

Report of the Strategic Director of Place to the meeting of the Bradford East Area Committee to be held on 19th February 2020

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Subject:

Housing Standards

Summary statement:

This report provides members with an overview of the work of the Housing Standards and Empty Homes and Loans teams undertaken in the Bradford East Area.

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Portfolio:

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Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

This report provides members with an overview of the work of the Housing Standards and Empty Homes and Loans teams undertaken in the Bradford East Area.

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 "A place to call home, a place to thrive, Housing Strategy for the Bradford District 2020-2030".
- 2.2 The Housing Operations teams deliver a number of statutory functions to address housing conditions across the district. This report provides an update for members on housing conditions in the Bradford East area and the work of the Housing Standards and Empty Homes and Loans teams to address these.
- 2.3 The Housing Standards Teams (HST) based within the Economy and Development service deliver 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.

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

- 2.4 In 2018/19 the service received 648 service requests relating to housing standards in the Bradford East area, the majority of which were from the private rented sector. This is a 20% increase on the number received in 2017/18, which is higher than the increase across the whole District, which was 15%. Appendix 1 provides a breakdown of those service requests received in 2018/19 by ward.
- 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 2018/19 the most frequently scored hazards in Bradford East were Fire, Electrical Hazards and Damp and Mould. This is broadly in line with the frequency of hazards across the District, except that the proportion of Electrical Hazards is higher and Excess Cold (which is one of the top three hazards District wide) is lower.
- 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 2018/19 for properties in Bradford East:
- The HST served 302 notices requiring works to be undertaken
 - Housing conditions were improved in 317 properties
 - Housing conditions were improved in 131 properties where children aged 0 -18 years were
 - 2 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 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.

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. This included survey work in the Bradford East area.

- 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 2018/19 HST carried out inspections of 79 properties in Bradford East in support of the Private Rented Lettings Service which is 20% higher than the number in 2017/18.

- 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.

- 2.16 Tackling empty homes in the district contributes towards the issues of housing supply, housing quality and creating neighbourhoods which are clean and where people feel safe.

As the district has over 217,000 properties it is recognised that there are always a number of homes that are empty due to people moving home, ending tenancies, etc. Known as “transactional” empties these properties are generally empty for less than 6 months (however due to the current housing market it is not uncommon for properties to remain empty for up to 12 months whilst being sold). These properties do not generally need any intervention from the Empty Homes and Loans team so resources are focussed on properties that have been empty for more than 6 months (known as long term empties).

- 2.17 All local authorities provide a return to central government on an annual basis (in October) of data extracted from the Council Tax database. This includes data on empty properties such as the total number of empty properties and the number of long term empty properties. These figures are published by central government and provide the Council’s official position. At October 2019 there were 7,373 empty properties in the district, of these 3,333 had been empty for less than 6 months and 4,040 were considered to be long term empty properties (empty for over 6 months). In 2009 there were 7,302 long term empty properties therefore the current figure shows a reduction of 3,262 long term empty homes since 2009.

- 2.18 Understandably, data and figures fluctuate from month to month, especially those relating to the housing market and empty properties. The table below shows for the Bradford East area the number of long term empty homes and the length of time that they have been empty (at end December 2019).

Length of Time Empty	Total
6 - 12 Months	269
1 - 2 Years	263
2 - 3 Years	77
3 - 5 Years	89
5 - 10 Years	71
Over 10 Years	42
Grand Total	811

- 2.19 The work of the team is a mixture of this reactive work as well as proactive work generated from the Councils’ own data and surveys of the district. The team are dealing with just over 1,200 cases empty properties at any one time. A breakdown of the type of request for service of investigation relating to properties in the Bradford East area is given below (at end December 2019):

Nature of Request / Intervention	No.
Long Term Empty Property – General Issues / Concerns	72
Request for Empty Property Advice	84
Proactive Empty Property Investigation	119
Defective Gutters at an Empty Property	4
Damp causing a nuisance from an Empty Property	16
Empty Property Loan Enquiry	1
Empty Property Loan or Assistance Case	8
Monitoring a vacated property following enforcement	53
Total	357

- 2.20 A large proportion of the work and response provided by the team relates to resolving issues through formal enforcement powers such as nuisance from empty properties (i.e. dampness) and securing empty properties against unauthorised access. In addition, Empty Homes Advisors work both reactively and proactively to investigate the circumstances surrounding empty properties and provide advice to owners on their options, products available and organisations that may be able to help.
- 2.21 The most problematic long term empty properties, considered to be of a higher risk (following a risk assessment by officers), are targeted more intensely by officers for action. There are currently 119 high risk long term empty properties in the district, 45 of which are located in Bradford East. Every one of these properties is being dealt with according to the circumstances and the willingness/activity of the owner/s.
- 2.22 The reasons why properties are left to become long term empty can be many and varied. Detailed investigations are often necessary to identify legal ownership of properties before any action can be taken. For this reason one of the products developed and used by the team is to offer some owners legal assistance to help them to resolve ownership issues which are preventing them bring the property back into use.
- 2.23 Officers utilise appropriate products from the full range of options available to them to try to encourage owners to bring their homes back into use but in some cases they have to use the ultimate sanction against uncooperative owners – compulsory purchase. Since 2010, the service has compulsorily purchased 35 properties and voluntarily acquired 39 properties. There are a further 20 cases currently ongoing where the Council is attempting to acquire properties, 12 of which are through compulsory purchase and 8 are through voluntary acquisition. 3 of the properties subject to compulsory purchase and 1 of the properties subject to voluntary acquisition are in the Bradford East Area.
- 2.24 The Empty Homes and Loans team is often approached by developers who are looking to find empty properties to bring them back into use. Officers will often pass the details of these developers to empty home owners and act as facilitators in negotiations as it may provide an additional means of bringing their property back into use.

- 2.25 The range of products and services the Council and its partners are able to support continues to grow with 12 fact sheets available from the Council. This information provides advice to owners on how the barriers they are facing may be broken down, this is accompanied by face to face advice and signposting on complex issues.
- 2.26 One of the key products developed by the service is the Empty Property Loan (EPL). This is an equity share loan intended to provide essential funding to enable long term empty property owners to bring their properties back into use. This is one of a very few loan products that are being successfully delivered to empty home owners nationally and has been developed in partnership with Sheffield City Council who administer the loan on behalf of the Council.
- 2.27 The service has also developed a new product known as Empty Property Assistance (EPA) which is a small grant of up to £5,000 which owners can only access where they have been unable to access loan funding. It is intended to be a last resort and to provide help to empty property owners who have no other means of funding and who have exhausted all other ways to raise finance. It will only suit circumstances where works costing up to £5,000 will bring the property back into use.
- 2.28 The Empty Homes team also work closely with colleagues in the Council Tax Enforcement Team to coordinate action relating to the Enforced Sale of empty properties where there is debt against the Council. This debt can be Council Tax debt or debt that has been generated as a result of other services having to carry out works at empty properties – where owners will not - in order to remove statutory nuisance, rubbish or to secure them against unauthorised entry.
- 2.29 There is also collaboration between the team and colleagues in Adult Services where properties are empty due to owners either being elderly and in permanent residential care or in particular where owners have been in residential care and have since passed away and there is a debt owing to the Council for that care. Such cases are obviously very sensitive and the team helps Adult Services in dealing with these.

3. OTHER CONSIDERATIONS

- 3.1 Homes England (formerly known as the Homes and Communities Agency (HCA)) has advised that applications for funding to create affordable homes through the acquisition and repair of empty homes will be considered. The Council is working with partners to identify opportunities to access this funding.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The service continues to recycle funding through loans, property acquisition and disposals. The funding supports bringing homes back into use. Other impacts include the reduction of debt to the council through enforced sale and the use of the empty property loan and assistance, as owners can only access these forms of assistance if they have cleared any outstanding council tax debt to the Council first.
- 4.2 The financial benefit to the Council of bringing empty homes back into use can be

measured in a number of ways with one of the most significant being its contribution to the new homes bonus (NHB) awarded by Government.

- 4.3 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 received Royal Assent on 1 November 2018. This Act increases the maximum premium that a Council can choose to apply in the case of long term empty dwellings (over 2 years).

At the Council's meeting of the Executive Committee on the 4th December 2018 it was agreed that the Council will increase Council Tax premiums, phased in over three years, so that:

- From 1 April 2019 – the maximum charge is up to 100% for properties empty for at least two years
- From 1 April 2020:
 - the maximum charge is 100% for properties empty for at least two years but less than five years
 - the maximum charge is 200% for properties empty for at least five years
- From 1 April 2021:
 - the maximum charge is 100% for properties empty for at least two years but less than five years
 - the maximum charge is 200% for properties empty for at least five years but less than ten years
 - the maximum charge is 300% for properties empty for at least ten years

These charges (or premiums as they are known) are charged in addition to the usual council tax charge that applies to the property.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 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

- 7.1.1 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.

7.1.2 The Council is always mindful of its Public Sector Equality Duty (PSED) when making the decision to pursue compulsory purchase action and ensures it has had due regard to the three aims of the Equality Duty. That is to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

7.1.3 Before taking any action, formulating or applying policy and exercising discretion with regard to compulsory purchase powers and procedures, the Council will always decide the extent to which the aims of the PSED are relevant and whether people with a protected characteristic may be impacted.

7.1.4 The Decisions to pursue compulsory purchase action are taken on a case by case basis and relate to a property and the need to bring it back into use.

7.1.5 However, where a specific case involves a person with a recognised shared characteristic appropriate action will be taken to ensure that the information provided and support given ensures they are not placed at a disadvantage with regard to the process. This could be in relation to an owner with a disability, such as mental health issues, or an elderly person who needs support in understanding the process.

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 Councils work on bringing empty homes back into use supports the objective of making use of existing resources to provide housing wherever possible rather than using new materials to construct new housing. Significant CO2 emissions occur through construction which may be avoided by maximising the existing housing stock. Greenfield sites in particular comprise a valuable resource for biodiversity, recreation and resilience to climate change which further strengthens the case for consolidating existing housing stock and previously developed land.

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

- 7.4.1 The presence of empty homes within communities impacts significantly on community safety, the fear of crime and the feelings that residents have towards their neighbourhood. As a result, the success of the team, and returning a property into occupation, impacts significantly on whole streets and neighbourhoods.
- 7.4.2 Empty homes can, in some cases, attract antisocial behaviour, accumulations of refuse and also criminal activity. The team often work with neighbourhood wardens, Neighbourhood Services and the police to highlight and tackle problematic properties, ensuring that action can be taken where possible.
- 7.4.3 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

- 7.5.1 A key element of the teams' work in the enforcement of legislation, and in particular in the compulsory purchase of properties is the consideration of individuals' human rights, both those of the property owner/s and the residents in the neighbouring properties or community.
- 7.5.2 All actions taken by the team are in line with the Private Sector Housing Enforcement Policy (reviewed and agreed by the Council's Executive Committee on the 7th November 2017).

7.6 TRADE UNION

No Trade Union implications have been identified.

7.7 WARD IMPLICATIONS

- 7.7.1 A large proportion of the work of the teams is reactive. However both teams carry out proactive work to target areas of concern. This is often on a risk assessed basis.
- 7.7.2 Council Tax empty homes data is analysed to produce lists of empty properties at ward level. For some time, beginning initially in the wards containing the highest number of long term empty properties, Empty Homes Advisors proactively approach properties / owners (where the team is not already involved) to investigate the circumstances and discuss the owners' intentions, offering help and taking action where possible and appropriate.

7.8 IMPLICATIONS FOR CORPORATE PARENTING

No implications for corporate parenting have been identified.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

The Housing service routinely completes Privacy Impact Assessments in line with legislation where there is a change in policy and/or practice. Any issues identified through those assessments are then addressed.

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 Operations teams in 12 months.

10. RECOMMENDATIONS

10.1 That the Committee note the report.

11. APPENDICES

11.1 Appendix 1 - Breakdown of service requests received in 2018/19 by ward.

11.2 Appendix 2 - Details of the 29 hazards assessed using HHSRS.

11.3 Appendix 3 – Breakdown of long term empty properties (at end December 2019), by Ward.

12. BACKGROUND DOCUMENTS

None.

Appendix 1

Breakdown by ward of housing standards related service requests received in 2018/19

WARD	Total
BOLTON AND UNDERCLIFFE	86
BOWLING AND BARKEREND	193
BRADFORD MOOR	115
ECCLESHILL	65
IDLE AND THACKLEY	15
LITTLE HORTON	174
Grand Total	648

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

Appendix 3: Total Number of Long Term (6 months or more) Empty Properties (Bradford East) by Ward (at End December 2019)

WARD	No. Long Term Empty Properties
Bolton And Undercliffe	117
Bowling And Barkerend	218
Bradford Moor	175
Eccleshill	79
Idle And Thackley	84
Little Horton	138
Total	811