

Meeting:	LICENSING & GENERAL PURPOSES COMMITTEE
Date:	19 September 2005
Subject:	Housing Act 2004: Criteria for Enforcement Action under the Housing Health and Safety Rating Scheme
Responsible Officer:	Gareth Llywelyn-Roberts, Chief Environmental Health Officer
Contact Officer:	Geraldine Levy-Hayes, Team Leader, Private Sector Housing Enforcement
Portfolio Holder:	Keith Burchell
Key Decision:	No
Status:	Public

Section 1: Summary

Decision Required

1. Members agree to limit enforcement action under the Housing Act 2004 to those properties where the hazard, when assessed under the Housing Health and Safety Rating System, falls into bands A, B or C representing a category 1 hazard, where there is a statutory duty for the Council to take enforcement action.
2. That this be reviewed after 1 year and a report brought to Members to agree any amendments required through our internal monitoring processes

Reason for report

The rationale for these recommendations relates to the emphasis within the Corporate Plan on strengthening Harrow's communities by improving Harrow's housing stock. There are 2 themes to this: improving housing conditions and revitalising the private rented sector. The recommendation also supports Harrow's Regeneration Strategy.

Benefits

During 2004 the Council's Private Sector Housing Enforcement Team received 550 complaints about poor housing conditions in the private rented sector. Currently priority is given to cases of disrepair where there is an imminent risk to health, and the Council has a duty to act where there is disrepair regardless of severity of the disrepair.

The new Housing Health and Safety Rating Scheme (HHSRS) takes into consideration the most vulnerable residents likely to occupy the property and the likely risk to their health from the hazards present. This effectively allows the officers to risk assess the daily requests for service and concentrate resources on a risk assessed basis.

Cost of Proposals

Staff currently in post have undertaken formal training in the operation of the HHSRS. A growth bid was agreed at Cabinet (February 2005, as part of the budget setting process for 2005/06) to increase staffing resource in order to meet the statutory requirements of the Housing Act 2004. The anticipated costs of the training of newly appointed staff can be contained within existing budgets.

Risks

It is considered that the identifiable risk to the Council is low. However, there may be a considerable negative response from private tenants who are no longer able to have minor repair issues dealt with on a formal basis because their repairs are not category 1 hazards. The issue will be monitored and reported to members under recommendation 2.

Implications if recommendations rejected

If the decision is made to extend enforcement action to properties where the local authority has discretionary powers (Category 2), officers would be in a position of enforcing in respect of all properties but not on a risk assessed basis.

Section 2: Report

2.1 Brief History

2.1.1 The Housing Act 2004 is a major piece of new legislation that has far reaching implications for the Council's Housing Strategy. The Act is intended to provide local authorities with the means to tackle low housing standards and work towards the provision of decent homes both in the public and private sector, ensure a sufficient supply of affordable homes and ensure access to home ownership in sustainable communities.

2.1.2 The Act sets out specific legislation in five main areas:

- Improving housing conditions
- Revitalising the private rented sector
- Encouraging home ownership
- Improving the home buying and selling process
- Restoring Liveability

2.1.3 The Act replaces the old method of inspecting homes, which assessed whether a house was fit for human habitation based on the physical structure of the property only and not the occupants (Housing Act 1985 section 604). Under the new Housing Health Safety and Rating System (HHSRS), consideration is given to the interaction between the occupants and the physical elements of the property to derive a hazard rating based on the hazard score. The greater the risk from the hazard the higher the score. This is a complex system requiring many factors to be taken into account and professional judgements to be made for which officers have been trained.

2.1.3 The Act states that local authorities have a duty to take enforcement action when a property is found to be a category 1 hazard. For properties with lower scores that produce a category 2 hazard, there is a discretionary power to act but no duty.

2.1.4 It is proposed that Harrow limit enforcement action to category 1 hazards. This will ensure that the Council is able to prioritise intervention to ensure that resource is targeted at the very worst housing conditions. It is recognised that draft guidance from the Secretary of State, provided in September 2005, advises that there may be reasons for enforcement action against some category 2 hazards that have a high score. Pilot testing of the HHSRS scheme within Harrow would indicate that this would be very unlikely for Harrow housing stock.

2.2 Options considered

2.2.1 The Council is obliged to implement the Housing Act 2004. However, professional guidance is that mandatory enforcement should be limited to category 1 hazards whilst councils assess the full impact of the new legislative provisions. The Implications of not concentrating enforcement activity and resource on Category 1 hazards would mean that the Council would not be not using its resources effectively in the short term.

2.3 Consultation

2.3.1 Those affected by the change in legislation will be informed and advised of the impact of through informative leaflets, the website and housing and landlord forums.

2.4 Financial Implications

2.4.1 There are no financial implications arising from this recommendation

2.5 Legal Implications

2.5.1 There are no legal implications arising from this recommendation

2.6 Equalities Impact

2.6.1 The recommendations will potentially affect all property in all wards, but will have a greater impact where those properties are occupied by people on low incomes and people who are vulnerable contributing to the strengthening of Harrow's communities.

Section 3: Supporting Information/Background Documents

Background Documents:

Housing Act 2004

Health and Safety Rating System Enforcement Guidance,

Any person wishing to inspect the background papers should telephone 020 8424 1367