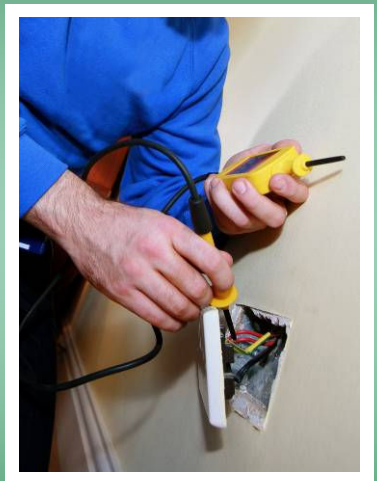


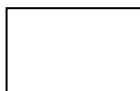
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# Private Sector Housing Housing Strategy

2012 - 2015



Director of Housing  
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## **INTRODUCTION**

### **What is the Private Sector Housing Strategy?**

- 1.1 A person's home can have a major impact on their quality of life and general wellbeing. Everyone wants to live in a home that is warm, dry, secure and suitable for their needs. People also want a home they can welcome visitors back to. There are clear links between unsatisfactory housing and poor health and this is especially true for older people, residents with disabilities or chronic illness and households with young children. Like all local authorities, this Council has a responsibility to deal with private sector housing that is in poor condition or needs adaptation to meet the needs of those with disabilities.
- 1.2 Over 85% of the homes in the District are in the private sector – 70% owner occupied and 15% privately rented. Only 15% of the housing stock is social housing (Council or housing association owned). The proportion of privately rented properties has increased substantially in recent years. In practice the private rented sector is now the main source of affordable housing for many newly forming households.
- 1.3 This Strategy replaces the previous Private Sector Housing Strategy which ran from 2007 – 2011. The Strategy looks at all the issues relevant to private sector housing in the District and sets out how the Council aims to help achieve decent housing standards across the private sector. Although the District appears in many respects to be an affluent area, there are significant pockets of deprivation and the recent Private Sector House Condition Survey clearly shows that many properties fall below the Decent Homes Standard (see Appendix B) or are unsuitable for the household living there. A more detailed account of the findings of the House Condition Survey appear in Part 3.
- 1.4 The Council's overall aim is to achieve the best standards possible in terms of housing condition, energy efficiency and accessibility across the private sector. The Council also wants to encourage landlords who provide good quality, affordable accommodation whilst taking action to deal with those properties which present a risk to the occupiers.
- 1.5 The Strategy explains the way the Council will offer general advice, assistance and support to help with unsatisfactory housing, and in some cases financial assistance to help with works to repair, improve and/or adapt properties. It also sets out how the Council will use legal powers where necessary to enforce statutory standards.
- 1.6 This document links with the Housing Assistance Policy 2012 - 2015. The new rules on housing assistance apply from 1 June 2012.

### **The Background**

- 1.7 An effective private sector housing strategy has to take into account relevant policies at national and local level along with information on local housing conditions and the local housing market. The policies that have driven the development of this Strategy are explained in more detail in Part 2. More information on the local context and housing conditions is given in Part 4.



## *Government policies*

- 1.8 Since the last Strategy was developed, a new Government has been elected with revised housing policies and priorities. The recent strategy document *Laying the Foundations: A Housing Strategy for England* emphasised the importance the Government places upon a thriving private rented sector and on bringing empty homes back into use. There is also now a renewed emphasis on energy efficiency with the Energy Act 2011 which introduces the Green Deal.
- 1.9 In practice the Housing Act 2004 and the Regulatory Reform (Housing Assistance) Order 2002 still remain the main influences on the way local councils deal with private sector housing.
- 1.10 The Housing Act 2004 introduced major changes to statutory housing standards including a new minimum legal standard for housing. The Housing Health and Safety Rating System (HHSRS) now requires properties to be free of serious hazards that could affect the health of residents, visitors and passers by. A more detailed account of the HHSRS appears in Appendix C. Along with other legal provisions, the Act also requires the owners of higher risk 'Houses in Multiple Occupation' (HMOs), typically 3 storey bedsit type houses, to apply for a licence and also gives local authorities strong powers to deal with long term empty homes.
- 1.11 The Regulatory Reform Order led to major changes in the way local authorities can give financial help to people to repair or improve private sector homes. It gave local authorities greater freedom to set their own framework to provide financial assistance rather than simply apply national rules. However, to do so they have to show that their framework sits comfortably with national and local policies and with local priorities identified from evidence of housing conditions and housing demand.
- 1.12 Housing policies do not, of course, exist in isolation. There has been a very substantial change in the economic climate since the former Strategy was developed in 2007. This Strategy has to reflect the fact that public spending is now severely constrained and also that the prime responsibility for the repair and improvement of a property does rest with its owner.

## *Local information*

- 1.13 The Housing Act 2004 places a duty on local authorities to keep the condition of the housing stock under review so that they can make proper decisions about the action they need to take to deal with unsatisfactory housing.
- 1.14 Some of the information used to develop this Strategy has been obtained through the day to day work done by its housing officers. A major source of information has also been the District-wide Private Sector House Condition Survey carried in 2011 (see Part 3).
- 1.15 In order to meet the duty to keep housing conditions under review, local authorities carry out a sample survey of housing conditions in their area roughly every five years. House condition surveys give extensive information on

property condition, compliance with the Decent Homes Standard, serious hazards, energy efficiency, adaptations for people with disabilities, etc.

- 1.16 The 2011 House Condition Survey showed that, whilst private sector housing conditions in the District compare well with figures nationally, and significant progress has been made since the last Survey in 2005, there are still significant problems to address:
- 26% of properties fail the Decent Homes Standard (49% in the private rented sector);
  - 33% of vulnerable households live in non-Decent homes;
  - 14% of homes contain at least one Hazard rated at Category 1 under the HHSRS;
  - At least 14% of households are in fuel poverty (i.e. having to spend at least 10% of their weekly income on heating and hot water); and,
  - 16% of households have one or more persons with a disability.
- 1.17 This Strategy also takes into account information on the local housing market in the District. House prices are the highest in Essex and in 2001 the average house price in the District was £373k, 55% higher than the national figure of £241k.
- 1.18 The high prevailing house prices make it very difficult for young households to buy a first home and the private rented sector plays a very important role in the provision of affordable housing. This Strategy aims to promote constructive working with landlords and to strengthen working arrangements which assist households threatened with homelessness to find accommodation.
- 1.19 Whilst high house prices make it difficult for households looking to get onto the first rung of the housing ladder, they also mean that many older households have substantial equity in their property. At a time when public spending has been cut back, it is very important that local authorities make best use of all resources and helping some households to repair or improve their property by facilitating equity release is a significant theme in this Strategy.

### **Why is Good Housing Important?**

- 1.20 The Government is emphasising the importance of a good quality of life, a sense of “wellbeing”. ‘Decent’ homes are extremely important to quality of life. For most people the majority of time is spent at home. Research shows there are clear links between sub-standard houses and poor health – for example damp homes can lead to respiratory illness especially asthma, cold homes place an additional load on the circulatory system and the recent Marmot report highlighted the links between heart attacks, strokes and respiratory disease in the winter months.
- 1.21 The condition of a home can also present a serious hazard to its occupants – falls, burns, scalds, exposure to carbon monoxide, asbestos, etc. As just one example, every day two or three older people across the Country die after falling down stairs. The HHSRS was introduced in 2006 specifically to give local authorities powers to deal with deficiencies in homes that can cause illness and injury.

- 1.22 Studies also show that the impact of poor housing is not confined to physical effects. Sub standard housing conditions may lead to anxiety, depression and impaired child development, again all factors taken into account in the HHSRS.
- 1.23 The impact of poor housing is particularly noticeable with older residents, households where there is a person with a disability or chronic illness, and where there are young children – the phrase “health inequalities” is commonly used to describe the health disadvantages experienced by many vulnerable groups.
- 1.24 Whilst the District may appear affluent overall, the recent House Condition Survey has highlighted the fact that unsatisfactory housing is not rare and the Council wants this Strategy to build on the work of the past five years in helping to reduce health inequalities.

## **THE STRATEGIC CONTEXT**

### **National Policies**

- 2.1 Since the previous Strategy in 2007, there has been a change of Government, bringing with it a change in tone and direction in national housing policies, with a particular emphasis on revitalising the housing market. Other priorities include tackling long term empty homes and a renewed focus on energy efficiency. There has also been a very substantial change in the economic climate, with a global downturn that started in December 2007 having had a major impact on the British economy, with large scale reductions in public spending.
- 2.2 At the heart of the previous Strategy lay the changes introduced by the Housing Act 2004 and the Regulatory Reform Order 2002 (RRO). These are still the main statutory provisions covering local authority work in private sector housing. This Strategy reviews how the Council has used the Housing Act and RRO over the past four years and implements changes to improve the way the powers are used.

#### *Housing Act 2004*

- 2.3 The changes brought in by the Housing Act 2004 were substantial. It replaced the old Housing Fitness Standard with the HHSRS, a risk based system for assessing hazards in homes with flexible but robust enforcement powers. A more detailed account of the HHSRS appears in Appendix C. It also introduced the mandatory licensing of higher risk three storey HMOs. The Act contained other important private sector measures, including selective licensing to deal with areas of low demand and compulsory leasing powers to deal with empty homes (Empty Dwelling Management Orders or EDMOs). The Act also included improved rights and an extension of Disabled Facilities Grants (DFGs) to park home residents.

#### *Decent Homes Standard*

- 2.4 The Decent Homes Standard was a key element of the former Government's housing policy and was used for setting targets in both public and private housing sectors. The present Government has not given any clear policy indication on the future of the Standard but it remains an important benchmark. Appendix B gives detailed information on the Decent Homes Standard, but essentially it contains four main criteria – that a dwelling should:-
- A. be above the legal minimum standard for housing (now free of Category 1 hazards under the HHSRS – until 2006 it was that a property should be fit for human habitation), and
  - B. be in a reasonable state of repair, and
  - C. have reasonably modern facilities (such as kitchens and bathrooms) and services, and
  - D. provide a reasonable degree of thermal comfort (effective insulation and efficient heating).
- 2.5 The first Government target on Decent Homes dealt with social housing, which should all have met the Decent Homes Standard by 2010. The Government targets for the private sector in Public Service Agreement 7 (PSA7) were that the



proportion of vulnerable households (in receipt of income related or disability benefit) living in Decent Homes should be:

- 65% by October 2007;
- 70% by October 2011;
- 75% by October 2021; and,
- There should be a year on year increase in the proportion.

- 2.6 The former Government dropped the formal requirement for local authorities to meet the PSA7 targets from April 2008. However, in practice the extent to which local authorities have met the targets is still widely used as a benchmark.
- 2.7 The House Condition Survey 2005 showed that the proportion of vulnerable households in Decent Homes in the District was 61%, below the 2007 Government target of 65%. The House Condition Survey 2011 showed that the proportion of vulnerable households living in Decent Homes had in fact risen to 67% (this is considered in more detail in Part 3). However, this was still below the nominal PSA7 target of 70% for 2011 so further intervention is still necessary.
- 2.8 The Council did take advantage of substantial capital funding offered by the former East of England Regional Assembly to offer financial assistance to bring private sector homes up to the Decent Homes Standard. This funding, however, ceased in April 2011.

#### *Regulatory Reform Order 2002 & Financial Assistance*

- 2.9 The RRO itself prompted major change. Prior to the RRO, local authorities could only offer financial assistance through a framework of grant assistance which was set nationally. The RRO gave local authorities the freedom to set their own framework tailored to local needs. This meant councils had the opportunity to offer both grants and loans designed to meet the needs of their area.
- 2.10 Government guidance stresses that those who own homes are responsible for their repair and improvement. However, both the former and the present Government view the equity in many private sector homes as a potential source of finance for improving the conditions in private sector homes. The numbers of local authorities who still give financial assistance solely through grants is decreasing all the time. Many are using Government backed specialist providers and offer a range of low cost schemes tailored to the needs of vulnerable households.
- 2.11 The 2007 – 2011 EFDC Private Sector Housing Strategy took the opportunity given by the RRO to alter radically the framework for financial assistance. Up until 2007, the financial assistance offered largely followed the former national framework. The 2007 – 2011 Strategy introduced new grants targeted at bringing properties up to the Decent Homes Standard, small works for vulnerable households, improving thermal comfort, bringing long term empty homes back into use and converting redundant space in buildings into living accommodation.
- 2.12 Decent Homes Assistance had a lower maximum eligible expense than Improvement Grants, which were the equivalent type of assistance under the former Strategy, and also the condition for repayment of the Assistance on sale after completion of the work to 15 years. In practical terms, this condition made

the Assistance comparable to a loan. The 2007 – 2011 Strategy also envisaged a move to a formal equity release system to replace the majority of grant aid in the longer term. This did not materialise over the term of the Strategy, however, mainly for reasons connected with the downturn in the financial and housing markets.

- 2.13 Both the former and the present Governments view Home Improvement Agencies (HIAs) as very important - whether by simply giving advice or guidance, with practical help, by helping to arrange finance or supervising work. The Council has provided an agency service since 1991 (Caring and Repairing in Epping Forest – C.A.R.E.) which has worked very successfully. The Council intends to retain and to continue to build on the in house provision of Home Improvement Agency services.

#### *New Government Priorities*

- 2.14 The Government elected in May 2010 has made it plain that its overriding priority is to reduce the national budget deficit and has introduced a series of measures to reduce public spending. Other Government priorities which are relevant specifically to housing include increasing the freedom for local decision making on planning and housing through the Localism Act 2011 and measures to deal with climate change, in particular those in the Energy Act 2011. The Government has also made clear its aim to reduce the regulation of business.

*“Laying the Foundations: A Housing Strategy for England”.*

- 2.15 A clear statement on housing policy was made in the November 2011 strategy document *“Laying the Foundations: A Housing Strategy for England”*. The prime focus was on revitalising the housing market through measures to provide a mortgage indemnity for first time buyers of new properties, funds to promote infrastructure growth and development finance, freeing up public sector building land and support for self build. The Strategy also refers to measures to reform social housing contained in the Localism Act 2011.

#### *Private Rented Sector*

- 2.16 The Government also makes it clear in the Strategy document that it wants to see the private rented sector thriving and growing. To support that growth, it has introduced changes to stamp duty to benefit institutional investors with large scale housing portfolios and also measures to support the growth of Real Estate Investment Trusts. However, the Strategy also makes it clear that it wants to see high standards in the private rented sector and that it is encouraging local authorities to make ‘full use’ of the robust powers they already have to deal with unsatisfactory properties. New powers to deal with rogue landlords are being considered. These will be particularly important if the Council decides to use the powers available in the Act for local authorities to discharge their homeless duty to private sector landlords.

#### *Empty Homes*

- 2.17 The Housing Strategy for England also makes it clear that bringing empty homes back into use is a major priority. £100 million capital funding is being made available for housing providers, community and voluntary groups to tackle problematic empty homes. For local authorities, the Government is offering a

significant financial incentive by making empty homes brought into use qualify for the New Homes Bonus. In addition, the Bonus is also payable for the provision of additional traveller site pitches. For each qualifying property, the Government match funds the Council tax (using national average figures) for six years.

- 2.18 The provisional annual allocation (for all types of qualifying property) for Epping Forest District Council is £295k. The additional revenue from the New Homes Bonus in the last financial year has already funded the extension of an existing part time post to spend more time tackling long term empty homes.

#### *Energy Act 2011 and the Green Deal*

- 2.19 The Energy Act 2011 contains a range of measures aimed at reducing carbon emissions and promoting security of supply. It is the Green Deal, along with the and Energy Company Obligation (ECO) that is the flagship initiative aimed at improving energy efficiency in properties across mainland UK. The Green Deal, which will become available in Autumn 2012, is a scheme to allow householders and businesses to install energy efficiency measures without any upfront cost. Improvements are paid for over a period of years with instalments being met from savings in fuel bills.
- 2.20 Eligibility will depend upon meeting the 'golden rule', i.e. that the estimated savings on bills will always be equal to or exceed the cost of the work. If a property owner sells the property, then the next purchaser takes responsibility for the outstanding amount. The measures have to be approved measures, must be recommended by an accredited, objective adviser after an assessment and must be carried out by an accredited installer. Consent is required of all parties involved in a property including the present energy bill payer, the existence of the Green Deal arrangement has to be disclosed to all new owners/tenants along with energy performance information. Energy suppliers have to collect the Green Deal charge and pass it on.
- 2.21 For properties where the golden rule cannot be met (the Government indicates this will include most solid wall properties) and/or the household is vulnerable, additional support may be available through the ECO. This compulsory contribution from utility companies (essentially from consumers' bills) will replace the existing Carbon Emissions Reductions Target (CERT) and the Community Energy Saving Programme (CESP) which expire in December 2012.
- 2.22 The Government sees local authorities as having a significant role in the Green Deal:
- as possible direct providers co-ordinating finance and delivery;
  - working in partnership with commercial Green Deal providers and community partners; and,
  - acting as advocates to promote Green Deal.
- 2.23 Domestic energy efficiency will continue to be a very high priority for the Council. The Council also recognises that the Green Deal in conjunction with the ECO will be the main vehicle for property owners to receive assistance and will look hard at all possible ways to deliver the initiative.

## *Public Health Initiatives*

2.24 The changes currently being progressed by the Government in the NHS are also likely to have a significant impact on local authorities. The Government is keen to promote social well being, and the return of a broader public health function to local government from the PCTs (which are currently due to be disbanded) is likely. This could lead to closer working to develop initiatives aimed at reducing health inequalities through unhealthy homes. The Council will monitor developments closely and will look for any opportunities to introduce funding to assist with improving conditions in private sector housing.

## **Local Strategies**

2.25 The previous Strategy took into account East of England regional strategies and targets. However, following the abolition of the former East of England Regional Assembly in 2010, most of these no longer apply.

2.26 This Strategy has to link effectively with strategies at County and local level - the Council's own Corporate strategies and the strategies developed with local partners. Key amongst these are:

- Corporate Plan 2011 - 2015
- The EFDC Performance Plan
- Combined policies of Epping Forest District Local Plan (1998) and Alterations (2006);
- "Putting Epping Forest First" The Community Strategy 2010 – 2031;
- The EFDC Housing Strategy 2009 – 2012;
- The preceding EFDC Private Sector Housing Strategy 2007 – 2011;
- The EFDC Homelessness Strategy 2009/10 – 2011/12
- The EFDC Local Supporting People Strategy 2006 – 2010

2.27 The Corporate Plan emphasises the substantial change in the financial climate and sets a corporate objective of continuous performance improvement and the best use of resources, against the background of diminishing public expenditure. It sets the key objective of maximising the provision of affordable housing within the District.

2.28 From 2008, local authorities were no longer required to produce a Best Value Performance Plan. However, Council is committed to delivering improvements against Key Performance Indicators (KPIs), and continues to publish relevant performance information as part of an annual Performance Report. KPIs relevant to private sector housing are taken into account in this Strategy in particular the number of empty homes brought back into use after action by the Council and to reduce levels of Fuel Poverty.

2.29 The existing Local Plan states that on appropriate development sites, 40% of all new housing should be affordable, with this percentage increasing in rural areas. There is also a policy which requires that at least 10% of sites of 10 or more units should meet the Lifetime Homes Standard. The Council is currently preparing a

- new Local Plan to address the period to 2031, and the requirement for a significant amount of affordable housing remains.
- 2.30 This continued need was confirmed in a Strategic Housing Market Assessment updated in 2010. This covered the London Commuter Belt (East)/M11 Sub-region and was commissioned by a consortium of local authorities including EFDC. On the basis of the growth rates included in the East of England Plan, the SHMA identified the need for a further 6,600 homes by 2026 (a rate of 412 each year).
- 2.31 The assessment indicated that 2,900 of these should be social housing, 2,000 market housing and 1,800 intermediate market housing. Intermediate market housing is housing at prices or rents above those in social housing but below full market prices or rents through an element of subsidy (for example the Homebuy Scheme).
- 2.32 The government have committed to abolishing all Regional Spatial Strategies, and whilst this has not yet taken place, it is clear that Local Authorities will now be required to determine the most appropriate growth rate for their area. Following further research on population and household growth trends and predictions at a district level, the SHMA will need to be reviewed and updated to identify the precise level of affordable housing required in the district.
- 2.33 “Putting Epping Forest First”, the Community Strategy 2010 to 2031, sets out a vision of making the District a ‘great place to live, work, study and do business’. Particularly relevant to this Strategy are the objectives of reducing health inequalities, supporting projects that promote healthy living and well being and improving success to services.
- 2.34 The Housing Strategy itself sets the provision of more affordable housing as a key housing priority. It also focuses on the delivery of Decent Homes in the private sector. It acknowledges that the former PSA7 target no longer strictly applies, but that the target should continue to be used as a benchmark. It emphasises the importance of the private sector to the prevention of homelessness in particular through private sector leasing schemes, rent deposit guarantees and rental loans as well as general advice and support to households.
- 2.35 With regard to the private sector, the Housing Strategy set out a number of priorities:
- Continuing to increase the number of vulnerable households in Decent accommodation;
  - Reducing the number of long term empty homes;
  - Promoting schemes to help prevent homelessness;
  - Providing assistance and support to allow older, disabled and other vulnerable groups to remain in their properties;
  - Providing advice and assistance to improve energy efficiency; and,
  - Investigating the options for an equity release/loan product, in partnership with neighbouring local authorities and/or lending providers.

- 2.36 The Council places a high priority on preventing homelessness and reviews its Homelessness Strategy every three years, more regularly than the statutory five year period. The most recent Strategy prepared in 2009/10 explained the greater emphasis on preventing homelessness rather than dealing with the consequences of households made homeless. In the previous three years, in spite of the difficult economic climate there has been a drop in the numbers of homelessness applications and the cases where a full housing duty had been accepted. This Strategy will seek to build on the positive collaboration between the private sector Technical Team and the Housing Options Team in helping to prevent homelessness and to find good quality privately rented accommodation.
- 2.37 The Supporting People programme remains relevant to this Strategy as it deals with support to vulnerable groups such as those with disabilities and older people to promote independent living. Supporting People in Essex has continued to fund make a substantial contribution to running C.A.R.E., although the amount reduced in the new contract covering the period 2011-2013. It is anticipated that Supporting People will look again at the level of their contribution to C.A.R.E. when this contract expires in June 2013.
- 2.38 The EFDC Housing Charter sets out clearly the level of service residents can expect from the Council and this Charter applies to all housing throughout the District, whether it is in private or Council ownership.

## 3.0 EPPING FOREST - THE LOCAL CONTEXT

### Local Profile

#### *Location*

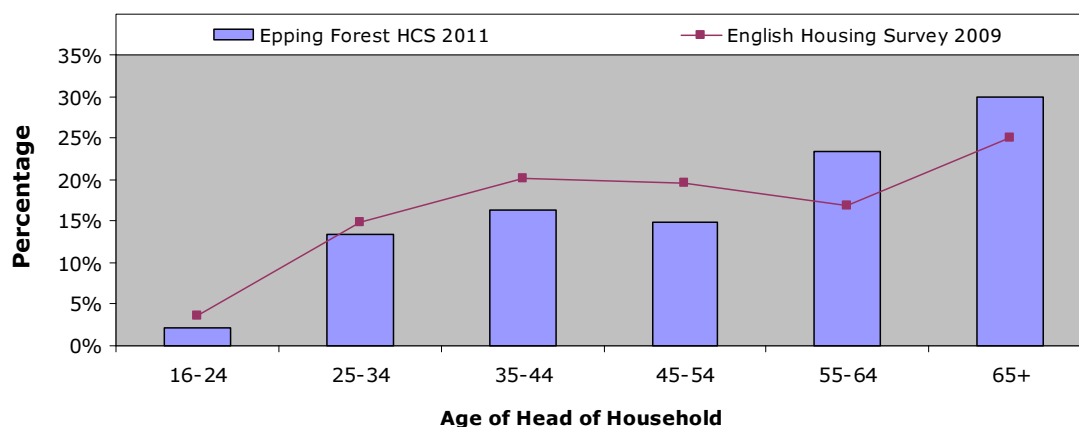
- 3.1 The Epping Forest District lies just north of the Greater London conurbation in south west Essex. The District has an area of 339 square kilometres (131 square miles). Although its southern boundary is only 10 miles from the centre of London, the District is still a mix of rural and urban land, with 94% in the Metropolitan Green Belt (the seventh highest in England and the highest proportion in the East of England).
- 3.2 The main conurbation comprises Grange Hill, Chigwell, Buckhurst Hill and Loughton. This area, which lies closest to the boundary with London, houses around half of the population of the District although it occupies only 5% of the area of the District. The other main urban population centre is Waltham Abbey, which shares boundaries with London and Hertfordshire. Market towns include Epping and Chipping Ongar, and large villages Sheering, Theydon Bois and Nazeing.
- 3.3 The District has excellent road and tube links with London; major roads include the M25 and the M11. However, public transport links within the District, particularly east/west, are much less satisfactory.
- 3.4 The closeness of London with good transport links, the attractive countryside and distinctive market towns and villages all combine to make the area extremely popular. This has major consequences for the affordability of housing, and the District has the highest house prices in Essex. There has been considerable pressure for development, resisted because of the extensive Green Belt. Given the growing number of households in London especially and the potential for business growth along the corridor to Peterborough, Cambridge and Stansted, the pressure is only likely to grow.

#### *Population*

- 3.5 The 2001 census gave the population of Epping Forest District as 120,896. The most recent figures from the Office of National Statistics (ONS) indicate that the population in 2008 was 123,900. Projections suggest that the population is likely to grow by 16% over the next 25 years, compared with an Essex average of 24% and a national projection of 19%.
- 3.6 In terms of age profile, the House Condition Survey 2011 (HCS) showed that in the private sector stock there were higher proportions of heads of household aged 55 years or older than nationally (53% compared with 42%). In particular, the proportion of those aged 65 years or older was 30% compared with 25% nationally. A chart showing the age profile is shown on the next page. In broad terms, these findings were consistent with 2009 ONS projections which predicted higher numbers of households aged over 75 years.
- 3.7 The HCS also indicated that a significant proportion (37%) of households where the head was 65 years or older had incomes below £10k per annum. This factor, along with the higher proportion of older households (which in line with

national trends will continue to increase) obviously has implications for this Strategy in that older households are more likely to need assistance and support to maintain independent living.

### Age Profile of Epping Forest DC Population



Source: 2011 House Condition Survey & English Housing Survey (EHS) 2009

3.8 When tenure is taken into account, the HCS found that 34% of heads of household in owner occupied properties were aged 65 years or more, with 13% in the private rented sector.

3.9 The 2011 HCS also included information on household type:

### Household Type Epping Forest DC

Household type	EFDC 2011		England 2009
Couple no Dependent Child	18,460	43%	40%
Couple with Dependent Child	8,520	20%	22%
Lone parent with dependent child	1,200	3%	5%
One person household	12,640	30%	25%
Other multi-person household	2,000	5%	7%
<b>Total Household Type</b>	<b>42,820</b>	<b>100%</b>	<b>100%</b>

Source: 2011 House Condition Survey & EHS 2009

3.10 The most notable differences with the national position are the higher proportions of two adult and single person groups and the lower proportion of single parents.

3.11 Estimates in 2007 from ONS indicated that, at over 10%, the District had the highest proportion of households from black and minority ethnic (BME) backgrounds in Essex (the County average is 6.5%). The HCS found that the proportion of BME households in the private sector stock was 6.9%

3.12 Transient populations are a distinctive feature of the locality, associated in part with seasonal horticulture. The area has long associations with gypsy and traveller families and there are currently 18 gypsy and traveller sites (95 pitches in total) in the District.



- 3.13 The HCS estimated the incidence of households where there was a person with a disability to be 16% (approximately 7,000 dwellings). The survey used a broad definition of disability – it included households where there was a frail older person and those where the residents considered themselves to have a long term illness or disability even if not registered as disabled.
- 3.14 The Survey also considered what adaptations might reasonably be required. With a DFG, the work required is assessed by an Occupational Therapist; this is not possible when carrying out a house condition survey and so the survey looks at works considered to be necessary by the household. This means that the figures produced have to be treated with a measure of caution. Nonetheless, they do give a clear indication of the scale of expenditure that may be necessary.
- 3.15 The Survey estimated the cost of works that could be necessary over a five year period at £7.7 million. Allowing for means testing, the cost of DFGs would be in the order of £3.7 million. The majority of the works thought necessary were bathroom redesigns, stair lifts and ramps.
- 3.16 The Survey also estimated that 27% of households where a person had a disability had an annual income of below £10k. In conjunction with potential demand, this figure also shows the possible implications for the Council.

### **Local Economy**

- 3.17 Many indicators suggest that, at first sight, the District is an affluent area. Many jobs are in the service sector, finance and public service and the area has many small businesses rather than major employers. Agriculture and horticulture remain significant.
- 3.18 The District is very close to London and approximately 62% of residents obtain work outside the District (45% working in London). The unemployment rate in the District has generally been just above the regional average since 2007 but below the national average. 2011 ONS figures show the same pattern with the District rate at 7.0%, the regional rate at 6.7% and the national figure at 7.7%.
- 3.19 The same figures show 48% of those people working to be in a managerial, professional or technical capacity compared with 43% in both regionally and nationally. The figures suggest a District more prosperous overall than both the East of England Region and the national average.
- 3.20 The latest 2010 Index of Deprivation puts Epping Forest as of average affluence compared to other local authority areas. It ranks 5<sup>th</sup> out of 12 District and Borough areas in Essex and 203<sup>rd</sup> out of 325 local authority areas in England (1 being the most deprived). However, the picture is much more complex when considered at ward level. Higher rates of deprivation tend to be clustered around Epping, Loughton and Ongar, with pockets in Debden and Waltham Abbey.
- 3.21 The HCS did look at benefit receipt among households and found overall a rate of 20%, the same as nationally. Again as nationally, the survey found a much higher rate in the privately rented sector at 38% compared with 16% for owner occupiers.

## Housing Market

### *The Epping Forest Housing Context*

3.22 The Survey estimated there to be approximately 52,930 dwellings in the District. The Survey covered only the estimated 44,670 private sector dwellings. The table below shows the estimated proportions of the different tenures in the District given in the 2011 report along with comparisons from the English Housing Survey (EHS) 2009

### Housing Tenures

Tenure	Dwellings	% of Total Stock HCS 2011	EHS 2009	EFDC HCS 2005
Owner occupied	36,920	70%	67%	79%
Privately Rented	7,750	15%	16%	3%
<b>Private Sector Stock</b>	<b>44,670</b>	<b>85%</b>	<b>83%</b>	<b>82%</b>
Housing Association	1,610	3%	9%	5%
Local Authority & Other Public	6,650	12%	8%	13%
<b>Social Housing</b>	<b>8,260</b>	<b>15%</b>	<b>17%</b>	<b>18%</b>
<b>All Tenures</b>	<b>52,930</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Source: 2011 & 2005 House Condition Surveys & EHS 2009*

3.23 The proportion of social housing stock is 2% lower than the national figure but the proportion of privately rented stock is now in line with the national average. Realistically the 2005 survey probably underestimated the number of privately rented properties. However, it is clear that, as nationally, there has been a substantial rise in the number of privately rented properties over the past five years. Also, as nationally, there has been a fall in the level of owner occupation.

3.24 As nationally, the young households who previously would have looked to buy their first property are now doing so in a market where obtaining mortgage finance is much more difficult, deposits required are high, the price of entry level properties is high and there is strong competition from landlords investing in property.

### *Affordability – Household Incomes and House Prices*

3.25 The affordability of homes revolves around two main issues – the cost of purchase or renting and typical household incomes.

3.26 2011 figures from the Office of National Statistics indicate that gross weekly pay for full time workers in the District was £587. This compares with a regional figure of £529 and a national average of £503.

3.27 However, information on household incomes from the HCS indicates that the District has a higher proportion of households with an income of less than £15,000 (29%) than the national average (22%).

3.28 In terms of affordability, these figures have to be looked at in the context of property prices. The most recent house prices from the Land Registry (July – September 2011) show the average house price in EPDC to be £373k compared with a national average price of £241k. Average prices for different property types are shown below :

**Average Prices for Different Property Types**

Property Type	Average Price
Detached	£660k
Semi-detached	£340k
Terrace	£269k
Flat	£195k

*Source: Land Registry Prices July – September 2011*

3.29 The Strategic Housing Market Assessment (SHMA) was commissioned by six local authorities including EFDC. The aim was to give a good understanding of how housing markets operate in the area and in particular to estimate the need for additional affordable housing.

3.30 In considering affordability, a key issue is the relationship between earnings and house prices. The SHMA used the Government model which assumes a single person may borrow up to 3.5 times their annual earnings with two income households being able to borrow no more a maximum of 2.9 times their joint annual income. The SHMA report identified that in practice no owner occupied housing would be available across the SHMA area to households earning less than £30k per year with only 12% of properties available to individual earners with annual incomes of less than £50k.

3.31 For a property price of £200k (well below the overall average price in the District and well below the average price of a terraced home) the SHMA estimated that individual earners would need an annual income of £55k - £60k and joint earners an annual income of £65k - £75K. For households with annual income below £20k, realistically the only option will be social housing for which there was a waiting list of over 5,800 in February 2012.

3.32 In reality, this means that for the great majority of newly forming households their only realistic option will be the private rented sector. The Council does work with the Moat Housing Association to promote intermediate market housing through the Homebuy Scheme. However, the issue of affordable housing shows clearly that building a constructive working relationship with good local landlords is extremely important to maintaining a supply of good quality affordable housing.

3.33 An issue of concern following changes to the way that benefit is paid means that Officers report that some landlords are now reluctant to take any tenant likely to claim Housing Benefit. In reality, in the absence of Housing Benefit, access to

the privately rented sector may require household resources approaching those needed to enter the owner occupied market.

- 3.34 The annual rental for an entry level one bedroom flat in the District will typically be at least £8k which, using the multiplier of 4 times households income generally adopted for rental properties would require an annual household income of £32k. Prevailing rental levels for larger flats and houses are substantially higher.
- 3.35 The immense pressures for accommodation shown by house prices and rentals are another reason for increasing still further the priority the Council intends to put on bringing long term empty homes back in to use as affordable housing particularly for vulnerable households. The Council has used a variety of measures to bring 55 long term empty properties back into use over the past 4 years. Private sector leasing through the PLACE (Private Leasing agreements Converting Empties) Scheme is now starting to make an impact in this area.
- 3.36 The issue of property prices is also relevant to equity release. The principle adopted by both the previous and current Government is that prime responsibility for the condition of a property rests with the owner. Where house prices permit, many local authorities have moved away from the provision of grants to the offering of either loan assistance or to facilitating full equity release schemes.
- 3.37 House prices in the District are substantially above the national average and the reality is that many owner occupied households, especially older households, have substantial equity in their homes. The 2011 HCS estimated the average mortgage at £118k. As the average house price is £373k, the difference of £255k indicates that in many cases there is substantial potential for equity release.

## **The Epping Forest District House Condition Survey 2011**

### *General Profile of The Private Sector Housing Stock*

- 3.38 Stock condition surveys are carried out to give an accurate picture of housing conditions in a district using a representative sample of properties chosen at random. The overall results are analysed to give a database illustrating housing issues – housing hazards, disrepair, energy efficiency, compliance with Decent Homes Standard, etc, along with information on social issues.
- 3.39 The Government carries out a national stock condition survey every year now with the English Housing Survey (EHS) The results are used to measure progress and to inform future Government policies housing, energy efficiency and climate change.
- 3.40 A Private Sector HCS was carried out on behalf of EFDC in 2011 with a sample of 1,000 dwellings. The previous condition survey had been undertaken in 2005.
- 3.41 The main factors looked at when surveying the physical condition of a dwelling are:
- The construction of the property;
  - The four criteria of the Decent Homes Standard (including HHSRS Hazards);

- The thermal performance of the building and heating services; and,
- Any adaptation work required if there is person with a disability.

3.42 In addition, the surveyors will ask the householder a range of social and financial questions covering their household circumstances, income, borrowings, etc.

*Profile of the Private Sector Stock*

3.43 The HCS estimated that there are 44,670 dwellings in the private sector. Only 12% of the stock was built before 1919 compared with 25% nationally, and 45% of stock was built between 1945 - 1980 compared with 37% nationally. This reflects in the better than average figures for properties meeting the Decent Homes Standard.

3.44 In many respects the dwelling profile is similar to the national profile. However, there are fewer detached houses (16% compared with 20%), more low rise purpose built flats (14% compared with 9%) and no high rise purpose built flats. A notable feature is the proportion of mobile (park) homes. There are an estimated 940 mobile homes, just over 2% of the private sector stock. The table below shows the proportion of dwellings by type.

**Proportion of Dwellings by Type**

Dwelling type	Dwellings	Proportion of Stock
Small terraced house	4,750	11%
Medium/large terraced house	7,440	17%
Semi detached house	12,550	28%
Detached house	7,340	16%
Bungalow	3,850	9%
Converted flats	1,680	4%
Low rise purpose built flats	6,120	14%
Mobile Homes	940	2%
<b>Total</b>	<b>44,670</b>	<b>100%</b>

3.45 With tenure, as described earlier the proportion of owner occupied properties at 70% is higher than the national average of 67% and the proportion of privately rented properties at 15% just below the national average of 16%. Unusually, the great majority (80%) of owner occupied dwellings were built before 1965 whilst the 59% of privately rented homes were built after this time. It is much more common to find high proportions of older stock in the privately rented sector.

3.46 With occupancy type, most homes (83%) are occupied by single household groups and are also occupied as built. Flats (converted, purpose built and above shops) account for 17% of the stock. Only 0.4% of properties were found to be HMOs, significantly below the national average of 2%.

*Decent homes standard, hazards and energy efficiency*

3.47 The table below sets out the summary findings of the HCS in respect of properties condition:

## Summary of Key Condition Findings

Characteristic	Owner occupied	Privately rented	All private sector stock	England
Dwellings	36,920	7,750	44,670	
<i>Per cent of stock<sup>1</sup></i>	<i>70%</i>	<i>15%</i>	<i>85%</i>	<i>83.0%</i>
Non-Decent	7,840	3,850	11,690	
<i>As a % of each tenure</i>	<i>21.2%</i>	<i>49.7%</i>	<i>26.2%</i>	<i>31.5%</i>
Vulnerable in Decent Homes <sup>2</sup>	4,280	1,320	5,600	
<i>% vulnerable households in Decent Homes</i>	<i>75.2%</i>	<i>49.1%</i>	<i>66.8%</i>	<i>77.3%</i>
Category 1 Hazard	4,130	1,880	6,010	
<i>As a % of each tenure</i>	<i>11.2%</i>	<i>24.3%</i>	<i>13.5%</i>	<i>22.0%</i>
Mean SAP <sup>3</sup>	54	51	54	51

1. Percentages given as a proportion of total housing stock, the remaining 15% is all social housing, which was not surveyed as part of this study  
 2. Refers to households in receipt of an income or disability benefit, as defined under former Public Service Agreement 7 (PSA7) objectives  
 3. SAP is the government's Standard Assessment Procedure for rating energy efficiency on a scale of 1 (poor) to 100 (excellent)

3.48 It is clear that the general condition of the private sector housing stock in EFDC compares well in many respects with the national position. The overall level of non-Decency at 26% is below the national figure of 32%, the proportion of properties with Category 1 Hazards at 14% is below the national comparator of 22% and the mean SAP rating (energy efficiency measure) at 54 is above the national figure of 51.

3.49 However, the proportion of vulnerable households in Decent Homes at 67% is below both the national figure of 77% and the notional PSA7 target figure of 70%.

3.50 The findings will now be looked at in more detail to establish the priorities in terms of Decent Homes Standard, HHSRS, energy efficiency, etc.

### *The Decent Homes Standard*

3.51 Part 1 described the four criteria (A-D) of the Government's Decent Homes Standard. The detail of the Standard is set out at Appendix B:

3.52 The HCS report drew the strands of the Decent Homes Standard together in analysing the data on unfitness, disrepair, thermal comfort and amenities. The overall finding was that an estimated 11,690 dwellings (26.2%) are not Decent, compared with the national average of 31.5%. The table below shows the reasons for failure of the Standard:

## Reasons for Failure of Decent Homes Standard

Reason	Dwellings	Percentage of stock	National Percentage (EHS 2009)
Category 1 Hazard dwellings	6,010	13.5%	22.0%
In need of repair	4,790	10.7%	6.3%
Lacking modern facilities	230	0.5%	2.8%
Poor degree of thermal comfort	5,560	12.4%	10.9%
<b>Non-Decency total</b>	<b>11,690</b>	<b>26.2%</b>	<b>31.5%</b>

Source: 2011 House Condition Survey & EHS 2009

3.53 The rate of Category 1 Hazards is significantly below the national comparator as is the rate for failures for lacking modern facilities. However, the rate of failure for thermal comfort is above the national average and the rate of failure for disrepair significantly so.

3.54 The table below looks at reasons for failure by tenure:

### Reasons for Failure of Decent Homes Standard By Tenure

Reason	Owner Occupied		Privately Rented	
	Dwellings	Percentage of Stock	Dwellings	Percentage of Stock
Category 1 Hazard dwellings	4,130	11.2%	1,880	24.3%
In need of repair	3,730	10.1%	1,060	13.7%
Lacking modern facilities	100	0.3%	130	1.7%
Poor degree of thermal comfort	2,620	7.1%	2,940	37.9%
<b>Non-Decency total</b>	<b>7,840</b>	<b>21.2%</b>	<b>3,850</b>	<b>49.7%</b>

Source: 2011 House Condition Survey & EHS 2009

3.55 These findings show clearly the disparity in conditions overall between the owner occupied sector and the private rented sector. The proportion of Category 1 Hazards in the private rented sector is more than twice that in the owner occupied sector and the rate of failure for poor thermal comfort more than five times greater in the private rented sector.

3.56 The Survey also looked at non-Decency by build type. This found that the highest rate of non-Decency by a significant margin was in mobile homes at 75%, followed by low rise purpose built flats at 54%. Mobile homes account for only 2% of the stock, but the findings do highlight them as an issue of concern. The rate was also above the District average in converted flats at 32%, although again these are only a small proportion of the stock at just under 4%.

3.57 The main reasons for failure of the Decent Homes Standard in mobile homes related to the poor thermal performance. Over 63% of mobile homes had a Category 1 Hazard (many of which were Excess Cold) and 43% failed the thermal comfort criterion.

3.58 The HCS did look at the types of Category 1 Hazards and found that the overwhelming majority (76% of Hazards, 10% of properties) were for Excess Cold. The next most common was Falling on Stairs etc (14% of Hazards, 2% of properties). This pattern is found in Category 1 Hazards nationally. All the other Category 1 Hazards were found at rate below 1% of the stock.

3.59 The survey estimated the costs of works to rectify non decency:

#### Costs to Remedy Non-Decency

Reason	Total Cost (£ million)	Average cost per non-Decent dwelling (£)*
Category 1 Hazard	£34.4	£5,700
Repair	£28.7	£6,000
Amenities	£4.2	£18,600
Thermal Comfort	£9.4	£1,700
<b>Total</b>	<b>£76.8</b>	<b>£6,600</b>

\* Rounded to nearest £100

Source: 2011 House Condition Survey

3.60 The costs were estimated purely on the basis of carrying out only those works necessary to make properties Decent. The costs do not include works, for example, to give a 10 year or 30 year life. The figures do indicate the scale of potential demand.

#### *Vulnerable Households in Decent Homes*

3.61 As stated already in Parts 1 & 2, the previous Government had set a target (PSA7) for the numbers of vulnerable households in Decent Homes. "Vulnerable household" was defined as one in receipt of one or more of the principal income related or disability benefits. The target for 2007 was that 65% of vulnerable households should live in Decent Homes and for 2010, 70%. The 2005 House Condition Survey showed that the proportionate vulnerable households in Decent Homes in the District was 61%, a shortfall of 1,020 properties occupied by vulnerable households to be made Decent.

3.62 Following the 2007 Comprehensive Spending Review, the previous Government dropped the requirement for local authorities to meet the PSA7 target. However, the target was used by the former regional bodies for monitoring and is used by most local authorities to measure their progress with housing conditions.

3.63 The 2011 HCS found that there are an estimated 8,830 private sector dwellings occupied by vulnerable households. Of these an estimated 2,780 were classified non-Decent, which represents 33% of dwellings occupied by a vulnerable resident. Conversely this means that 67% were Decent. The EHS 2009 found that 23% of vulnerable households were living in non-Decent homes (i.e. 73% in Decent Homes). This means that there is an overall shortfall of 270 dwellings occupied by vulnerable households to be made Decent.

3.64 The figures were then split by tenure and the results again show a very clear difference with conditions worse in the private rented sector.



## Non-Decent Dwellings With Vulnerable Households By Tenure

Tenure	Vulnerable Households In Non-Decent Dwellings	Percentage Vulnerable Households In Decent Dwellings	Percentage vulnerable households in non-Decent dwellings	Shortfall
Owner Occupied	1,410	75%	25%	-300
Privately Rented	1,370	49%	51%	+570

Source: 2011 House Condition Survey

- 3.65 If the owner occupied sector is looked at in isolation, then the PSA7 target has been more than exceeded and, indeed, the notional 2020 target has been met. However, there is a substantial shortfall in a private rented sector. This is another factor which indicates that the private rented sector must be a clear priority for this new Strategy.
- 3.66 The HCS estimated the cost of works just to make Decent 270 homes at £2.5 million.

### *Energy Efficiency and Thermal Comfort*

- 3.67 Criterion D of the Decent Homes Standard requires that properties provide a 'reasonable degree of thermal comfort'. Inadequate thermal comfort is the second common reason for private sector homes failing to meet the Decent Homes Standard, with 12.4% failing the thermal comfort criterion.
- 3.68 The survey found the total cost of remedying thermal comfort failures to be £9.4 million (average cost per dwelling £1,700).
- 3.69 The Survey also assessed dwellings to give Standard Assessment Procedure (SAP) ratings. The rating is a single figure between 1 – 100 (the higher the figure, the better the thermal comfort). Better standards of thermal insulation and heating system efficiency will lead to higher scores. The higher the inherent cost of fuel, the lower the score (solid fuel and off peak storage radiators score much lower than mains gas central heating).
- 3.70 The HCS found the average across Epping Forest was 54. The most recent figure from the 2009 EHS is 51. The average SAP rating in the owner occupied sector was 54 and in the private rented sector 51. These figures reflect the higher proportion of newer dwellings.
- 3.71 With dwelling types, the only types to have average significantly below the District average were once again mobile homes at 32 and converted flats at 46.
- 3.72 As well as responsibilities in terms of Decent Homes, the Council also has a duty to promote energy efficiency under the Home Energy Conservation Act 1995. The HCS looked at the costs of providing the following energy efficiency measures, where needed, to all properties whether or not they met the Decent Homes Standard:
- Loft insulation to 200mm
  - Upgraded hot water cylinder insulation
  - Double glazing

- Installation of high efficiency boiler where none present
- Full central heating where none present

3.73 Works were required in varying degrees to 85% of the stock at a total cost exceeding £113 million (average cost per dwelling £3,000). The great bulk of the works required were loft insulation (to 53% of properties) and cavity wall insulation (to 27% of properties).

3.74 Again there were differences between the tenures. The table below shows heating types by tenure. The incidence of the less efficient, more costly to run electric storage radiators and room heaters was less than 5% in the owner occupied sector yet almost 40% in the private rented sector.

#### Type of Heating by Tenure

Heating Type	Owner Occupied	Privately Rented	Whole District
Central Heating	95.7%	60.1%	89.5%
Storage Heaters	2.8%	28.1%	7.1%
Room Heaters	1.6%	11.8%	3.3%

3.75 The same disparity applied with the provision of insulation. The table below shows the levels of loft insulation in properties (where a loft is present) by tenure. With owner occupied properties, 26% of properties have loft insulation at 150mm or below. With private rented sector properties, the figure is 43%.

#### Levels of Loft Insulation by Tenure

Tenure	No Loft Insulation	<50mm	50mm - 100mm	100mm - 150mm	150mm - 200mm	>200mm
Owner occupied	1.8%	0.4%	7.1%	16.3%	17.8%	56.6%
Privately rented	6.8%	0.2%	10.0%	26.3%	21.5%	35.2%
Whole District	3.4%	2.5%	20.1%	20.7%	12.0%	23.0%

3.76 Fuel poverty remains a major Government priority and has increased substantially in recent years because of major fuel price rises. A household is said to be in fuel poverty if more than 10% of net income is spent on domestic energy costs. The survey found an estimated 6,010 dwellings (14%) where fuel poverty existed. The 2009 national figure was 18% and it is considered, therefore, that the 14% figure is likely to be an underestimate, particularly as heating costs have risen sharply since 2009.

3.77 The total cost of eradicating fuel poverty in the owner occupied sector was put at £9.1 million. As many of households will be eligible for grant aid through the Government's Warm Front scheme, the survey also estimated the cost of works where the households were not Warm Front eligible and put the cost at £5.2 million

3.78 Another target identified by the Survey were the estimated 2,500 dwellings not in fuel poverty but with mean SAP rating below 35. The total cost of works here was put at £12.9 million.

### *Houses In Multiple Occupation (HMOs)*

- 3.79 Section 257 of the Housing Act 2004 introduced a much broader definition of “house in multiple occupation” – in particular it now includes converted buildings with only self contained flats where the conversion work does not meet the standard of 1992 Building Regulations and where more than one third of dwellings are let on short tenancies.
- 3.80 The HCS estimated there to be only 180 HMOs (0.04% of the stock compared with the national average of around 2%). The Survey estimated that around 20 of HMOs in the District would be likely to be eligible for mandatory licensing under the Housing Act 2004 but acknowledged that this estimate is not statistically reliable because of the very small sample size. In practice, since the introduction of mandatory licensing the Council has licensed only 4 properties. Whilst not under playing the importance of ensuring satisfactory standards in HMOs, because of their very limited numbers they are not a major priority for the Council.

### *Empty homes*

- 3.81 The HCS estimated there to be 1,850 empty homes in Epping Forest (4.1% of the stock compared with the national average of 4.6%). Of these vacant properties, the majority are likely to be empty because of market activity and are awaiting new owner occupiers or tenants. However, the Survey did find an estimated 1,020 dwellings (2.3% of the stock) which had been vacant for 6 months or longer. The Council's own records indicate a figure in the order of 900.
- 3.82 Given the major pressure for affordable housing in the District, even allowing for recent progress in bringing long term empty homes back into use, clearly this area is a major priority for this Strategy.

## **4.0 WHAT WE DO & WHAT WE HAVE ACHIEVED**

### **Who Does the Work?**

- 4.1 This Part of the Strategy looks at what the Council does at the moment to improve private sector housing conditions and how this has worked over the past 4 years.
- 4.2 Private Sector Housing has two separate teams, Private Sector Housing (Technical) and Private Sector Housing (Grants and C.A.R.E.). C.A.R.E. is the short title of Caring and Repairing in Epping Forest, the Council's in-house Home Improvement Agency.
- 4.3 The Technical Team has prime responsibility for responding to complaints and statutory functions (HHSRS, HMOs, empty homes, caravan sites, etc.). The Private Sector Housing (Grants and C.A.R.E.) team takes prime responsibility for financial assistance with C.A.R.E. offering a high level service to vulnerable applicants in particular disabled and older residents. C.A.R.E. also deals with the Handyperson and Gardening Services.
- 4.4 The Private Sector Housing staff work very closely with the Housing Options Team in cases of actual and threatened homelessness.
- 4.5 The work done by the Council falls into three main categories:
  - Informing, advice and specialist support
  - Financial assistance
  - Enforcement.

### **Information, Advice & Specialist Support**

#### *General Advice*

- 4.6 In practice, much of the work of all Officers in Private Sector Housing involves giving advice, in particular enquiries dealing with financial assistance. Residents often enquire about assistance and advice can include trial assessments of financial circumstances to indicate eligibility for assistance and possible contributions. Where residents are not eligible, Officers often advise on other ways to tackle housing problems.
- 4.7 There are frequent enquiries about improving energy efficiency, and staff give general advice as well as directing residents to Warm Front and the Herts and Essex Energy Partnership. All C.A.R.E. case workers have the City & Guilds Certificate in Energy Advice as do several other Team Members.

#### *C.A.R.E. Support for Vulnerable Applicants Undertaking Work*

- 4.8 The main function of C.A.R.E. is as a Home Improvement Agency providing an enhanced service, primarily to older and/or disabled owner occupiers and private sector tenants who are taking up financial assistance from the Council, whether a DFG, Small Works Assistance, Decent Homes Assistance, etc. C.A.R.E. staff give initial advice, assist with forms, assess the work required, advise on financial

assistance and benefits, arrange drawing and contract documents, obtain estimates and oversee the work.

- 4.9 Initial advice is free but a fee is charged for administering a contract. The service is funded jointly by Supporting People (Essex County Council), fee income and EFDC. Because of a cut in the Supporting People contribution which came into effect from April 2011, the fee rate has been raised from 10% to 15% of contract price. In 2010/11 C.A.R.E. received 574 enquiries and managed 124 cases.

#### *Handyperson Services*

- 4.10 The Agency also operates a Handyperson Service offering direct assistance with minor, low cost jobs (maximum cost £250) for householders who are over 60. Where the household is in receipt of benefit, the service is free otherwise the household is charged with the full cost of the work. Individual applicants may use the Service up to a maximum of 3 times a year with applications being at least 3 months apart. Each job can cost up to a maximum of £250 in any application but no more than £400 in any one year. Contractors from the Agency's Preferred List are used for the work. The costs of a caseworker to administer the Service are joint funded by Supporting People and EFDC.
- 4.11 The Handyperson Service was extended in 2010 to provide a Handyperson 'Plus' service to all users (whether paying or not) to allow fitting of a package of key security devices (locks, door viewers, chains, etc). The Handyperson Service has also been extended on a temporary basis to include decorating services. These services were both funded by additional allocations of funding from Supporting People in 2009/10 and 2010/11 respectively and will continued for as long as sufficient funds remain. This is not expected to be beyond April 2012
- 4.12 In addition, under its new contract with Supporting People, C.A.R.E. is providing a Gardening Service for the first time. This will continue for at least the duration of the existing contract, i.e. until July 2013.
- 4.13 The Handyperson service dealt with 124 cases 2010/11.
- 4.14 The Council does intend to move towards implementing a scheme where housing assistance is funded through loans and/or equity release, possibly in partnership with others. C.A.R.E. will play the key role in providing information to help people to access these sources of funding.

#### *Working With Landlords*

- 4.15 Housing standards are set by law and the Council does have the power and in some cases a duty to take legal action against the owners of unsatisfactory. However, whilst there are some occasions where using legal powers is appropriate, the Council believes it is better to work on an informal, constructive basis with landlords and formal statutory action in recent years has been very limited.
- 4.16 The lack of affordable housing is a major concern. It is clear that the privately rented sector has grown substantially over the past 5 years and now plays a major part in the provision of affordable housing. In many local authorities, a regular Landlords Forum is held to allow exchange of information between local landlords and Council officers.

- 4.17 However, those attending a Landlords Forum are generally 'portfolio' landlords owning a significant number of properties. The District is unusual in that almost all private sector landlords own one or two properties at most. The Council has considered introducing a Forum but has concluded that, because of the pattern of property ownership, other forms of information flow are more appropriate in the District. Information in respect of private sector leasing is given in 'The Forester', the Council's magazine that is delivered three times a year to all the homes in the District. The Council website, which is to be updated in the summer of 2012, also presents a good vehicle for communication.
- 4.18 The deposits required by landlords are often a major obstacle to potential tenants and has been a significant concern for staff in the Housing Options Team. The Council works with the Epping Forest Housing Aid Scheme (EFHAS) which runs a Deposit Guarantee Scheme. It provides private landlords with rent deposit guarantees for applicants who are in housing need and are unable to raise the deposit themselves. The Scheme now underwrites rent guarantees of up to four weeks rental value.
- 4.19 The Council has also introduced a rental loan scheme for people likely to become statutorily homeless with a payment of £670 for a single person and £1,000 for a family. The recipient enters into an agreement to repay the money over a two year period.
- 4.20 The Council does not as yet run a full landlord accreditation scheme although work is ongoing to review the potential benefits of either the national Scheme or an Essex-wide Scheme that is currently under development. Work is also under way to establish a scheme for accommodation rented by students of Essex University who attend the East15 Acting School in Loughton. However, all properties where the landlord takes the benefit of a rent deposit guarantee and/or the tenant has a rental loan are inspected by the Technical Team to ensure compliance with statutory standards before the guarantee and/or loan are made.

#### *Private Sector Leasing – HALD and PLACE*

- 4.21 Private sector leasing is an area where the Council has made significant progress with providing affordable housing. It has worked in partnership with Genesis Housing in the development of the Housing Association Leasing Direct (HALD) scheme. Here, private sector landlords enter into an agreement with Genesis to lease a property to Genesis for three or five years and receive guaranteed rent when the property is occupied by tenants. The properties are let to families who have approached the Council for housing assistance.
- 4.22 Along with 6 other local authorities, EFDC was successful in a bid to the former East of England Regional Assembly (EERA) for funds to run the Private Leasing Agreements Converting Empties Scheme (PLACE). This is aimed at bring empty homes in poor condition back into use.
- 4.23 In its original format, the scheme involved funding work up to the value of £50k per property, depending on its size, to put it back into good order. The properties was then leased rent free to the Pathmeads Housing Association (part of the Genesis group) for a period of three years. The properties were let to tenants nominated by the Housing Options Team to prevent homelessness. This form of

the scheme has brought 4 former long term empty homes back in to use in the District.

- 4.24 There was some resistance by property owners because of the three year rent free period. Also, the scheme involved full scale renovation which is not necessary in all cases. The scheme has therefore been modified to allow for:
- Empty Property Grants: Grant of a maximum of £25k to bring a property to the Decent Homes Standard. The property is leased for a 3 year period and the landlord retains a modified rent.
  - Empty Property Loans: Maximum loan of £25k per unit (up to £175k for building). On completion, the property can be sold or let. Repayment conditions are dependent on final use but funds are secured with a charge and the money is recycled back into the scheme.
  - A possible extension of the scheme to cover conversion of redundant space is being considered.
- 4.25 PLACE will now also allow councils that are part of the scheme to use PLACE funds to support enforcement action that requires capital input. Various enforcement actions possible with empty properties (Empty Dwelling Management Orders (EDMOs), Compulsory Purchase Orders (CPOs), works in default and enforced sale) involve a local authority spending and then recovering some or all of the costs later. These costs can now be met from the PLACE fund.

### **Financial Assistance**

- 4.26 Financial assistance can mean a grant and/or a loan, or offering financial advice. In the previous 2007 Strategy, an intention to move towards equity release was stated but in practice this did not happen for a variety of reasons mainly connected with the downturn in both the financial and housing markets. The financial assistance given was grant based (although the 15 year repayment condition for owner occupiers/long leaseholders with Decent Homes Assistance made it nearly equivalent to a loan).
- 4.27 Like all local authorities, EFDC has a duty to offer Disabled Facilities Grants (DFGs) for the majority adaptation works. The Council has no discretion over the way grant aid is paid. The maximum eligible expense is now £30,000. A test of resources applies to all applicants except where the case involves a child under 18 years. The costs of DFGs are split between the Council and Government. In the period 2007 – 2011 there were 195 mandatory DFGs with the total spend £1.3 million. The annual spend is typically £370k.
- 4.28 In addition to mandatory grants, the Council has the power to offer discretionary financial assistance. The previous Strategy introduced five forms of financial assistance. Please note that where the list below refers to 'owner occupiers' that includes long leaseholders. In all cases, eligible owner occupiers are 60 years or over, have a disability or are a low income household with dependent children.
- 4.29 Owner occupiers applying have to satisfy a test of resources (with receipt of a means tested benefit or a disability benefit giving automatic entitlement). For

Decent Homes Assistance, owner occupiers have to provide a Certificate of Owner Occupation for 15 years. Landlords generally have to provide a Certificate of Availability for Letting for 5 years. Where eligible for assistance, Landlords receive 50% of the maximum eligible expense.

- **Thermal Comfort Grants:** Available to owner occupiers and landlords for heating works. Maximum eligible expense £3,000 or £750 per letting in an HMO.
- **Small Works Assistance:** Available to owner occupiers only to deal with statutory hazards or defects likely to damage the fabric of the dwelling. Maximum eligible expense £5,000.
- **Decent Homes Assistance:** Available to owner occupiers only where there is a significant Hazard or disrepair, to bring the property (limited to properties in Council Tax Bands A – E only) up to the Decent Homes Standard. Maximum eligible expense £15,000.
- **Discretionary DFG/Relocation Grant:** Available in exceptional circumstances where the costs of work exceed the maximum eligible expense or where there are some works outside the scope of the mandatory grant.
- **Empty Property Grant:** Available to owner occupiers and landlords to bring properties empty for over a year back into use. Maximum eligible expense £10,000.
- **Conversion Grant:** Available to landlords to convert underused or redundant space into affordable living accommodation for rent. Maximum eligible expense £10,000 per unit (£30,000 per scheme).

4.30 From 2006/2007, substantial capital funding was made available to Epping Forest DC by the former EERA for Decent Homes (a total of £1.1 million). This has been used to augment the funding for the delivery of discretionary financial assistance. This funding ceased in 2010/11.

4.31 When the new financial assistance regime was introduced in 2007/2008, take up was originally very slow. Only £76k was spent in the first year, but this rose to £348k in 2008/2009, £310k in 2009/2010 and to £421k in 2010-2011. The number of individual grants in each year were as follows:

Year	Type	Number
2007/2008	Decent Homes Assistance	1
	Small Works Assistance	15
	Thermal Comfort Grant	10
2008/2009	Decent Homes Assistance	2
	Small Works Assistance	80
	Thermal Comfort Grant	30
2009/2010	Decent Homes Assistance	7
	Small Works Assistance	77
	Thermal Comfort Grant	38
2010/2011	Decent Homes Assistance	14
	Small Works Assistance	68
	Thermal Comfort Grant	25



- 4.32 The figures mean that over the past four years discretionary assistance has been provided on 367 occasions. The take up in Decent Homes Assistance was particularly slow at the start as there appeared to be resistance to the 15 year condition in the Certificate of Owner Occupation, but this became accepted.
- 4.33 In spite of publicity, there have been no completed Empty Homes or Conversion Grants (one Empty Homes Grant is due for completion in 2012), nor have there been any Discretionary DFGs or Relocation Grants. Discretionary DFGs were primarily intended to provide a top-up to mandatory DFGs that exceeded the maximum limits available which was £25,000 in 2007 but is now £30,000.
- 4.34 The administration of discretionary financial assistance over the past 4 years has generally been without any significant problems. However, there has throughout the period been an inconsistency in the throughput of Occupational Therapists' referrals by Essex County Council. This has, on more than one occasion, resulted in EFDC being unable to spend the budget allocated. Ways to possibly reduce these delays are considered in Part 5.
- 4.35 One area of concern with financial assistance has been park homes. The House Condition Survey demonstrates clearly that the rate of non-Decency in these properties is substantially above the District average. However, in practice the offering of financial assistance has revolved around adaptations for disabled people and other relatively limited works. This is because park home owners are effectively not eligible for Decent Homes Assistance as the conditions regarding repayment of the assistance cannot be secured by a local land charge in the same way as with traditionally built, 'permanent' dwellings.

### **Enforcement**

- 4.36 Under the Housing Acts and related legislation, local councils have both legal powers and duties to deal with unsatisfactory housing conditions in the private sector. Statutory notices can be served on both owner occupiers and landlords to require work to be carried out or, in extreme cases, for properties to be closed or demolished. In practice, the great majority of action relates to privately rented properties to seek repairs or improvements to be carried out for the benefit of tenants.
- 4.37 The main statutory provision used for enforcement where unsatisfactory housing conditions are found is the HHSRS. The details of this risk based method for assessing hazards found in properties is set out in Appendix C. The Council has a duty to take action in respect of more serious Category 1 Hazards but also has a discretionary power to take action with Category 2 Hazards. Appendix C sets explains the framework Officers take into account when exercising discretion.
- 4.38 There are significantly greater risks associated with HMOs and, because of this, additional powers and duties exist for these.
- 4.39 The Council does have other private sector housing duties. These include:-
- Inspecting and licensing of caravan and park homes sites (46 in the District);
  - Advice, assistance and enforcement in harassment and illegal eviction cases;

- Dealing with anti social behaviour complaints;
- Remedying filthy and verminous premises; and,
- Inspecting dwellings for entry clearance/immigration.

4.40 Subject to certain mandatory requirements (for example dealing with Category 1 Hazards), local authorities do have wide discretion in the way they use these powers. It is common to adopt an informal approach with landlords before statutory notices are served, with contact through telephone and letters, and this approach is encouraged through the national Enforcement Concordat. Decisions from the Residential Property Tribunal show that they expect local authorities to adopt an informal approach before any recourse to statutory action unless the situation is very urgent or there are good reasons.

4.41 EFDC has used mainly an informal approach, with only a small number of statutory notices served each year. The table shows the number of complaints received from members of the public by the Technical Team over the past 5 years, which have grown year on year:

#### **Housing Complaints Received**

	2006/07	2007/08	2008/09	2009/10	2010/11
Complaints	353	403	424	560	598

4.42 Officers from the team respond to every complaint and almost all are visited. In practice, the vast majority of complaints are resolved without needing to use formal action as landlords in the District almost always resolve a problem after an informal approach. The number of statutory notices served under the Housing Act 2004 and related acts such as the Environmental Protection and Public Health Acts have been very limited.

4.43 When considering investigating housing complaints where Hazards are found, Council Officers do not confine action (whether informal or formal) to Category 1 Hazards. They will draw landlords attention to higher level Category 2 Hazards (within Bands D & E) and if necessary will serve formal notices for Category 2 hazards.

4.44 The approach to enforcement can be reactive (i.e. responding to complaints made) or proactive (inspections on a planned, regular basis, for example looking for empty homes, HMOs, etc). The majority of inspections in the District have been reactive although over the past 4 years the proportion of proactive work in connection with empty homes, park home sites and HMOs has increased.

4.45 The large number of caravan and park home sites reflects both the large area of rural land in the District and the high price of local housing. The Council recently introduced Model Standards on residential park home sites and this has led to a significant volume of proactive work.

#### *HMOs*

4.46 HMOs can pose far greater risks to their occupants than single household dwellings, especially with fire. Across the country there is more local authority intervention with HMOs to ensure satisfactory conditions and the Housing Act

2004 introduced mandatory licensing of higher risk HMOs (3 or more storeys occupied by 5 or more persons who comprise 2 or more households).

- 4.47 The Council did undertake a campaign to publicise the need to license HMOs and also undertook a survey to ensure that licensable HMOs were dealt with. As indicated in the HCS, the proportion of HMOs in the District is much lower than the national average and only 4 licences have been issued.

#### *Empty Dwellings*

- 4.48 The 2005 HCS did recognise that long term empty homes were a significant issue in the District and a specific Empty Homes Strategy was introduced in 2007. These included a range of measures to bring long term empty homes back in to use including a 'Finders Fee' Scheme, removal of the Council Tax discount, publicity and reporting procedures as well as the private sector leasing and grant incentives referred to earlier.
- 4.49 The approach of the Private Sector Technical Team has essentially been to identify long term empty homes by both responding to complaints and by proactive means for example checking through Council Tax records. Publicity encouraging members of the public to alert staff to long term empty homes has been sent out in the Council newsletter and also posted on the website. Once identified, steps are taken to identify the owner and then, where possible, to encourage them to bring the properties back into use. A part time post was created in 2009 with prime responsibility for tackling empty homes to maximise the New Homes Bonus (NHB) and this has now been increased to a full time appointment.
- 4.50 Homes remain empty for long periods for a variety of reasons including for example probate issues, matrimonial disputes, etc and cases can be very complex. The Technical Team start by using informal approaches but do make it plain that if necessary formal action will be taken. In one case a compulsory purchase procedure was started on a long-term empty property in the District but this was ultimately resolved informally. An application for an Interim EDMO is currently being pursued in another case. In practice, the private sector leasing schemes have also proved very effective.
- 4.51 Since the Empty Property Strategy was introduced, 55 long term empty homes have been brought back into use.

## **5.0 WHAT WE ARE GOING TO DO**

### **The Priorities For The New Strategy**

#### *National & Local Priorities*

- 5.1 Part 2 set out the strategic context surrounding this Private Sector Housing Strategy. The new Strategy has to take into account prompts from policies at both national and local level.
- 5.2 The four years since the previous Strategy was introduced have seen radical change. There is now a new Government with different housing policies and priorities. There is also a dramatically different financial climate. The new Government has made it very clear that reducing the budget deficit is its overriding concern and there have been very substantial reductions in public spending with more cutbacks scheduled for coming years.
- 5.3 The new Government recently published a housing strategy document *Laying the Foundations: A Housing Strategy for England*. This makes it clear that its major housing priority is the revitalisation of the housing market. The Localism Act 2011 places great emphasis on local decision making and the Energy Act 2011 will introduce the Green Deal during 2012.
- 5.4 *Laying the Foundations* also emphasises that the Government wants to see a private rented sector that is thriving and growing, but one where high standards are maintained (with the use of enforcement powers where necessary). There is a high priority placed on bringing empty homes back into use, and the New Home Bonus gives local authorities a financial incentive to do this.
- 5.5 The Housing Act 2004 and the Regulatory Reform Order 2002, however, remain the key statutory provisions covering local authority work in private sector housing. Whilst in reality the Technical team are able to resolve most issues informally, the Housing Act 2004 does provide robust enforcement provisions under the Housing Health and Safety Rating System (HHSRS), for licensable HMOs and in respect of long term empty homes. When necessary, Officers use these powers and the approach to dealing with unsatisfactory housing remains framed around the Housing Act 2004 (with the use of other statutory powers as necessary).
- 5.6 With the previous Private Sector Housing Strategy the Council did take advantage of the freedom to set a framework for discretionary financial assistance tailored to local needs. This has proved generally successful with discretionary housing assistance having been delivered to 367 households. However, the new financial landscape of itself prompts the need for review as does the Government view that the owners of dwellings are responsible their repair and improvement. It is clear from the estimated figures in the House Condition Survey that the potential costs even just to make non-Decent homes Decent significantly outstrip capital resources available to the Council.
- 5.7 Several consistent themes emerge from the local strategies:-
  - Maximising the supply of affordable housing
  - Reducing health inequalities

- Promoting energy efficiency and reducing Fuel Poverty
- Promoting independent living for vulnerable groups
- Developing an appropriate and reliable equity release product
- Working with private sector landlords to promote the availability of affordable housing in particular for those potentially homeless

### *Local Housing Context*

- 5.8 Part 3 looked at the local context. Although the District is affluent District overall, there are some pockets of deprivation. It is very clear that the lack of affordable housing is an overriding concern. Whilst incomes are higher to a degree than national averages, because the area is so popular both house and rental prices are very high.
- 5.9 In line with national trends, the proportion of owner occupied stock has fallen (now at 70%) and the proportion of private rented sector stock has risen significantly to 15%. The proportion of social housing at 15% is below the national average figure of 17%, and the waiting list stood at 5,800 in February 2012. The combination of high house prices and the major demand for social housing means that in reality the most newly forming households have to look to the private rented sector for a home.
- 5.10 The Council regards effective working with private sector landlords to promote the availability of affordable housing as extremely important and this Strategy will build on the work done over the past four years to do that. However, the Council also recognises the need for housing in the private sector to comply with statutory standards.
- 5.11 While in many respects the housing stock in the District compares favourably with the rest of England, the HCS did highlight a number of areas that warrant attention. In particular, the survey highlighted that conditions overall in the privately rented sector were significantly worse than in the owner occupied sector against all indicators – Decent Homes, Category 1 Hazards, energy efficiency, Fuel Poverty and especially the number of vulnerable households in non-Decent homes. Build types of concern were low rise purpose built flats, converted flats and in particular mobile homes.
- 5.12 The HCS showed that there is substantial potential demand for disabled adaptations and that DFGs will continue to require a substantial capital allocation. The age profile in the District also has significant implications for this Strategy in that the proportions of older residents, who are more likely to require support to maintain independent living, are higher than the national average and the proportions will increase as time goes on.
- 5.13 Whilst high house prices create difficulties with affordability, they also mean, however, that there is substantial equity in many properties. This does mean that there is considerable scope for the Council to consider moving towards equity release over the medium term. In the short term, the prevailing financial climate means that the Council will be moving away from grants towards loans.

### *Consultation*

- 5.14 Extensive consultation with stakeholders took place as this Strategy was developed. Details of those consulted and the consultation process are set out at Appendix D.

### **Future Action**

- 5.15 In many respects, the previous Strategy has worked well over the past years. However, given the substantial changes in the national and local environments and the concerns raised by the local housing context and the results of the HCS, it is clear that the Council needs to make changes to the way it deals with unsatisfactory housing.
- 5.16 Some changes are relatively straightforward and will be introduced quickly; however, a move to equity release would need to be phased over a period of years. Some further adjustments may also be necessary as Government housing policies evolve. As one example, there is no detail yet on the way the Green Deal will operate. The Green Deal will implement substantial change in the way improvements to energy efficiency can be given and, if possible, the Council will wish to play a major role in local delivery of this.

### **Information, Advice and Specialist Support**

#### *General Information and Advice*

- 5.17 As described in Part 4, much general advice is given out by C.A.R.E. Caseworkers in response to requests for financial assistance. The Section on Financial Assistance, below, describes changes to financial assistance which will remove existing grants from owner occupiers and realistically the demand for general advice will increase.
- 5.18 When responding to enquiries about financial assistance, Officers currently undertake trial assessments to give an indication of eligibility. This process will be extended to a more comprehensive process which will include giving information (not 'advice' which falls within the consumer credit/financial services rules) on other routes to securing finance to carry out works if assistance from the Council is not available. This is likely to result in additional training being necessary.
- 5.19 The Council will also review advice procedures when the outcome of the Essex Right2Control Trailblazer trial period on the new Right to Control right for persons with disabilities is published.

#### *Handyperson Service*

- 5.20 The Handyperson Service is very popular and the Council considers its retention to be a very high priority. However, funding for the service is dependent on the contribution from Supporting People and, whilst funding for the base service appears reasonably secure, that for the additional services (Handyperson Plus, gardening and decorating) less so. In the current climate all funding streams may be vulnerable and the Council considers it very important to safeguard this service.
- 5.21 The Service is currently free of charge to people who are over 60 years in receipt of benefit (both means tested and disability benefits) whilst the full cost is recharged to all other older households. The Council will now look at the various

options for charging with a view to introducing a restricted charge for all households in receipt of benefit with effect from September 2012.

#### *C.A.R.E.*

- 5.22 The role of C.A.R.E. will increase in importance as the Council moves away from grants. The Agency does publicise its activities through talks and exhibitions but awareness raising will now be increased through targeting areas where there is likely to be specific interest including voluntary organisations and relevant professional groups. The Council website is being upgraded and a greater presence will be given to C.A.R.E.

#### *Engaging With Landlords*

- 5.23 Part 4 explained that the District is unusual in that the majority of landlords own one or two properties only. Because of this, a Landlords Forum is unlikely to be successful or an effective way to exchange information with landlords. However, the Council feels that because the private rented sector is growing in size and importance, an effective channel for information and communication needs to be set up.
- 5.24 Realistically most, if not all, private sector landlords (and potential landlords) will have internet access. The Council will set up on the website a resources page for private sector landlords which will give information on statutory requirements, Council policies relevant to private rented sector accommodation and contact details. The web page will give landlords an opportunity to comment on private sector housing issues and also to send in specific queries. The web page will be regularly updated.
- 5.25 The experience of Officers is that the accreditation process linked to the rent deposit and rental loan scheme works well. It helps to increase the supply of good quality housing available to potentially homeless households and also reinforces the effective working relationship between Officers in the Private Sector Team and the Housing Options Team. Extension of the scheme to properties typically used by university students is being considered.
- 5.26 One way to add to give landlords a further incentive to participate and in particular to offer accommodation to vulnerable households is to offer fast tracking of housing benefit claims by tenants in any property which has met the accreditation requirements and this will now be put in place by September 2012.
- 5.27 The opportunities for private sector leasing and for the other financial incentives to bring empty properties back into use will be given greater publicity.

#### **Inspection and Enforcement**

- 5.28 The 2007 Private Sector Housing Strategy recognised that the Private Sector Team did not have sufficient staff. Effective inspection and enforcement needs adequate numbers of specialist staff to undertake surveys, prepare notices, inspect work, deal with landlords and contractors and, where appropriate, pursue statutory action. The staffing arrangements should allow a proper balance between reactive work (responding to complaints) and proactive work (planned inspections according to priorities). Staffing resources have twice been increased and the Council feels staffing levels are now appropriate for the District.

5.29 The proportion of proactive work has increased over the past four years, in particular with long term empty homes and with caravan sites. Given the importance of dealing long term empty homes

- To follow Government housing policy
- To maximise the supply of affordable housing
- To reduce difficulties to neighbouring households, and
- To generate revenue through the New Home Bonus

the Council will now increase the proactive work done to bring long term empty properties back into use.

5.30 Because of the concerns raised by the House Condition Survey in respect of mobile homes, the Council will also increase the rate of proactive inspections of caravan sites. In both cases staff activity will be formally programmed.

5.31 Enforcement action has largely been informal over the past four years. This reflects the fact that landlords in the District almost always comply with Council requests to carry out remedial work. The aim of the Technical Team is to achieve at best high quality housing and at worst to secure compliance with minimum statutory standards ideally without the need for formal action. The Council feels that the emphasis on the informal approach should continue. However, enforcement action including compulsory purchase and compulsory leasing (Empty Dwelling Management Order) has been initiated where necessary and Officers will not hesitate to take formal action where required.

5.32 The HHSRS does not differentiate between tenures. If a Category 1 Hazard is found in an owner occupied property then a local authority has a duty to take the most appropriate course of action. Like most local authorities, EFDC has been reluctant to take statutory action against owner occupiers.

5.33 Appendix C includes the guidelines that staff will follow where Category 1 hazards are found in owner occupied properties. In general terms Hazard Awareness Notices will be served unless the circumstances make this inappropriate (for example if there is an imminent risk of harm or the owner occupied property is having a serious impact on neighbouring properties).

5.34 In these cases the Council will be prepared, where necessary, to take enforcement action and recover costs through a charge on the property. It is possible in unusual circumstances that enforcement action may follow a visit made in response to a request by an owner occupier for financial assistance.

## **Financial Assistance**

### *Releasing Equity*

5.35 Until now, EFDC has provided financial assistance to the private housing sector through grant aid. However, many local authorities across the country have now moved towards facilitating equity release or offering direct loans. Many authorities now only offer grant assistance in exceptional cases.

5.36 "Equity" is the difference between the market value of a property and the value of any mortgage or other charges held against it. If there is no mortgage (as is generally the case with older residents) then the equity is the full market value. It



- is the Government's view that, where equity exists in a property, with the exception of DFGs, some of this potential value should be released to fund any renovation and improvement work that is necessary.
- 5.37 As described in Part 3, house prices in the District are high. The most recent Land Registry figures (to March 2006) put the average house price in the District at £373k. The average prices for semi-detached and terraced houses are £340k and £269k respectively. The HCS included information on outstanding mortgages and this indicated an average equity of around £255k. The 2011 Census showed there was a higher proportion of properties in the District with no mortgage than nationally.
- 5.38 The HCS showed that the estimated cost to remedy all items that make properties non-Decent is £77 million at an average cost per dwelling of £6,600. The cost to make decent the 270 non-Decent homes occupied by vulnerable households in order to meet the notional 2010/11 PSA7 Government target is £2.5 million.
- 5.39 It is clear that there is a very substantial gap between potential costs of works just to make homes Decent and the capital budget. It is also clear, having regard to property prices and typical mortgage levels, that there is scope for the Council to consider introducing a mechanism to facilitate equity release.
- 5.40 If a local authority makes a loan directly, then the loan amount counts against the capital allocation. With specialist providers, as private finance is brought in, the funds available to the local authority for loan can be a multiple several times greater than the amount the local authority commits to the scheme, although there may be a significant non-recoverable cost in setting up. In addition, there is the issue of giving financial advice, which is subject to strict independent regulation. It is necessary for advice to be given by wholly independent financial advisors or there may be a successful legal challenge.
- 5.41 The Council does recognise that there are many households on low incomes and it will be important that any new system takes account of their needs. However, financial schemes generally available through the specialist, not-for-profit agencies are specifically designed to meet the circumstances of low income households. In particular, repossessions are usually restricted. However, the recent financial climate has meant a reduction in the schemes available although some voluntary groups are currently working on new packages.
- 5.42 Developing a new approach will require significant preparatory work. The set up and administration costs of equity release schemes are significant and many local authorities have grouped together to share costs. EFDC will now explore the possibility of partnership on this issue with other neighbouring authorities. Realistically it is likely that any new arrangements will take at least two years to develop.
- 5.43 The existing arrangements for providing a Home Improvement Agency have worked well and the Council intends to develop them. In the longer term, as the equity release mechanism is developed, the C.A.R.E. will play an important part in delivering this.

### *Financial Assistance 2012/2013 Onwards*

- 5.44 Whilst the Council is developing these arrangements, interim changes will be made to the existing arrangements for delivering financial assistance. The financial climate has altered dramatically since the previous Strategy and these interim changes will reflect that. In particular, the substantial Decent Homes capital funding is no longer available and resources made available for private sector housing will come from the Council's capital budget.
- 5.45 Full details of the conditions applicable to all discretionary financial assistance are set out in the separate Housing Assistance Policy.
- 5.46 Capital budgets of £400k for mandatory DFGs and £350k for discretionary financial assistance have provisionally been made available for each of the next three years. It is important that the very best value is made of these and the following overall principles will apply:
- With the exception of the discretionary Relocation Grant, all financial assistance will be repayable on sale or other disposal secured by a local land charge (or undertaking in the case of mobile homes). No interest will be charged.
  - No financial assistance will be made available to landlords. Whilst Officers will continue to use their best endeavours to deal with unsatisfactory conditions informally, if necessary enforcement action will be used and works done in default.
  - Only properties in Council Tax Bands A – E will be eligible for financial assistance.
  - All applicants will be means-tested including those in receipt of Attendance Allowance/Disability Living Allowance.
  - All discretionary financial assistance will only be available when capital funds permit.
  - The discretionary financial assistance offered does not affect the Empty Property Loans and Empty Property Grants available in respect of long term empty homes under the PLACE scheme.
- 5.47 By making the bulk of the financial assistance repayable, the funds are recycled after a period for reuse to assist other households. The benefits from this will take some time to materialise but will make a significant contribution to the capital budget as time goes on.
- 5.48 The requirement to repay will be set out in a formal agreement and will be protected by a Local Land Charge on all dwellings except mobile homes where such a charge cannot be made. In these cases, the owner will be required to give a formal undertaking to advise the Council when the property is to be let or sold and Officers will carry out regular, routine monitoring to ensure that the occupancy conditions are still being met.
- 5.49 Thermal Comfort Grants will no longer be made available. Heating works may be covered in the new Small Works Repayable Assistance or in the new Decent Homes Repayable Assistance. Discretionary DFGs will no longer be available as none have been given over the past four years and provisions exist within the

Essex County Council to provide loans to top-up mandatory DFGs where the cost of work exceeds the £30,000 grant maximum.

- 5.48 The Council is retaining the discretionary Empty Homes Loan aimed at bringing long term empty homes back into use. This loan will be targeted at households who see a long term empty property and wish to renovate it to live in.
- 5.49 The Conversion Grant will no longer be available. Revision of the PLACE scheme to allow for landlords to apply for assistance to convert redundant space is under consideration.

#### *Small Works Repayable Assistance*

5.50 The existing Small Works Assistance is to be replaced with **Small Works Repayable Assistance**. These will be made available subject to the following conditions:

- (i) There must be a statutory Hazard within the property rated at Band D or above, or a defect which is likely to damage the fabric of the property unless repaired.
- (ii) The maximum eligible expense is £3,000.
- (iii) Eligible works will include works to rectify a significant Hazard under the HHSRS, works to rectify any disrepair likely to damage to the fabric of the property and works to improve thermal comfort.
- (iv) Applicants must be 60 years or above or be chronically sick or disabled or be a household with dependent children on a low income
- (v) The applicant must satisfy a test of resources and/or be in receipt of a means tested benefit.
- (vi) Owner occupiers and long leaseholders are eligible to apply.
- (vii) Assistance will only be available for properties in Council Tax Bands A – E.
- (viii) Owner occupiers and long leaseholders must have been resident for at least one year prior to making an application. The Council may consider waiving this requirement in exceptional circumstances.
- (ix) No more than one application can be made in any twelve month period commencing from the date of the final payment of the last Assistance.
- (x) The applicant will enter into an agreement to repay to the Council the whole amount of the Assistance paid on sale or any other disposal of the property.

#### *Decent Homes Repayable Assistance*

5.51 The existing Decent Homes Assistance will become **Decent Homes Repayable Assistance** and will be available subject to the following conditions:

- (i) There must be a significant hazard within the property rated at Band D or above, or disrepair which amounts to a breach of the Decent Homes Standard.
- (ii) The maximum eligible expense is £10,000.
- (iii) Eligible works will be any works necessary to ensure the property meets the Decent Homes Standard including:
  - Work to rectify any significant Hazard rated at Band D or above under the HHSRS.

- Work to repair or replace building components which are old and because of their condition require replacing or repair. (If there is only one such building component it must be a key building component.)
  - Work to replace defective kitchen or bathroom/WC fittings or kitchen fittings over 20 years old and bathroom fittings over 30 years old.
  - Work to improve thermal comfort.
- (iv) Applicants must be 60 years or above or be chronically sick or disabled or be a household with dependent children on a low income.
- (v) The applicant must satisfy a test of resources and/or be in receipt of a means tested benefit.
- (vi) Assistance will only be available for properties in Council Tax Bands A – E.
- (vii) Owner occupiers and long leaseholders are eligible to apply.
- (viii) Owner occupiers and long leaseholders must have been resident for at least one year prior to making an application. The Council may consider waiving this requirement in exceptional circumstances.
- (ix) The applicant will enter into an agreement to repay to the Council the whole amount of the Assistance paid on sale or any other disposal of the property.

#### *Discretionary Relocation Grants*

5.52 Discretionary DFGs will no longer be available.

5.53 A **Relocation Grant** may be available subject to the following conditions:

- (i) Where a person qualifies for a mandatory DFG but the necessary works are not feasible at their existing property, or could only be carried out at wholly disproportionate cost, then the Council may consider a grant towards essential relocation costs and/or the difference in price of the new home.
- (ii) In order to consider a relocation grant, the new property must be capable of being occupied as it stands or with adaptation at reasonable cost.
- (iii) The maximum relocation grant will be £10,000.
- (iv) Such grants will only be made in exceptional circumstances and subject to the Council having adequate budgetary provision at the time of the application and will require the express approval of the Head of Environmental Services.
- (v) No household can receive more than one relocation grant.
- (vi) The standard DFG test of resources will be applied to applications for relocation grants.

#### *Empty Homes Loans*

5.54 In order to encourage the return of long term empty properties back into use, and to increase the supply of affordable housing, owners intending to live in a property that is currently long term empty the Council may make available discretionary **Empty Homes Loans** subject to the following conditions:

- (i) The property must have been vacant for a minimum period of one year before the application is submitted
- (ii) There must be a significant hazard within the property rated at Band D or above, or disrepair which amounts to a breach of the Decent Homes Standard.

- (iii) Eligible works are as for Decent Homes Repayable Assistance.
- (iv) Persons intending to live in the property are eligible to apply.
- (v) The applicant will enter into an agreement to repay to the Council the whole amount of the assistance paid on sale or any other disposal of the property.

#### *Mandatory DFGs*

- 5.55 It is proposed that one change will be made to the administration of DFGs. Where the grant is above £5,000, the Council is entitled to recover costs up to a maximum of £10,000 for a period of up to ten years. The Council now intends to consider the benefits of requiring repayment of the grant (subject to the £10,000 limit) if the property is disposed within a 10 year period. This would be and protected by a charge on a property which would be removed after a period of 10 years. Repayment will not be required for the costs of providing stair lifts, through floor lifts or removable equipment such as hoists. In addition, there will be discretion to waive the requirement in exceptional circumstances.
- 5.56 There have been significant problems because of delays with the Occupational Therapist referral service provided by the County Council which have affected the service offered by C.A.R.E. Alternative means of service provision will be investigated.

#### **Review**

- 5.57 Appendix A sets out the Action Plan the Council will follow in implementing the Private Sector Housing Strategy.
- 5.58 The Council is committed to improving private sector housing standards and there will be a review by of progress against the targets set out in the Action Plan annually by Members. There will be also be ongoing formal reviews as part of the Corporate Planning process.

#### **Equality and Diversity**

- 5.59 The Council is committed to ensuring that there is equal access to all services by all residents of the District. This Strategy does concern the delivery of services and allocation of resources to many vulnerable groups including households on low incomes, households with older residents, residents with disabilities and residents from minority communities. The Strategy has been developed to ensure that scarce resources are allocated as fairly as possible and delivery will be in accordance with the principles of the Council's Policies on equality and diversity. An Customer Impact Assessment has been carried out of the Private Sector Housing Assistance function.

#### **Contacts, Appeals and Complaints**

- 5.60 Contact addresses and telephone numbers for Council staff are set out in the formal Statement of Housing Assistance Policy. The Policy also sets out the procedure for any person who wishes to appeal against any decision in respect of financial assistance or to complain about any issue relating to this Strategy.

**APPENDIX A**

**Private Sector Housing Strategy Key Action Plan 2012-15  
(DRAFT)**

<b>No</b>	<b>Category</b>	<b>Action</b>	<b>Responsibility</b>	<b>Timescale</b>	<b>Resources</b>
	C.A.R.E./Housing Assistance	To introduce an extended assessment and advice procedure and to train staff in delivery of the procedure	Assistant Director (Private Sector/ Resources)/Private Housing Manager (Grants/C.A.R.E.)	Sept 2012	Within existing resources
	C.A.R.E.	To investigate the options and procedures necessary to introduce a charging scheme for residents in receipt of benefit using the Handyman Scheme	Assistant Director (Private Sector/ Resources)/Private Housing Manager (Grants/C.A.R.E.)	Sept 2012	Within existing resources
	C.A.R.E.	Upgrade C.A.R.E. page on Council website including provision for on line applications	Private Housing Manager (Grants/C.A.R.E.)	September 2012	Within existing resources
	Disabled Adaptations	Explore alternative means of service provision for Occupational Therapist referrals	Assistant Director (Private Sector & Resources)	January 2013	Within existing resources
	Private Rented Sector	Develop Landlord Resources page on Council website including provision for interaction and response to queries. Include additional information on PLACE and HALD	Private Housing Manager (Technical)	December 2012	Within existing resources
	Private Rented Sector	Upgrade empty homes page on Council website giving consideration to inclusion of improved alert provisions for members of public to report empty homes	Private Housing Manager (Technical)	June 2012	Within existing resources

No	Category	Action	Responsibility	Timescale	Resources
	Private Rented Sector	Carry out feasibility study on the potential for fast track procedures for accredited properties	Private Housing Manager (Technical) and Housing Benefits Manager	January 2013	Within existing resources
	Private Rented Sector	Conclude discussions with Essex University in respect of accreditation	Private Housing Manager (Technical)	September 2012	Within existing resources
	Enforcement	Introduce programmes of proactive investigation/planned inspections for long term empty homes and park home sites	Private Housing Manager (Technical)	September 2012	Within existing resources
	Enforcement	Bring 40 long term empty homes back into use during 2012/2013	Private Housing Manager (Technical)	March 2013	Within existing resources
	Financial Assistance	Change financial assistance procedures and documentation to implement the revised framework of financial assistance	Assistant Director (Private Sector/ Resources) & Private Housing Manager (Grants/C.A.R.E.)	June 2012	Within existing resources
	Financial Assistance	Update Council website to publicise details of new framework for Financial Assistance	Private Housing Manager (Grants/C.A.R.E.)	June 2012	Within existing resources
	Financial Assistance	Consider options for updating Council website to provide facilities for service users to make applications for assistance on-line	Private Housing Manager (Grants/C.A.R.E.)	June 2012	Within existing resources
	Financial Assistance	Keep developments with Green Deal under continuous review with a view to maximising Council involvement	Assistant Director (Private Sector & Resources)	Possible implementation by September 2012	Unknown
	Financial Assistance	Undertake options appraisal on the implementation of equity release/loan arrangements for housing assistance.	Assistant Director (Private Sector & Resources)	March 2013	Within existing resources
	Financial Assistance	Make recommendations to the Housing Scrutiny Panel with regard to the implementation of equity release/loan arrangements	Assistant Director (Private Sector & Resources)	July 2013	Within existing resources

## APPENDIX B

### DCLG GUIDANCE ON DECENT HOMES STANDARD

#### 1.0 Introduction

- 1.1 The previous Government introduced the “Decent Homes Standard” in order to link increased funding for housing with clear improvements in standards. The first guidance on the decent homes standard was issued in July 2001, with revised guidance in February 2004 and July 2006.
- 1.2 The Decent Homes Standard was originally applied only to homes owned by local authorities and registered social landlords. However, the standard was then applied by the former Government to vulnerable households in the private sector by Target 7 of the Public Services Agreement (PSA7).
- 1.3 “Vulnerable” groups were considered by the Government to be those who may suffer health problems as a result of living on poor housing conditions which they do not have the resources to remedy themselves. Examples include those over 60, people with long term illness or disability or families with young children. In addition they are in receipt of income or disability related benefits.
- 1.4 Measurement of progress against the target was achieved through the annual English House Condition Survey (EHCS). The EHCS measures both property condition and the social circumstances of the household. To measure progress against the decent homes target in the private sector, the Government target referred to analysis of EHCS results in two consecutive years (to give robust figures).
- 1.5 The target applicable to private sector homes was:-
- To secure a year on year increase in the proportion of vulnerable households in decent homes;
  - Proportion of vulnerable households in decent homes to be more than 65% in 2006-07;
  - Proportion of vulnerable households in decent homes to be more than 70% in 2010-11;
  - Proportion of vulnerable households in decent homes to be more than 75% in 2020-21
- 1.6 The requirement to meet the PSA7 target was dropped by the former Government in 2008 but performance against the PSA7 target is still used by many local authorities for benchmarking.

#### 2.0 What is the Decent Homes Standard?

- 2.1 The most recent definition of the decent homes standard was given in guidance from the Office of the Deputy Prime Minister in July 2006. The guidance is based on four main principles:-
- a) It meets the current minimum standard for housing;
  - b) It is in a reasonable state of repair;
  - c) It has reasonably modern facilities and services;
  - d) It provides a reasonable degree of thermal comfort.
- 2.2 The standard is a *minimum* standard. The Government expects both social landlords and local authorities responsible for securing standards in the private



sector to aim for the best standards attainable. The meaning of the individual criteria are explained in more detail below:-

a) *It Meets The Current Statutory Minimum Standard For Housing*

- 2.3 Previously the minimum standard for housing was the “fitness standard” set by the Housing Act 1985. The Act listed nine factors to take into account when a local Council is deciding whether a home is “reasonably suitable for occupation” and so “fit for human habitation”. (The factors included freedom from damp, structural stability, lighting, ventilation and amenities.)
- 2.4 2.4 The fitness standard has now been replaced by the Housing Health and Safety Rating System, prescribed method of assessment which applied risk assessments to hazards to health and safety found in the home. The system is described in detail at Appendix C.

b) *It Is In A Reasonable State Of Repair*

- 2.5 A home is in a reasonable state of repair unless:
- One or more key building components are old **and** because of their condition need replacing or major repair; **or**
  - Two or more other building components are old **and** because of their condition need replacing or major repair.

**What are “key” and “other” building components?**

- 2.6 Building components are the
- Structural parts of a dwelling (eg wall structure, roof structure),
  - Other external elements (eg roof covering, chimneys) and
  - Internal services and amenities (eg kitchens, heating systems).
- 2.7 **Key building components** are those which, if in poor condition, could have an immediate impact on building integrity and cause further deterioration in other components. They are the external components plus internal components that have potential safety implications and include external walls, roof structure and covering, chimneys, windows/doors, chimneys, fixed heating appliances and electrics.
- 2.8 If any of these components are old and because of their condition need replacing, or require immediate major repair, then the dwelling is not in a reasonable state of repair and remedial action is required.
- 2.9 **Other building components** are those that have a less immediate impact on the integrity of the dwelling. The standard takes into account their combined effect - a dwelling is not in a reasonable state of repair if 2 or more are old and need replacing or require immediate major repair.

**What is old and in poor condition?**

- 2.10 A building component is treated as 'old' if it is older than its expected or standard life. The Government lists the lifetimes that may typically be expected for individual building components eg 50 years for a roof structure.
- 2.11 Components are in poor condition if they need major work, either full replacement or major repair. Again the Government sets out definitions for different components. For example, with a wall structure this would mean replacing 10% or more or repairing 30% or more, and with a wall finish replacing or repointing more than 50%.
- 2.12 One or more key components, or two or more other components, must be both old and in poor condition to render the dwelling non-decent on grounds of

disrepair. Components that are old but in good condition or in poor condition but not old would not, in themselves, cause the dwelling to fail the standard eg a roof structure that was less than 50 years old but which had failed because of a fault.

c) *It Has Reasonably Modern Facilities And Services*

2.13 A dwelling is considered non decent under this heading if it lacks three or more of the following facilities:

- A kitchen which is 20 years old or less
- A kitchen with adequate space and layout
- A bathroom which is 30 years old or less
- A bathroom and WC located in an appropriate place
- Adequate noise insulation
- Adequate size and layout of common entrance areas for blocks of flats

2.15 These standards have been measured in the English House Condition Survey (EHCS) for many years. Examples in practice would be:-

- A kitchen with adequate space and layout would be too small to contain all the required items (sink, cupboards cooker space, worktops etc) appropriate to the size of the dwelling.
- A main bathroom or WC located in a bedroom or accessed through a bedroom (unless the bedroom is not used or the dwelling is for a single person).
- A dwelling would also fail if the main WC is outside or located on a different floor to the nearest wash hand basin - or if a WC without a wash hand basin opens onto the food preparation area.

d) *It provides a reasonable degree of thermal comfort*

2.16 The revised definition requires a dwelling to have both **efficient heating** and **effective insulation**.

2.17 Efficient heating is defined as any gas or oil programmable central heating or electric storage heaters or programmable LPG/solid fuel central heating. Heating sources which provide less energy efficient options fail the decent home standard.

2.18 Because of the differences in efficiency between gas/oil heating systems and the other types of system, the level of insulation considered appropriate also differs:

- For dwellings with **gas/oil programmable heating**, at least 50mm loft insulation (if there is loft space) and cavity wall insulation (if there are cavity walls that can be insulated effectively)
- For dwellings with the less efficient **electric storage heaters/LPG/programmable solid fuel central heating**, at least 200mm of loft insulation (if there is a loft) and cavity wall insulation (if there are cavity walls that can be insulated effectively). Loft insulation thickness of 50mm is an absolute minimum which will trigger action.

## APPENDIX C

### THE HOUSING HEALTH AND SAFETY AND RATING SYSTEM

#### 1.0 Introduction

- 1.1 Part 1 of the Housing Act 2004 replaced the former Housing Fitness Standard with an evidence-based risk assessment process, carried out using the Housing Health and Safety Rating System (HHSRS). Local authorities now base enforcement decisions in respect of all residential premises on the basis of assessments under HHSRS. This allows local authorities to address more effectively the hazards to health and safety found in dwellings.
- 1.2 Action by authorities is based on a three-stage consideration:
- (a) the hazard rating determined under HHSRS;
  - (b) whether the authority has a duty or power to act, determined by the presence of a hazard above or below a threshold prescribed by Regulations (Category 1 and Category 2 hazards); and
  - (c) the authority's judgement as to the most appropriate course of action to deal with the hazard.
- 1.3 The Act contains a range of enforcement options which are available to local authorities. The choice of the most appropriate course of action is for the authority to decide, having regard to statutory enforcement guidance.

#### 2.0 The Assessment System

- 2.1 The purpose of the HHSRS assessment is not to set a standard but to generate objective information in order to determine and inform enforcement decisions. Technical guidance is given by DCLG in the February 2006 document "Housing Health and Safety Rating System: Operating Guidance.
- 2.2 HHSRS assesses twenty nine categories of housing hazard, including many factors which were not covered or covered inadequately by the housing fitness standard. It provides a rating for each hazard. It does *not* provide a single rating for the dwelling as a whole or, in the case of multiply occupied dwellings, for the building as a whole.
- 2.3 The HHSRS scoring system combines the probability that a harmful occurrence (e.g. an accident or illness) will occur as a consequence of a deficiency (ie a fault in a dwelling (whether due to disrepair or a design fault). If a harmful occurrence is very likely to occur and the outcome is likely to be extreme or severe (e.g. death or a major injury) then the score will be very high.
- 2.4 The hazard rating is expressed through a numerical score which falls within one of ten bands. Scores in Bands A to C (score 1,000 or above) are Category 1 hazards. Scores in Bands D to J (score below 1,000) are Category 2 hazards. The 29 hazard types are as follows:

##### A. Physiological Requirements

- Damp and mould growth etc
- Excessive cold
- Excessive heat
- Asbestos (and MMF)
- Biocides
- CO & Fuel combustion products
- Lead
- Radiation

- Uncombusted fuel gas
- Volatile organic compounds

#### B. Psychological Requirements

- Crowding and space
- Entry by intruders
- Lighting
- Noise

#### C. Protection Against Infection

- Domestic hygiene, pests & refuse
- Food safety
- Personal hygiene sanitation & drainage
- Water supply

#### D. Protection Against Accidents

- Falls associated with baths etc
- Falls on the level
- Falls associated with stairs and steps
- Falls between levels (e.g. from windows),
- Electrical hazards
- Fire
- Hot surfaces and materials
- Collision and entrapment
- Explosions
- Poor ergonomics
- Structural collapse and falling elements

2.4 The HHSRS assessment is based on the risk to the *potential occupant who is most vulnerable to that hazard*. For example, stairs constitute a greater risk to the elderly, so for assessing hazards relating to stairs persons aged 60 years or over are the most vulnerable group. In contrast, the most vulnerable group for falling between levels are children under 5 years. The very young as well as the elderly are susceptible to low temperatures. A dwelling that is safe for those most vulnerable to a particular hazard is safe for all.

### **3.0 The Enforcement Framework**

3.1 Local authorities have a duty to act when Category 1 type hazards are found. They have a discretionary power to act in respect of a Category 2 hazard. The courses of action available to authorities where they have either a duty or a power to act are to:

- Serve an improvement notice requiring remedial works;
- Make a prohibition order, which closes the whole or part of a dwelling or restricts the number or class of permitted occupants;
- Suspend the above
- Serve a Hazard Awareness Notice
- Take Emergency Remedial Action\*
- Serve an Emergency Prohibition Order\*
- Make a demolition order\*
- Declare a clearance area\*

\* Only in respect of Category 1 hazards

3.2 While the HHSRS hazard rating is based on the most vulnerable potential occupant, authorities will be able to take account of the circumstances of the actual occupant in deciding the most appropriate course of action. Where an authority takes action and the property owner does not comply, the Act retains

the powers available to authorities to act in default (ie carry out the work themselves and recover the cost from the owner of the property) and/or to prosecute. It also enables them to charge and recover charges for enforcement action.

#### **4.0 Use of Discretionary Power: Decision Rules**

4.1 *The Housing Health and Safety Rating System: Enforcement Guidance*, statutory guidance made under section 9 of the Housing Act 2004 gives advice on how local housing authorities should use their discretionary powers.

4.2 An authority must take appropriate action in respect of a Category 1 hazard and may do so in respect of a Category 2 hazard. In deciding what is the most appropriate course of action, the statutory guidance states that they should have regard to a number of factors. It is important to note that in both cases an authority is obliged to give a formal statement of reasons for the action it intends to take.

4.3 It is also important to stress that for the purposes of assessing the hazard, it is assumed that the dwelling is occupied by the most vulnerable household (irrespective of what household is actually in occupation or indeed if it is empty). However, for the purposes of deciding the most appropriate course of action, regard is had to the actual household in occupation.

4.4 An authority has to take account of factors such as:

- Extent, severity and location of hazard
- Proportionality – cost and practicability of remedial works
- Multiple hazards
- The extent of control an occupier has over works to the dwelling
- Vulnerability of current occupiers
- Likelihood of occupancy changing
- Social exclusion
- The views of the current occupiers

4.5 Having regard to the statutory guidance and to the provisions of the Enforcement Concordat which Epping Forest District Council has adopted, in addition to the Council's duty to take action where a Category 1 hazard exists, the Council will generally exercise its discretion to take the most appropriate course of action where a Category 2 hazard exists in the following situations:

#### **The Most Appropriate Course of Action – Category 2 Hazards**

##### A. Band D Hazards

There will be a general presumption that where a Band D hazard exists, Officers will consider action under the Housing Act 2004 unless that would not be the most appropriate course of action

##### B. Multiple Hazards

Where a number of hazards at Band D or below appear, when looked at together, to create a more serious situation, or where a property appears to be in a dilapidated condition, the Manager of the Technical Team or the Assistant Director (Housing) may authorise the most appropriate course of action to be taken.

##### C. Exceptional Circumstances

In exceptional circumstances where A and B above are not applicable, the Manager of the Technical Team or the Assistant Director (Housing) may authorise the most appropriate course of action to be taken.

## **Level To Which Hazards Are To Be Improved**

The Housing Act 2004 requires only that the works specified when taking the most appropriate course reduce a Category 1 hazard to Category 2 hazard. For example Band C and Band A hazards need only be reduced to Band D. The Council will generally seek to specify works which, whilst not necessarily achieving the ideal, which achieve a significant reduction in the hazard level and in particular will be to a standard that should ensure that no further intervention should be required for a minimum period of twelve months.

## **Tenure**

In considering the most appropriate course of action, the Council will have regard to the extent of control that an occupier has over works required to be dwelling. In normal circumstances, this will mean taking the most appropriate course of action against a private landlord (including a Housing Associations) and in most cases this will involve requiring works to be carried out. With owner occupiers, in most cases they will not be required to carry out works to their own home and the requirement to take the most appropriate course of action will be satisfied by the service of an Hazard Awareness Notice.

However, the Council may in certain circumstances require works to be carried out, or to use Emergency Remedial Action or serve an Emergency Prohibition Order, in respect of an owner occupied dwelling. This is likely to be where there is an imminent risk of serious harm to the occupiers themselves or to others outside the household, or where the condition of the dwelling is such that it may adversely affect the health and safety of others outside the household. This may be because of a serious, dangerous deficiency at the property. Another example is a requirement to carry out fire precaution works to a flat on a long leasehold in a block in multiple occupation.

## **Enforcement Concordat**

The Council has adopted the Enforcement Concordat and observes its principles. With specific regard to Part 1 of the Housing Act 2004, the principles of the Enforcement Concordat mean that the Council will take an informal approach to the Act. However, this will not be appropriate where:

- A. there is a risk to health and safety from a hazard of a nature which requires prompt formal action, or
- B. there is evidence of previous non compliance with statutory provisions made under the Housing Acts or other housing related legislation

## **Charging for Notices**

In accordance with Sections 49 and 50 of the Housing Act 2004, the Council reserves the right to charge and recover the reasonable costs incurred in taking the most appropriate course of action.

The Council is likely to charge only where:

- A. A formal notice is required to remove a serious threat to health and safety unless the threat arose because of circumstances outside the control of the person receiving the notice, order or action, and/or
- B. There is evidence of previous non compliance with statutory provisions made under the Housing Acts or other housing related legislation, and/or
- C. No adequate action has been taken in response to informal requests from the Council to take action or do works.

## **APPENDIX B**

### **CONSULTATION**

To be inserted after completion of the Consultation process.