

# TONBRIDGE & MALLING BOROUGH COUNCIL

## STRATEGIC HOUSING ADVISORY BOARD

11 November 2013

### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Information

#### 1 PRIVATE SECTOR HOUSING UPDATE

##### Summary

This report updates Members on the private sector stock condition modelling exercise undertaken by the Building Research Establishment (BRE) and the Collective Switching Scheme undertaken by four local authorities in Kent. The report also informs Members of the discussions with our West Kent Private Sector Housing colleagues on bidding for the funding for tackling rogue landlords in the private rented sector. Information is also provided on the recent Government announcement on measures to support and improve the private rented sector.

#### 1.1 Private Sector Stock Condition Survey

1.1.1 At the November 2012 meeting of this Board, Members endorsed the use of the Building Research Establishment (BRE) to undertake a private sector stock modelling service and develop a private sector stock condition database.

1.1.2 A housing stock modelling approach produces a series of models describing the housing conditions in the area. It is a desk top model approach utilising data from National datasets, such as the English House Condition Survey (EHS). The model data is provided as a database and presented in document format containing spreadsheets and a series of maps illustrating the following housing indicators across the borough:

- Category 1 Housing Health and Safety Rating System (HHSRS) hazard;
- Category 1 hazard for excess cold;
- Category 1 hazard for falls;
- estimated Standard Assessment Procedure (SAP) rating;
- presence of a household in fuel poverty;
- indication of disrepair in relation to the Decent Homes standard;

- presence of a vulnerable household where a member of the household is in receipt of an income or disability related benefit; and
- private rented dwellings.

- 1.1.3 The presence of Category 1 HHSRS hazards indicates the residential accommodation does not meet the minimum standard for housing. The category 1 hazards for excess cold and falls gives a link with the key housing health related determinants for excess winter deaths and hip fracture in 65s and over.
- 1.1.4 The SAP rating gives an indication of the energy efficiency rating of the property. These indicators with the others mentioned in 1.1.2 provide useful information that we can use as the evidence base for any housing and health related strategies, and targeting of financial assistance under our Housing Assistance Policy.
- 1.1.5 The stock modelling exercise by the BRE was undertaken over a six week period and completed on the 18 June 2013 with the production of a report containing a series of maps, and a dwelling level housing stock modelling database.
- 1.1.6 Reproduced below is a table of headline modelled estimates for private sector housing in Tonbridge and Malling from the BRE report.

	Dwellings	HHSRS Category 1 Hazards			Disrepair	Fuel Poverty	Low Income Households	Simple SAP Score
		All Hazards	Excess Cold	Falls Hazard				
Tonbridge & Malling Borough Council	41,389	6,597 (16%)	3,000 (7%)	3,498 (8%)	2,118 (5%)	4,202 (10%)	6,296 (15%)	52
2009 EHS (private stock)		(22%)	(9%)	(13%)	(6%)	(18%)	(22%)	51

Source: BRE Dwelling level housing stock modelling and database for Tonbridge and Malling Borough Council, June 2013.

- 1.1.7 The results in the table in 1.1.5 show that the private sector housing stock in Tonbridge and Malling is better than the 2009 average. However 16 per cent of the housing stock, which equates to an estimated 6,597 dwellings, is still expected to pose a Category 1 Hazard. This is lower than the proportion of 'at risk' properties observed on a national level (22 per cent). Most of these hazards are due to Excess Cold (3,000, 7 per cent of Tonbridge and Malling Borough Council's housing stock compared with a 2009 EHS figure of 9 per cent) with the next highest incidence being from Fall Hazards (3,498, 8 per cent of Tonbridge and Malling Borough Council's housing stock compared with 13 percent in 2009 EHS).
- 1.1.8 Disabled Facilities Grants and Housing Assistance funding, to remove category 1 hazards for excess cold and falls related hazards, play a key role in reducing the incidence of excess cold and falls hazards in dwellings.

- 1.1.9 In addition to the report the database is able to provide estimates on the key housing indicators mentioned in 1.1.2 to each census output area, dwelling level. Our previous traditional private sector house condition survey was only able to provide information at Borough wide and to five sub levels. The database can be used to cross tabulate different variables (for example Category 1 Hazard for Excess Cold with Low Income Households) and can provide a map which indicates where concentrations of households living on the lowest incomes in hard to heat properties are likely to be found.
- 1.1.10 Officers are in the process of mapping the modelled estimates for key housing indicators using GIS interactive mapping. Data already held by the Council such as those properties where Disabled Facilities Grant (DFG) adaptations have been undertaken and renovations/improvements using Housing Assistance finance, together with those properties notified to Building Control where the cavity walls have been insulated, has been overlaid to show a picture of improvements undertaken across the borough since approximately 2008. Those properties that we know are houses in multiple occupation have also been overlaid. As further local stock information becomes available this can be added to form an evolving local picture and reduce the need for further house condition surveys. A demonstration of the GIS interactive mapping process is proposed for the next meeting of this Board.
- 1.1.11 The BRE modelled maps and database are currently being utilised, along with information on filled cavity walls and Officer knowledge, to identify target areas for Energy Company Obligation (ECO) funding in Tonbridge & Malling as part of our discussions with the Kent and Medway Green Deal Partnership ECO provider.
- 1.1.12 Information has also been useful in providing an estimate of key data at ward level to inform on-going discussions on Winter Warmth across Kent, including data such as tenure percentages, excess cold percentages and Simple SAP\* percentages.
- 1.1.13 This information will also be key in identifying areas to target for our Disabled Facilities Grants, Warm Homes Assistance and Falls Prevention Assistance to reduce health inequalities and link in with our health inequalities action plan 'Mind The Gap'.

## **1.2 Collective Switching**

- 1.2.1 Members may be aware that Collective Switching is where a third party negotiates a better energy tariff on behalf of a group of residents. Government has encouraged local councils to take on this role to develop schemes for the benefit of residents. Such schemes enable residents to register an interest in participating in an 'energy auction' and receiving a new energy provider offer.
- 1.2.2 Four councils in Kent, Dartford Borough Council, Gravesham Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council recently launched a collective switching scheme called 'Energy Deal Together'. The aims

of the initiative included facilitating offline registrations for those without internet access and engaging a high proportion of first time switchers and households on a low income.

- 1.2.3 At a recent Kent and Medway Green Deal Partnership meeting those Council's involved in the collective switching initiative reported that across the areas 2,488 residents registered an interest in the scheme. The average saving for online direct debit dual fuel was £102 per annum (for 68 per cent of registrants), £75 per annum for direct debit dual fuel offline (for 45 per cent of registrants) and £94 for direct debit online electric only (for 63 percent of registrants).
- 1.2.4 Recommendations going forward include the best way to promote and manage a scheme and also that co-ordinating a scheme across other districts could raise the profile of the scheme. The Energy Deal Together brand can be adopted by other Kent councils if they wish to run a similar scheme.
- 1.2.5 Residents in the borough can already sign up to the collective switching scheme but Officers are currently reviewing the findings from the scheme and the resource implications for the Council for those residents who do not have access to the internet. Any future proposals to implement a Tonbridge and Malling collective switching scheme will be reported to this Board.

### **1.3 Funding for Tackling Rogue Landlords in the Private Rented Sector**

- 1.3.1 In July we were made aware that the Department for Communities and Local Government (DCLG) is making up to £3 million available over the next two years to help tackle rogue landlords in the private rented sector.
- 1.3.2 The invitation to bid from the Minister for Housing indicated that local housing authorities with particularly acute and complex problems relating to rogue landlords should submit applications by 20 September 2013.
- 1.3.3 Tonbridge and Malling does not have a huge problem with rogue landlords. Our preference being to work informally with private landlords and alongside them at events such as the West Kent Landlords Forum; which in the main is a very successful approach. However, we do have "incidental" or "hidden" landlords whose main business is operating commercial premises on the lower floors of a property and house staff or let out rooms in the accommodation above. This is commonly found in accommodation above food premises, and is characterised by overcrowding and poor physical conditions. Landlords are often unaware of their legal responsibilities or that the accommodation falls under the definition of a house in multiple occupation (HMO) and the legislative requirements associated with this.
- 1.3.4 We and Tunbridge Wells Borough Council considered making a joint bid for funding to target accommodation above commercial premises (particularly restaurants and takeaways) in terms of bringing the accommodation up to standard and educating the landlords and tenants. This type of accommodation is

currently being targeted by Kent Fire and Rescue Service, Kent Police and the Border Agency. The funding would enable officers from the Private Sector Housing team to play a much more active and lead role in this area of work.

- 1.3.5 Because we were not looking to tackle traditional rogue landlords we sought the advice of DCLG as to whether our proposed initiative would be successful in light of the words “acute and complex problems related to rogue landlords” in the bid invitation letter. The current advice from DCLG is that our proposed scheme is unlikely to meet the bid criteria.

#### **1.4 Measures to support and improve the Private Rented Sector**

- 1.4.1 In recognition of the growing role the private sector could play in meeting housing need, the government has very recently unveiled a package of proposals to improve regulation of the private rented housing sector, including establishing a tenants charter. The aim of the proposals is to raise the quality and choice of rental accommodation and sharpen the tools available to tenants and Councils to tackle rogue landlords operating in the sector.

The package of proposals includes:

- a commitment to shortly publishing new regulations that will force letting and property management agents to join a compulsory redress scheme. 3,000 agents (circa 40 per cent of the entire industry) have yet to join one of the schemes, which will ensure tenants’ complaints about hidden fees and poor service are investigated independently, and where a complaint is upheld, they receive compensation;
- the government publishing a new code of practice setting standards for the management of property in the private rented sector, with a view to making it statutory to provide greater confidence for tenants in what they can expect;
- a draft of a new tenants charter. The charter will help tenants understand what they should expect from their rental deal, and how they can take action if they are the victim of hidden fees or poor standards of accommodation;
- setting out the timetable for the introduction of a model tenancy agreement, which landlords can use to offer longer tenancies of three years or more, which will, provide extra security and stability for families;
- commitment to produce extra guidance for local councils on how to protect tenants from illegal eviction, how to push for harsher penalties before magistrates for housing offences where these have a real impact on peoples’ lives, and to plan for new private rented developments in the future, including on their own land;

- the government reviewing the process by which tenants can raise concerns about the standard of their private rented property and the response they should expect from their council in enforcing standards of safety and hygiene; and
- the review will also consider requiring landlords to repay rent where a property is found to have serious hazards. This could include allowing councils to recoup housing benefit so that taxpayers' money is not used to support landlords who provide sub-standard property.

1.4.2 The proposals are in recognition of the important role the private rented sector plays in meeting housing need as well as recognising the need to raise standards in this sector.

1.4.3 Clearly there is a lot of detail to come from these proposals. Whilst, the only compulsory element of the proposals seems to be the imminent "compulsory redress scheme" for letting agents, it is welcome to note the possibility of longer term tenancies to provide stability for households

1.4.4 Historically the Borough Council has taken a proactive approach in tackling disrepair and investigating claims of illegal eviction and harassment in the private rented sector. All complaints about the standard of private rented properties are comprehensively investigated and appropriate action taken. However, the commitment to increasing tenants' awareness of this process and the intention to ensure landlords repay rent where there are serious hazards in the property should be welcomed.

1.4.5 We will update Members of this Board as these proposals are developed.

## **1.5 Legal Implications**

1.5.1 None arising from this report.

## **1.6 Financial and Value for Money Considerations**

1.6.1 None arising from this report.

## **1.7 Risk Assessment**

1.7.1 None arising from this report.

Background papers:

contact: Hazel Skinner

BRE- Dwelling level housing stock modelling and database for Tonbridge and Malling Borough Council, June 2013

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