

Report of the Strategic Director, Place to the meeting of Regeneration and Environment Overview and Scrutiny Committee to be held on March 26 2019

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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:
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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 2018. 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 2017/18 the service received 1827 service requests, all of which related to housing condition, the majority of which were from the private rented sector. This represented a 7% increase in service requests when compared to 2016/17. Appendix 1 provides a breakdown on the service requests received in 2017/18 by ward.

In the first nine months of 2018/19 the service has received 1590 service requests.

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. Details of the 29 hazards assessed using HHSRS are provided in Appendix 2.

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 2017/18 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 2017/18:
- The HST served 794 notices requiring works to be undertaken (the figure for the first nine months of 2018/19 is 694)
 - Housing conditions were improved in 1012 properties (the figure for the first nine months of 2018/19 is 924)
 - Housing conditions were improved in 377 properties where children aged 0 - 18 years were living (the figure for the first nine months of 2018/19 is 313)
 - 7 prosecutions were taken for non compliance (the figure for the first nine months of 2018/19 is 6)
- 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 Since April 2006 certain high risk categories of HMO have been 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 263 licensed HMOs in the Bradford district.

The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 had the effect of extending the scope of Section 55(2)(a) of the Housing Act 2004 from October 1st 2018.

The Order does not alter the occupation requirement (for mandatory licensing to apply the property must still be occupied by 5 or more occupants, the occupants to comprise two or more households) but this is now regardless of the number of storeys.

One of the most significant impacts of this is the inclusion of self- contained flats in multiple occupation that are not purpose built. Initial estimates suggest that there will be between 70 – 150 of this type of flat that will require a licence.

In anticipation of the extension of the mandatory scheme, the Housing service implemented a marketing and communications campaign to raise awareness amongst landlords and tenants. This included:

- Advisory letters sent to all landlords listed in departmental records who may own or manage HMOs
- A series of updates using the Council's "Stay Connected" bulletins
- Promoting the changes using social media, the local Press and the Council's website

The Housing service also carried out a number of physical surveys to identify potential properties that might be subject to licensing in BD1, BD5 and BD7 as these have traditionally been the wards with the highest number of HMOs.

- 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 2017/18 HST carried out inspections of 220 properties in support of the Private Rented Lettings Service compared to 210 in 2016/17 (in the first nine months of 2018/19 the comparable figure is 211).

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

- 2.15 The Housing and Planning Act 2016 introduced a number of amendments to the Housing Act 2004. One of these amendments was 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 is 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 (CPNs) for these offences and also amend the Council's Private Sector Housing Enforcement Policy.

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.

Officers worked 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.

During 2017/18 the HST served 3 Notices of Intention to serve a Civil Penalty notice and 3 Final Notices (CPN) (the figure for the first nine months of 2018/19 is 10 Notices of Intention to serve a Civil Penalty notice and 4 Final Notices (CPN)).

- 2.16 Officers from the Housing service continue to work with the other Authorities to ensure shared learning and a consistent approach to the use of banning orders and the enforcement of legislation relating to energy efficiency.

3. OTHER CONSIDERATIONS

- 3.1 The enforcement of standards in high rise residential buildings is complex. Responsibility for the enforcement of those standards is divided between the Council (Building Control and Housing) and West Yorkshire Fire and Rescue Service (WYFRS).

In practice, because of the joint statutory responsibilities in this type of building in order to fully assess the hazard of fire safety a joint inspection involving WYFRS, Housing Standards and Building Control is undertaken as the assessment requires information from all 3 services. Any enforcement required will then be undertaken by the lead authority following consultation between all 3 services.

The Committee has received annual reports on the work undertaken with regard to high rise residential buildings and is due to receive a further update in October 2019.

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.

7.8 IMPLICATIONS FOR CORPORATE PARENTING

Officers from HST work with officers from Children's Services and Health and Wellbeing to inspect properties used as accommodation for children in and leaving care as requested to ensure that they comply with the relevant housing standards.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

The service has completed Privacy Impact Assessments prior to the introduction of Civil Penalty Notices and the extension of mandatory licensing of houses in multiple occupation (HMOs). Any issues identified through those assessments have been addressed.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Option 1 – that the Committee consider 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

Appendix 1: Breakdown of the service requests received in 2017/18 by ward.

Appendix 2: Details of the 29 hazards assessed using the Housing Health and Safety Rating System (HHSRS)

12. BACKGROUND DOCUMENTS

None.

Appendix 1:

Housing standards related service requests received, by ward – 2017/18

| WARD | SERVICE REQUESTS RECEIVED |
|----------------------------------|---------------------------|
| 01 BAILDON | 16 |
| 02 BINGLEY | 15 |
| 03 BINGLEY RURAL | 23 |
| 04 BOLTON AND UNDERCLIFFE | 50 |
| 05 BOWLING AND BARKEREND | 198 |
| 06 BRADFORD MOOR | 83 |
| 07 CITY | 202 |
| 08 CLAYTON AND FAIRWEATHER GREEN | 57 |
| 09 CRAVEN | 19 |
| 10 ECCLESHILL | 69 |
| 11 GREAT HORTON | 131 |
| 12 HEATON | 66 |
| 13 IDLE AND THACKLEY | 28 |
| 14 ILKLEY | 11 |
| 15 KEIGHLEY CENTRAL | 121 |
| 16 KEIGHLEY EAST | 40 |
| 17 KEIGHLEY WEST | 33 |
| 18 LITTLE HORTON | 110 |
| 19 MANNINGHAM | 98 |
| 20 QUEENSBURY | 31 |
| 21 ROYDS | 47 |
| 22 SHIPLEY | 23 |
| 23 THORNTON AND ALLERTON | 39 |
| 24 TOLLER | 86 |
| 25 TONG | 87 |
| 26 WHARFEDALE | 6 |
| 27 WIBSEY | 43 |
| 28 WINDHILL AND WROSE | 46 |
| 29 WORTH VALLEY | 9 |
| 30 WYKE | 40 |
| Grand Total | 1827 |

Appendix 2: Hazards Assessed Using the Housing Health and Safety Rating System (HHSRS)

A PHYSIOLOGICAL REQUIREMENTS

Hygrothermal Conditions

- 1 Damp and mould growth
- 2 Excess cold
- 3 Excess heat

Pollutants (non-microbial)

- 4 Asbestos
- 5 Biocides
- 6 Carbon Monoxide and fuel combustion products
- 7 Lead
- 8 Radiation
- 9 Uncombusted fuel gas
- 10 Volatile Organic Compounds

B PSYCHOLOGICAL REQUIREMENTS

Space, Security, Light and Noise

- 11 Crowding and space
- 12 Entry by intruders
- 13 Lighting
- 14 Noise

C PROTECTION AGAINST INFECTION

Hygiene, Sanitation and Water Supply

- 15 Domestic hygiene, Pests and Refuse
- 16 Food safety
- 17 Personal hygiene, Sanitation and Drainage
- 18 Water supply

D PROTECTION AGAINST ACCIDENTS

Falls

- 19 Falls associated with baths etc
- 20 Falling on level surfaces etc
- 21 Falling on stairs etc
- 22 Falling between levels

Electric Shocks, Fires, Burns and Scalds

- 23 Electrical hazards
- 24 Fire
- 25 Flames, hot surfaces etc

Collisions, Cuts and Strains

- 26 Collision and entrapment
- 27 Explosions
- 28 Position and operability of amenities etc
- 29 Structural collapse and falling elements