

## **Committee: Sustainable Communities Overview and Scrutiny Panel**

**Date: 08<sup>th</sup> March 2022**

### **Subject: Housing Enforcement Update**

Lead officer: Elliot Brunton, Interim Head of Housing Needs and Strategy

Lead member: Martin Whelton, Cabinet Member for Housing, Regeneration and Climate Emergency.

Director: John Morgan, Interim Director of Community and Housing

Contact officer: Elliot Brunton, Interim Head of Housing Needs and Strategy

#### **Recommendations:**

A. No decision will be required as the report is for information only

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1. The purpose of this report is to provide a further update on the activities of the Housing Enforcement Team, in particular providing details on how hazards are identified under the Housing Health and Safety rating system (HHSRS) and details on the investigation and licencing of Houses in Multiple Occupation (HMOs).

## **2 HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)**

2.1. Repairing obligations are the responsibility of Landlords and this includes both private sector landlords and housing associations. It is a mandatory requirement that all Landlords have an electrical inspection every 5 years and a gas safety inspection every year and provide a certificate for both inspections. Under s11 Landlord and Tenant Act 1985 the Landlord is always responsible for repairs to-

- The property's structure and exterior
- Basins, sinks, baths and other sanitary fittings including baths and drains
- Heating and hot water
- Gas appliances, pipes flues and ventilation.
- Electrical wiring

2.2. The Housing Health and Safety Rating System (HHSRS) is a method used by Environmental Health Officers for assessing the health and safety risks in dwellings. The basis of HHSRS is that a dwelling should provide a safe and healthy environment for someone to live in. The rating system compares the risks associated with different types of hazards. It must be noted that all homes contain inherent hazards such as stairs and electrical equipment.

- 2.3. The Housing Health and Safety Rating System (HHSRS) is prescribed by Housing Act 2004, Part 1. The Government publishes operating guidance to assist officers with carrying out their enforcement role.
- 2.4. During an inspection of the officer will note defects (potential hazards) found and assesses the hazards and the likelihood of an accident causing harm to an occupier or visitor over the next 12 months. The officer will then calculate a score representing the degree of risk of each of the hazards identified. The assessment is based on the most vulnerable potential occupant or visitor and the vulnerability of the current occupant when deciding the best course of action to remove any hazard. Hazards are assessed according to how serious they are and the effect they are having or could have on the occupiers of a dwelling.
- 2.5. There are 29 identified Hazards under the HHSRS

<b>Physiological Requirements</b>	
1.Damp and Mould Growth	6.Carbon Monoxide and flue combustion products
2.Excess Cold	7.Lead
3.Excess Heat	8.Radiation
4.Asbestos and manufactured mineral fibre	9.Un-combusted fuel gas
5.Biocides	10.Volatile Organic Compounds
<b>Psychological Requirements</b>	
11.Crowding and Space	13.Lighting
12.Entry by intruders	14.Noise
<b>Protection against Infections</b>	
15.Domestic hygiene, pests and refuse	17.Personal Hygiene, sanitation and drainage
16.Food Safety	18.Water supply
<b>Protection against Accidents</b>	
19.Falls associated with baths etc.	24.Hot surfaces
20.Falls on level surfaces	25.Collision and entrapment
21.Falls on stairs or steps	26.Explosions
22.Falls between levels	27.Ergonomics- position and use of amenities

23. Electrical hazards	28. Structural collapse and falling elements
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- 2.6. The assessment process involves spotting defects, carrying out a risk assessment, outcomes and effects. When an inspector finds a hazard, two tests are applied – what is the likelihood of a dangerous occurrence due to this hazard and if there is such an occurrence, what would be the likely outcome?
- 2.7. Each hazard is given a rating and are banded from A to J. Those scores that fall within Bands A, B or C are deemed to be Category 1 hazards, while all scores that fall within Band D and below are classed as Category 2 hazards. Where the local housing authority consider that a Category 1 hazard exists on any residential premises, it must take the appropriate enforcement action in relation to the hazard. Where the local housing authority considers that a Category 2 hazard exists on residential premises, it has the power to take enforcement action in relation to the hazard by serving notices.
- 2.8. Officers will take the most appropriate enforcement action in line with the Council enforcement policy to reduce the risk of harm to the occupants. The policy sets out that The Council will not normally take on cases of disrepair reported by tenants of housing associations. This is because social landlords have programmes of planned maintenance and repair in place and, unlike private landlords, have complaints policies which their tenants can follow if they are dissatisfied. Housing association tenants have a final right to complain to the Housing Ombudsman. The exception would be if there are clear Category 1 Hazards, as defined by Part 1 of the Housing Act 2004 in the property which the social landlord has failed or refused to address.
- 2.9. The Council’s website contains information and contact details regarding Landlord responsibilities and how to make a complaint to the Housing Enforcement Team. There are links to further information on rights and responsibilities provided by Shelter and the Citizens Advice Bureau and details of the tenants champion. The Council also works with other voluntary sector groups regarding matters of private sector enforcement.
- 2.10. Appendix 1 shows the details of example category one and two hazards including pictures.

### **3 LICENCING OF HOUSES IN MULTIPLE OCCUPATION**

- 3.1. Some privately rented houses are let to people from several different families, either as bedsits or as shared houses. Houses like this are known as Houses in Multiple Occupation (HMOs).
- 3.2. HMOs provide a valuable source of rented housing to primarily single persons in our area. However, this form of housing can increase the risk to the occupants and increase the severity of the hazards.
- 3.3. HMOs present higher risk accommodation particularly when considering fire safety. For that reason larger HMOs (housing 5 or more people)

require a licence. This applied to all HMOs with 5 or more people in a building with 3 stories since 2006 and all HMOs with 5 or more people (no floor requirement) since October 2018.

- 3.4. At the present time there are 388 licenced HMOs in the borough and officers are working hard to identify any others to safeguard the occupiers.
- 3.5. Identifying, inspecting and licensing of HMOs became more challenging when the requirement to licence was extended in October 2018, where previously there was no requirement to register these dwellings.
- 3.6. Landlords operating licensable HMOs without a licence are committing a criminal offence. It is our legal responsibility to monitor and enforce the legislation to improve housing conditions within the borough.
- 3.7. Many Landlord's are aware of their responsibilities and apply to the Council for HMO licences voluntarily. These are processed accordingly. However Council officers are proactive and investigate reports of unlicensed HMO's from members of the public and other forms of intelligence.
- 3.8. Investigations are carried out using a number of methods including checking official sources such as the electoral register, land registry, and housing benefit and Council tax records, as well as visits to individual properties to gain entry and collect evidence. Officers will than analyse the information and determine the appropriate enforcement action, which could take the form of a prosecution or the issue of a CPN.
- 3.9. The table below shows the number of proactive investigations that have been carried out and/or are in progress since October 2018.

Status	Number
Under investigation	23
Not licensable	308
Licence application received	13
Licenced	73
<b>Total</b>	<b>423</b>

- 3.10. It should be noted that in many cases following investigation individual properties are not licensable. This can be for a variety of reasons, which are set out below-

Not Licensable - split	Number
HMO - 4 people or fewer	126
Hostel Accommodation	1
Owner Occupier/single household	153

Social Housing Association	8
Vacant Property	16
Under Development	4
<b>Total</b>	<b>308</b>

#### **4 ENFORCEMENT/IMPROVEMENT NOTICES SERVED**

4.1. As set in the Council's housing enforcement policy, the Council can serve both informal and formal notice to reduce the risks and remedy associated with disrepair. In the Council's Business Plan there is an annual target of 80 such notices to be served. The table below shows the performance to date for 2021/22.

<b>Notices issued Jan 2022 - YTD</b>	<b>Total</b>
HMO Management Notice	41
Hazard Awareness Notice	6
Prohibition Notice	4
Prevention of Damages by the Pest Act 1949 Sec 4	1
Preliminary Improvement notice	81
Formal Improvement Notice	2
Public Health Act 1936 Section 83 Filthy & Verminous Premises	1
Local Gov Misc Provisions Act 1976 Section 16 (request for info)	50
Housing Act 2004 Section 235 (request for documents)	3
Public Health Act 1936 Notice of Entry S287	1
<b>Total</b>	<b>190</b>

## **5 SUMMARY**

5.1. This report seeks to explain the processes of the housing enforcement team observes in its investigation and classification of hazards and its approach to proactively investigate reports of unlicensed HMO's.

5.2.

## **6 ALTERNATIVE OPTIONS**

None for the purposes of this report

## **7 CONSULTATION UNDERTAKEN OR PROPOSED**

7.1. None for the purposes of this report

## **8 TIMETABLE**

8.1. None for the purposes of this report

## **9 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

9.1. None for the purposes of this report as information only

## **10 LEGAL AND STATUTORY IMPLICATIONS**

10.1. None for the purposes of this report as information only

## **11 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

11.1. None for the purposes of this report as information only

**12 CRIME AND DISORDER IMPLICATIONS**

12.1. None for the purpose of this report

**13 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

13.1. None for the purposes of this report as information only

**14 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

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**15 BACKGROUND PAPERS**

15.1. None

**16 APPENDICES-CATEGORY 1 & 2 HAZARD EXAMPLES**

## Category 1 Hazards with Justifications

### Hazard 1 - Damp and Mould in a Pre 1920 Ground Floor Flat



A self-contained ground floor flat within a 2 storey block converted into four flats during the 1970's.

The external wall construction is of solid stone. The ground floor flat comprises of a kitchen, bathroom, living room and one bedroom.

- Bedroom: rising dampness and mould growth plus penetrative dampness due to missing pointing to the external face of the external wall and rainwater overspill due to a partially blocked rainwater down-pipe
- Living Room: rising dampness to a height of 1000mm above finished floor level due to a lack of an effective damp proof course to the walls. All walls of the room show dampness (significantly damp to the touch) with salted and perished wall plaster and mould growth present.
- Kitchen: rising dampness evident to the external walls due to the lack of a damp proof course and missing external pointing. Mould growth present

**Justification:** The presence of severe dampness in most areas of the flat means there is a high likelihood of harm occurring in the next twelve months. There is constant dampness and also mould in the main rooms, which will have a psychological effect on the occupants



## Hazard 17 Personal Hygiene (sanitation and drainage)-The house converted into flats



The four completed flats are self-contained, each with a combined bathroom and wc and separate kitchen. Soil pipe: The soil and vent pipe serving the first floor back addition bathroom is leaking at the joint between the pipe and the waste pipe from the ground floor back addition bathroom. In addition, the drain, which runs directly to the main sewer, appears to be partially blocked causing foul and wastewater to back-up and leak out onto the common rear yard.

**Justification:** There have been recent works to the house, including alterations and additions to the drainage system, the main drains are still suitable to a pre-1919 dwelling occupied by a single family. Although the first floor flats are less likely to be affected than the ground floor flats, the discharging of foul water on to the common yard means there is a very high likelihood of an occurrence within the next twelve months

## Hazard 16 – Food Safety - Pre 1920, Semi-Detached House



Narrow kitchen: The small kitchen is 2.5 m long by 1.5 m wide. Arranged at one end of one of the longer walls is a 1000 x 500 mm, single drainer sink above a sink unit, with a drawer and cupboards below, and a 500 x 500 mm free standing gas cooker at the other end

A crudely cut and bowed 750 x 500 mm sheet of strawboard spanning between the sink and cooker provides a worktop. Other than the cupboards and drawer under the sink, there are no provisions for the storage of food or kitchen equipment. Provision for a small refrigerator under the worktop is given by the single socket in the wall above the edge of the cooker, but this is the one and only electrical power outlet in the

kitchen. This would also put the refrigerator close to the existing, poorly insulated cooker.

**Justification:** The unstable worktop is not sufficient to accommodate the normal range of kitchen equipment and ensure the separation of cooked and uncooked foods and its porous surface and poor clean ability. With only one socket available the chances of any refrigerator being accidentally left disconnected is also increased. Overall, the risk of food poisoning over the next twelve months is extremely likely.

### **Category 2 Hazards**

#### **Hazard 1 - Damp and Mould- First Floor Rear Bedsit In House Constructed In 1949**



This is a three storey detached house. There are four bedsits, a large shared kitchen and shared bathroom to the ground floor, three bedsits and shared bathroom on the first floor, and two bedsits on the second floor. There are wash hand basins in each bedsit. The shared bathrooms lack space-heating provision, are internal and rely on artificial lighting and mechanical extraction. Ground floor bathroom contains 2 showers, 2 baths, and a single WC. There is also a separate WC to the ground floor. The first floor bathroom contains a shower, a WC, and wash hand basin. The extractors to both bathrooms are inoperable, and both are affected by severe mould growth

NB-The dwelling being assessed is the first floor rear bedsit.

**Justification-** Although there is no evidence that there is dampness and mould in other locations, the presence of mould in both bathrooms means that occupiers of this bedsit will be exposed to mould spores over a twelve-month period. Even though this may be for relatively short periods, this exposure will increase the risk of causing or exacerbating asthma or other respiratory conditions.

#### **Hazard 17 Personal Hygiene (sanitation and drainage)- 3 bedroomed mid terrace house**



3-bedroomed early Victorian house modernised in the 1970s when the original external door to the south facing back addition was made into a window and a new back porch/lobby was constructed to give a new back door and internal access to the original outside w.c. At the same time, a new bathroom with a bath and wash hand basin, but no w.c, was installed at first floor level in the small back addition above the kitchen. Central heating was also installed, including the installation of a radiator in the cold ground floor W.C ground floor w.c:

Despite the modernisation, the narrow downstairs W.C. compartment was left without a wash-hand basin. Although the W.C's single leaf brick wall was rendered externally, the floor was also never adequately damp-proofed, the consequent rising damp leading to the lifting and break-up of the thermo plastic floor tiles. The lid to the W.C is also missing

**Justification:** With no wash-hand basin on the ground floor and the upstairs bathroom being the furthest possible walking distance in the house , anyone using the ground floor w.c., particularly children, are likely to forego washing their hands. The inconvenient location of the W.C. and its extreme separation from the w.h.b. is also likely to have some physiological effects. The related risk of washing hands in the nearby sink is scored under food safety; the unhygienic floor to the W.C. compartment is also scored under domestic hygiene

#### **Hazard 16 – Food Safety - 1930, 2 Storey, Semi-Detached House**



Kitchen floor



Work surface



The property is brick built with pitched slate roof. There is linoleum missing from several areas of the floor exposing a damp and worn concrete surface, the base units are rotted and broken and in one or two places, the doors to the base units are missing. The bottom area of glazing to the rear external door has been broken and a piece of plywood has been crudely fixed within the doorframe. The work surfaces are loose, damaged and worn, and the shelves in the cupboard units are in a similar condition. The tiles to the splash backs behind the work surface and sink are also loose, cracked, and affected by mould growth. There are one double and one single electric sockets.

**Justification:** The lack of adequate food storage facilities, which could lead to food spoilage. The food preparation surfaces (and other surfaces) are inadequate in size, and are not capable of being cleaned and kept free from bacteria. As well as the mould

growth, the splashbacks are in disrepair and cannot be kept clean. The condition of the floor also prevents ready and thorough cleansing of the floor. All these factors increase substantially the likelihood of a food related illness over the next twelve months