

Chichester District Council

CABINET

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Housing Standards Financial Assistance and Enforcement Policy 2020-2025

1. Contacts

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2. Recommendation

That Cabinet recommends to Council:

- 2.1 That the Housing Standards Financial Assistance and Enforcement Policy 2021-2026 set out in the appendix is approved
- 2.2 That the remaining existing budgets are used together with £233K, repurposed from the Affordable Housing Capital fund, to provide the financial assistance required to support this policy, as set out in 7.1, and a review of the policy and funding requirements is undertaken in year 3.
- 2.3 That the enforcement of the new Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 be delegated to the Director of Housing and Communities for enforcement under the new policy.
- 2.4 That the use of monies received through the issuing of fines to be used to meet the cost and expenses incurred in, or associated with, carrying out any such enforcement work.
- 2.5 That delegation be given to the Divisional Manager for Housing following consultation with the Cabinet Member for Housing, Communications, Licensing and Events to make minor amendments to the policy as required

3. Background

- 3.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 permits local housing authorities to provide financial assistance to their residents to enable property repair and improvement providing they first adopt a policy.

- 3.2 In early 2020 the Council commissioned the Building Research Establishment (BRE) to undertake a housing stock condition survey of all property within the district to establish overall condition and areas of concern requiring improvement. The report identified that an estimated 14% (6768) of the private sector stock (all stock excluding housing association properties), and 12% (1281) of the private rented sector had a Category 1 Housing Health and Safety hazard for Excess Cold. Furthermore 13.2% (6,535) of private sector dwellings and 9.9% (1,063) of private rented dwellings were estimated to have an Energy Performance Rating below Band E.
- 3.3 In the private sector stock, there were an estimated 12,107 dwellings with un-insulated cavity walls and 7,232 dwellings with less than 100 mm of loft insulation. Analysis of the energy efficiency variables indicated that the owner occupied stock had the highest average figures for the majority of variables including CO2 produced, energy and heat demands and energy and heat costs.
- 3.4 Whilst the Council will endeavour to assist and support residents to maintain and improve their properties, there may be instances when homeowners or landlords will resist undertaking required works to the detriment of their own, or their tenant's health and safety. Therefore alongside the Financial Assistance policy it is proposed that a new Housing Standards Enforcement policy will be introduced, to provide inspecting officers with the full range of powers to help raise property standards. The full draft policy is attached as an appendix to this report.

4 Outcomes to be Achieved

- 4.1 A new Financial Assistance and Enforcement Policy to be adopted which will help address poor standards of accommodation throughout the district by providing financial assistance to those residents most in need, and by ensuring suitable and effective enforcement tools are available for Officers to use where appropriate.

5 Proposal

- 5.1 That a new Financial Assistance and Enforcement Policy is introduced to outline how the Council will provide help to those in most need. Furthermore the policy will include a wider range of enforcement powers and how these will be used.
- 5.2 The financial assistance policy will include a new offer in relation to the Chichester Warm Homes Initiative with a stronger emphasis on providing carbon reducing measures. In addition financial assistance for Home Repairs Assistance will continue to be provided for properties with serious health and safety hazards, where the householder is on low income and unable to afford repairs. This assistance will remain as a charge on the property until sale and the funds can then be recouped.

6 Alternatives Considered

- 6.1 The Council must have an adopted strategy if it wishes to provide financial assistance to residents to assist them with property repairs and improvements.

Following the results of the stock modelling survey 2020 it is necessary to review the existing strategy and update the focus to target excess cold and fuel poverty in the worst affected areas.

- 6.2 Consideration could be given to dispensing with a financial assistance policy but this would be contrary to the Council's Housing Strategy 2020-25.
- 6.3 The Council must have an adopted policy if it wishes to use additional enforcement action to prosecution. The use of civil penalties will require officers to reach the same evidence threshold, but the process is often quicker and cheaper than instigating court proceedings. Furthermore the income from fines can be used to help meet enforcement costs.

7 Resource and Legal Implications

- 7.1 It is proposed that the Private Sector Grants and Loans fund, Home Extensions and Conversions fund and the Under-occupation fund be combined into one fund (the Private Sector Grants and Loans fund), so that the funds can be used more flexibly to meet demand and priority need.

- 7.2 Proposed funding of Financial Assistance for next 3 years

	Grant Funds		Totals
	Discretionary Private Sector Grants and Loans (Existing funds below to be combined into one fund)	Chichester Warm Homes Initiative	
Funding required for next 3 years	450	228	678
To be funded from			
Existing unspent budgets	Discretionary Private Sector Grants and Loans		69
	Conversions and extension Fund		122
	Under-occupation Fund		26
	Chichester Warm Homes Initiative		228
	Total		445
Affordable Housing Grant Fund			233
Total			678

In light of the pandemic and the more severe constraints on the Council's capital budgets, it is proposed to use the remaining unspent capital of £445k, as set out above and repurpose £233k uncommitted affordable homes capital fund to cover the funding requirement to support this policy for the first three years. A review of the policy and expenditure will then be undertaken in year 3 to consider the uptake of the funds and future funding requirements.

7.3 The team has two Senior Environmental Health Officers who are primarily responsible for delivering all aspects of housing standards work, and specifically Housing Health and Safety Rating System and enforcement issues in the district. Any significant increase in enforcement action would require additional staffing resources.

7.3 The regulations allow for any monies received through the issuing of fines to be used to meet the costs incurred in, or associated with the carrying out of any enforcement functions.

8 Consultation

8.1 A public consultation was held throughout November which asked respondents for their comments on the draft policy. The most frequent comment received was the request for the climate change emergency to be given a higher profile in the document. This has been taken account of since the draft document was shared with overview and scrutiny committee in September.

9 Community Impact and Corporate Risks

9.1 By ensuring compliance with the regulations, tenants will have peace of mind that they are occupying a safe property, and landlords who fail to comply will be held to account. The Council may be open to challenge if it fails to regulate landlords as required by the regulations.

10 Other Implications

	Yes	No
Crime and Disorder		√
Climate Change and Biodiversity The new policy will provide an increased funding threshold for the Chichester Warm Homes Initiative to ensure renewable heating options can also be provided under the scheme. There will also be a focus on more targeted projects in the worse affected parishes.	√	
Human Rights and Equality Impact The policy looks to improving housing conditions and address disadvantages affecting those who are vulnerable, of retirement age, disabled or on low income.	√	
Safeguarding and Early Help		√
General Data Protection Regulations (GDPR)		√
Health and Wellbeing It is well known that a cold home have a significant impact on health and increases the risks of certain conditions. Every year cold homes are a significant contributor to the level of excess winter deaths in the UK. Therefore by reducing the number of cold homes and fuel poverty improvements in health and wellbeing should be evident.	√	

11 Appendix

11.1 Housing Standards Financial Assistance and Enforcement Policy 2021-26

11.2 Consultation analysis report

12 Background Papers

12.1 Chichester Stock Modelling Report 2020

12.2 Guide for landlords: electrical safety standards in the private rented sector

www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-landlords-electrical-safety-standards-in-the-private-rented-sector#remedial-work