



**THREE RIVERS DISTRICT COUNCIL**

**PRIVATE SECTOR HOUSING STRATEGY**

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## **1. INTRODUCTION**

- 1.1 Three Rivers District Council has a vital role to play in influencing private sector house conditions both directly, through policies such as those on houses in multiple occupation, and indirectly through policies on grants and vacant dwellings. Nearly 85% of houses in Three Rivers are in private ownership.
- 1.2 The Council believes that housing is the cornerstone of policies that assist in the development of healthy, mutually supported communities recognised in the Council's Housing Strategy. It also recognises the part the Council has to play in ensuring that communities across the district are sustainable and the importance of housing in achieving this. This importance is also reflected in the Council's Strategic Plan. The Council will use its statutory powers in accordance with its Private Sector Housing Enforcement Policy.
- 1.3 The Council has a Corporate Enforcement Policy reflecting the principles of the Central/Local Government Concordat on Good Enforcement. The Private Sector Housing Enforcement Policy details how our actions in respect of private sector housing meet the above. Both policies are available from the Council Offices or the Council's website at [www.threerivers.gov.uk](http://www.threerivers.gov.uk)
- 1.4 This document reviews and revises the Private Sector Housing Strategy produced in 1994 and reflects the range of legislation that has since been introduced.

## **2. LEGAL REQUIREMENT TO REVIEW POLICY**

- 2.1 The Local Government and Housing Act 1989 places a requirement on Local Authorities to: -

“...at least once in each year consider the housing conditions in their District with a view to determining what action to take with respect to:-

- Slum Clearance
- Houses in Multiple Occupation
- Repair Notices
- Renewal Areas
- Grants for Improvements and Repair”.

- 2.2 Guidance given in Circular 6/90 made the following points:-

- (a) An annual physical inspection of housing is not required.
- (b) The number and type of unfit houses should be identified.
- (c) Surveys and sample inspections should be initiated on a regular basis.
- (d) Areas for which a comprehensive area approach is desirable should be identified.
- (e) The best way to deal with unfit housing should be identified and action monitored.

2.3 The Council's duties in relation to private sector housing includes:

- Houses in Multiple Occupation (HMO's).
- Enforcement of standards in Private rented properties that are unfit or in disrepair
- Vacant properties
- Discretionary Renovation Grants to owner-occupied properties that are unfit. (Including Home Repair Assistance grants).
- Mandatory Disabled Facilities Grants
- Filthy and Verminous properties.
- Caravan Sites.
- Sewers / Drains.
- Harassment and illegal eviction
- Immigration inspections.

### 3. **INFORMATION**

3.1. In order to undertake the general duty to consider housing conditions the Council needs to have information in relation to the condition of the private sector housing stock. This ensures that:

- (a) The nature and size of housing problems in the District can be identified.
- (b) Individual property and area action issues can be highlighted.
- (c) Resources can be targeted to priority policy areas.
- (d) Changes in the stock can be monitored and the effectiveness of Council activity judged.

This information is, and will continue to be, obtained from a number of sources:

- Private Sector Stock Condition Surveys. The Council is committed to undertaking annual stock condition surveys of 200 properties in the private housing sector. This will add to the information obtained from the survey of 1000 properties undertaken in 2002.
- Property information from inspections in relation to grants applications and other ad-hoc inspections (tenant complaints etc).
- Regular review of the Register of Electors, property pages in local newspapers and advertisements in shop windows to identify multi-occupied premises.

3.2 To support this information, a central database is being developed jointly with Housing Services. The information will allow the Council to meet other statutory requirements (such as improvements in energy efficiency across the housing stock) as well as identifying costs when bidding funds for private sector improvements.

#### 4. **HOUSES IN MULTIPLE OCCUPATION (HMOs)**

4.1 The Council will :

- Identify HMOs within the district
- Inspect as a priority (on identification)
- Apply a risk rating in accordance with procedures
- Ensure that any repair works necessary are carried out.
- Continue to inspect on a regular basis according to the risks rating identified.
  
- Investigate the adoption of a formal HMO register.

4.2 A House in Multiple Occupation is defined as “a house that is occupied by persons who do not form a single household”. However, legal decisions have widened this definition considerably and the following categories of premises are now considered to be HMOs:

- Rooms, bedsits and flatlets within a house where people share some of the amenities.
- Houses let as lodgings with lodgers not living as part of the family.
- Premises, including bed and breakfast, guest houses, hostels and group houses (such as ones where people with learning disabilities can learn to live independently). These include those run by registered charities or specialised Housing Associations. This type of accommodation may offer shared facilities and the support of a resident warden.
- Premises, including those which are registered under the Registered Homes Act 1984, providing full board and permanent personal care for persons by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental illness.

4.3 HMOs are a useful resource by offering ‘relatively’ cheap accommodation for single people. However, HMOs are often in poor condition. Studies indicate that the risk of fire in HMOs is up to ten times greater than in singly occupied houses. A large range of information and advisory leaflets are available to landlords and tenants.

HMOs are required to meet statutory standards in relation to:

- Fitness for habitation.
- Means of escape from fire and fire precautions (in consultation with the Fire Authority).
- Prevention of overcrowding.
- Good management.

4.4 There are currently 120 HMOs identified within the district. The risk rating exercise allows for inspections to be built into the Residential Standards Team’s work. Complaints from tenants are responded to within 24 hours.

If a property is found to be unfit, an options appraisal, to determine the most satisfactory course of action is carried out. If enforcement action is needed a statutory Notice is usually served on the landlord. This involves:

- Service of a “Minded to Notice” advising the landlord that the Council will be requiring work to be carried out and giving the landlord the opportunity to “challenge” this decision with the line manager.

- Service of a formal Notice that lists in detail the works required and dates by which the work must be started and completed. Failure to comply with this can result in prosecution of the owner. The Council may carry out the work and recover its costs.
- In cases of urgent work where any delay would pose a severe threat to the health and safety of the occupants the first advisory stage is omitted.

Tenants are kept fully informed by the case officer throughout the procedure.

- 4.5 Checking for compliance with Notices at the earliest opportunity is vital. The decision to prosecute or carry out work in default should only be used when assessed against the Enforcement Policy. The Council has resolved that works in default above £2,500 require the approval of Executive Committee. Tenants are kept fully informed by the case officer throughout the procedure.
- 4.6 The Council may provide discretionary grant assistance for works to make a property fit. The Council's Private Sector Housing Renewal Policy sets out how it will consider applications from landlords for grant assistance. This policy is available from the Council Office and on the Council's website. All landlord applications are referred to Executive Committee for decision.
- 4.7 The current Housing Bill, which is expected to become legislation in 2004, is likely to repeal the 'Minded to' Notices and the 'fitness standard' (currently defined in the Housing Act 1985) and will introduce the Housing Health and Safety Rating System, a radically different approach. The current fitness standard concerns the physical condition of the property and the availability of amenities. The new Housing Health and Safety Rating System will relate wider health risks to the individual occupants in, and any of their visitors, to the premises.
- 4.8 The Housing Bill also proposes the introduction of a compulsory Registration Scheme for HMOs of three storeys or higher. The inspection programme of know HMOs will determine whether this compulsory scheme will be implemented. Even if no three storey HMOs are identified, a voluntary registration scheme will be discussed at a future Landlords' Forum meeting.

## **5. DWELLINGS IN SINGLE OCCUPATION (Private Rented & Owner Occupied)**

- 5.1 When required, the Council will identify and take appropriate enforcement action in relation to single occupied properties.
- 5.2 Concerns about individual dwellings may be referred to the Council from tenants, neighbours, GPs, Social Services and a variety of other sources. Owner-occupiers may seek advice themselves or apply for a House Renovation Grant.
- 5.3 The Environmental Protection Act 1990, Building Act 1984 and the Housing Acts, allow the Council to serve Notices (where appropriate) to require owners to carry out works to make a property fit for habitation. If Notices are not complied with, prosecution or work in default action may be taken.
- 5.4 The Council may use these legal powers against owner-occupiers but only where the condition of the property is having an adverse affect on adjoining or neighbouring properties.

- 5.5 Grant assistance to landlords of single-occupied property may be considered. Details of these are covered in the Council's Private Sector Housing Renewal Policy.
- 5.6 A review of the information gathered from the 2002 stock condition survey identified that there are no "pockets" of unfit housing within the district which justify the use of area renewal powers. (These powers enable Councils to undertake renewal in large areas where designated proportions of the dwellings are classified as unfit).

## **6. VACANT OR DILAPIDATED BUILDINGS**

- 6.1 The Council deals with vacant houses in accordance with its Empty Homes Strategy. This is available from the Council Offices and the Council's website.

## **7. DISCRETIONARY GRANTS**

- 7.1 The Council provides grant assistance in accordance with its Private Sector Housing Renewal Policy. The Policy is available from the Council Offices and on the Council's website.
- 7.2 The types of discretionary grant available are:
- Home Repairs Assistance - primarily designed to provide assistance with small scale works of repair, improvement and adaptations to a dwelling which enable an elderly person to remain in their own home. The dwelling may be a building of traditional construction, a houseboat or a mobile home.
  - Renovation Grants - these may be made available for the improvement or repair of a dwelling to make a property fit for habitation or for the provision of dwellings by the conversion of a house or other building over 10 years old at the time of application. It can be available to owners and qualifying tenants.
  - House in Multiple Occupation (HMO) Grant - to improve or repair to make them suitable for the number of occupants.
- 7.3 The 2002 private sector stock condition survey identified that, overall, the district is asset rich and cash poor. The responsibility for maintaining and improving a house lies with the owner. Very often there is a capital asset in the property that can be released to fund works of repair or improvement. Grant assistance will only be provided when the Council is satisfied that no other avenue of funding is available.

## **8. MANDATORY DISABLED FACILITY GRANTS**

- 8.1 The Council will meet its statutory obligations on mandatory Disabled Facilities Grants set out in The Housing Grants, Construction and Regeneration Act 1996 and in Section 3 of the Chronically Sick and Disabled Persons Act 1970. The County Council has the prime responsibility for the care of disabled persons.
- 8.2 The Council works closely with County Occupational Therapists on the works/amenities required for the disabled occupant. An application for grant has

to be made by referral from the Occupational Therapist. The Council will not accept an application made direct to it.

- 8.3 Disabled Facility Grant applications are subject to a statutory “means test” to determine whether the applicant should contribute to the cost of any works. There is a mandatory limit of £25,000 for any single application.
- 8.4 Any application in excess of this limit may be referred to the Council’s Executive Committee for approval or be referred back to the County Council for the additional contribution.

## **9. FILTHY AND VERMINOUS DWELLINGS**

- 9.1 The Council deals quickly and effectively with “filthy and verminous” dwellings causing a nuisance to neighbours or to the health of the occupant. They are usually identified as the result of complaints from neighbours, or referrals from other agencies, usually Adult Care Services or Children Schools and Families.
- 9.2 All investigations and any formal action is carried out sensitively by the Council working with family, friends and other agencies. Formal action requires the service of a Notice specifying steps to cleanse the premises and the timescales within which the work must be done.
- 9.3 Council properties are dealt with by Housing Services.
- 9.4 Non-compliance with a formal notice will result in the Council carrying out the necessary work to cleanse the premises. The costs of these works will be billed to the owner / occupier with the addition of a 15% administration fee.
- 9.5 In exceptional circumstances, a referral may be made to the Council’s Executive Committee for a decision on waiving the costs incurred by the Council in the carrying out of any works.

## **10. CARAVAN SITES**

- 10.1 The Council ensures that all caravan sites within the district are identified, have appropriate planning permissions, are duly licensed and that site owners comply with the conditions supporting the licence.
- 10.2 Three Rivers presently has 10 licensed caravan sites that are a valuable housing resource for the district.
- 10.3 The provisions of the Caravan Sites and Control of Development Act 1960 apply to these sites. The Council uses model conditions, tailoring them to individual sites licences.
- 10.4 Environment and Planning Officers work closely together to identify both new caravan sites and where changes have been made to existing ones.
- 10.5 Each site is inspected annually to ensure compliance with the site licence conditions. All complaints received from residents are investigated and remedied where possible. Liaison is maintained with residents’ representatives where appropriate.

- 10.6 Agreements made between site owners and residents under the Mobile Homes Act are not a matter on which the Council has power to act. Informal advice is, however, provided on request.

## **11. SEWERS / DRAINS AND CESSPITS ETC**

- 11.1 The Council deal quickly and efficiently with drainage problems.
- 11.2 Drainage law is extremely complicated and remedies for problems are contained in a variety of legislation. The Council has no responsibility for the maintenance of drainage systems within the district except as landlord of Council properties (where problems are dealt with by the Housing Repairs department).
- 11.3 Within the private housing sector the Council's role is to enforce the repair / replacement / unblocking of private drains and sewers.
- 11.4 Generally speaking a drain is a single pipe taking wastewater from one property. It is the responsibility of the owner of that property to maintain, repair or unblock the drain.
- 11.5 Where a pipe takes waste from more than one house it is a sewer. Sewers are either private, (where it is the responsibility of owners of all the properties connected to the sewer for the maintenance, repair and unblocking), or public, (where the responsibility lies with Thames Water). Generally speaking sewers built before October 1937 are public sewers and those after that date are private. However there are exceptions.
- 11.6 Cesspits and septic tanks are invariably private drainage systems with the owner(s) being responsible for maintenance and emptying. The Council will serve notices when problems arise from overflowing systems.
- 11.7 All enquiries relating to known public sewers will be referred to Thames Water. Where a sewer problem is known to be in a private system it will be fully investigated to identify all users of the sewer and to determine the most appropriate course of action. Additional information, such as sewer maps, may be obtainable from archived Building Control records and, in some cases from Thames Water. Advice to residents will be given. Where necessary, the Council will serve Notices on all premises connected to a private sewer, or individual premises in relation to a drain, requiring identified works to be carried out to remedy the problem. The Council will carry out works in default where a Notice is not complied with and recover the costs incurred plus an administration fee.
- 11.6 In urgent cases, when effluent from a blocked private sewer, poses a severe public health risk, the Council will carry out the work necessary to remove the immediate risk and bear the costs involved. The Council may serve Notices, where appropriate, on the relevant premises, to prevent recurrence of the problem.

## **12. HARASSMENT AND ILLEGAL EVICTION**

- 12.1 The Council offers advice in cases of harassment and illegal eviction. All requests will be referred to the Council's Housing Needs Section.

**13. IMMIGRATION INSPECTIONS**

- 13.1 The Council will respond quickly to inspect premises respond to the appropriate High Commission request.
- 13.2 When a British citizen intends to marry a person from a foreign country, the latter can apply for citizenship of the UK. Part of the immigration procedure requires that Environmental Health inspect the proposed marital home to establish two issues:
- That the property is “Fit for Human habitation” according to the fitness standard in the Housing Act 1985 (and, in the future, when this is repealed, the Housing Health and Safety Rating System).
  - That the inclusion of the proposed individual (and any family members) would not make the house overcrowded (under criteria identified in the Housing Act 1985)
- 13.2 The information gathered at the time of inspection forms the basis of a written report to the High Commission of the relevant Country.

## APPENDIX I

### SUMMARY OF THREE RIVERS PRIVATE SECTOR HOUSE CONDITIONS

<b>Private Sector Housing Stock 2002*</b> <b>Tenure</b>	<b>Total number dwellings</b>	<b>% of tenure</b>	<b>Number of unfit dwellings</b>	<b>% of unfit dwellings</b>
Owner-Occupied	24676	85.3	894	3.6%
Privately Rented (include HMOs)	1820	6.3	237	13%
Housing Association	944	3.3	116	12.3%
Other Rental Agreement	153	0.5	29	19.0%
Tenure unobtainable	1338	4.6	12	0.9%

<b>Vacant Dwellings*</b>	<b>Number</b>
Vacant short term	582
Vacant long term	291
Derelict	29
<b>TOTAL</b>	<b>902</b>

\* Data from Three Rivers District Council Private Sector House Condition Survey 2002  
*Numbers estimated from grossing up of sample survey of 1000 properties. All figures are subject to a standard error rate, which may give a result of plus or minus 2.5% of the total stock*

## **APPENDIX II**

### **KEY SERVICE STANDARDS**

All Council services are delivered with the aim of provide quality services that meet local needs and provide value for money.

The Residential Standards Team within Environmental Health at Three Rivers District Council delivers services relating to housing conditions within the private sector. In all matters relating to this the following service standards will apply:

- All officers answering the telephone will be provide their name, be courteous, professional and endeavour to answer any queries as fully as possible. In the event of an officer not being present to take a telephone call or an officer being unable to fully answer a query, a return response will be provided within 24 hours during the working week or the following Monday if the call was made on a Friday.
- Upon an initial enquiry for grant aid, information will be provided in accordance with Three Rivers District Council's Private Sector Renewal Policy and any other relevant guidance. All relevant paperwork will be dispatched within two working days from the initial enquiry, the name of the case officer and contact details will be provided.
- Any letter received will be provided with a response within five working days.
- All enforcement action will be carried out in accordance with the Council's Concordat on Good Enforcement and the Private Sector Housing Enforcement Policy

These service standards will be regularly reviewed taking into account feedback from customer satisfaction surveys that are continuously carried out.

## **APPENDIX III**

### **BIBLIOGRAPHY**

#### **General**

1. Three Rivers District Council Private Sector Stock Condition Survey 2002
2. Three Rivers District Council Private Sector Housing Renewal Policy 2003
3. Three Rivers District Council Empty Homes Strategy 2003
4. Three Rivers District Council Housing Strategy 2002-2005
5. Three Rivers District Council Private Sector Housing Enforcement Policy
6. DOE Circular 6/90 - HMSO
7. DOE Circular 12/92 - HMSO
8. ODPM Circular 5/2003 - HMSO
9. Draft Housing Bill 2003

#### **Associated Legislation**

Housing Act 1985  
Housing Act 1988  
Local Government and Housing Act 1989  
Building Act 1984  
Local Government (Miscellaneous Provisions) Act 1982  
Prevention of Damage by Pests Act 1949  
Town and Country Planning Act 1990  
Caravan Sites and Control of Development Act 1960  
Mobile Homes Act  
Residential Homes Act  
Environmental Protection Act 1990  
The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002