

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	2 SEPTEMBER 2021	6

PRIVATE SECTOR HMO INSPECTION PROGRAMME

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

A property is a house in multiple occupation (HMO) if it consists of living accommodation that is occupied by persons who do not form a single household and meets certain other statutory tests. Under the Housing Act 2004, HMOs with shared facilities and occupied by 5 or more people is required to be licenced by Fylde Council as the local housing authority. There are 530 HMOs within Fylde, currently only 9 HMOs fall within these criteria.

Local housing Authorities have a statutory duty to maintain housing standards within their district. The private sector within Fylde has an essential role in meeting the high demand for permanent accommodation for residents who are unable to access home ownership, social rented accommodation, face hardship or homelessness within Fylde. It is essential that Fylde Council work with private landlords and their tenants to ensure private sector properties meet the standards expected under the Housing Acts.

This report provides an insight of the current condition of HMOs in Fylde and introduces a project using funds from the Homelessness Prevention Grant for 2021-22 to undertake a proactive inspection programme of HMOs.

The Homelessness Prevention Grant (HPG) has replaced the Flexible Homelessness Support Grant and Homelessness Reduction Act Grant paid direct to local authorities annually. In 2021/22 Fylde Council have been awarded £107,457. The grant is designed to transform the way councils fund homelessness services to give them greater flexibility to prioritise the prevention of homelessness. Pro-actively inspecting properties within the private rental sector (PRS) maintains standards and overall property condition which will assist in reducing transiency and homelessness.

RECOMMENDATIONS

Committee are requested to:

- Note the contents of the report and the proposed HMO inspection programme, in accordance with Part 1, Chapter 3 of Housing Act 2004, in which local authorities have a statutory duty to maintain housing standards within their district.
- Recommend to Finance and Democracy Committee to approve fully funded revenue budget increase to undertake the proactive inspection programme of HMOs in Fylde for the total of £97,403 to be met by the HPG (£26,022 21/22 and £71,381 22/23) and £10,054 (£2,000 21/22 and £8,054 22/23) to be used to support the work of the housing service to provide continued support for clients facing homelessness in 2021/22 under the Housing Act 1996 totalling £107,457.

SUMMARY OF PREVIOUS DECISIONS

Update Fylde Council Homelessness and Rough Sleeping Strategy 2020-2025 – Environment Health and Housing Committee 5th January 2021 and Finance and Democracy Committee 25th January 2021

1. Approved fully funded revenue budget increases in the sums of £26,274 in 2022/23, £27,524 in 2023/24, £28,058 in 2024/25 and £28,604 in 2025/26 to continue the Rapid Rehousing Officer project to be met from a revision to the FHSG and HRA funding received in 2019/20, (approved by this Committee in February 2020 totalling £70,921) and in addition to this, funding received for 2020/21 of £69,421 under the FHSG and HRA. Totalling £140,343;
2. Approved a fully funded revenue budget increase in the sum of £13,201 in 2021/22 to continue the Customer Services Housing Specialist role within Customer Services for a further 12 months from 1st April 2021 to 31st March 2022 to be met from the remaining FHSG and HRA funding for 2020/21; and
3. Approve a fully funded budget increase for 2021/22 for the housing services team such that the remainder of the funding in the sum of £16,682 from the FHSG and HRA funding may be used to support the work of the housing service to provide continued support for clients facing homelessness in 2021/22.

HYPERLINK ["https://new.fylde.gov.uk/wp-content/uploads/2020/05/Enforcement-Policy-April-2020.doc?web=1"](https://new.fylde.gov.uk/wp-content/uploads/2020/05/Enforcement-Policy-April-2020.doc?web=1) **Enforcement-Policy-April-2020**

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	√

Fylde Council Housing Services Private Rental Sector

Background

1. Within Fylde there is a growing number of HMOs. The main area for HMOs is the centre of St Annes where there is a higher concentration here than anywhere else within the Fylde Borough (Appendix 1).
2. According to council tax records there are 530 HMOs within the Fylde borough. However, this information is not always reliable as many HMOs evade the council tax system. Many HMOs were once single dwellings which have been converted, they were not built for multiple occupation, therefore the risk of overcrowding and fire can be greater than with other types of accommodation.
3. A Licensed HMO falls under Part 2 of the Housing Act 2004 and is a property for which there has to be in place a mandatory license, renewed every 5 years, it is rented to 5 or more people who form more than 1 household with shared facilities. It is estimated that the majority of HMOs within Fylde do not currently require a license, this is due to HMOs having less than five people living within the property. Also, a programme run by Fylde some thirty years ago encouraged HMOs with shared facilities to be converted into self-contained flats.
4. Local Authorities have a statutory duty to maintain housing standards within their district. The private sector within Fylde has an essential role in meeting the high demand for permanent accommodation for residents who are unable to access home ownership, social rented accommodation, face hardship or homelessness within Fylde. It is essential that Fylde Council work with private landlords and their tenants to ensure private sector properties are of a high standard to meet the statutory duties of both the Housing Act 2004, and the Homelessness Reduction Act 2017.
5. Since June 2021 five complaints and referrals relating to HMOs have led to five reactive inspections. As a result, all five properties had Emergency prohibition orders (EPO) served. This has highlighted the need for a proactive inspection programme.
6. The timing of the inspection programme is vital, tenants are already living in deprivation and universal credit is to be reduced and furlough is being phased out. In addition, energy companies have reported there will be an increase in tariffs this winter and the cost of food is on the increase, all this comes as autumn and winter approaches. According to, Annual Fuel Poverty Statistics in England, 2021 (2019 data), households living in converted flats had the highest likelihood of fuel poverty. Often tenants cannot afford to heat their homes, this

can increase the likelihood of damp and mould exacerbating respiratory conditions and leading to depression and anxiety.

Statutory Duties under the Housing Act 2004 and Homelessness Reduction Act 2017

7. Under **Part 1 of the Housing Act 2004**, Local housing authorities have a statutory duty to review housing conditions within their districts. Due to resources and the recent pandemic, HMOs in Fylde have not been subject to any proactive inspections.
8. HMOs house some of society's most vulnerable people. This has been evidenced within St Annes with the recent service of EPOs, all properties housed tenants living in deprivation and were suffering from poor health. Properties have been found to be suffering from severe damp and mould, a lack of heating, electrical and fire safety concerns, and serious structural defects.
9. Housing worries or anxiety about them, poor housing condition, and poor landlord behaviour has a strongly debilitating impact on wellbeing. Everyone has the right to a decent home where they can have security, stability, longevity, and a feeling of belonging. Ensuring housing conditions are maintained reduces anti-social behaviour, encourages a sense of pride, and brings communities together. Being part of a community increases support networks within neighbourhoods. There has never been a more important time to help others struggling with their mental and physical wellbeing.
10. Each time a Prohibition Order (PO) or EPO is served the PRS team are deeming the property as, "uninhabitable" in most instances this leaves the tenant homeless. This encourages transience and causes communities to become unstable and fragmented. Prohibition Orders leave properties unoccupied, often for long periods of time. Empty properties encourage anti-social behavior and leave areas looking undesirable.
11. Once a property has received an EPO, it is no longer reasonable for the occupant to continue to occupy the property. The Local Authority would then have either a prevention or relief duty under the **Homeless Reduction Act 2017**. An applicant must be treated as homeless, regardless of availability and legal rights to occupy accommodation, if it is not reasonable for them to continue to occupy the accommodation.

Proactive programme of HMO inspections

12. The Housing Service are proposing to embark on a project to proactively inspect HMO's. The proposal is for a separate project to run alongside existing reactive work. The project will last for a period of 2.5 years and will be reviewed at the end of two years in March 2024. Appendix 2 provides a flowchart detailing the inspection programme.
 - Week 1 Decide on the area for door to door and send letters / emails to LL, agents, and attending agencies (Appendix 3)
 - Week 2 Door to door, establish their residential status and need for HHSRS survey and fire safety interventions
 - Week 3 Send section 239s to properties that were highlighted as needing further intervention for week 4 inspections
 - Week 4 Conduct HHSRS inspections
 - Week 5 All notices must be finalised and served, Multi-agency meeting
13. To run the programme and achieve maximum productivity the introduction of a new computer data base will be required. This database will allow officers to log all HMOs visited and enable housing services to track any actions relating to each property. By the end of the programme housing services will hold a comprehensive database of all HMOs within Fylde. The computer system will also provide a more efficient process of serving notices as all scoring, letters, and notices will be in one place.
14. When carrying out an HHSRS inspection officers are looking for total of 29 hazards. These hazards are not always visible, damp is not always obvious, therefore equipment is required to enable officers to carry out their inspections in full. Damp meters, socket testers and volt readers, is an example of how equipment allows officers to make confident decisions when scoring the health and safety of tenants and properties during the HHSRS report.

Staffing resources

15. The programme will inevitably increase the workload of officers, including the need to re-house tenants where properties are deemed, “uninhabitable”, putting added pressure to an already demanding service. It is proposed two temporary posts are created within the Team.
16. The Homelessness Prevention Grant (HPG) has replaced the Flexible Homelessness Support Grant and Homelessness Reduction Act Grant paid direct to local authorities annually. In 2021/22 Fylde Council have been awarded £107,457. The grant is designed to transform the way councils fund homelessness services to give them greater flexibility to prioritise the prevention of homelessness. Pro-actively inspecting properties within the private rental sector (PRS) maintains standards and overall property condition which will assist in reducing transiency and homelessness.
17. The HPG funding will enable housing services to create two posts which will provide essential services to the inspection programme. The first post, a Housing Services Technical Assistant, will provide relief to technical officers, undertaking admin, control of specialist equipment, and to respond to the expected increase in landlord, agent, and tenant queries as a result of the programme.
18. The second post will be a Housing Services Officer who will attend inspections to provide advice and support to vulnerable tenants who face homelessness, need tenancy support, advice on how to improve their health and well-being, to ensure their home is affordable, settled, and if they are facing difficulties know who to approach for help.
19. The Project Team will consist of:
 - a. Principal Housing Services Officer (Existing staff)
 - b. Senior Technical Services Officer (Existing staff)
 - c. Housing Services Officer (New staff)
 - d. Technical Housing Services Officers x 2 (Existing staff)
 - e. Technical Housing Services Assistant (New staff)

Table 1: Calculation of officers

Financial resources

20. This project will be prioritised for future allocations of the HPG.

Equipment	Cost	21/22	22/23	Total
Technical Officer		15,190	31,251	£46,441
Housing Services Officer		0.00	34,630	£34,630
Computer system		£10,000	£5,000	£15,000
PPE equipment		£280	£500	£780
Training	£280 per person x 5	£1,400		
Volt reader	£7.50x4	£30		£30
Socket Tester	£7.50x4	£30		£30
CO Reader	£23.00x4	£92		£92
Damp Meter	£50.00x4	£200		£200
Laser measurer	£50.00x4	£200		£200
Homeless Reduction Act Initiatives	Ledger 5270/46712	£600	£8,074	£10,054
TOTAL FUNDING REQUIRMENT		£28,002	£79,455	£107,457

Table 2: Project costings

Conclusion

21. Note the contents of the report provides details on the proposed houses of multiple occupation (HMO) inspection programme operated by the housing services private rental sector (PRS) team which is in accordance with the Part 1 chapter 3 of housing act 2004 in which local authorities have a statutory duty to maintain housing standards within their district.
22. An HMO inspection programme is required to ensure properties within the PRS meet current standards in accordance with the Housing Act and reduce transiency, support tenancies, and provide sustainable and quality housing in accordance with the Homelessness Reduction Act 2017.

IMPLICATIONS	
Finance	This report requests a funding to the total sum of £107,457as detailed within the report, to support the work of the PRS HMO inspection programme 2021-2023, all funding is to be met from the HPG funding allocation for 2021/22.
Legal	None
Community Safety	The programme is community based and is customer facing. Officers will be approaching customers of Fylde at their homes and entering properties. No homes will be entered without prior notice by letter at least 48 hours before the inspection date. The inspection programme will tackle anti-social behaviour and as a result making communities safer.
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	Entering people’s homes. Officers will be in groups of two, no officer is to be left alone in a property. Covid-19 – All those going to properties will have been offered the vaccine, masks and gloves will be provided and residents will be asked to confirm if they have been in contact with anyone with Covid-19 or displaying symptoms within the last 5 days
LEAD AUTHOR	CONTACT DETAILS
	DATE

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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Housing Act 2004		contents" Housing Act 2004
Homelessness Reduction Act 2017		ga/2017/13/contents/enacted" Homelessness Reduction Act 2017

Appendix 1 - PRS HMO PROPERTY ADDRESS

Appendix 2 - PRS HMO Inspection Flow chart

Appendix 3 - PRS HMO Inspection Letter LL Agents