

**Report of:** Environmental Health Business Manager

**To:** Executive Board

**Date:** 5 November 2007

**Item No:**

**Title of Report :** Gas and Electrical safety checks and inspection of temporary accommodation

### Summary and Recommendations

**Purpose of report** To update Executive Board in relation to recent Council motions concerning Private Sector Housing:

**decision:** No

**Portfolio Holder:** Councillor Murray

**Scrutiny Responsibility:** Housing

**Area(s) affected:** All

#### Report Approved by

**Portfolio Holder:** Councillor Murray

**Legal:** Emma Griffiths and Jeremy King

**Finance:** Sarah Fogden

**Strategic Director:** Michael Lawrence

**Policy Framework:** None

**Recommendation(s):** That Executive Board notes

(i) the position regarding Gas and Electrical checks in the private rented sector and note that the Health and Safety Executive are the enforcing authority

(ii) the targeting of individual landlords will require a clear policy and more resources to enable inspections and enforcement work to be undertaken. Discretionary HMO licensing is the present funding priority.

(iii) that the only funded proactive inspection programme in the private rented sector is currently in relation to mandatory HMO licensing; any other inspections are carried out following a request for service; and to note the proactive inspection programme will be expanded if the submission for additional licensing is successful.

(iv) that more staffing resource would be required to develop the Home Choice scheme and ensure that the properties used adhere to minimum decent standards

## Introduction

1. The Council have recently adopted two motions in relation to the safety of private rented accommodation.
2. The first (1) was adopted on the 30<sup>th</sup> April, the second (2) on the 25<sup>th</sup> June.

- (1) “This Council agrees that any private landlord accommodation used by the City Council in its Homeless Unit, through the Home Choice scheme or in cases where housing benefit is claimed, and all private rented accommodation generally is checked to ensure that valid, up to date gas and electric safety certificates exist.”

The Head of Legal and Democratic Services reported that if Council adopted the Motion a report would need to be submitted to the Executive Board on the ability in law for the Council to conduct gas and electric checks on private rented accommodation generally.

- (2) the Council asked that Executive Board request that:

The top priority remains the successful implementation of the mandatory licensing scheme and a successful application to secure additional powers.

Officers use Environmental Health and Housing case history information to target the known poorer landlords for inspection;

Using the available evidence that shows that the particular landlords are a persistent offender, officers prioritise Council resources (whilst ensuring existing priorities are met) to check every property that these particular landlords manage as a matter of urgency;

When referring to inspections of private rented properties, Officers use reports provided in-house or by independent inspectors wherever possible, rather than those provided by landlords.

Officers consider ways to develop Home Choice to ensure the condition of properties used remains decent.”

## **Gas and Electrical Safety Checks**

3. The Health and Safety Executive, who can prosecute landlords for not providing a gas safety certificate, primarily enforce the current legislation in relation to gas safety checks. Regulations covering electrical safety are not enforced in the same way. Environmental Health does request that landlords and agents provide a safety certificate in relation to gas and electrical appliances whilst carrying out enforcement functions; Community Housing also require safety certificates when providing landlord services. Such instances are outlined below

### Licensable HMOs

4. The Environmental Health Service require, as part of the HMO licensing application process, a current gas safety certificate and a certificate covering the safety of the electrical installation within the HMO to be provided by the landlord. Licensees also have to provide gas safety certificates on an annual basis.

### Non – Licensable HMOs

5. Under the HMO management regulations managers must obtain a gas and an electrical installation certificate every 5 years and produce a copy of the gas and electrical safety certificates within 7 days of receiving a request in writing from the Environmental Health Service.
6. Environmental Health can take action where there is an electrical hazard or where there is a hazard in relation to carbon monoxide. This action would include requesting certification or carrying out works in default to obtain such certificates.
7. There is no funded pro-active inspection programme for this type of property and Environmental Health act upon complaints from the occupiers.

### Privately rented homes

8. The landlord must have a current gas safety certificate, which is renewable annually, the Health and Safety Executive (HSE) enforces this legislation. However under the Housing Act 2004, Environmental Health can take action where there is an electrical hazard or where there is a hazard in relation to carbon monoxide. Again, there is no funded pro-active inspection programme for this type of property and Environmental Health act upon complaints from the occupiers.

### Private Sector Lease Accommodation

9. Community Housing keep annual gas safety and electrical safety certificates up to date for these units along with any records (if required) for fire alarms and fire equipment. The properties are visited and inspected on a monthly basis by Community Housing Officers. Environmental Health Officers do not visit these properties on a routine basis.

#### Council-owned Temporary Accommodation

10. For first stage (two properties) the electrical and gas safety certificates are kept up to date by Oxford City Homes. For the second stage properties, which are completely self-contained, annual gas safety inspections are carried out and electrical checks completed as required to comply with regulations by the landlord and are monitored by Oxford City Homes, again Environmental Health do not visit these properties on a routine basis.

#### OSLA/ EFPS/ Cherwell TA (second stage)

11. Management of these properties rests with the Registered Social Landlords (RSLs). Community Housing require the properties to be fit for purpose through contracts with the RSLs and this, as a minimum, requires that annual gas safety checks are completed. These properties are visited regularly by the RSLs. Community Housing propose to audit this arrangement by inspecting a small number of properties directly in 2007/08.

#### Home Choice

12. The Home Choice scheme help clients access the private rented sector through the provision of a deposit. The contractual relationship is between the landlord and the tenant. However, Community Housing do ask to see a current gas safety certificate before the initial deposit is paid to a landlord. Community Housing visits a small number of properties prior to the tenant signing-up for the property to ensure a quality standard. If complaints are received from tenants concerning the accommodation, they are usually directed to the Environmental Health service, as is any other private tenant with such a complaint.

#### Placements by other authorities

13. As other authorities do not always inform the Council where they are making placements within the city, it is unclear whether any checks are made of properties in this category.

### **Inspection of Private Rented Homes**

14. The size of the private rented sector in Oxford should not be under – estimated. The House Condition Survey in 2005 estimated that there were 11,910 privately rented dwellings, which equates to 22% of the housing stock, this is twice as much as the South of England (10.9%) and just over twice that of England as a whole(10.4%). More of Oxford’s residents live in this sector than in all City Council housing.

15. The mandatory HMO licensing scheme has been in operation since April 2006, and has proved successful so far; applications are still being received. Along with this on the 8<sup>th</sup> October Executive Board approved the consultation for an additional HMO licensing scheme, it is intended that a submission will be made to the Secretary of State in the

spring of 2008. Work to prepare for the new scheme, process current applications and investigate breaches occupies all the available staffing resource.

16. Currently, the only funded proactive inspection programme for privately rented accommodation across the city, is through the mandatory HMO licensing scheme. Any other inspections are carried out as a result of service requests by occupiers.
17. It is clear that targeting landlords is one method, of prioritising inspections, that could be adopted if resources permit, however an enforcement policy clearly setting out the criteria would need to be adopted to ensure consistency and fairness in the system.
18. Once service requests are received case history information is used especially as regards any previous experience of the landlord, however it is not used to target landlords for inspection, as resources do not allow for this at present.
19. It is agreed that when referring to inspections of private rented properties, Officers use reports provided in-house or by independent inspectors wherever possible, rather than those provided by landlords.

#### Development of Home Choice Scheme

20. The Head of Community Housing has submitted a growth bid to obtain further resources to develop the Home Choice scheme. The Home Choice scheme was established in 2003 as a homeless prevention measure. It offers assistance to clients that may otherwise be accepted as statutory homeless by the Council. This assistance is to help clients access the private sector – this is by way of identifying suitable landlords and agents that will take them, and through the provision of deposits and fees that the client could otherwise not afford.
21. It is envisaged that an additional member of staff will have a different focus to the other members of the team. They will deal with Home Choice clients and property once the tenancy has started. Specifically they will:
  - Undertake property inspections to ensure that the property is being looked after (thereby sustaining the tenancy and protecting the Council's deposit)
  - Deal with issues when a tenancy ends, such as ensuring the tenant leaves the property in good order and that the landlord returns due deposit money to us
  - Ensure that rent continues to be paid and help support the clients in claiming Housing Benefit in a timely manner
  - Provide additional support to clients, including referrals and sign-posting to other services if more help and support is needed

- Ensuring that landlords are providing quality accommodation than meets a high standard and that is fully compliant with regulations, etc through working with Environmental Health (At present, checks are only made by the Home Choice team at the start of the first tenancy)
22. It is hoped that this post will ensure that clients will receive a more positive (and continuing) service from the Home Choice team, whereas now the team are really only able to intervene (where a tenancy has been set up) in the event of a crisis.
23. To enable inspections and enforcement to be carried out in the Home Choice Scheme on a planned basis more resources will be required in the Environmental Health Service.
24. Members will appreciate the need to keep separation between the procurement of Home Choice accommodation and the enforcement of standards within the accommodation.

## **Recommendations**

25. That Executive Board notes
- (i) the position regarding Gas and Electrical checks in the private rented sector and note that the Health and Safety Executive are the enforcing authority
  - (ii) the targeting of individual landlords will require a clear policy and more resources to enable inspections and enforcement work to be undertaken.
  - (iii) that the only funded proactive inspection programme in the private rented sector is currently in relation to mandatory HMO licensing; any other inspections are carried out following a request for service; and to note the proactive inspection programme will be expanded if the submission for additional licensing is successful.
  - (iv) that more staffing resource would be required to develop the Home Choice scheme and ensure that the properties used adhere to minimum decent standards

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### **Background papers:** None

