

REPORT TO: Executive Board

DATE: 29th March 2007

REPORTING OFFICER: Strategic Director Health and Community

SUBJECT: Private Sector Housing Renewal Strategy

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 This report seeks approval to the proposed changes to the Private Sector Housing Renewal Strategy set out in this report, both to reflect recent legislative change and to amend the different forms of financial assistance provided to clients.

2.0 RECOMMENDATION: That the Strategy be approved for implementation as soon as is practicable.

3.0 SUPPORTING INFORMATION

3.1 In 2002 Government announced its intention to give Councils increased freedoms in setting local policies to tackle poor housing conditions in the private sector, and subsequently repealed much of the legislation related to renovation grants and other forms of financial assistance. Halton responded by introducing its Private Sector Housing Renewal Strategy in 2003.

3.2 A number of factors now make it necessary to revise this strategy, including -

- Increased Government focus on tackling none decent housing in the private sector that is occupied by vulnerable households.
- The need to provide incentives to promote membership of the recently introduced Landlord Accreditation Scheme.
- The need to provide assistance to reduce the number of long-term empty properties, as this is a Best Value Performance Indicator.
- A new requirement under the Housing Act 2004 to license certain houses in multiple occupation (HMOs).
- Under the Housing Act 2004, the introduction of the Housing Health and Safety Rating System, replacing the “fitness” standard which for several decades was the yardstick for measuring housing conditions.

- 3.3 Appendix 1 summarises the principal changes being recommended in terms of the range of financial assistance to be offered to individuals, and the rationale for them. Appendix 2 is the full strategy which includes a new enforcement policy, HMO licensing policy, detailed eligibility criteria /conditions for financial assistance, and a policy for dealing with applications to reduce or waive requirements to repay assistance.
- 3.4 A consultation exercise has been undertaken through the press, Council web site, Landlord Forum, and directly with other local authority and stakeholder organisations. No responses were received.

4.0 POLICY IMPLICATIONS

- 4.1 The strategy contains new or revised policies for dealing with financial assistance, waiver or reduction of repayment conditions, enforcement procedures and HMO licensing.
- 4.2 The Urban Renewal PPB endorsed the Strategy for consultation purposes on the 15th November 2006, and no comments have been received to the consultation process that ended on the 9th March.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There is a risk that the proposed changes to the financial assistance policy will result in demand exceeding the available budget. This will be monitored closely, particularly as the annual capital grant awarded for housing purposes has steadily decreased in recent years.
- 5.2 With the exception of Disabled Facilities Grants, the financial assistance offered under the policy is discretionary and therefore if budget pressures arise, a further report will be brought to Board to consider amendments to the eligibility criteria.

6.0 OTHER IMPLICATIONS

- 6.1 The proposed enforcement and HMO licensing policies will ensure the Council fulfils its statutory duties, and changes to financial assistance should enable improved outcomes in terms of performance indicators. Improved housing conditions for vulnerable households will also contribute to the objectives within the Community and Corporate Plans.

7.0 RISK ANALYSIS

- 7.1 There are always risks of fraud or misuse of funds when financial assistance is provided, but the strategy seeks to minimise these risks through clear eligibility criteria and conditions, backed up by on-site inspections. The risk of challenge to policy and practise is minimised by following Government guidance and best practise where possible.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 Many of the policies within the strategy relating to financial assistance positively discriminate in favour of the most vulnerable households.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Housing Act 2004	Grosvenor House	Housing Strategy Manager

PROPOSED CHANGES TO RENEWAL POLICY

CURRENT POLICY	PROPOSED CHANGE	RATIONALE
Renovation Grant	Major Works Assistance	
Discretionary grant/loan available to owner-occupiers of pre 1964 property in Council Tax bands A, B and C.	Property to be 40+ years old rather than pre 1964. Remove Council Tax band criteria.	The 40+ age criteria will allow further properties to be eligible for consideration as they become older. Experience has revealed that few enquiries are received for properties in the higher tax bands, but when they are, the cases often merit assistance anyway.
Property must be deemed unfit for occupation.	Property must contain Category 1 hazard under the Housing Health and Safety Rating System (HHSRS), or multiple Category 2 hazards that together constitute a danger to the health and safety of the occupier.	Under the 2004 Housing Act the fitness standard has now been replaced by the HHSRS.
Eligible works are those necessary to make the property fit.	Eligible works to include any necessary to make the property meet the decent homes standard.	Government expects LAs to target renewal resources on properties failing the decent homes standard that are occupied by vulnerable households (PSA7).

CURRENT POLICY	PROPOSED CHANGE	RATIONALE
Grants are means tested as under the previous statutory scheme.	Applicant must be in receipt of one of the following benefits - Income Support, Housing Benefit, Council Tax Benefit, Working Tax Credit, Pension Credit, Income Based Job Seekers Allowance, or War Disablement Pension. For those on low income but not in receipt of one of the benefits, eligibility will be determined by the existing means test provided the calculated client contribution does not exceed £1,000.	This will target resources on those within the “vulnerable” category set out in the Governments decent homes target, retain a safety net for those on low incomes but not receiving the specified benefits, and simplify the application/administrative process.
Requirement for applicant to have lived in property for 3 years before application, but waived for those buying properties that have been empty for 12 months or more.	Remove provision for purchasers of empty property.	Only 1 application has been dealt with in last 3 years, so clearly not effective in getting empty properties re-occupied.
Assistance is 75% grant and 25% loan. Present policy requires grant/loan to be recalculated if unforeseen works arise after work has commenced.	Necessary unforeseen works that only become apparent after the grant and loan have been approved will be funded by additional grant.	This will enable the client at application stage to have some certainty about the amount of loan they are taking on, will avoid multiple loans being set up, and simplify the administrative process.
Early transfer of ownership triggers grant repayment, subject to adequate equity existing (except for certain exempt disposals).	List of repayment exemptions extended. (see Appendix 4 within strategy)	The revised list of exemptions reflects Government guidance in this area.

CURRENT POLICY	PROPOSED CHANGE	RATIONALE
Second grants for similar works will only be considered after 15 years.	Reduce period to 10 years in case of central heating boilers, fixed heating appliances and flat roofs.	It is considered that 10 years is a more realistic lifespan for those particular types of appliance/structure.
In exceptional cases of financial hardship (e.g. where unfit rented property is inherited and new landlord/owner has no resources) an application may be considered.	Withdraw this form of assistance.	Seldom used and future requests can be dealt with under discretionary powers.
Grants for Landlords - HMO fire safety works to satisfy fire safety requirements in HMOs (60% of costs up to £12,000 max.).	Withdraw this form of assistance.	No applications have been received for this form of assistance since it's introduction.
Home Repair Assistance Grant	Minor Works Assistance	
Discretionary grant for minor works that are a risk to the health/safety of the occupier, or minor works related to a DFG application. Max. £5,000 grant.	Property must contain Category 1 hazard under the Housing Health and Safety Rating System (HHSRS), or multiple Category 2 hazards that together constitute a danger to the health and safety of the occupier, or minor works related to a DFG application. Works subject to mortgage retention provisions will not be eligible. Max. grant raised to £6,000.	The proposed criteria broadly mirrors the existing ones but updated to reflect the HHSRS. It is proposed to continue to offer assistance by way of grant, as it is not considered cost effective to administer loans for this value of work. Increased max. grant to reflect inflation.

CURRENT POLICY	PROPOSED CHANGE	RATIONALE
New condition.	Where the house inspection reveals multiple defects exceeding £6,000 the applicant will be required to apply for Major Works Assistance to have the works undertaken at the same time.	This will prevent having to process multiple applications for the same property, and evasion of the loan element of Major Works Assistance.
Available to owner occupiers where property is over 10 years old and in Council Tax band A, B or C.	Remove Council Tax band criteria, otherwise as existing.	Recent experience has revealed that few enquiries are received for properties in the higher tax bands, but when they are, the cases often merit assistance anyway.
Applicant must be on income related benefit. Preference given to over 60s.	Applicant must be in receipt of one of the benefits listed above under Major Works Assistance.	This will target resources on those within the "vulnerable" category set out in the Governments decent homes target.
Requirement for owner to occupy property for 3 years before and 1 year after grant.	Reduce prior residence requirement to 1 year.	This will extend the range of vulnerable clients that can be assisted.
Second grants for similar works will only be considered after 15 years.	Reduce period to 10 years in case of central heating boilers, fixed heating appliances and flat roofs.	It is considered that 10 years is a more realistic lifespan for those particular types of appliance/structure.
Accredited Landlord Loan Assistance	Accredited Landlord Loan Assistance	
Interest free loan for Accredited landlords (50% of cost of eligible works subject to £10,000 max. loan) to improve long-term empty property purchased for letting out. Assistance will be given to meet the decent homes standard.	No change.	This new form of assistance was only approved in June 2006 by Executive Board as part of the Landlord Accreditation Scheme, and therefore no changes are proposed at this time.

CURRENT POLICY	PROPOSED CHANGE	RATIONALE
Group Repair	Block Repair Assistance	
Discretionary grant for the repair of the external fabric of a group of dwellings where this approach is deemed the most appropriate. Available to owner-occupiers and Landlords of pre 1964 property in Council Tax bands A, B and C.	Property to be 40+ years old rather than pre 1964. Remove Council Tax band criteria.	Same rationale as for Major Works Assistance.
Grant is means tested but owner's contribution limited to max. 50%, or 25% in Renewal Areas.	Owner-occupiers and Landlords both to be offered 75% grant and 25% loan.	Should the Council wish to proceed with such a scheme there needs to be a large incentive in order to get all owners signed up.
	Disabled Facilities Grant	
If it is not reasonable or practicable to adapt a property, and the occupier cannot afford a more suitable property in the locality, assistance may be provided to enable a move to a more suitable home. Up to £3,000 relocation expenses, and up to £5,000 to help with purchase costs.	Increase assistance to an overall sum of £10,000 max.	With house price inflation there is a need to increase the assistance available.



Health and Community Directorate

DRAFT
PRIVATE SECTOR HOUSING
RENEWAL STRATEGY

2007 - 2010

CONTENTS

- 1. Introduction**
- 2. Strategic Relevance**
- 3. Private Sector Housing In Halton**
- 4. The Strategy - aims and objectives**
 - financial assistance**
 - partnership working**
 - resources**
 - the action plan**
- 5. Miscellaneous and Complaints**

Appendix 1 – Forms of Housing Assistance

Appendix 2 - Enforcement Policy

Appendix 3 - Licensing of Houses in Multiple Occupation

**Appendix 4 - Policy for Waiving or Reducing the Repayment
of Housing Assistance**

Appendix 5 – Scale of Fees

1. INTRODUCTION

- 1.1 Councils have a general duty to periodically assess housing provision and conditions within their boundaries, and to make plans for meeting needs and improving unsatisfactory housing conditions.
- 1.2 For many years the powers available to local authorities to improve housing conditions in the private sector were heavily regulated. In recognition that housing conditions and problems varied significantly across the country, and that a “one size fits all” approach was no longer appropriate, in 2003 Government repealed much of the legislation that governed what local authorities could do in terms of providing assistance, and authorities were given much wider discretion to provide locally determined assistance within the framework of a locally adopted strategy.
- 1.3 Halton introduced its first local strategy in 2003 and this new document builds on the lessons learned, and emerging good practise, in the intervening period. It also seeks to reflect important new changes introduced by the Housing Act 2004, Government priorities, and new Council initiatives. These include –
 - A requirement to license certain types of housing in multiple occupation (HMOs).
 - The introduction of the Housing Health and Safety Rating System (HHSRS) to replace the old fitness standard, which was the yardstick by which housing conditions were measured.
 - A Government target to reduce the number of owner occupied dwellings occupied by vulnerable households that fail the decent homes standard.
 - The development of a Landlord Forum in Halton.
 - The introduction of a Halton Landlord Accreditation Scheme.
 - An end to financial means testing for children/young people requiring adaptations under the Disabled Facilities Grant regime.
- 1.5 This document sets out the aims and objectives of the Council in seeking to improve private sector housing conditions within the Borough. It starts by describing the problems that exist, and identifies the measures that the Council will use to make the best use of the limited resources that are available. It also sets out the policies that the Council will implement when using its enforcement powers.
- 1.6 The strategy will remain in force until 2010, when it will be reviewed, and any significant changes that prove necessary in the interim will only be implemented after consulting stakeholders, advertising in the local press and adoption by the Council.

2. STRATEGIC RELEVANCE

- 2.1 Whilst some of the services described in this strategy are delivered under statutory powers or duties, others are discretionary. As Councils strive to secure efficiencies to deliver services within budget and secure value for money, services need to demonstrate their relevance to the organisation's strategic aims and objectives. This section establishes those links.
- 2.2 Although Halton has much to be proud of in terms of the achievements it has made over the last 30 years, it still suffers levels of deprivation significantly above the national average. In particular it is ranked 16th on the Government Index of Deprivation (out of 354 English authorities) and 4th in the North West. It has higher than average unemployment, a relatively low wage economy, and some of the worst health statistics in the country.
- 2.3 The Council's Corporate Plan and the Halton Strategic Partnership's Community Strategy have identified key priorities that seek to address these inequalities, and this plan and the actions contained within it have a particular relevance to two of these strategic priorities - Health Improvement and Urban Renewal.

Health Improvement – Key Target “To remove the barriers that disable people and contribute to poor health, through ensuring that people have ready access to a wide range of social, community and housing services, and cultural and sporting activities that enhance their quality of life.”

- 2.4 The links between poor health and poor housing conditions are now well documented and widely acknowledged, and with Halton's poor health statistics it is particularly important that resources are targeted at improving that housing which is in the worst condition and which is occupied by the most vulnerable.
- 2.5 Given the significant levels of poverty in the Borough, and the forecast of significant growth in the percentage of elderly households, inevitably some residents in Halton will struggle to maintain their homes and increasing numbers will, due to ill health or disability, require their homes adapting to enable them to continue living within the community. The assistance available through this strategy will therefore directly contribute to this key priority.

Urban Renewal - Key Target “To support and sustain thriving neighbourhoods and open spaces that meet peoples expectations and add to their enjoyment of life.”

- 2.6 Under the priority of Urban Renewal there is an aspiration to make Halton a place where people are proud to live, in sustainable thriving neighbourhoods. It is generally acknowledged that without financial assistance some properties occupied by the most vulnerable will simply not be maintained and will deteriorate. Dilapidated and poor quality housing can be a highly visible sign of, and a contributor to, the decline

of neighbourhoods and affect their long-term sustainability. Through this strategy the tools are available, subject to resources, to assist those that need help to maintain their homes and to utilise enforcement powers if necessary.

3. PRIVATE SECTOR HOUSING IN HALTON

3.1 The Council's Housing Strategy describes in some detail the operation of the housing market in Halton and the main problems that exist. The following points summarise the key issues from that document and supplement them with information derived from a private sector housing condition survey undertaken in Autumn 2002 (before the introduction of the HHSRS and decent homes target, but updated where possible).

- The private sector stock in Halton has a higher proportion of terraced properties than the North West and national averages.
- Approximately 2.5% of properties are unfit, a much lower proportion than both the regional and national average (7%).
- The bulk of poorer housing tends to be in the older terraced areas surrounding the town centres of Widnes and Runcorn.
- The proportion of private rented properties is low (7% of private sector dwellings in the district) but the sector contains nearly three times the proportion of unfit dwellings than the Halton average.
- The number of Houses in Multiple Occupation within the Borough is relatively small (see Appendix 3 for definition).
- 82% of private sector properties have central heating.
- The average SAP value (a measure of energy efficiency on a scale of 1 to 120) is, at 48, better than the national average of 44 but there is scope to make improvement as one third of properties do not have cylinder jackets, and three quarters do not have cavity wall insulation.
- The overall level of private sector empty properties in Halton in 2005 was 3.31%, comparable to the England average of 3.29% and well below the North West average of 4.47%.
- Numbers of those aged over 65 and over 75 are predicted to increase by 40% and 11% respectively by 2013, and 21.5% of the population describe themselves as having a limiting long term illness. This points to an increase in the already high levels of demand for housing adaptation works in the future.

3.2 The following tables summarise the findings from the 2002 survey in terms of housing conditions.

Table 1. Dwelling Stock Age Profile

Area Name	Pre-1919	% of Area Total	1919-1944	% of Area Total	1945-1964	% of Area Total	Post-1964	% of Area Total	Area Total
Widnes	2,509	8%	3,263	10%	3,137	9%	9,367	28%	18,277
Runcorn	1,953	6%	2,868	9%	1,875	6%	8,119	25%	14,815
Totals	4,462	13%	6,131	19%	5,012	15%	17,486	53%	33,092

Table 2. Dwelling Stock Type Profile

Type	Detached	Semi-Detached	Terraced	Purpose Built Flats	Converted Flats	Temporary	Total
Number	6,319	11,355	13,816	1,221	267	114	33,092
% of Stock	19%	34%	42%	4%	1%	0%	100%

Table 3. Unfitness by Age band

Age Bands	Total Stock by Age Band	No of Unfit Dwellings	Percentage of the Whole Stock	Percentage Within Each Age Band	Percentage of Total Number of Unfit Dwellings
Pre-1919	4,462	377	1.14%	8.44%	46.26%
1919-1944	6,132	296	0.89%	4.83%	36.34%
1945-1964	5,012	27	0.08%	0.54%	3.35%
Post-1964	17,486	114	0.35%	0.65%	14.05% *but see 3.4 below
Totals	33,092	814			100%

Table 4. Unfitness by Property Type

Property Type	Number	Percentage of the whole stock	Percentage of unfits
Houses - Terraced	422	1.28%	51.85%
Houses - Semi-Detached	356	1.08%	43.73%
Houses - Detached	36	0.11%	4.42%
Total	814	2.47%	100%

Table 5. Unfitness by Tenure

Tenure	No of Dwellings Unfit-	No of Dwellings Tenure type-	Percentage Unfit by Total of Tenure Type
Owner Occupied	650	30,383	2.14%
Private Landlord	164	2,709	6.05%
Total	814	33,092	2.46%

Table 6. Unfitness by Area

Area	No of Dwellings Unfit	Percentage of Total Unfit
Widnes	470	58%
Runcorn	344	42%
	814	100%

Table 7. Reasons for Unfitness

Unfitness	No of Occurrences	Percentage of 814 Unfit
Disrepair	373	46%
Food Preparation	235	29%
Bath Shower	226	28%
Water Closet	200	25%
Heating	151	19%
Dampness	92	11%
Ventilation	58	7%
Drainage	34	4%
Water Supply	34	4%
Lighting	29	4%
Total	1,432	

Table 8. Combined Unfit and Borderline Unfit Dwellings by Area

Area Ref	No of Dwellings Unfit	Percentage of Dwellings Unfit in Area	No of Borderline Unfit Dwellings	Dwellings in Area	Percentage of Dwellings Borderline Unfit
Widnes	470	2.57%	1,509	18,277	8.3%
Runcorn	344	2.32%	1,206	14,815	8.1%
Total	814		2,715	33,092	

- 3.3 The preceding tables show that the number of unfit dwellings in the Borough is equally distributed between Runcorn and Widnes as a percentage of each town's stock.
- 3.4 The extrapolated figure (*) for unfitness in the post 1964 age band must be treated with caution, however, as it results from just one surveyed property being unfit. The true level of unfitness for this group is probably much smaller, and consequently the predominant dwelling types suffering unfitness are terraced and semi-detached types in the pre-1919 and 1919-1964 age bands.
- 3.5 Whilst the percentage of unfit dwellings is relatively low at 2.5% of the stock, the potential for this figure to rapidly increase to about 11% is shown in the number of borderline unfit properties (2,715) identified by the condition survey. Borderline properties are those that are likely to become unfit in the next five years unless repaired or improved by their owners.

- 3.6 The Government is committed to reducing the number of vulnerable households living in non-decent homes and authorities are required to monitor progress at the local level. Halton's private sector house condition survey was undertaken in 2002, prior to the introduction of this requirement, and consequently has no detailed information on how many households fall into this category in Halton.
- 3.7 Recognising this as a problem facing many authorities the Government has developed a model based on the findings of the English House Condition Survey that will produce an approximation of the numbers in each authority area. For Halton the model suggests that 65.7% of the homes occupied by vulnerable households currently meet the decent homes standard, which matches the 65% target set by Government for achievement by 2006. This figure will be used as the baseline for future monitoring until the next housing condition survey can provide more accurate data.
- 3.8 As a result of emerging concerns about the West Bank area of Widnes, with higher than average vacancy levels, a slow resale market, and a high proportion of privately rented stock, a Neighbourhood Renewal Assessment was commissioned. Whilst the findings are not available at the time of this strategy being prepared, they will be used to inform future revisions of this document.
- 3.9 Although a large part of the Council's private sector housing functions is related to improving housing conditions in owner occupied property, it also has an important role to play in regulating Houses in Multiple Occupation, licensing residential caravan sites, and assisting private tenants to enforce their tenancy rights, particularly in liaising with Landlords to get repairs done.
- 3.10 Whilst the private rented stock is not large in Halton, it nevertheless generates about 120 complaints each year from tenants, and the stock condition survey showed that a significant proportion of this accommodation was unfit. If the recent trend of developers building apartments continues, then there is potential for the private sector rental market to steadily grow as investors buy to let. Appendix 2 of this strategy sets out the Council's enforcement policies for dealing with this area of Council activity, and Appendix 3 sets out the HMO licensing requirements.

4. THE STRATEGY

Aims and objectives

- 4.1 The overall aim of the Council's Private Sector Housing Renewal Strategy is to secure an improvement in the housing conditions of the Borough through the targeting of advice and resources at those most in need.
- 4.2 This overall aim then translates into a number of individual objectives relating to several different elements of the market, which have been developed as a result of the assessment of the problems identified earlier. They are -
- To regularly undertake an assessment of housing conditions in the Borough, in order to monitor changes and the effectiveness of this policy.
 - To secure the improvement of housing conditions and in particular to seek to reduce the percentage of owner occupied non-decent homes occupied by vulnerable households.
 - To improve standards in the private rented sector, and ensure that conditions within licensable Houses in Multiple Occupation are satisfactory, and that those that need to be, are licensed.
 - To advise of, and enforce, private tenants rights in relation to disrepair and harassment / illegal eviction, and through improved working relationships with Landlords to contribute to the Council's wider strategy of preventing homelessness.
 - To promote membership of the Council's Landlord Accreditation Scheme.
 - To offer advice to individuals on potential sources of finance for those ineligible for Council assistance.
 - To provide a service for those needing help to maintain or adapt their homes, with the option of using the Council's Care and Repair Agency.
 - To reduce the number of long-term empty properties.
 - To help vulnerable people undertake smaller scale works that pose a risk to their health and safety.
 - To promote energy efficiency.
- 4.3 The Private Sector Housing Renewal Strategy comprises two distinct parts. On the one hand there is the provision of financial assistance and advice to help improve or adapt the housing stock and improve

energy efficiency, and on the other hand the use of enforcement and regulatory powers to require individuals to take action to improve unsatisfactory housing conditions or comply with statutory requirements.

- 4.4 This part of the document describes in broad terms the different forms of financial assistance that will be made available, and the other ways in which the Council will work in partnership to achieve its objectives. It also provides further detail about the changes introduced by the Housing Act 2004. Further detail about eligibility criteria for financial assistance and the enforcement approach is contained in the appendices.

Financial Assistance

- 4.5 By bringing together the results of the stock condition survey, Government guidance, and the aims and objectives set out above, a clearer picture emerges of how the Council should focus its financial assistance.

This includes a need to -

- reflect the Government target to reduce the number of non-decent homes occupied by vulnerable households.
- reflect the replacement of the fitness standard by the Housing Health and Safety Rating System.
- maintain the mix of grant/loan assistance to “stretch” resources.
- focus on property 40 years or more old, as this sector exhibits the greatest incidence of poor conditions.
- maintain financial assistance limits to keep expenditure within budget.
- provide an incentive for Landlords to join the Accreditation Scheme.

The following range of assistance is therefore provided by the Council.

Disabled Facilities Grants

- 4.6 There is a well-established statutory framework for the provision of these mandatory, means tested grants and for determining eligibility. The only recent change has been the removal of means testing for applications relating to children and young people. Halton will continue to fund eligible works up to the statutory maximum (currently £25,000) that is eligible for Government subsidy.

Major Works Assistance

- 4.7 This is discretionary assistance in the form of a 75% grant and 25% loan (interest free) for properties that contain a Category 1 hazard under the HHSRS, or multiple Category 2 hazards that together constitute a risk to the health or safety of the occupier. The property must be more than 40 years old, and eligibility is further restricted to those who have occupied the property for a minimum of 3 years, are in receipt of certain state benefits, or who qualify by a financial test of resources.
- 4.8 All works needed to meet the decent homes standard will be eligible subject to a maximum of £35,000. Beyond this limit the Council will do a value for money assessment to determine whether assistance should be granted.
- 4.9 Breach of grant conditions during the first 3 years may result in grant having to be repaid on a decreasing scale, with the loan element secured as a charge against the property until its future sale. Loans repaid in the future will be added to resources available for new assistance.

Minor Works Assistance

- 4.10 This is discretionary assistance in the form of a grant for properties that contain a Category 1 hazard under the HHSRS, or multiple Category 2 hazards that together constitute an imminent risk to the health or safety of the occupier, or minor works related to a DFG application. The property must be more than 10 years old, and eligibility is further restricted to those in receipt of certain state benefits. The maximum grant is £6,000.
- 4.11 Typically this grant is offered for smaller scale works such as badly leaking roofs, and faulty gas or electrical installations where the property may not qualify for, or it may not be cost effective to offer, major works assistance, and where harm to the occupier may result from the works not being undertaken.

Accredited Landlord Loan Assistance

- 4.12 This is discretionary assistance for accredited landlords who wish to acquire property that has been vacant for more than 1 year, which they intend to let out subsequently for a minimum of 5 years. Eligible works include those necessary to meet the decent homes standard. Maximum eligible costs are £20,000 and assistance is in the form of an interest free loan for 50% of the cost of eligible works.
- 4.13 This is intended to act as an incentive for the Accreditation Scheme, to help reduce the numbers of long-term empty property in the Borough, and to increase the supply of well managed private rented accommodation.

Block Repair Assistance

- 4.14 In some instances it is more beneficial, both economically and in terms of the outcome, to repair the external parts of a whole terrace of properties where they share common problems and visually detract from the appearance of an area. Although Block Repair has not been used in Halton for many years it is considered appropriate to retain the power to offer assistance bearing in mind their potential role.
- 4.15 Property must be over 40 years old and assistance will be in the form of a 75% grant and 25% interest free loan. All owners must agree to participate in the scheme, the Council will organise the works, and all schemes will be subject to approval by the Council's Executive Board Sub given the significant resources this type of scheme requires.

Relocation Assistance

- 4.16 At its discretion, the Council may offer grant assistance to help an owner-occupier move to and/or adapt a different property if it is not reasonable or practicable to adapt the present home. The Council, in circumstances where it is satisfied that the applicant cannot afford a suitable alternative property within the locality, may offer a grant of up to £10,000 to assist with relocation and purchase of a more suitable home. This will not prevent an application being made to carry out essential works to adapt the new home if necessary.

Partnership Working

- 4.17 Much of what local authorities do involves partnership working, and housing is no exception. The following describes the initiatives developed in partnership to achieve the Council's objectives and those of its partners.

Energy Efficiency

- 4.18 The Council works closely with, and partly funds, the work of the Cheshire Energy Efficiency Advice Centre (CHEEAC) for the provision of a free phone energy advice service to all Halton residents. The organisation has expertise in all energy related matters and signposts clients to the various grants that are available to assist householders with energy efficiency improvements, and in particular it refers eligible clients to the Government funded Warm Front scheme. It also plays a vital role in raising awareness of energy matters in the Borough through promotional activity.
- 4.19 CHEEAC also manages two grant aid schemes funded by the Council, known as Energy Zone and the Hearth Scheme, which provide discounted energy efficiency measures such as loft and cavity wall insulation and central heating.

Halton Care and Repair Agency

- 4.20 In partnership with the client, the Private Sector Housing Team provides a full agency service to private sector housing clients accessing Disabled Facilities Grants, Major and Minor Works Assistance. This ranges from initial help and advice to complete the application forms to a full architectural design and contract administration service.
- 4.21 Based on a 60% questionnaire return rate satisfaction levels with the service are very high, with 93% reporting the service as “good” or “very good”, rising to 100% when “satisfactory” is included. The client’s main concerns are the length of time they have to wait.

Landlord Forum

- 4.22 Over the last two years significant effort has been put into establishing a Landlord Forum, to improve communication and relationships with private sector landlords. An established group has now developed that meets three times a year, and the events are a useful means of addressing the concerns of the various parties, and for cascading information about Council initiatives and legislative change.

Landlord Accreditation Scheme

- 4.23 One direct benefit of the Landlord Forum has been joint working to develop a mutually acceptable Halton Landlord Accreditation Scheme. The scheme offers a number of benefits to members in return for adherence to certain minimum management standards. Initial signs are promising and the Council will endeavour to maximise the number of landlords registering for the scheme over the coming years.

Handy Person Scheme

- 4.24 The Council and Age Concern jointly developed this scheme, originally with the help of Single Regeneration Budget (SRB) resources and now Neighbourhood Renewal Funds, to provide a service where elderly vulnerable residents could apply to have minor repairs done. Now managed by Halton Age Concern, it provides a service where the applicant pays for the materials and the scheme provides the labour.

Resources

- 4.25 In the 3 years since the last strategy was implemented (2003/04 to 2005/06) the Council has invested £3.2m in private sector renewal assistance as follows –

Renovation/ Home Repair Assistance Grants	£1,488,000
Disabled Facilities Grants	£1,584,000
Energy Efficiency Promotion	£ 152,000
Total	£3,224,000

This has enabled the Council to make fit 160 properties, provide adaptations in 172 properties, and secure energy efficiency improvements to approximately 1,000 properties.

- 4.26 Subject to there being no significant change in the pattern of financial settlement given to the Council, resources for the years 2006/07 to 2008/09 are forecast as follows –

Major/Minor Works/Accredited Landlord Assistance	£1,452,000
Disabled Facilities Grants	£1,980,000
Energy Efficiency Promotion	£ 210,000
Total	£3,642,000

- 4.27 This reflects both an increase in resources, and a slight shift from Major and Minor Works Assistance to Disabled Facilities Grants to reflect the significant backlog of applications for adaptation works. Even so clients applying for assistance, and for DFGs in particular, may experience delays due to inadequate levels of resources.

Action Plan

- 4.28 The action plan on the following page sets out what the Council intends to do over the next 3 years to meet or contribute to the objectives set out at the start of section 4.

Action Plan

Desired Outcome	Action	Timescale	Funding Implications	Dependencies
Updated house condition data to inform strategy and provide baseline for decent homes monitoring.	Undertake house condition survey.	Complete by December 2008.	One off revenue growth bid for 2008/09.	Resources. Officer time.
Secure annual reduction in non-decent owner occupied homes occupied by vulnerable households.	Target financial assistance on relevant households by advertising in Press twice per year, and distributing leaflets to Contact Centres.	Ongoing.	Funded from existing operational budgets.	Take up of assistance by clients.
Ensure all relevant HMOs are licensed.	Identify HMOs, inspect premises, and ensure requisite standards are met, through enforcement action if needs be. Establish future inspection programme.	Complete by June 2007.	Costs covered by agreed scale fees.	Officer time. Ability to identify premises.
An increase in the number of private lets covered by the Landlord Accreditation Scheme.	Promote LAS to all Landlords, review satisfaction with scheme annually.	First review April 2008.	Funded from existing operational budgets.	Take up by Landlords and their agents.
Agency services are available to individual owner occupiers accessing all forms of housing financial assistance	Extend access to Care and Repair services to Major and Minor Works Assistance clients.	By June 2007.	Funded by additional Supporting People finance.	Officer time and client take up.

Desired Outcome	Action	Timescale	Funding Implications	Dependencies
Increased supply of experienced contractors to undertake housing works.	Develop approved contractor list.	By October 2007.	Funded from existing operational budgets.	Officer time. Capacity of local builders.
Improved literature about housing assistance.	Review all literature and amend as necessary, to include BME straplines.	By June 2007.	Funded from existing operational budgets.	Officer time.
Service standards established.	Develop and introduce service standards after consultation with stakeholders.	By August 2007.	Funded from existing operational budgets.	Officer time.

5. MISCELLANEOUS AND COMPLAINTS

- 5.1 Whilst every effort has been made to frame the policies set out in this document in a clear manner to remove any doubt about what the assistance is for, eligibility, and other conditions that apply, applications may arise in which there are exceptional circumstances not covered by this document, where there are compelling reasons to justify providing assistance.
- 5.2 For example this may be where the spirit of the policy clearly intends to provide assistance in a particular set of circumstances, but the policy has been worded in a way that unintentionally precludes help being given.
- 5.3 In these circumstances the Strategic Director of Health and Community will have discretion to determine whether or not such exceptional applications can be approved. The Director will also consider appeals for assistance that exceed the specified maximum amounts where the officer dealing with the application has initially refused to approve the excess amount.
- 5.4 Alternatively, if the complaint is not about the policy but about the way in which a service was provided, or the way in which an application for help or advice was handled, the complaint should be made initially to the officer concerned in the hope that he/she can resolve the problem.
- 5.5 Should the complaint not be resolved, the Council has a formal complaints procedure set out in a booklet called "Any Complaints". Copies are available at main Council offices or can be requested by telephoning 0151 907 8300.

FORMS OF HOUSING ASSISTANCE

Major Works Assistance

Purpose

This form of discretionary assistance is intended for the improvement or repair of private sector housing within the Borough which is deemed unsuitable for occupation because it contains a Category 1 hazard under the Government's Housing Health and Safety Rating System, or several Category 2 hazards that together constitute a danger to the health and safety of the occupier, and to make such property meet the decent homes standard.

Eligibility

Priority will be given to applicants that meet the following criteria –

1. The applicant must be the owner-occupier of the property to be improved and occupy it as their only or main residence. Assistance is not available to occupiers of mobile homes or houseboats.
2. The property must be a minimum of 40 years old at the date of enquiry, and the applicant must have owned and occupied the property for a minimum of 3 years prior to the application.
3. Applicants in receipt of one of the following benefits will automatically be eligible to apply –

Income Support
Housing Benefit
Council Tax Benefit
Pension Credit
Income Based Job Seekers Allowance
War Disablement Pension

A financial means test will be applied to those not on one of the above benefits to determine eligibility.

4. Eligible works include those necessary to rectify the Category 1 and 2 hazards, and any other works required to make the property meet the Government's Decent Homes Standard. Assistance for works to alleviate overcrowding will not be given.

Conditions

5. Assistance will be based on maximum construction and professional fees/associated costs of £35,000. Where these costs exceed £35,000 applications will only be approved after undertaking a “value for money” assessment to determine whether financial assistance to repair/improve would be the best use of public money.
6. At approval stage 75% of any assistance offered will be in the form of a grant, and 25% will be an interest free loan secured as a legal charge against the dwelling. The loan is repayable to the Council when the applicant disposes of their interest in the property. An individual can choose to repay the loan earlier if they wish.
7. If, after the application has been approved, the final costs increase due to unforeseen works agreed in advance by the Council, these extra costs will be paid for as grant, not loan.
8. Although assistance will not be given just for these works, the Council will, where practicable, require the application to include works for –
 - Gas/electrical/fire safety
 - Energy efficiency improvements
 - Security measures

Other grants are sometimes available for energy efficiency works (e.g. Warm Front grants), and the Council will expect that these be used to finance such works before agreeing to include them in a Major Works Assistance application. The Council will advise on their availability.

9. The applicant must provide 3 separate builders quotes for the works. The builders must not be related to, or be, the applicant. If an applicant is unsure whether a particular relationship breaches this criterion, he/she should disclose the relationship when submitting the quotes.
10. Eligible costs for kitchen cabinets and bathroom sanitary fittings will be determined on a case by case basis by reference to the Council's schedule of rates
11. Works must be completed within one year of the application being approved. Time extensions may be considered in exceptional circumstances.
12. It is a condition that the applicant must continue to own and reside in the property for a period of 3 years after the completion of the works. If this condition is breached, the financial assistance will be repayable to the Council as follows -

- Disposal within the first year 100%
- Disposal within the second year 75%
- Disposal within the third year 50%

Thereafter the applicant will just have to repay the sum secured by the property charge (the loan).

13. Applications relating to works that have previously been financially assisted by the Council will not normally be considered within 15 years of the completion of the previous application. In the case of central heating boilers, fixed heating appliances and flat roofs, this period is reduced to 10 years.
14. Where a property is jointly owned, the application form and legal charge/loan forms must be signed by each owner.
15. Where the applicant dies before the approved works are complete, the Council will pay an amount of grant proportionate to the amount of the works that have been completed. The Council will exercise its discretion in determining whether or not it would be appropriate to pay for some or all of the outstanding works, although this will normally be restricted to making the property safe and weathertight. In these circumstances the Council will require repayment of the loan but not the grant.
16. Any breach of these conditions may result in the Council seeking full repayment of the grant subject only to the exceptions set out in the Council's policy for waiving or reducing the repayment of housing assistance.
17. Financial assistance is discretionary and will be made available subject to the Council having adequate resources

Minor Works Assistance

Purpose

This form of discretionary assistance is intended for smaller scale works to deal with defects in private sector homes that pose an imminent risk to the health or safety of the occupier (where Major Works Assistance would not be appropriate, or where the property is not old enough). Additionally assistance may be given for minor works related to a Disabled Facilities Grant application.

Eligibility

1. The applicant must be the owner-occupier of the property to be repaired or be a tenant under a protected tenancy arrangement with certain obligations to undertake repairs. The property must have been owned and occupied as the applicant's only or main residence for a minimum of one year at the date of enquiry. Owners of mobile homes are also eligible subject to the same conditions of occupation.
2. Owners of houseboats are also eligible but must produce evidence that they have had exclusive mooring rights in Halton for a period of not less than one year before the date of the enquiry for the grant, and unexpired rights for a further one year.
3. The defects for which assistance is being sought must be judged to represent a Category 1 hazard under the Government's Housing Health and Safety Rating System, or several Category 2 hazards that together constitute an imminent risk to the health and safety of the occupier.
4. The property must be a minimum of 10 years old at the date of enquiry.
5. Applicants must be in receipt of one of the following benefits –

Income Support
Housing Benefit
Council Tax Benefit
Pension Credit
Income Based Job Seekers Allowance
War Disablement Pension

Conditions

6. Assistance will be provided in the form of a grant up to a maximum of £6,000 (which includes the administrative fee). If, after the application has been approved, the final costs increase due to unforeseen works agreed in advance by the Council, the grant offered will be increased to cover the costs.

7. Where the property inspection reveals multiple defects exceeding £6,000 the applicant, if eligible to do so, will be required to apply for Major Works Assistance to have all the works undertaken at the same time. If the applicant is not eligible for Major Works Assistance, assistance will be given to deal with the most urgent works.
8. Successive applications will not be considered until one year has elapsed since the completion of the works that were the subject of the previous application.
9. Applications relating to works that have previously been financially assisted will not be considered within 15 years of the completion of the previous application. In the case of central heating boilers, fixed heating appliances and flat roofs, this period is reduced to 10 years.
10. The applicant must continue to reside in the property for a period of one year after the date of completion of the works.
11. The applicant must provide 3 separate builders quotes for the works. The Council will use its discretion to reduce this requirement where the applicant can demonstrate that they have been unable to obtain 3, and in the case of mobile homes and houseboats where the number of suitably qualified locally based contractors is limited.
12. Applications to replace defective gas central heating boilers will normally only be considered if the boiler is over ten years old and cannot be replaced under any other energy efficiency scheme such as Warm Front.
13. Although assistance will not be given just for these works, the Council will, where practicable, require the application to include works for –
 - Gas/electrical/fire safety
 - Energy efficiency improvements
 - Security measures (window locks etc.)

Other grants are sometimes available for energy efficiency works, and the Council will expect that these be used to finance such works before agreeing to allow them for Minor Works Assistance. The Council will advise on their availability.

14. Works must be completed within six months of the application being approved. Time extensions may be considered in exceptional circumstances.
15. Any breach of these conditions may result in the Council seeking full repayment of the grant subject only to the exceptions set out in the Council's policy for waiving or reducing the repayment of housing assistance.

16. Financial assistance is discretionary and will be made available subject to the Council having adequate resources.

Accredited Landlord Loan Assistance

Purpose

This is discretionary assistance for accredited landlords who wish to acquire property that has been vacant for more than 1 year, which they intend to let out subsequently for a minimum of 5 years.

Eligibility

1. The premises must be a minimum of 40 years old at the date of enquiry and have been vacant for a period of not less than one year when purchased, as determined by Council Tax records.
2. The applicant must be a landlord accredited under the Halton Landlord Accreditation Scheme, and have been accredited for a period of not less than one year.
3. Eligible works include those necessary to rectify Category 1 and 2 hazards, and any other works required to make the property meet the Government's Decent Homes Standard.

Conditions

4. Assistance offered will be in the form of an interest free loan secured as a legal charge against the premises. The loan is repayable to the Council when the applicant disposes of their interest in the property. An individual can choose to repay the charge earlier if they wish.
5. Maximum eligible costs (including professional fees) are £20,000 and assistance will be provided for 50% of the cost of eligible works (e.g. £10,000 maximum).
6. The premises must meet the decent homes standard on completion of the works.
7. Assistance will not be provided for premises which are intended to be let out as a house in multiple occupation.
8. The applicant must provide three separate builders quotes for the proposed works.
9. Works must be completed within one year of the application being approved. Time extensions may be considered in exceptional circumstances.
10. The applicant must continue to let out the premises for a period of not less than five years after the completion of the works, and throughout this period the landlord must remain accredited under the Halton Landlord Accreditation Scheme.

11. Any breach of these conditions may result in the Council seeking full repayment of the assistance subject only to the exceptions set out in the Council's policy for waiving or reducing the repayment of housing assistance.
12. Financial assistance is discretionary and will be made available subject to the Council having adequate resources.

Block Repair Assistance

Purpose

When a group of privately owned properties (typically in a terrace) are all in need of external repair to the roofs or brickwork, the Council may ask the owners to join in a block repair scheme so that the necessary work can be done at one time by the same contractor. This has the effect of creating financial savings, both for the Council and the owners, compared to the cost of improving properties one at a time. It also improves the appearance of the properties.

Block Repair schemes have to be approved by the Council's Executive Board Sub before they can proceed as they can take up a significant amount of financial resources.

Eligibility

1. The applicant must be the owner-occupier of the property to be improved and occupy it as their only or main residence, or be a Landlord owner of the property. The property must be a minimum of 40 years old.
2. Financial assistance is discretionary and will be made available subject to the Council having adequate resources and deciding that Block Repair is an appropriate method of tackling the external structural problems that exist.

Conditions

3. Every owner in the group of properties must consent to proceed with the proposed works for the scheme to be approved.
4. The Council will organise and supervise the works.

75% of any assistance offered will be in the form of a grant, and 25% will be an interest free loan secured as a legal charge against the dwelling, to be repaid to the Council when the applicant disposes of their interest in the property. An individual can choose to repay the charge earlier if they wish.

5. If, after the application/scheme has been approved, the final costs increase due to unforeseen works, these extra costs will be paid for as grant, not loan.
6. It is a condition that the applicant must continue to own and reside in the property for a period of 3 years after the completion of the works (or let the property out for a similar period in the case of landlords). If this condition is breached, the financial assistance will be repayable to the Council as follows -

- Disposal within the first year 100%
- Disposal within the second year 75%
- Disposal within the third year 50%

Thereafter the applicant will just have to repay the sum secured by the property charge (the loan). The circumstances in which the requirement to repay grant and/or loan will be reduced or waived are set out in the Council's policy for waiving or reducing the repayment of housing assistance.

7. Where the applicant dies before the approved works are complete, the Council will pay an amount of grant proportionate to the amount of the works that have been completed. The Council will exercise its discretion in determining whether or not it would be appropriate to pay for some or all of the outstanding works, although this will normally be restricted to making the property safe and weathertight. In these circumstances the Council will require repayment of the loan but not the grant.

Disabled Facilities Grants

Purpose

These grants are provided for works to adapt the homes of chronically sick or disabled persons to enable them to continue to live independently in their homes. Typically they are for works to allow individuals to get in and out of their home, to move around their home safely, and to improve access to bathing and toileting facilities.

Applications must be supported by an assessment from a specialist (e.g. an Occupational Therapist) from either the Council's Independent Living Team or one employed by the applicant. Most Registered Social Landlords (Housing Associations) will organise these works for their tenants if supported by a referral from the Independent Living Team.

The Disabled Facilities Grant scheme is a statutory one meaning that the rules and regulations about eligibility etc. are set out in law rather than Council policy. A more detailed leaflet is available upon request. The Council has discretion in only a few areas. It is also the only grant that the Council is legally obliged to provide.

Eligibility

The detailed scheme conditions are set out in Part 1 of the Housing Grants, Construction and Regeneration Act 1996 but the following summarises some of the main points.

1. The applicant must be the owner or tenant of the property to be adapted (this includes owners of mobile homes or houseboats), although this may not necessarily be the person for whom the works are required. A Landlord may support an application on behalf of a disabled tenant, and foster parents can apply for a disabled child in their care provided the fostering arrangement is intended for a minimum of 5 years.
2. The Occupational Therapist or other specialist must be satisfied that the proposed works are necessary and appropriate to meet the disabled person's needs.
3. The application will only be approved if the proposed works are reasonable and practicable, taking into account the age, condition and layout of the property.

Conditions

4. At its discretion, the Council may alternatively offer grant assistance to help an owner-occupier move to and/or adapt a different property if it is not reasonable or practicable to adapt the present home. When the

Council is satisfied that the applicant cannot afford a suitable alternative property, it may offer a grant of up to £10,000 to assist with relocation to and the purchase of a more suitable property, to include legal fees, moving expenses and purchase costs, payable only on completion of the move. This will not prevent an application being made to carry out essential works to adapt the new home if necessary.

5. The applicant, and any owner in the case of a landlord, must sign a certificate stating the intention that the disabled person will occupy the property as their only or main residence for a period of five years after the works are completed (or such shorter period as the person's health or other relevant circumstances permit).
6. The grant is means tested except in the case of applications for children and young persons as defined in the legislation.
7. Some works are considered essential or "mandatory" to meet an individual's needs. Others are considered non-essential or "discretionary". Grant will not be paid for discretionary works.
8. The Council will award Disabled Facilities Grant up to the statutory maximum (currently £25,000 including all professional and planning fees, VAT and any client contribution etc.). However, under the Chronically Sick and Disabled Persons Act 1970 the Local Authority can consider the needs of disabled people and under this provision additional Social Service financial support has been provided to a number of people in the past. This policy will be continued within available resources.
9. The Council is required to approve or reject any application within six months of receiving a valid application and any other relevant information reasonably required.
10. Although an applicant is only required to submit two quotes for the work, the Council recommends obtaining three. Where the applicant or a relative undertakes the work, grant will only be paid for the cost of materials.
11. Works must be completed within one year of the application being approved. Time extensions may be considered in exceptional circumstances.
12. Where the disabled person dies, or ceases to use the property as the main place of residence, or their intention to occupy the property changes, before the approved works are complete, the Council will pay an amount of grant proportionate to the amount of the works that have been completed. The Council will exercise its discretion in determining whether or not it would be appropriate to pay for some or all of the outstanding works, although this will normally be restricted to making the property safe and weathertight.

Applications will be prioritised in consultation with the Independent Living Team according to the relative urgency of the works after taking account of the applicant's circumstances. However every effort will be made to approve all applications within six months of receipt.

HOUSING ENFORCEMENT POLICY

The Housing Act 2004 introduces a new means of assessing the suitability of dwellings in the form of the Housing Health and Safety Rating System (HHSRS) and a variety of enforcement options for local authorities to use. The HHSRS replaces the long established fitness standard and repeals the provisions relating to this in the Housing Act 1985 (as amended by the Housing and Local Government Act 1989).

In addition the previous legislation concerning repair notices for dealing with deficiencies in dwellings and much of the previous legislation relating to HMOs is repealed and replaced by new enforcement options, licensing provisions and regulations. This enforcement policy is being introduced to replace the previous 2003 policy in order to reflect the changes introduced by the new legislation.

Formal enforcement action can be particularly important in the case of rented properties and HMOs in the private sector, where some of the worst housing conditions are to be found. The Council's Policy will be to take account of the views and circumstances of tenants, landlords and owners, and we will consult where appropriate with social services, housing management officers, and other support agencies in dealing with vulnerable occupants. The Council will also adopt the principles of the Government's Enforcement Concordat, as a basis for fair, practical and consistent enforcement.

Housing Health and Safety Rating System (HHSRS)

The HHSRS and powers available apply to all types of residential premises, including HMOs, purpose built blocks of flats and converted flats regardless of tenure type i.e.

- owner occupied
- privately rented
- RSL owned properties.

The Government has introduced the Housing Health and Safety Rating System (England) Regulations 2005 (SI R005 no 3208), the Housing Health & Safety Rating System Operating Guidance and the Housing Health & Safety Rating System Enforcement Guidance, and the Council will have regard to these in the operation of this policy.

The HHSRS will be used to determine whether or not any action is required by the Council to address unsatisfactory conditions in the housing stock. There are 29 potential hazards in relation to the HHSRS. The Council's enforcement officers will undertake as full an inspection of premises as possible in obtaining relevant evidence of any hazards whether minor or serious. Officers will have regard to the HHSRS operating guidance in assessing and rating the severity of hazards and will determine whether any

category 1 or category 2 hazards exist in or at the premises. The inspections will be to establish whether or not there are any deficiencies and to assess their potential harmful effects on the health, safety and well being of any current or potential occupants or visitors to the premises.

The assessment of hazards will be a two-stage process to: -

- consider the likelihood of an occurrence within 12 months following an inspection.
- consider the range of probable harm outcomes in the event of an occurrence taking place.

These two factors will be combined using the standard method to score each hazard and to determine whether it is a category 1 or category 2 hazard.

The scores from different hazards will not be aggregated, but the presence of a number of category 2 hazards may be a factor in the officer deciding what enforcement action to take. In some cases occupants may encounter one minor hazard after another as they move around the property to such an extent they may create a less safe environment than one with a single high scoring hazard alone.

In determining the appropriate action to be taken having assessed the relevant hazards the officer will consider: -

- the hazard score as determined under the HHSRS
- based upon the score whether the Council has a duty or discretion to act.
- the most appropriate means of dealing with the hazard, taking into account the potential and actual occupants.

Powers and Duties

In considering taking formal enforcement action the Council will have regard to the principles of the Enforcement Concordat. The Council has a general duty to act in relation to a category 1 hazard and must take one of the following actions: -

- serve an improvement notice in accordance with Section 11 of the Act
- make a prohibition order in accordance with Section 20
- serve a hazard awareness notice in accordance with Section 28
- take emergency remedial action under Section 40
- make an emergency prohibition order under section 43
- make a demolition order under Section 265 of the Housing Act 1985 as amended
- declare a clearance area by virtue of Section 289 of the Housing Act 1985 as amended.

The Council has similar powers to deal at its discretion with category 2 hazards, but cannot use the emergency measures, demolition orders or clearance area provisions in response to category 2 hazards unless the circumstances have been prescribed in regulations. No such regulations have been made at the present time.

In accordance with Section 8 of the Act the officer will provide a statement of reasons for the decision they have taken and a copy of the statement will accompany any notices, copies of notices and copies of any other order served under Part 1.

The assessments of hazards under the HHSRS is based on the risk to the potential occupant who is most vulnerable to that particular hazard however in the decision making process regard will be had to the present occupants in determining the action to be taken. Some account of the views of the occupants will also be taken.

Enforcement Options

Improvement notice

This is a possible response to a category 1 or 2 hazard under section 11 or 12 of the Act. Under Section 11 the action to be taken must as a minimum remove the category 1 hazard but may extend beyond this. The notice should try to ensure that any works required are carried out to a standard that prevents the building elements deteriorating and should try to avoid “patch and mend” repairs which may require the Council to take action again should conditions deteriorate.

The notice may relate to more than one category 1 hazard. Where multiple hazards include category 2 hazards the same notice can require action to deal with both category 1 and 2 hazards. The notice cannot require remedial works to start within 28 days of the service of the notice. Appeal against the notice to a Residential Property Tribunal must be made within 21 days of service of the notice. The Council has the power to carry out work in default with or without the agreement of the person on whom the notice was served.

Prohibition Order

This is a response under Section 20 or 21 of the Act to a category 1 or category 2 hazard. It may prohibit the use of part or all of the premises for some or all of the purposes, or occupation by particular members or descriptions of people.

The order becomes operative 28 days after it is made unless the order is appealed. Any appeal must be made to the Residential Property Tribunal within 28 days from the date the order was made.

Emergency Remedial Action and Emergency Prohibition Orders.

The Council has discretion to take emergency enforcement action against category 1 hazards that present an imminent risk of serious harm to occupiers. In such circumstances the Council will take the remedial action to remove a hazard and recover reasonable expenses or will be able to prohibit the use of all or part of a property. The owner will be able to appeal but any appeal will not prevent the action from being taken or the prohibition being put into effect.

The Council may enter the premises at any time to take: -

- emergency remedial action or
- to make an emergency prohibition order
- an emergency prohibition order is served on the day it is made

Appeals may be made to the Residential Property Tribunal within 28 days of the date of the emergency remedial action being taken or the date of the emergency prohibition order being made.

Hazard Awareness Notice

This is a response under Section 29 to a normally less serious hazard where the Council wishes to draw attention to the desirability of remedial action. It is also a possible response under Section 28 to a category 1 hazard as long as no management order is in place under Part 4 of the Act. There may be circumstances where works of improvement or prohibition of use are not reasonable or practicable in which case a hazard awareness notice might be appropriate.

The procedure does not require further action by the person served with the notice but the Council may consider monitoring any hazard awareness notice that it serves. There is no appeal provision against the notices. The council may serve a hazard awareness notice where a person has agreed to take remedial action and the Council are confident the work will be carried out in a reasonable time. In the event of non-compliance the Council may then take further formal action to remove unacceptable hazards.

Demolition Order

The option to serve a demolition order remains available under Part 9 of the Housing Act 1985 as amended, where this is the appropriate course of action to take in response to category 1 hazards. An appeal can be made to the Residential Property Tribunal within 21 days of service of the order.

Clearance Areas

The provisions of part 9 of the 1985 Act as amended are retained in respect of clearance areas with certain changes to align with the new legislation. The Council can declare a clearance area if it is satisfied that each of the

residential buildings in the area contain one or more category 1 hazards (or that these buildings are dangerous or harmful to the health or safety of the inhabitants as a result of their bad arrangement of the narrowness or bad arrangements of the streets); and any other buildings in the area are dangerous or harmful to the health of the inhabitants.

Power to Charge for Enforcement Action

The Council may decide to make a reasonable charge to recover certain expenses incurred with the taking of enforcement action as mentioned above. The charges may relate to: -

- the inspection of premises
- the consideration of action to be taken
- the service of notices.

The Council is not making charges for enforcement action at the present time.

Informal Action

In most cases the Council will adopt an informal approach to try to resolve matters, in keeping with the Government's Enforcement Concordat. Where an owner or landlord agrees to take the required action, the Council will be prepared to give the person a reasonable amount of time to undertake the necessary action before resorting to formal action.

In some cases a hazard awareness notice might be served to document the process. In some cases however, where for instance there is considered to be a high risk to the health or safety of the occupant or where there are concerns perhaps through previous experience that the owner/landlord will not co-operate, then formal action will be commenced without the need for an informal approach.

The Council has introduced a scheme for the accreditation of landlords within the borough in order to develop closer working relationships enabling greater scope for informal arrangements to be agreed. The Council will promote and provide support to landlords who are prepared to meet agreed standards in terms of management and property conditions.

Situations where a service may not be provided to tenants

The Council will obviously want to assist tenants in securing necessary repairs etc to their homes. However in some circumstances it may not be considered appropriate to offer a service e.g.:

- Where the tenant unreasonably refuses access to the landlord, managing agent or landlord's builder, to arrange or to carry out the works.
- Where the tenant has, in the opinion of the Council, clearly caused the damage to the property and there are no other items of disrepair etc.

- Where the tenant has failed to keep an appointment with the investigating officer and has then not responded to a letter or appointment card requesting them to make further contact.
- Where the tenant is shortly intending to move out of the property.
- Where the tenant is already in the process of taking a private legal action regarding the matter and is pursuing a claim for compensation from the landlord.

Re –Connection Of Services

Statutory powers will be used to ensure the re-connection (or to prevent the disconnection) of the gas, electricity or water supply, to tenanted properties where the tenant is not responsible for payment of the bill.

Where section 33 of the Local Government (Miscellaneous Provisions) Act 1976 is used the cost of re-connection and/or payment of the bill will be charged to the owner.

Harassment/Illegal Eviction

The Protection from Eviction Act 1977 makes it a criminal offence for any person to evict a tenant without following the correct procedure. The act also makes it a criminal offence for a landlord, their agent, or any other person to harass a tenant with the aim of making them leave their home. The Council considers both the harassment and illegal eviction of tenants to be serious matters and will endeavour to give guidance to those who are victims of such actions, and to prosecute offenders in appropriate circumstances.

Caravan Sites

The Council has responsibility for residential caravan sites particularly in relation to the provisions of the Caravan Sites and Control of Development Act 1960.

The responsibilities include:

- The issuing of site licences for residential caravan sites.
- Liaison with site owners and homeowners regarding contravention of site licence conditions.

Whenever possible an informal approach is used to resolve concerns over site licence conditions, however enforcement action will be considered in appropriate circumstances.

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

The Housing Act 2004 contains various new responsibilities and powers for Local Authorities in dealing with Houses in Multiple Occupation (HMOs). From 6th April 2006 Councils were required to introduce mandatory licensing schemes for certain higher risk HMOs.

Larger HMOs which include bedsits and shared houses often have poorer physical and management standards than other privately rented properties, and the people who live in them are often amongst the most vulnerable and disadvantaged members of society. It is therefore considered important that such properties are properly regulated.

HMO definition

A HMO is a building or part of a building such as a flat that: -

- Is occupied by more than one household and where more than one household shares or lacks an amenity – such as a bathroom, toilet or cooking facilities, or
- Is occupied by more than one household and which is a converted building, but not entirely self-contained flats (whether or not some amenities are shared or lacking), or
- Is converted into self-contained flats, but does not meet the requirements of the 1991 Building Regulation, and at least one third of the flats are occupied under short tenancies.

and if more than one household occupies the building: -

- As their only or main residence, or
- As a refuge for people escaping domestic violence, or
- By students during term time, or
- For other purposes prescribed by the government.

A household is: -

- A single person, or
- A family such as husband and wife, co-habiting couple, same sex couple and related family members e.g. son, daughter, uncle, aunt, nephew, niece etc, or
- Other relationships as prescribed by the government

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 – (SI no 373 2006) gives further guidance on persons to be regarded as forming a single

household and persons to be treated as occupying a property as their only or main residence.

Exemptions

Certain buildings cannot be defined as HMOs, irrespective of whether they meet the definitions above and include: -

- Buildings managed by a Local Authority, Registered Social Landlord, Police, Fire Authority or Health Authority.
- Buildings occupied by religious communities.
- Buildings predominantly owner occupied, including resident landlords where the owner-occupier (and his family) occupies the building (or flat) with no more than two other persons.
- Buildings occupied by only two persons who do not form a single household.

Mandatory Licensing Requirement

The licensing regime is intended to ensure that: -

- Landlords of HMOs are fit and proper persons or employ managers who are fit and proper persons.
- Each HMO is suitable for occupation by the number of people allowed under the licence.
- The standard of management of the HMO is adequate.

HMOs that meet the following definition are required to be licensed: -

- All HMOs of three or more storeys and occupied by 5 or more persons (comprising of at least two households).

Note – “Storey” includes basements and attics if they are occupied, (including by a resident landlord) or have been converted for occupation or are in use in connection with the HMO. Commercial premises, e.g. shops, offices on the ground or any upper floor are also included in the calculation of the number of storeys but not basements in purely commercial use.

See - The Licensing of House in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 – (SI no 371 – 2006)

Licensing Process

Anyone who owns or manages an HMO that is subject to the Mandatory Licensing requirement must apply to the Council for a licence.

The applicant will be required to complete the Council’s application form as owner or manager of the relevant HMO and must provide any supporting information reasonably required by the Council to enable the Council to exercise their licensing functions.

Upon receipt of an application the Council will decide as soon as reasonably practicable whether any action is required under Part 1 of the Act in relation to the Housing Health and Safety Hazard Rating System (HHSRS), and in any case must do that within a period of 5 years from receiving the application.

The Council will determine applications for licensing in accordance with any existing guidance set down by the Government.

The Council will grant a licence if it is satisfied that: -

- The HMO is reasonably suitable for occupation or can be made suitable for the number of intended occupants.
- The proposed licence holder is a fit and proper person.
- The proposed licence holder is the most appropriate person to hold the licence.
- The proposed manager, if there is one, is a fit and proper person.
- The proposed management arrangements are satisfactory.

The Council may refuse to grant a licence if it does not appear that any or all the above conditions will or can be met.

In approving the licence if the Council deem that the arrangements are unsatisfactory for the proposed number of occupants then it may: -

- Approve the licence for a lesser number of occupants, or
- Impose by condition of the licence that specified works are required within a given timescale to bring the property to a desired standard for the proposed number of occupants.

The Council is required to assess whether the applicant, any manager and any person associated with them or formerly associated with them are a fit and proper people to own or manage an HMO. A person will be considered fit and proper if the Council is satisfied that:

- They have no unspent convictions relating to offences involving fraud, dishonesty, violence, drugs or sexual offences.
- They have not practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- They have no unspent convictions relating to housing or landlord and tenant law.
- They have not been refused an HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approval code of practice under S233 of the Act within the last 5 years.
- They have not been in control of a property subject to an HMO Control Order, an Interim Management Order (IMO) or a Final Management Order (FMO) or work in default carried out by a Local Authority within the preceding five years.

- They have not been subject to legal proceedings by a Local Authority for breaches of planning, compulsory purchase, environmental protection or other relevant legislation.
- There is no evidence of any offence referred to above having been committed within the previous five years.

An unspent conviction or other failure is not necessarily automatic grounds for refusing a licence; other circumstances (e.g. training undertaken by the landlord or subsequent co-operation with the Local Authority) will be taken into account. Equally, the legislation refers to evidence of an offence; it is not necessary when refusing to accept someone as a fit and proper person to demonstrate that a conviction has been obtained. Evidence of spent convictions, i.e. those to which the Rehabilitation of Offenders Act 1974 applies, is not taken into account.

Where there is evidence of a problem, the Council will invite applicants to submit an explanation of their actions. The applicant will be required to account for the failure to comply with legislation, and satisfy the Council that this will not recur.

The licence if granted, will be for a maximum period of 5 years from the date of approval and will only apply to the particular HMO for which it is granted. The licence cannot be transferred to another person.

The licence will contain various conditions, which may include the following: -

- The production of valid gas safety certificates annually.
- Proof that electrical appliances and furniture are kept in a safe condition.
- The installation, proper siting and proof of maintenance of smoke alarms.
- Each occupier to have a written statement of the terms on which they occupy the property – a tenancy agreement.
- Restrictions or prohibitions on the use of parts of the HMO by occupants.
- Requirement to maintain all facilities and amenities in good repair and working order.
- Requirement to undertake specified works or repairs to be carried out within a specified timeframe.

In deciding on whether or not a HMO is suitable for occupation by a particular maximum number of households the Council will have regard to The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 – (SI no 373 2006) and any other guidance or amenity standards given by the Government or any recognised body e.g. CIEH or any local standards, later agreed by the Council.

Application Fees

The Council will charge a fee based upon the costs reasonably incurred in carrying out the administration of the licensing scheme. The cost of the licence application will be as follows: -

- £ 285 Per HMO (up to 6 habitable rooms)
- £ 295 Per HMO (up to 8 habitable rooms)
- £ 300 Per HMO (up to 10 habitable rooms)
- £ 310 Per HMO (11 or more habitable rooms).

Note – Habitable rooms are living rooms and bedrooms.

Variation or Revocation of a Licence

The Council may vary the terms of a licence at any time during its life in the following circumstances: -

- With the agreement of the licence holder, or
- Following a change in circumstances since the licence was granted.

A change in circumstances would include: -

- The discovery of new information.
- A change in any prescribed standards since the licence was granted.

The licence can be varied either under the Council's initiative or at the request of: -

- The licence holder, or
- Any person having an interest in the property (not tenants with an expired lease of 3 years or less), or
- Any person having control or managing the property, or
- Any person on whom the proposed licence imposes any restriction or obligation.

Where an application to vary a licence comes from any of the above the Council may refuse to do so having given consideration to the reasons for the request.

The Council may revoke a licence (i.e. bring it to an end before expiry by passage of time) in the following circumstances: -

- With the agreement of the licence holder.
- Where there has been serious or repeated breach of licence conditions.
- Where the licence holder or management are no longer deemed to be fit and proper persons to hold the licence or manage the property.
- Where the HMO has not been brought up to the standard required.

Interim and Final Management Orders

In certain circumstances, for example where unlicensed or problem HMOs present a risk to the health, safety or welfare of the occupiers of the property, the Council may apply to take over the management of the property. The owner retains their ownership rights. The Interim Management Order (IMO) lasts for a year to enable suitable permanent management arrangements to be made. If the IMO expires and there has been no improvement then the Council can issue a Final Management Order, which may last up to 5 years and can be renewed.

Appeals

Any person aggrieved by the Council in relation to: -

- Refusal of an HMO licence application
- Imposition of any conditions attached to a licence
- Revocation of a licence
- Variation of a licence
- Refusal to vary a licence
- Making of an Interim or Final Management Order.

can appeal to a Residential Property Tribunal.

Offences

It is an offence for any person who manages or controls an HMO, which is required to be licensed but is not licensed. Upon conviction, they may receive a fine of up to £20,000. It is also an offence for any person having control or managing an HMO to allow the property to be occupied by more people than are permitted by the licence or to fail to comply with licence conditions. In either case they may upon conviction be subject to fines of up to £5,000.

Rent Repayment Orders

Where housing benefit has been paid by the Council in respect of an unlicensed HMO that should have been licensed, the Council may apply to a Residential Property Tribunal for an order that the person authorised to receive rent payments e.g. the landlord, should repay a sum equivalent to the benefit paid. This can be for a period of up to 12 months. Similarly where any occupier has paid rent during a time when the HMO should have been licensed they may also appeal to a Residential Property Tribunal to claim back any rent they may have paid during the unlicensed period, again to a limit of up to 12 months. This can only be done if the Council has been successful earlier in taking proceedings against the person concerned.

Temporary Exemption Notices

The Council can if it deems fit serve a Temporary Exemption Notice (TEN) where a person who is required to hold a licence notifies the Council that they

propose to take steps to secure that the HMO no longer needs to be licensed. The TEN exempts the property from licensing for 3 months from the date the notice is served. If the situation is not resolved a second TEN may be served for a further 3 months. When this notice runs out the property must then either become licensed, cease to be licensable or may become the subject of an Interim Management Order.

Power of Entry

Where the Council considers that entry to premises is required to determine whether it requires a licence any officer duly authorised should be allowed entry at any reasonable time provided that the owner and any occupiers are given at least 24 hours notice.

There is no requirement to give notice where the Council considers that entry to the premises is required for the purpose of determining whether any offence has been committed (for example operating without a licence or breaching the conditions of a licence).

If entry is refused the Council can apply to the court for a warrant authorising entry (by force if necessary).

Register

The Council will provide and maintain a register of: -

- All licenses granted and in force.
- All Temporary Exemption Notices served and in force.
- All Management Orders made and in force.

The register will be available for inspection by the public.

HMO Management Regulations

The Management of Houses in Multiple Occupation (England) Regulations 2006 – (SI no 372–2006) apply to all HMOs, not just those which are subject to mandatory licensing. These place responsibilities on those having control of HMOs to ensure proper management and maintenance of amenities, gas, electricity and safety provisions. In addition they require occupants to co-operate with managers of HMOs in the reasonable execution of their duties.

Any person who fails to comply with the regulations commits an offence under Section 234(3) of the Housing Act 2004, which is punishable on conviction with a fine not exceeding level 5 on the standard scale, currently £5,000.

POLICY FOR WAIVING OR REDUCING THE REPAYMENT OF HOUSING ASSISTANCE

This policy sets out the circumstances under which the Council will consider reducing or waiving the repayment of grant and/or loan assistance provided under its Private Sector Housing Renewal Strategy. Decisions in these matters will be taken by the Operational Director for Health and Partnerships.

For the purposes of this policy a “disposal” of premises is a conveyance of the freehold or an assignment of the leasehold title.

Grant Assistance

1. Financial Hardship
A disposal made following such a change in the financial circumstances of the relevant person that he/she would suffer financial hardship if all or part of the amount of grant was repaid.
2. Employment
A disposal made to enable a relevant person to take up employment or to change the place of his/her employment.
3. Health and Well-being
A disposal made for reasons connected with the physical or mental health, or well being, of a relevant person.
4. Provision of Care
A disposal made to enable a relevant person to live with, or near, any person
 - (a) who is disabled or infirm and in need of care which the relevant person is intending to provide: or
 - (b) who is intending to provide care of which the relevant person is in need of by reason of disability or infirmity.
5. Insufficient Disposal Proceeds
Where the disposal proceeds are insufficient to repay any grant due to the Council.
6. Disposal to the Local Authority
A disposal to the Local Authority where the Authority acquires the premises for redevelopment using compulsory powers, or by negotiation with the same intent.

7. Inheritance
A disposal by a relevant person of premises to which an application for grant relates where those premises were vested in that person as a person taking under a will or on an intestacy and where the premises continue to be occupied by that person for the balance of the period specified in the original grant approval.
8. Matrimonial Causes
A disposal pursuant to an order made under the Matrimonial Causes Act 1973.
9. Annuity Disposal
A disposal to raise a retirement income from an insurance annuity where the relevant person retains the right to occupy the property until death. The individual must be at least 70 at the time of disposal.

Loan Assistance

If a disposal falls under the provisions of points 6 or 9 above, the Council may consider reducing or waiving any loan assistance that falls due to be repaid.

If a disposal arises as described in point 7 above, the requirement to repay the loan will be deferred until the next relevant disposal, secured by a continuing legal charge against the premises.

Consideration will also be given in circumstances where the disposal proceeds are insufficient to repay any loan due to the Council.

How to Apply

Requests under this policy should be made in writing prior to any circumstances that may result in a breach of grant and/or loan conditions, and be addressed to -

Principal Housing Inspector
Health and Community Directorate
Halton Borough Council
Dee Floor 1
Grosvenor House
Halton Lea
Runcorn WA7 2ED

Additional supporting documentation may be requested to enable a decision to be made. Subject to the speedy supply of such documentation a decision will normally be made within 1 calendar month.

Any person dissatisfied with a decision should use the Council's formal complaints procedure.

APPENDIX 5

SCALE OF FEES

Type of Works	Fee
<u>Minor works Assistance</u>	£200
<u>Care and Repair Agency Services -</u>	
Lifts and equipment only	£200
All other schemes	The higher of £500 or 9% of net contract value (*)
Administration charge for outsourced design consultancy	£200 in addition to (*)
Aborted work on schemes that are fully designed	6% of actual or estimated contract value.
	<u>VAT at 17.5% is charged in addition to the above fees.</u>