

WAVERLEY BOROUGH COUNCIL
HOUSING OVERVIEW & SCRUTINY COMMITTEE

20 NOVEMBER 2019

Title:

PRIVATE SECTOR HOUSING

**[Portfolio Holder: Cllr Rosoman]
[Wards Affected: All]**

Summary and purpose:

To provide the Committee with an overview of the Private Sector Housing Teams functions and responsibilities regarding private sector housing within the borough.

How this report relates to the Council's Corporate Priorities:

This report predominately relates to the priorities of People and Place. The delivery of the team's responsibilities and functions, will support improving lives and communities.

Equality and Diversity Implications:

For guidance, refer to [Backstage](#).

Financial Implications:

To be completed by Finance!

Legal Implications:

There are no direct legal implications associated with this report. The various statutory powers and duties are set out in detail within the report and any legal advice required in relation to related future workstreams will be sought from the Legal Services team.

1. Background

The Private Sector Housing team carries out the Council's statutory duties relating to the regulation of private landlords, Houses in Multiple Occupation, caravan sites, distribution of Disabled Facilities grants and other related grants, bringing empty homes back into use, Public Health funerals. These duties are listed in more detail below:

- a) To determine the charges for default works undertaken pursuant to the Public Health and Housing Acts and the fee levels for licensing of Houses in Multiple Occupation and caravan sites.
- b) To undertake all actions relating to the Council's functions under the Housing Grants, Construction and Regeneration Act 1996 and any subsequent legislation including but not limited to Disabled Facilities Grants.
- c) To produce and adopt a Home Improvement Policy

- d) To undertake all actions relating to the Council's functions under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 for the provision of financial assistance for the improvement or repair of residential dwellings.
- e) To undertake all actions and exercise all powers relating to the Council's functions under the Housing Acts and any adopted policies of the Council and/or any subsequent legislation in regard to unfit housing and houses in multiple occupation.
- f) To undertake all actions and exercise all powers relating to the Council's functions in accordance with the legislation and any adopted policies of the Council and/or any subsequent legislation:
- g) To arrange the burial or cremation of persons for whom no other suitable arrangements for the disposal of their remains have been made (under Section 46 of the Public Health (Control of Disease) Act 1984) and any necessary administration of the deceased's estate in liaison with the Treasury Solicitor.

Requirements and Grants

Disabled Facilities Grant (DFG)

The government provides funding, known as the Better Care Fund (BCF), towards the cost of Disabled Facilities Grants. It is used flexibly to help reduce care needs and hospital admissions and to provide minor and major adaptations to privately owned properties.

Safe and Warm Grant

Safe and Warm grants are provided for energy efficiency and home security works. Most of the works are boiler repairs and replacements. The majority of clients are elderly and/or disabled.

There is no longer a Council budget for Safe and Warm grants as the Council decided in November 2016 to use the Better Care Fund for these works instead. This has created the potential to widen the scope of the works to include removal of housing hazards and to assist a greater number of customers.

Grants administered by the Care and Repair Agency

The Guildford & Waverley Care and Repair Agency provides a technical support service to prepare specifications and plans, obtain Building Regulation and Planning approval, obtain Contractors' estimates, supervise the works and certify payments. This service is provided for a fee, which can be included in the approval of a grant or loan.

The service is available to any resident of the borough who lives in private sector accommodation and is either elderly (60 or over), disabled or in receipt of a means tested benefit and is not able to undertake these tasks him or herself.

The provision of the Care and Repair technical service is aimed at facilitating adaptations and improvements for people who would otherwise be unable to organise such works themselves. The key outcomes are improving the quality of life of disadvantaged or vulnerable residents and increasing the number of decent homes in the Borough.

Handyperson Service

The Council provides access to a handyperson service to carry out falls prevention, energy efficiency and other minor works for elderly, vulnerable and disabled persons. Any works carried out under one of the grants listed in the Home Improvement Policy will be free of charge. The handyperson can also carry out repairs and improvements that are not covered by this Policy; in this case a charge will be applied for labour and the cost of materials.

Prevention Grant

This is awarded to carry out simple measures to ensure that disabled and elderly residents can occupy their homes safely and to ensure that homes are suitable for these types of residents to be discharged from hospital without delay.

Relocation Grant

This is awarded to assist disabled people with the costs associated with moving to a suitable or more easily adaptable property where it has been assessed that the works required to the existing property are uneconomical or impracticable having regard to its age, condition, size or location.

Houses in Multiple Occupation (HMO) licensing

HMO licences are issued with a schedule of works mainly to improve fire safety and provision of amenities and prevent overcrowding. HMO licences require renewal every 5 years.

The original legislation required all HMOs of three or more storeys and with five or more occupiers to be licensed. New legislation came into force in October 2018 which widened the scope of licensing to include all HMOs with five or more occupiers. This has significantly increased the numbers of licenses that have to be issued.

Private Sector Housing service requests and enforcement powers

Officers investigate complaints about living conditions and illegal evictions or harassment; inspections are carried out and statutory enforcement powers can be exercised by the Council.

The full list of enforcement powers available to us are as follows:

- a) Improvement Notice - requires works to reduce the risk from a hazard to a minimum
- b) Prohibition Order - prohibits the use of part or all of the dwelling by specified numbers or types of occupiers
- c) Hazard Awareness Notice - draws the attention of the owner to a hazard but does not require any action
- d) Suspended Improvement Notice - requires works to reduce the risk from a hazard but only after a specified time or event e.g. vacation by the current occupiers

- e) Suspended Prohibition Order - prohibits the use of part or all of the dwelling but only after a specified time or event
- f) Emergency Remedial Action - the Council takes immediate action to remove an imminent risk of serious harm
- g) Emergency Prohibition Order - prevents occupation of part or all of the dwelling with immediate effect
- h) Demolition Order - requires demolition of the property where this is the most satisfactory course of action
- i) Clearance Area - requires that an area is cleared of all buildings where this is the most satisfactory course of action. There is a very detailed procedure to go through which includes consulting those people who will be affected by the decision.

Failure to comply with a statutory notice could lead to a fine of up to £5,000.

Bringing empty homes back into use

From the Waverley Private Sector Housing Enforcement Policy:

4.1.4 Empty Dwellings

Government legislation contains powers for local authorities to make Empty Dwelling Management Orders (EDMOs). There are two types of EDMO:-

- i) **Interim EDMO** – this transfers the management of the property to the Council for a period of up to 12 months and creates a duty on the Council to secure that the dwelling becomes occupied;
- ii) **Final EDMO** – this may be made to replace an Interim EDMO where the Council considers it necessary to secure occupation of the dwelling; Final EDMOs may last up to 7 years.

The Council will only make an Empty Dwelling Management Order as a last resort when all informal attempts to secure occupation of an empty dwelling have failed. We will also take enforcement action to deal with the symptoms that arise when a property is left empty where necessary.

In addition to the above there are other enforcement actions the Council may choose to use with respect to empty dwellings:

- Notice under Local Government (Miscellaneous Provisions) Act 1982 section 29 – requires the owner to secure the property or allows the Council to board it up in an emergency
- Notice under Building Act 1984 section 78 – allows the Council to fence off the property
- Prevention of Damage by Pests Act 1949 section 4 – requires the owner to remove waste likely to attract vermin or allows the Council to remove the waste

- Notice under Town and Country Planning Act section 215 (Planning) – requires the owner to address unsightly land or external appearance of the property
- Notice under Building Act 1984 section 77 (Building Control) – requires the owner to make the property safe or allows the Council to take emergency action to make the property safe
- Compulsory Purchase – the Housing Act 1985 section 17 allows the Council to acquire under-used or ineffectively used property for residential purposes if there is a general housing need in the area. Compulsory purchase will only be used as a last resort for returning empty dwellings into use.

Public health burials

The Council has a duty to arrange funerals for people dying in the Borough where there is no-one else to take responsibility. Where possible the team try to enable other parties to make the arrangements e.g. by accessing Social Fund payments. Where the Council makes the funeral arrangements we have first claim on the estate to offset our costs.

Caravan Sites

Under the Caravan Sites Control and Development Act 1960 any land that has planning permission for use as a caravan site must also have a site licence unless it falls within one of the exemptions under the Act. This allows the local authority to impose conditions for the health and safety of the residents.

Service metrics

Disabled Facilities Grant (DFG) enquiries

	Total 2018/19
Enquiries	180
Response within target	93%
OT reports received	111
Grant approvals	85

Disabled Facilities Grant completions

	Total 2018/19
Completions	84
Grant payments	£463,604
Average grant	£5,519

Other grants e.g. Home Improvement, Safe and Warm

	Total 2018/19
Enquiries	33
Completions	21
Payments	£107,491
Receipts	£8,984

Grants administered by the Care & Repair Agency

	Total 2017/18
No. grants	94
% of grant expenditure	88.8%

Houses in Multiple Occupation (HMO) licensing

	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19
Licence enquiries	1	3	22	6	14	6	4	59
Licence approvals	3	2	5	1	1	0	0	14
Licence renewals	0	0	12	5	8	8	1	8

There have been 50 applications for HMOs of 3 or more storeys since the Prescribed Order was introduced in 2006. Licences have been issued for 49 of these properties. The other application is being processed.

HMO licences are issued with a schedule of works mainly to improve fire safety and provision of amenities. Some of these properties have required several inspections to make sure that these works have been completed satisfactorily. Of the 49 licensed HMOs, seven have either returned into single occupation or been replaced with flats. The remainder have been completely or substantially brought up to standard.

HMO licences require renewal every 5 years and in 2018/19 many of the first group of properties became due for their licence renewals. 17 licence renewal applications were received during 2018/19 and 8 licence renewals were issued.

As part of the licence renewal process the PSH team carry out a full Housing Health and Safety Rating System (HHSRS) inspection of each property and these inspections have identified several issues requiring further attention, mainly in connection with security, electrics and excess cold.

On 1 October 2018 the new legislation regarding licensing of HMOs came into force with the effect that all HMOs with 5 or more occupiers require a licence irrespective of the number of storeys. The team made a considerable effort to make sure all relevant parties were aware of the new legislation and our website was updated to ensure that applications could be made more easily. By the end of March 2019, 40 new licence applications had been received. With the assistance of external contractors all new licensable properties have been

inspected so that any hazards or improvement works could be identified at an early stage. By April 2019, 14 new licences had been approved with many more pending.

Private Sector Housing service requests

	Total 2018/19
Complaints about living conditions	85
Illegal evictions / harassment	8
Housing advice	73
Other enquiries	35
Total	201
Response within target	85%

Public health burials

	Total 2018/19
Enquiries	5
Funerals arranged	4

Caravan Sites

There are 36 licensed caravan sites in Waverley of which 31 are gypsy sites. 28 of the licensed sites are entirely owner occupied i.e. the homes and the land where they are sited. Of the remainder, five are entirely transitory (either in terms of people renting permanent homes or in two cases pitches where people can bring their own homes) and the other three are typical permanent residential park home sites (where the majority of occupiers own their home but not the land where it is sited).

The Mobile Homes Act 2013 enabled local authorities to charge a fee for new or variations of caravan site licences and also an annual fee for regulating sites that are not entirely owner occupied. The new annual fees were first applied to the 6 relevant sites in May 2014 and have been collected each year since.

Recommendation

It is recommended that the committee notes the briefing paper and considers any work streams identified as part of the discussion.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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