

Report of the Strategic Director of Place to the meeting of Regeneration and Environment Overview and Scrutiny Committee to be held on 21st March 2023

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Subject:

Update on the work of the Housing Operations Service – Housing Standards Team and HMO Team

Summary statement:

The Housing Standards Team and Houses in Multiple Occupation Team deliver 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 teams taken to address these.

EQUALITY & DIVERSITY:

Poor quality rented housing affects the most vulnerable and disadvantaged residents in the district and those with protected characteristics are disproportionately represented in the rental sector. Some of the most acute housing quality issues are within already deprived parts of the district which contain significant sized populations with Protected Characteristics. The provision of good quality affordable housing in the district has a positive impact on those groups and individuals who suffer multiple disadvantages associated with inadequate housing. Living in safe and good quality accommodation improves life chances in terms of health, employment and educational outcomes.

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Overview & Scrutiny Area:
Regen and Environment

1. SUMMARY

The Housing Standards Team and Houses in Multiple Occupation Team deliver 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 teams 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 "A place to call home, a place to thrive, Housing Strategy for the Bradford District 2020-2030".
- 2.2 Members last received an update on the work of the Housing Standards team in March 2020. This report provides an update on activity since that date.
- 2.3 The Housing Standards and HMO Teams are based within the Economy and Development service and are a statutory service responsible for inspecting property in order to ensure compliance with various pieces of housing and other legislation. The service is largely reactive, but does include some proactive work, 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 HMO Team is also responsible for the administration and enforcement of the mandatory licensing scheme for Houses in Multiple Occupation (HMOs).

3. REPORT ISSUES

- 3.1 It is important to note that shortly after the previous report to members, in March 2020, the global Covid pandemic began. The Housing Operations Service continued to function throughout the initial and subsequent lockdowns and restrictions, however services were impacted upon and limited in certain circumstances.

During this period the service found alternative ways of addressing and resolving issues relating to housing standards, however in terms of the number of cases dealt with and properties improved, there was negligible impact. The service took a very proactive role with colleagues in Public Health to appreciate the vulnerabilities of service users in some of the district's worst housing stock. The safety of service users, both in terms of housing standards and of Covid, plus the safety of staff was a priority and the service worked tirelessly to ensure that the health and safety of residents was protected.

- 3.2 In the most recent full calendar year, 2022, the service received 1,789 service requests, all of which related to housing condition and, the majority of which were from the private rented sector. Appendix 1 provides a breakdown on the service requests received in 2022 by ward.

- 3.3 The main legislation enforced by the teams is the Housing Act 2004 (although there has been a significant increase in the amount of legislation applying to the private rented sector and landlords over the past 3 years). 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 dwelling'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.
- 3.4 In the financial year 2021/22 the most frequently scored hazards were Fire, Damp and Mould, Excess Cold and Electrical Hazards. This is consistent with previous years and with statistics for the remainder of 2022.
- 3.5 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.
- 3.6 During 2022:
- The teams served 514 informal notices ('Notifications of Works Required') requiring work to be completed in rented accommodation.
 - The teams also served 541 formal notices requiring works to be undertaken.
 - Housing conditions were improved in 903 properties, of which 334 properties contained children aged 0 -18 years. Of those improved, the majority were in the private rented sector, a small number were owner occupied and only 63 (7%) were social housing, this reflects the reduced involvement and activity that the teams have with social landlords due to the nature of their stock and their management of it.
- 3.7 The HMO Team is 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.
- 3.8 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. This applied to properties occupied by 5 or more occupants, the occupants to comprise two or more households on 3 storeys or more. In October 2018 new legislation extended the scope of mandatory licensing so that the requirement is now regardless of the number of storeys.

Such properties are deemed to be of a higher risk in relation to fire safety, due to their size and mode of occupation i.e. sharing of amenities and sanitary facilities. The HMO 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 353 licensed HMOs in the Bradford district.

- 3.9 The service utilises a number of methods including data analysis and physical

surveys to identify potential properties in multiple occupation including those that might be subject to licencing. This helps to identify properties that can then be prioritised for proactive inspection and further intervention by the team.

- 3.10 The teams work closely with the Housing Options service and undertake 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 2022 the teams carried out inspections of 106 properties in support of the Private Sector Lettings Scheme.

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 Lettings Scheme in identifying suitable accommodation for some of these households and therefore increased the number of properties that the teams have inspected to ensure they are of a suitable standard.

- 3.11 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 a number of offences under the Housing Act 2004.

Officers worked with colleagues across West Yorkshire to agree a consistent approach 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 2022 the teams served 25 final notices (CPNs) with a total value of £276,893. To date the service has issued a total of 73 CPNs with a value of £ £902,519. The Housing service works closely with the Council's Debt Recovery team to pursue and collect the debt with the purpose of using the repaid funds to support the service continue its function.

- 3.12 From October 2018, by creating a system of triage, the teams have prioritised service requests which present the greatest risk to health and safety of occupants i.e. where Category 1 hazards are more likely to be present. For lower risk service requests i.e. Category 2 hazards, the teams write to the landlord with a list of works identified by the tenant and advice leaflets. If the works are not carried out within 28 days the Council will then arrange an inspection. By triaging service requests those with a high likelihood of a Cat 1 or a non-compliant landlord have been prioritised for inspection based on risk.

This approach has released capacity and enabled the team to embark on a programme of proactive enforcement against known non-compliant landlords and agents in the district in line with Government guidance (Tackling rogue landlords and improving the private rental sector - MHCLG).

- 3.13 The triage approach was initially piloted for a 6 month period but has now become an established approach due to positive results. Analysis of the process and outcomes showed that the information requested through triage can be relied upon to assess whether an inspection or a letter is required and that it is an effective way to identify and address low risk properties, maximising the use of officer resource. During 2022, 334 service requests were resolved through the triage system.
- 3.14 Officer capacity released through the implementation of triage has so far been used to:
- Undertake proactive enforcement activity targeted at non-compliant managing and letting agents, i.e. those who repeatedly fail to comply with informal notices, those who do not apply acknowledged standards to all properties and those who fail to be members of a Government redress scheme.
 - Deliver a proactive enforcement approach in conjunction with other Council services in targeted areas/locations.
 - Carry out a proactive enforcement approach to certain accommodation types, for example mixed use buildings on key arterial routes.
- 3.15 Agents and landlords on the whole respond positively to proactive inspections. All are advised beforehand of the reasons for the approach and what is expected of them. There is usually no objection to the inspections and more co-operation than obstruction. It is made clear to agents/landlords why the inspections are taking place and as a result the relationship between them and the tenant has not been jeopardised. Officers are not aware of any threats of retaliatory eviction.

There is also anecdotal evidence to suggest that many 'good' landlords have moved their business from non-compliant agents because they feel that the advice they were given that the property was in suitable condition for renting was inaccurate and therefore unprofessional.

- 3.16 Proactive enforcement in general within the housing standards teams, usually on a geographical basis, has been used on a number of occasions and has always proven to be a positive and effective way of improving housing conditions in the private rented sector. The response from owners where hazards have been identified has been generally positive and remedial action has in the main been taken without the need for formal enforcement action. Proactive enforcement generally results in relationships between landlords and tenants remaining stable and amicable which is welcomed by both parties.
- 3.17 The Domestic Minimum Energy Efficiency Standard (MEES) Regulations - Since the 1st April 2020 (or 1st April 2018 for new tenancies), landlords can no longer let or continue to let properties covered by the MEES Regulations if they have an EPC (Energy Performance Certificate) rating below E, unless they have a valid exemption in place. Landlords can face financial penalties of up to £5,000 for not meeting the minimum standards.

As part of a Yorkshire and Humber consortium led by York City Council, the Housing Standards Team in Bradford was successful in gaining funding from BEIS (Department for Business, Energy & Industrial Strategy) to embark on a project to target properties let illegally where the EPC was below an E (G and F). The project

provided funding for an enforcement officer for 6 months.

948 rented properties were identified as being non-compliant. The funding provided EPC assessor training to the enforcement officer and the team has subsequently followed a programme of communication and inspection with owners of non-compliant properties. Owners have been advised on how to meet their obligations or how to register an exemption and also been introduced to energy efficient incentives within the district to help ensure compliance.

To date 343 stakeholders (tenants/landlords) have been engaged with, 301 non-compliant properties have been improved to EPC level E and only 1 penalty notice has had to be served.

The Service made a decision to continue with this approach beyond the 6 months as properties having a poor EPC rating is generally indicative of a category 1 hazard for excess cold and properties where it is difficult to maintain adequate temperatures are also prone to damp and mould.

- 3.18 The Hoarding Framework and Panel - the Housing Standards and HMO Teams are regularly referred cases of hoarding. Hoarders are those who accumulate and retain material, regardless of value, to the point that there is no, or minimal living space, and it impedes day to day functioning. It is distinct from a person collecting or generally being cluttered and messy. The difference being that a hoarder will tend to have a strong emotional attachment to their objects. It is very rarely a lifestyle choice.

Until recently the Public Health Act 1936 has been the power used to forcibly clear out hoarders when they are causing a nuisance to adjacent properties however this rarely solves the problem long term. Cases would be referred to social services but it was often difficult to get a joined up approach to a case.

Led by the Housing Standards Team, collaboration with the West Yorkshire Fire and Rescue Service (WYFRS) and Adult Social Care has led to establishing a framework and guidance for professionals working in BMDC and allied agencies to follow in cases of hoarding.

Where necessary, cases are referred to the Hoarding Panel (co-ordinated by Housing Standards). The panel, with representatives from WYFRS, Adult Social Care, mental health services and the Police, reviews cases and the actions taken so far, it challenges and advises on the options available, helps the relevant organisations to coordinate and complete their actions, removes barriers to cooperation and signposts to agencies or organisations that could contribute.

The Panel is available to all organisations and agencies within Bradford District that are signatories to the framework. Since its inception in 2019 the panel has reviewed 83 cases.

- 3.19 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 - The regulations came into force on the 1st June 2020. They require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. They only relate to fixed electrical installations.

These regulations applied to all new tenancies started from the 1st July 2020 and existing tenancies from the 1st April 2021. Failure to comply with a notice served under Regulation 4 of the regulations can attract a Civil Penalty Notice of up to £30,000. Since the Regulations were brought out, 321 notices requiring either initial certificates or new certificates following failures have been served. A total of 11 Final Civil Penalty Notices have been served following non-compliance.

- 3.20 Homes (Fitness for Human Habitation) Act 2018 - the Act came into force on 20 March 2019. This act is designed to ensure that all rented accommodation is fit for human habitation and to strengthen tenants' means of redress.

There are no new obligations for landlords under this Act; the legislation requires landlords to ensure that they are meeting their existing responsibilities with regards to property standards and safety. Under the Act, the Landlord and Tenant Act 1985 is amended to require all landlords (private and social) to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout.

The Act states that there is an implied agreement between the tenant and landlord at the beginning of the tenancy that the property will be fit for human habitation. Although this legislation is not enforced by the local authority, increasingly the housing standards teams are required to provide evidence in support of civil action taken by tenants against their landlords.

- 3.21 Retaliatory Eviction and the Deregulation Act 2015 - Retaliatory eviction is where a tenant makes a legitimate complaint to their landlord about the condition of their property and, in response, instead of making the repair, their landlord serves them with an eviction notice. Retaliatory eviction is an unacceptable practice and no tenant should fear becoming homeless because they have asked for a necessary repair.

Where the housing standards teams have served a formal improvement notice in relation to repairs and the landlord harasses or illegally evicts the tenant then officers can take a case under the Protection from Eviction Act 1977 and ultimately prosecute the landlord. Other cases of harassment or illegal eviction are dealt with by solicitors at the Citizens Advice Bureau.

- 3.22 Review of the Fire Safety Provision in Private Rented Accommodation in Bradford - In 2022 a review took place of fire safety principles in consultation with the West Yorkshire Fire and Rescue Service. The review was based on national guidance that had been issued relating to fire safety provisions for certain types of existing housing but in all tenure groups; provisions such as the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic properties. This led to the replacement of previous Fire Safety Principles issued by Bradford MDC. This standard ensures that after a rigorous fire risk assessment based on the layout of a property, the appropriate fire detection and fire precautions are provided in rented accommodation throughout the district.

- 3.23 Homes for Ukraine - Bradford residents have responded well to the appeal to offer accommodation to those displaced by the war in Ukraine. The service has inspected all the accommodation to ensure it is safe for occupation. Requests for inspection are

still being received but at a reduced rate. At the end of December 2022 the team had inspected 217 properties on behalf of colleagues in Housing Options who are the lead for this project.

- 3.24 Landlord training – Working in partnership with the organisation DASH (a partnership between Derby City Council, landlords, owners and tenants) Bradford Council has accessed training for landlords on standards, legislation, responsibilities, etc and was successful in obtaining funding from the Private Rented Enforcement and Innovation Fund so that this training could be offered to Bradford landlords free of charge. The Covid pandemic prevented this training taking place face to face however the training has continued and is being delivered online. This training has been adopted as a mandatory condition for the holder of licensed HMOs within the district. To date, 245 landlords in total have enrolled in the Yorkshire and Humber region course and of these, Bradford landlords accounted for 145 of the total enrolled users with 99 Bradford landlords completing the course online so far.
- 3.25 Just prior to the Covid pandemic the service was successful in a bid to the Government's Rogue Landlord fund which enabled Environmental Health Officers to be provided with specialist advanced enforcement skills training and related to legal procedures, evidence gathering, the use of PACE and giving evidence in Court and at Tribunals.
- 3.26 Review of the hazard of Damp and Mould - Following the tragic death of 2 year old Awaab Ishaq as a result of exposure to severe mould growth in his home in Rochdale, at the end of 2022, the Government requested a review by local authorities of the approach to this issue in rented accommodation. Statistical information relating to the prevalence of the issue and incidence of damp and mould complaints was requested and has been provided. Councils have been asked to ensure that complaints relating to this are responded to appropriately. The Service has reviewed the approach to this issue and whilst a robust approach was already being applied, a higher priority has been placed on such service requests meaning that additional scrutiny is applied. Officers have undergone refresher and consistency training specifically relating to the hazard of damp and mould. Whilst a significant proportion of housing inspections using the Housing Health and Safety Rating System (HHSRS) highlight damp and mould hazards, the vast majority of these are assessed as a lower priority, Category 2 hazard.

As part of the review the Service is launching a campaign of heightened awareness within health services (GPs, Health Visitors, Community Nurses, etc) to ensure that cases can be identified, referred and responded to by housing standards teams.

Proposed legislation and reviews

- 3.27 Decent Homes Standard – this standard has been applied to social housing since the early 2000s and at the time was a higher standard to be achieved than the then 'Fitness Standard'. Once the Housing Health and Safety Rating System (HHSRS) was introduced to replace the Fitness Standard this largely superseded the elements of the Decent Homes Standard. However, the Government has proposed the extension of the DH standard to the private rented sector. There is already an extensive and established structure for assessing housing related health and safety risks (HHSRS) and for taking enforcement action to ensure that these are addressed.

If the DH standard is extended into the PRS there will be a significant operational impact as the service assesses how this interacts with the existing enforcement structure and changes processes/legal documentation accordingly.

- 3.28 Review of the Housing Health and Safety Rating System (HHSRS) – in addition to that already mentioned, the HHSRS (introduced in the Housing Act 2004) which provides a national approach to assessing a prescribed list of 29 housing related health and safety risks has been under review for the last two years. Once the new standards are published, there will be resource implications as officers will need to be retrained and processes/documents reviewed to accommodate the changes.
- 3.29 White Paper - A Fairer Private Rented Sector – the Government has introduced a number of measures over recent years to improve conditions in the private rented sector. These include measures to improve fire and electrical safety, setting minimum energy efficiency standards, banning orders for “rogue” landlords and introduction of Civil Penalties where landlords fail to comply with legal requirements or notices.

Generally local authorities are responsible for administering and enforcing these new measures. This White Paper aims to build on these changes to improve the quality of private rented accommodation and give tenants increased security and stability.

In addition to the proposed abolition of Section 21 “no fault” evictions, the White Paper proposes the development of a digital “property portal” that landlords would be required to provide information confirming their compliance to regulatory requirements. Councils will be responsible for enforcement where a landlord does not comply with the requirement to use the portal. This could have significant resource implications, especially if this duty extends into dealing with erroneous or otherwise inaccurate information.

4. FINANCIAL & RESOURCE APPRAISAL

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.

The Service works very closely with colleagues in Debt Recovery and Legal Services as recovery of fines is proving time consuming and difficult.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No significant risks have been identified.

6. LEGAL APPRAISAL

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

Legal Services also support the housing teams by providing representation in court and at tribunals.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

The interventions that the housing standards teams 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.

7.2 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.

7.3 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.

7.4 HUMAN RIGHTS ACT

No implications under the Human Rights Act have been identified.

7.5 TRADE UNION

No Trade Union implications have been identified.

7.6 WARD IMPLICATIONS

Housing standards work is largely reactive and covers the whole District. Where proactive enforcement takes place on a geographical basis, relevant Ward members are consulted with and advised of the proposal and full engagement is encouraged and welcomed.

**7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS
(for reports to Area Committees only)**

None

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

Officers from the Housing service 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 ASSESMENT

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

That the Committee note the report and request a further update on the work of the housing standards teams in a further 12 months.

11. APPENDICES

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

12. BACKGROUND DOCUMENTS

None

Appendix 1:**Housing standards related service requests received, by ward – 2022**

WARD	SERVICE REQUESTS RECEIVED
01 BAILDON	21
02 BINGLEY	18
03 BINGLEY RURAL	22
04 BOLTON AND UNDERCLIFFE	49
05 BOWLING AND BARKEREND	134
06 BRADFORD MOOR	107
07 CITY	281
08 CLAYTON AND FAIRWEATHER GREEN	48
09 CRAVEN	10
10 ECCLESHILL	64
11 GREAT HORTON	143
12 HEATON	57
13 IDLE AND THACKLEY	17
14 ILKLEY	15
15 KEIGHLEY CENTRAL	110
16 KEIGHLEY EAST	38
17 KEIGHLEY WEST	36
18 LITTLE HORTON	95
19 MANNINGHAM	97
20 QUEENSBURY	35
21 ROYDS	40
22 SHIPLEY	35
23 THORNTON AND ALLERTON	44
24 TOLLER	79
25 TONG	53
26 WHARFEDALE	5
27 WIBSEY	55
28 WINDHILL AND WROSE	34
29 WORTH VALLEY	25
30 WYKE	22
Grand Total	1,789