

Appendix 1

**Private Rented Sector
Housing Inspection Policy**



Private Rented Sector Housing Inspections Policy

Summary

The 2010 Chorley House Condition Survey estimates that there are approximately 4000 private rented properties in Chorley and the survey estimates that 10% of those have one or more category one hazards under the terms of the Housing Act 2004.

Chorley Council has a duty to ensure that tenants living in privately rented homes are provided with healthy and safe accommodation and a proactive inspection programme is in place to target inspections and seek remedial action to defective premises on a risk base approach.

This policy sets out the Councils framework for undertaking the inspection programme.

Aims and Objectives of the Policy

The aims of this policy and the inspection framework are to:

- Improve private sector housing standards in a targeted and strategic way
- Use a risk based approach to prioritise housing inspections
- Raise awareness of the Councils role and housing services with both private tenants and landlords
- Establish a database of all privately rented accommodation for future programmed inspection.

The expected outcomes as a result of implementing this policy are:

- ❖ Reduction in the number of private rented properties in the borough with category one hazards
- ❖ Protection of our most vulnerable residents by taking action against landlords who are providing substandard accommodation
- ❖ Raised awareness amongst the private rented sector that the Council will take action where substandard accommodation is being provided

This policy aligns with the following Chorley Council corporate objectives:

- **Clean Safe and Healthy Communities:** There is a wealth of evidence of the effect of poor housing on health and wellbeing. Issues such as efficient insulation to maintain a warm home; adequate natural light and ventilation as well as adequate space are all factors that impact on health and wellbeing. In addition homes that are poorly maintained also present a hazard to occupants through increased risk of accidents.

➤ **An ambitious Council that does more to meet the needs of residents and the local area:**

There are clear links to this policy and other service areas of the Council including Housing Benefits, Strategic Housing and Housing Options. A well maintained private rented housing stock will ensure a wide choice of good standard accommodation for residents

Identifying Premises

Historically the inspection of private housing accommodation has been triggered through tenant or occupier complaint to the Council where the landlord or agent has failed to undertake maintenance and repair to properties. The number of inspections carried out under this methodology has been historically low and would not achieve an inspection rate that targeted the substandard properties identified above in a timely manner.

This is mainly due to many of the most vulnerable tenants being, either unaware of the service or not complaining about their poor housing standards for fear of eviction. Therefore we have been unable to rely on the tenant contacting the Council in order to ensure that substandard properties are inspected and defects remedied.

Officers will use a number of additional means to identify properties within the private rented sector in order to build a database of such properties as follows:

- Street survey – identification of potentially multi occupied properties through street survey in high density housing areas
- Letting Agency surveys
- Letter drops to high density housing areas
- Data Sharing – where data protection rules allow it data collected by Council Tax and Housing Benefit services will be used to identify private rented properties
- Intelligence – tenant complaint, general public information and officer and Member knowledge will be collected and collated to identify private rented properties.
- Engagement with the local Landlords Forum
- Referrals from other agencies such as Lancashire Fire and Rescue Service
- Referrals from health and social care professionals

The Inspection Programme

The inspection and enforcement of Housing Standards will be undertaken by implementing the provisions of the Housing Act 2004.

This legislation places a duty on the Council to inspect privately rented properties and ensure that hazards to the occupant's health and safety are eliminated or reduced to a satisfactory level within the guidelines that support the legislation.

Inspections will be undertaken by agreement with the landlord and tenant in the first instance, and the landlord will be provided with advice and guidance on how to remedy any deficiencies that are identified. This approach supports the principles of the Regulator's Code 2013.

Where a landlord fails to carry out repairs or improvements informally within a reasonable time the Housing Health and Safety Rating Scheme (HHSRS) will be used to provide a risk rating for the deficiencies and a route to taking formal action by way of Notice. This may be through the use of improvement or prohibition notices. Enforcement action will be undertaken in accordance with the Councils Enforcement Policy.

Where works are required immediately to rectify something that poses an imminent risk of severe harm, the emergency powers under section 40 of the Housing Act 2004 will be used to resolve the matter without any delay.

Where cooperation with the landlord is not forthcoming a formal inspection of the property will be undertaken using powers of entry if necessary contained in the legislation

The Housing Team Leader (Private Sector) and the Housing Improvement Advice Officers from the Housing Strategy Team may also support this formal process by assisting in preparation or evaluation of the specification of works required in the notices.

The Landlord may appeal against the notices/orders to the Residential Premises Tribunal.

Where the improvement notices and/or prohibition orders that are served on the owners of the property are not complied with a formal prosecution will be instigated, legal services will assist in the service of summons and the preparation of papers in relation to such proceedings.

The Court's do not have the power to require the landlord to complete the works specified in the notice, only to impose financial penalties or a custodial sentence for non-compliance with the notices/orders and therefore any outstanding hazards may still persist, even when the landlord has been prosecuted.

Chorley Council has a duty to protect its most vulnerable residents and in these circumstances we will support the occupant of the defective premises. This may mean assistance to re-home the tenant, and the Strategic Housing team would support this. In this case we would also prohibit the further occupation of the property. However this may not be appropriate and could also lead to an increase in long term empty properties, where the owner refuses to or is unable to pay for the property to be brought back into use.

Therefore it may be more appropriate for the Council to undertake works in default of the notice and rectify the hazards to enable the occupant to stay in the property. In this case, the Neighbourhood Environmental Health Officer will commission the works, the Director of Places and People will need to approve the budget, and exchequer will need to assist in the recovery of the costs. There is provision within the legislation to serve further notices on the owner, diverting the rental payments to the Council until the costs are recovered. Where Housing Benefit payments cover the rent this is diverted by support from the Transformation Team.

Occasionally there may be issues in one property that may result in defects in an adjoining property. In these cases Officers will use alternative legislation, such as statutory nuisance provisions to address these matters.

Partnership working

Legislation relating to private sector housing standards is enforced by several agencies including local authorities; fire and rescue services and the Health and Safety Executive.

Chorley Council has a Memorandum of Understanding for the shared enforcement of Houses in Multiple Occupation with Lancashire Fire and Rescue Services. There is potential to extend this partnership and work closely with the teams carrying out home fire safety checks, the possibility of joint inspections is being explored.

Chorley Council also consults with the Health and Safety Executive, in particular they will enforce the Gas Safe requirements, and the Neighbourhood Environmental Health Officers provide information and evidence to the HSE from their inspections.

In circumstances of shared enforcement we will work in partnership with the other agencies to ensure this enforcement is effective and avoids duplication of resources.

Potential Partnerships:

Partnership working with a wider spectrum of agencies will be explored and in particular opportunities to engage with those living in private rented accommodation through GP surgeries, health visitors, health clinics, Citizens Advice Bureau, Shelter and other housing charities, Surestart and local Children's Centres will be progressed.

Policy Review

This policy will be reviewed on an annual basis to ensure that it reflects current housing standards legislation, enforcement practice and partnership activity.

References:

Housing Act 2004: <http://www.legislation.gov.uk/ukpga/2004/34/contents>

Housing Health and Safety Rating System Enforcement Guidance: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7853/safetyrating_system.pdf and <https://www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9>

The Regulators Code 2013: <http://www.bis.gov.uk/assets/brdo/docs/publications-2013/13-1016-regulators-code.pdf>

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