

1. Response from a Letting Agent via the Consultation Portal

Do you have any comments about the attached policies and about the proposed changes in particular?

New legislation and help in the housing industry especially for the private landlord is always a good thing. My only concern is will this information reach those landlords who need the information most?

Do you have any other comments?

I am pleased to see the council are addressing the private sector housing as some homes in the area of Grimsbury are in need of urgent attention. I have seen that the council are buying properties in that area but the time between buying and bringing those homes up to standard is questionable. A house in West Street (70) has been in very poor condition for some years. The council purchased the house in January 2012 and as yet no work has commenced on that property. The council needs to follow through on what it starts and set an example.

2. Response by email from AgeUK

The policies do seem to cover all the main issues that we would concern ourselves with such as the safety and potential harm to health of elderly people living in rented accommodation – or in fact in their own properties.

Housing (Private Sector) Policy

Only addition I would like to see is something in relation to dealing with Anti-Social Behaviour. They have specifically mentioned things like pest control etc but anti-social behaviour can be a serious issue for some of our elderly clients who might end up living in fear due to anti-social neighbours – drugs, violence, noise etc. So, a stronger line on this would be useful.

Response

We agree that these are serious issues, but they are not covered by housing-legislation. We have a dedicated team (The Anti-social Behaviour Team, led by Rob Lowther, tel 01295 221623) which deals with matters of this sort using different legislation.

The policy states that the Council will address issues “without undue delay”. Can a minimum time scale be given?

Response

Except in the most serious cases we try to resolve problems informally. We are always conscious of making sure this doesn't become protracted, but it can require a bit of negotiation. In cases where an informal approach fails (or is inappropriate) and we have to use a formal notice, we are required to specify completion deadlines that are reasonable (and which can be subject to appeal), taking into account the nature and scale of the work involved. In addition, different notices specify different minimum completion periods. As a result it is not possible to quote a minimum time that would suit all circumstances. In all cases our aim is to get problems resolved as quickly as possible. (NB we get about 65% of cases resolved informally. In the case of the most frequently used Housing Act notices we are entitled to recover the cost we incur in producing them, so there is in effect a financial penalty associated with their use, which acts as an incentive to getting informal agreement.)

Clarification required: What determines an empty dwelling? Is there a timescale that a property is left empty before it is deemed vacant? This would be useful in the case of say an elderly person who has no relatives and is taken into hospital/care – at what stage does someone decide that their property is deemed “vacant”.

Response

For all practical purposes a property is considered to be a long-term empty after 6 months (this is all tied into Council Tax, Empty-homes/New Homes bonus

calculations, returns for the Government and so on). We know that a great majority of long-term empty homes actually resolve themselves and are re-used within about 12 months, so, although we try to encourage early re-use, we only really become concerned when a home has been empty for 2 years or more; at least, that is our current approach. It is those properties we plan to concentrate on. The question of homes that become empty as a result of owners going into long-term residential care is a difficult one. We do plan to contact those owners to suggest some options and ways in which we could assist, but recognise that these cases raise sensitive issues. Unless there are serious issues over dilapidation I don't anticipate we would want to initiate enforcement action, but we do get complaints about matters such as gardens becoming overgrown, so there are issues for neighbours as well as absentee-owners in-care.

Recovery of Costs Policy

There procedures to recover costs seem reasonable.

House Conditions Enforcement Policy

This again seems reasonable. Just need clarification that this covers homeowners who live in their properties -as opposed to rent them out - and who might need repairs to their properties in order that they can continue to live there. (I am sure this is the case but it would be nice to have it confirmed) It would be good to see access to any funding in these circumstances made simple so that elderly people needing to access this type of grant are not confused or deterred from doing so.

Response

The Housing Act (the principle enforcement tool) is tenure neutral and concerned with achieving satisfactory housing conditions through the resolution of hazards. We are therefore concerned with both owner-occupied and rented homes. Our enforcement approach is to try to resolve problems informally where we can. In practice we would only take formal enforcement action against elderly owner-occupiers in exceptional circumstances (and our HHSRS Policy, which is one of the policies subject to consultation) explains our approach). We are able to provide financial assistance in some situations and much of that effort is aimed at vulnerable home-owners. Our Home Improvement Agency service (including the Small Repairs service) is intended to make access to grants and practical assistance (and loans in some situations) as simple as it can be. In most cases the HIA is able to take care of the whole process. Leaflets for our Small Repairs Service and Essential Repairs Grants are attached - hopefully you are familiar with these.

3. Response from HMO landlord

It is my view and that of a number of my tenants that the application of some of your policies are most unhelpful.

Your restriction on room size means that you have denied me potential income of £3,000 per year in two houses and removed from the accommodation market two rooms which were always in heavy demand because of the lower rents and very low income of many potential tenants who are residents of Banbury. Such persons work most of the time, they are not on benefit but want to maximize their available income after rent. There is space in both rooms for a single bed, a small wardrobe and a bedside table, which is all that such tenants require. There is ample common room space in addition to the kitchen in both houses and yet your inspector instigated an overcrowding order purely based on room size which makes little sense to low income workers. The result is that they have to take bigger rooms at higher rents and maybe apply for housing benefit, which cost us all more money. In these times of austerity, I believe that this room size policy is out of step with the demands of the market and should be changed.

Response

The Council's HMO standards specify a minimum size of 6.5m² for a room in an HMO (or 8.5m² if there is no shared living room the tenant can use). This standard has been used and enforced by the Council since 1994. It remains unaltered and continues to be an appropriate minimum. The Council's space standards are in keeping with the approach taken by many other authorities. (Although not directly applicable to HMOs, it is relevant to note that rooms smaller than 6.5m² are not considered to be of suitable size for occupation by an adult for the purposes of assessing Statutory Overcrowding.)

A second comment concerns your application of fire prevention measures, which most tenants consider to be "over the top". In one of my HMOs, while the fire door on the kitchen is essential, an additional door required between the lounge and hence front door exit and the staircase would in fact impede rapid exit from bedrooms. The door also impedes the carrying of luggage and other bulky items from outside to and from bedrooms and is therefore regularly jammed open by tenants. Given the high cost of fitting such doors (about £600 each), I believe more consideration of required movements in the house is necessary, probably resulting in the application of fire doors to the kitchen area only, which is I believe the case in Oxford City.

I hope you find these comments useful and deserving of some common sense consideration by the Council, instead of the current blind application of some standards which cannot really be afforded, given that we have an accommodation crisis, particularly affecting the lowest paid workers.

Response

The Council's HMO Standards specify the following:

We will assess the suitability of means of escape and other fire precautions by means of the Housing Health & Safety Rating System (HHSRS); but will, in particular, take into account national guidance on fire safety standards issued by LACORS, Building Regulations and such other guidance as it judges appropriate. Requirements will vary according to assessed risk. Matters taken into account will include: The size of the property, number of storeys, layout, number of occupants, type of accommodation and any particular characteristics applying to the intended tenant group. Assessed risk may vary if occupation changes.

We are satisfied that this remains the correct approach.