.10 The service works with landlords to ensure compliance with legislation. Wherever possible this is through education and encouragement but the service does use enforcement powers, in line with the Council's Enforcement Policy, where necessary.
- 2.11 During 2015/16:
- The HST served 736 notices requiring works to be undertaken
  - Housing conditions were improved in 1330 properties
  - Housing conditions were improved in 385 properties where children aged 0 - 18 years were living
  - 11 prosecutions were taken for non compliance
- 2.12 The Housing Standards Team is also responsible for the enforcement of standards in Houses in Multiple Occupation (HMOs), such as bedsits and shared houses. These are statistically proven to pose a higher risk of fire than singly occupied houses and therefore require a higher standard in terms of fire safety. Measures included higher specification for fire alarm systems and fire doors and fire stopping measures.
- 2.13 Under the Housing Act 2004 certain high risk categories of HMO are required to obtain a licence in order to operate. This is known as mandatory licensing. The main reason that these properties are deemed to be high risk relates to risks associated with fire due to their size and mode of occupation i.e. sharing of amenities and sanitary facilities. The Housing Standards Team is responsible for administering the mandatory licensing scheme.

The Council has a Zero tolerance approach towards owners who operate licensable properties without a licence. There are currently 265 licensed HMOs in the Bradford district.

- 2.14 The results from the recent Stock Modelling report indicate that there are potentially as many as 11,000 HMOs in the Bradford district, of which 1,399 may require a licence. The HST already routinely visits properties that have previously required a licence but no longer do so because of their occupation levels but is now utilising the data provided by the BRE to undertake further proactive targeted surveys to



identify whether these additional properties are HMOs and whether they do require a mandatory licence. This has resource implications for the team but is an important piece of work given the increased risks of such properties to their occupants.

- 2.15 In January 2016 the Housing Standards team was successful in securing £45,000 of funding from the Department of Communities and Local Government (DCLG) to carry out intensive enforcement inspections of flats above commercial premises along three main arterial routes into Bradford; Leeds Road, Manchester Road and Great Horton Road, and to target properties with outstanding Housing Act Notices on a district wide basis.

Inter-agency working was a key part of the project with West Yorkshire Fire and Rescue providing over 1,000 single point smoke alarms to support the project and key contacts informed about the project in Homelessness services, Revenue and Benefits and Council members.

The main aims of the project were to identify high risk properties where a fire was likely to result in serious harm or death due to lack of fire precaution measures and safe escape routes out the property.

In total 180 properties were inspected during the project with hazards found at 133 rented properties resulting in 20 formal Housing Act Notices, including three emergency prohibition orders. In 10 cases a property was found to have a fire risk high enough to justify Emergency Prohibition Orders but either the tenants moved out the same day and works were completed, or the property was owner occupied, so advice, information and smoke detectors were provided.

Informal notices were served in 113 cases, often where landlords were shown to have high levels of co-operation. Fire alarms were handed out to both owner occupiers and tenants reducing the fire risk in over 60 properties.

The funding required that the initial project was completed by March 31<sup>st</sup> 2016 but one officer in the Housing Standards Team has continued to undertake this work on a proactive basis as it was clear from the project findings that this work was important and potentially saves lives.

- 2.16 The HST works closely with the Housing Options service and now undertakes housing inspections for the service to ensure compliance with standards as part of the new approach to provide additional housing options in the private rented sector. During 2015/16 HST carried out inspections of 88 properties in support of the Private Rented Lettings Service.

- 2.17 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (the Order) made it a legal requirement for all lettings agents and property managers to join a



Government approved redress scheme by October 1<sup>st</sup> 2014 and placed a statutory duty on the Council to enforce the requirement. On February 10<sup>th</sup> 2015 the Council's Executive agreed that a monetary fine of £5000 would be applied for non-compliance.

Since the introduction of these Regulations the service has served 19 notices requiring agents/managers to prove that they are members of an approved scheme and has issued 3 penalty charges for non-compliance.

2.18 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations) came into force on 1 October 2015.

These Regulations place a duty on landlords of rented accommodation (excluding registered providers of social housing) to ensure that:

- a smoke alarm is installed on each storey of premises where there is living accommodation
- a carbon monoxide alarm is installed in any room of a premises used as living accommodation, which contained a solid fuel burning appliance.

and for tenancies starting from 1 October 2015

- that checks are made by the landlord, or someone acting on his behalf, that the alarm(s) is/are in proper working order on the day the tenancy starts.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord.

If a landlord, then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge.

The HST is the team responsible for enforcing this new requirement. Since the introduction of these Regulations the service has served 51 remedial action notices and issued 3 penalty charges for non-compliance.

2.19 All action undertaken by the Housing Standards team is taken in line with the Council's Private Sector Housing Enforcement Policy that was agreed at Executive in February 2006.

### 3. OTHER CONSIDERATIONS

3.1 In order to release capacity the HST has for some time actively encouraged tenants and owners to address issues themselves with landlords/neighbours before approaching the HST for assistance. This is not just a local issue however and the team is currently working with officers from the other West Yorkshire authorities to further develop use of a "triage" type approach.



This approach is not appropriate for all clients but if effective could free up capacity within the team to enable it to address new and proposed areas of statutory responsibility and/or to undertake further proactive inspections.

3.2 The increasing size and importance of the private rented sector is a national issue. Further proposed statutory responsibilities for the Council include:

- Subject to Parliamentary approval the Government is proposing to require that all privately rented accommodation has an EPC rating of band E by April 1<sup>st</sup> 2018.
- The Government has recently consulted on proposals to extend mandatory licensing of houses in multiple occupation and on the introduction of banning orders for the most serious and prolific offenders.
- The Housing and Planning Act 2016 also includes proposals to extend the use of Rent Repayment Orders and on the introduction of civil penalties for non-compliance with Housing Act notices.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

4.1 Additional resources will not be made available from central Government to implement the new and proposed statutory responsibilities. The Council can however retain any income generated from fines that are paid.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

No significant risks have been identified.

#### **6. LEGAL APPRAISAL**

6.1 Legal Services have provided advice on the format of notices and procedures required to implement new statutory responsibilities.

#### **7. OTHER IMPLICATIONS**

##### **7.1 EQUALITY & DIVERSITY**

The improvement of housing conditions in the District will have a positive impact on those groups and individuals who suffer multiple disadvantages associated with poor quality and inadequate housing.



## **7.2 SUSTAINABILITY IMPLICATIONS**

The interventions that the Housing Standards team take to improve the quality of the private rented stock will help to create a more sustainable housing stock for the district.

The Housing service will continue to work with neighbouring Local Authorities and other regional partners to gather information and develop initiatives to tackle local and regional problems.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

Any work done to a domestic property to remove excess cold as a hazard or to improve its energy efficiency is likely to have the effect of reducing the domestic carbon emissions of that property (in addition to reducing the household's heating bills). This will contribute to meeting the District's Greenhouse Gas Emissions targets.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

One of the hazards assessed by officers using the Housing Health and Safety Rating system (HHSRS) relates to entry by intruders. Where the hazard of entry by intruders has been identified in a home measures to address that hazard will be included in any action taken.

## **7.5 HUMAN RIGHTS ACT**

No implications under the Human Rights Act have been identified.

## **7.6 TRADE UNION**

No Trade Union implications have been identified.

## **7.7 WARD IMPLICATIONS**

Housing Standards work is largely reactive and covers the whole District.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None.



## **9. OPTIONS**

- 9.1 Option 1 – that the Committee note the report.
- 9.2 Option 2 – that the Committee note the report and request a further update on the work of the Housing Standards team in 12 months.

## **10. RECOMMENDATIONS**

- 10.1 That the Committee note the report and request a further update on the work of the Housing Standards team in a further 12 months

## **11. APPENDICES**

None.

## **12. BACKGROUND DOCUMENTS**

None.

