

Executive

Revision of Private Sector Housing Policies

5 November 2012

Report of Head of Regeneration and Housing

PURPOSE OF REPORT

To seek adoption of revised private sector housing policies and revised standards for houses in multiple-occupation.

This report is public

Recommendations

The Executive is recommended:

- (1) To adopt the following operational policies in place of similarly named policies adopted in May 2008:
 - Housing (Private Sector) Policy
 - Housing Health & Safety Rating Scheme (HHSRS) Policy
 - House in Multiple Occupation (HMO) Licence Policy
 - Recovery of Costs Policy
 - House Condition Enforcement Policy
 - Private Sector Housing Grants and Assistance Policy
- (2) To adopt the house in multiple-occupation standards (entitled HMO Standards 2012) as the Council's standards in place of earlier adopted standards.

Executive Summary

Introduction

- 1.1 Experience gained in applying and enforcing the provisions of the Housing Act 2004 (which is the principle act dealing with housing conditions) has led to the conclusion that there is a need for some limited revision of policies first adopted in 2006 (when the Act became operative) and last revised in 2008. The proposed changes reflect developments in the private rented sector and changes that have taken place at the Council, but we have also taken the opportunity to update and refresh these policies. The revisions will ensure that we remain as effective as possible in improving housing conditions.

- 1.2 All of the policies to which this report relates are operational rather than strategic policies and do not therefore require approval by full Council.

Proposals

- 1.3 That the Housing (Private Sector) Policy, attached as appendix 1, is adopted in place of the version adopted in 2008
- 1.4 That the House Condition Enforcement Policy, attached as appendix 2, is adopted in place of the version adopted in 2008.
- 1.5 That the Recovery of Costs Policy, attached as appendix 3, is adopted in place of the version adopted in 2008.
- 1.6 That the HMO Standards 2012, attached as appendix 4, are adopted in place of earlier standards.
- 1.7 That the Housing Health and Safety Rating Scheme (HHSRS) Policy, attached as appendix 5, is adopted in place of the version adopted in 2008.
- 1.8 That the House in Multiple Occupation (HMO) Licence Policy, attached as appendix 6, is adopted in place of the version adopted in 2008.
- 1.9 That the Private Sector Housing Grants and Assistance Policy, attached as appendix 7, is adopted in place of the version adopted in 2008.

Conclusion

- 1.10 Adoption of these revised operational policies and HMO Standards will ensure that the Council is able to discharge its responsibilities for house conditions to best effect, taking into account developments and experience gained since 2008.

Background Information

- 2.2 In its role as Housing Authority the Council has responsibility for the condition and suitability of the housing stock across its district, whether owner-occupied, rented from a private landlord or let through a Registered Provider. The Council has a range of both mandatory and discretionary powers which it is expected to use in order to ensure that appropriate standards are achieved. In practice we use enforcement, along-side advice and both financial and practical assistance, to meet our legal obligations, achieve our responsibilities and fulfil strategic objectives.
- 2.2 Effective policies are the essential framework for this activity and ensure that we are acting in a demonstrably clear and consistent manner. It is however important that such policies are kept under review to make sure they accurately reflect changing requirements and any opportunities for improvement highlighted by practical experience of their application.

Key Issues for Consideration/Reasons for Decision and Options

Note: all of the Policies are attached as appendices. Principle changes have been shaded

3.1 Housing (Private Sector) Policy

This is the umbrella-policy under which the various other policies sit. We have taken the opportunity to refresh the text and provide some additional clarification following revision of the related policies referred-to above.

The main changes are in:

Section 1.4 - Additional explanation about the legislation the council may use

Section 1.5 - Revised statement of intent (*see also the House Condition Enforcement Policy, below*)

Section 7 - New section on empty homes, our approach and re-stated principles.

3.2 House Condition Enforcement Policy

This policy sets out our enforcement principles and our broad approach to balanced, proportional and consistent enforcement. It also includes a commitment to resolving unsatisfactory housing conditions. The main change is a revised statement of intent in section 2.1

3.3 Recovery of Costs Policy

This policy deals with the recovery of the costs incurred by the Council following certain enforcement action. The principle change is the proposed use of a specified minimum charge (determined periodically by the Head of Service) which is intended to increase the deterrent effect of non-cooperation. (See sections 1.5 -1.8)

3.4 Houses in Multiple Occupation (HMO) Standards 2012

These standards incorporate requirements set by regulation as well as those which it is for the Council to determine. They have 3 functions: they are the specific standards which apply to HMO-licensing; secondly, the space standards provide the basis for ensuring that HMOs are not overcrowded; and thirdly they serve as a good-practice benchmark which informs our HMO enforcement work and is used to advise landlords with the aim of improving conditions generally. The Standards remain principally unchanged but we have proposed a number of additions:

Sections 2.4, 8.4 and 11: Recognition of a new category of HMO – Category D, staff accommodation, with relevant space standards and requirements for cooking provision.

Section 9.2.3: New options and requirements regarding en-suite facilities in single-person rooms

Section 10.7: Suitability and requirements concerning mini-kitchens

3.5 Housing Health and Safety Rating Scheme (HHSRS) Policy

Incidental updating and minor points of clarification only.

3.6 House in Multiple Occupation (HMO) Licence Policy

Incidental changes only.

3.7 Private Sector Housing Grants and Assistance Policy

We have redrafted the introduction and made a number of incidental and modest technical changes, but the principles and approach are essentially unchanged.

The following options have been identified. The approach in the recommendations is believed to be the best way forward:

Option One Adoption of the new policies and HMO Standards

Option Two To agree the recommendation with variations

Option Three To reject the recommendation.

Consultations

The policies and the HMO Standards were available for public consultation on the Council's consultation portal for a 6-week period ending on 5 October 2012. The opportunity to comment was also emailed to all those landlords, agents and agencies on our Landlord's Forum mailing list.

3 responses were received. They are reproduced in full, with our comments, as appendix 8. None of the comments were judged to necessitate revisions to the draft policies.

Implications

Financial: The proposed policies and HMO Standards raise no financial issues at this stage. In the event of budgets being required for any work related to condition surveys over and above approved funding this would be considered on a case by case basis and funding mechanisms proposed. These budgets are monitored as part of the monthly revenue and capital dashboard.

Comments checked by Karen Curtin, Head of Finance and Procurement 01295 221634

Legal: The proposed policies and HMO Standards raise no legal issues and there are no legal implications

Comments checked by Nigel Bell, Team Leader Planning & Litigation 01295 221687

Wards Affected

All

Corporate Plan Themes

Cherwell: A district of opportunity

Cherwell: A cleaner, greener district

Cherwell: An accessible, value for money Council

Lead Member

Councillor Debbie Pickford
Lead Member for Housing

Document Information

Appendix No	Title
Appendix 1	Housing (Private Sector) Policy
Appendix 2	House Condition Enforcement Policy
Appendix 3	Recovery of Costs Policy
Appendix 4	HMO Standards 2012
Appendix 5	Housing Health and Safety Rating Scheme (HHSRS) Policy
Appendix 6	House in Multiple Occupation (HMO) Licence Policy
Appendix 7	Private Sector Housing Grants and Assistance Policy
Appendix 8	Consultation responses and comments
Background Papers	
None	
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