

Report of the Strategic Director of Place to the meeting of Regeneration and Economy Overview and Scrutiny Committee to be held on February 20th 2018

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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.

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Overview & Scrutiny Area:
Regeneration and Economy

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 February 2017. 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 2016/17 the service received 1714 service requests, all of which related to housing condition, the majority of which were from the private rented sector. This represented a 21% increase in service requests when compared to 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 2016/17 the most frequently scored hazards were Fire, Damp and Mould and Excess cold.
- 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 2016/17:
- The HST served 709 notices requiring works to be undertaken
 - Housing conditions were improved in 947 properties
 - Housing conditions were improved in 342 properties where children aged 0 - 18 years were living
 - 13 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 260 licensed HMOs in the Bradford district.

- 2.14 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 2016/17 HST carried out inspections of 210 properties in support of the Private Rented Lettings Service compared to 88 in 2015/16.

The introduction of the new Homelessness Reduction Act 2017 will increase the Council's responsibilities towards households that are at risk of becoming homeless. This will further increase the role of the Council's Private Sector Letting Service in identifying suitable accommodation for some of these households and will therefore increase the number of properties that the Housing Standards team will need to inspect to ensure they are of a suitable standard.

- 2.18 The Housing and Planning Act 2016 introduces a number of amendments to the Housing Act 2004. One of these amendments is to introduce a new section into the Act which establishes the legal basis for imposing civil penalties for specific

offences under the Housing Act 2004.

A civil penalty is a financial penalty imposed by a Council on an individual or organisation as an alternative to prosecution. Under the above legislation the Council would be able to impose a civil penalty of up to £30,000 per offence for the following offences under the Housing Act 2004:

Section 30 – failure to comply with an improvement notice
Section 72 – mandatory licensing of Houses in Multiple Occupation (HMO)
Section 95 – licensing under Part 3 of the Housing Act 2004
Section 139 – failure to comply with an overcrowding notice
Section 234 – breach of management regulations in respect of HMO

In order to implement these new powers the Council had to first adopt and publicise its policy with regard to the use of civil penalty notices for these offences.

Implementation of these new powers also required the Council's Private Sector Housing Enforcement Policy to be amended.

The Council's Private Sector Housing Enforcement Policy was updated to include the Council's policy relating to Civil Penalty Notices and was agreed by Executive in November 2017.

- 2.19 Officers have been working with colleagues across West Yorkshire to agree a consistent approach across the sub region with regard to the enforcement approach to Civil Penalty notices for Housing Act offences and level of monetary fine. This is important due to the fact that property owners often operate across local authority boundaries.

A number of other proposed new powers in The Housing and Planning Act 2016 are still to be introduced. Officers from the Housing service will continue to work with the other Authorities to ensure shared learning and a consistent approach.

- 2.10 The Housing and Planning Act 2016 also extends the use of Rent Repayment Orders to cover a much wider range of housing offences.

A Rent Repayment Order is an order made by the First-tier Tribunal requiring a landlord to repay a specified amount of rent.

Applications for Rent Repayment Orders can be made by either a tenant or the Council.

Previously applications for Rent Repayment Orders could only be made where a landlord had been convicted of offences relating to licensing offences under the Housing Act 2004. The new provisions under the Housing and Planning Act 2016 extend the use of Rent Repayment Orders for additional housing offences including:

Section 30 – failure to comply with an Improvement notice
Section 32 – failure to comply with a Prohibition Order

The new provisions also mean that an application for a Rent Repayment Order can

also be made where a landlord has committed certain offences whether or not they have been convicted of the offence. In such circumstances the First-tier Tribunal will need to be satisfied beyond reasonable doubt that the landlord has committed the offence.

3. OTHER CONSIDERATIONS

- 3.1 The increasing size and importance of the private rented sector continues to be a national issue. Further proposed statutory responsibilities for the Council include:

An extension of the mandatory licensing scheme for houses in multiple occupation to include all properties with five or more individuals in two or more households. This is still subject to regulation but is expected in April 2018.

The introduction of banning orders for the most serious and prolific offenders is also subject to regulation but is also expected in April 2018.

There is an ongoing consultation relating to proposals to require that all privately rented accommodation has an EPC rating of at least Band E by April 1st 2018. Enforcement responsibilities will lie with West Yorkshire Trading Standards rather than the Council.

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 provided that it is used to further the Local Authority's statutory functions in relation to their enforcement activities covering the private rented sector.

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.