

**Report of:** Head Of Environmental Health

**To:** Health Scrutiny Committee

**Date:** 29<sup>th</sup> November 2007

**Item No:**

**Title of Report:** The health impact of poor homes

### Summary and Recommendations

**Purpose of report:** To advise the committee of the issues concerning poor homes the Environmental Health service deal with that can have significant health implications, so the committee can consider how best the City Council can tackle these problems and what the implications are for other agencies such as the PCT (Health Visitors / Public Health), GPs, County Council (Children's Centres)

**Key decision:** No

**Portfolio Holder:** Councillor Murray

**Scrutiny Responsibility:** Health

**Ward(s) affected:** All

**Report Approved by**

**Legal:** James Pownall, Legal Services

**Finance:** Nichola Stretton

**Policy Framework:** Oxford City Council Children and Young Peoples Plan 2006-9, Private Sector Housing Strategy 2007-10

**Recommendations:**

Members are recommended to:

1. Note the contents of the report,
2. Ask the Head of Environmental Health to write to the Department of Communities and Local Government to ask it to clarify the position and timetable regarding the consultation document on overcrowding,
3. Consider whether the Environmental Health service should seek to educate or issue guidance to health visitors/GPs etc on the overcrowding standards and advise them how to report problems arising from poor homes,
4. Consider whether the licensable HMO room standards should be adopted for non-licensable HMOs.

**Introduction**

- 1 Links between poor homes and poor health have been established following extensive research into this subject area. It is clear that damp and overcrowded accommodation can affect the health of occupiers in a detrimental way. Indeed this research has underpinned the Health and Safety Rating System (HHSRS) which is a major plank of the Council's powers to intervene in poor homes. The underlying principle of the System is that "Any residential premises should provide a safe and healthy environment for any potential occupier or visitor."

## **Legislation**

- 2 The Housing Act 2004 provides a range of powers for local authorities to take a variety of enforcement action where a rating taken using the HHSRS indicates that there is a risk to health. The level of enforcement action should match the level of the risk identified.
- 3 The Housing Act 1985 contains the only legal standard for overcrowding (see Appendix 1 for details). The Housing Act standard has changed very little since being introduced in 1935 and many people who contact Environmental Health find that they are not legally overcrowded even though their living conditions are very cramped.
- 4 The power to amend the legal standard is contained in Section 216 of the Housing Act 2004. The Department of Communities and Local Government has expressed its intention to revise the standard in its Consultation Paper "Tackling Overcrowding in England, A Discussion Paper" (14 July 2006). The results of the consultation have not yet been published and it will be some time before we see any new standard come into force.
- 5 If a premises is a licensable House in Multiple Occupation (HMO) the local authority can specify room dimension standards that apply and are enforceable by licence conditions. These standards do not currently apply in non-licensable HMOs, although there is a power under the Housing Act 2004 to adopt room standards in such premises.

## **Local Issues**

- 6 The private sector house condition survey in May 2005 estimated that 22% of the housing stock in Oxford was privately rented, which is double the average for England. More people live in Oxford's privately rented sector than in the Council's own stock. The same survey at the time identified a large number of unfit properties or properties containing a category 1 (highest ?) hazard within Oxford.
- 7 The Environmental Health Service receives and investigates calls from occupiers concerning issues such as disrepair, damp and overcrowding. In 2001/2 the number of service requests received by Environmental Health concerning accommodation standards was 459 and of these 50% related to houses in multiple occupation. In 2006/07 the number of service requests has more than doubled to 1127, with 30% related to houses in multiple occupation.

- 8 However, experience locally and nationally has shown that service requests are an under-representation of the true picture as tenants are often reluctant to complain to the Council for fear of retaliatory action from landlords, e.g. losing their home.

### **Health Outcomes of poor accommodation**

- 9 The health outcomes of poor accommodation can be far reaching from death in severe cases, to regular serious coughs and colds in minor instances. There are also psychological effects of living in poor accommodation from chronic severe stress to sleep disturbance.
- 10 Persons requesting help from the Environmental Health service often allude to symptoms of ill health and officers will refer to other support agencies where necessary.

### **Pro-active /Re-active work areas**

- 11 The Council has not promoted this service area in recent years with the PCT and other health professionals. In the past joint working was carried out with the Health Visitor service across the city, but it was not possible to maintain this with the resources in place.
- 12 There were some benefits to this system e.g. clarity in reporting poor homes affecting health for health professionals, increased awareness of the Council's role and joint working to solve problems. There is merit in reviewing the possibility of restarting the system.
- 13 Currently the only funded pro-active inspection programme of private homes is that relating to the mandatory HMO licensing scheme. Therefore if a property is not a mandatory licensable HMO, the service will only be accessed by making a service request.

### **Investigation/ Enforcement**

- 14 Following receipt of a service request the case will be investigated, often by visiting the property concerned. An assessment of the accommodation will be undertaken and the appropriate action taken.
- 15 Enforcement action is taken under various Acts and can range from serving an emergency prohibition order to service of a hazard awareness notice. In all cases a risk assessment is undertaken identifying the hazards and an option appraisal of the enforcement action is undertaken in accordance with the statutory guidance.
- 16 There is other legislation, which Environmental Health can use to ensure that accommodation standards are improved; this includes powers within the Public Health Acts, Building Acts and the Management Regulations, for example.

- 17 If a landlord fails to comply with any enforcement action, there are sanctions that can be taken including the Council carrying out the works in default and/or prosecution. In the case of emergency action, the Council can prohibit the use of the accommodation and also take remedial action if appropriate
- 18 There are a number of case studies in Appendix 2 which illustrate the kinds of problems referred to Environmental Health

### **Resources**

- 19 Proactive health and safety work in the Occupational and Residential Health Team is focussed on licensing HMOs and processing licence applications from landlords. They are currently being consulted on proposals for additional licensing for other categories of HMO that do not require a mandatory licence.
- 20 The current corporate priority for the Public Health Team is environmental enforcement. No resources have been expressly provided for the investigation of poor homes.

### **Recommendations**

- 21 Members are recommended to:
1. Note the contents of the report,
  2. Ask the Head of Environmental Health to write to the Department of Communities and Local Government to ask it to clarify the position and timetable regarding the consultation document on overcrowding,
  3. Consider whether the Environmental Health service should seek to educate or issue guidance to health visitors/GPs etc on the overcrowding standards and advise them how to report problems arising from poor homes,
  4. Consider whether the licensable HMO room standards should be adopted for non-licensable HMOs.

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### **Background papers:**

Department of Communities and Local Government: Tackling Overcrowding in England: A Discussion Paper  
<http://www.communities.gov.uk/documents/housing/pdf/151015>

## Appendix 1

### The Overcrowding Standard

The standard is given in the three sections below. The lowest number is the maximum number of occupants allowed in the house. Depending on the circumstances the owner or the tenant of the house may be breaching the Act. It is also possible for no-one to be at fault.

A room includes a bedroom, living room, dining room, study etc. Do not include the kitchen, bathroom or hallway. If you have a kitchen/diner do not include the kitchen area of the room.

1. Room Standard (in all cases babies under 1 = 0 persons, children 1-10 years =  $\frac{1}{2}$  person, over 10 years = 1 person)
  - 1 room - 2 persons
  - 2 rooms - 3 persons
  - 3 rooms - 5 persons
  - 4 rooms -  $7\frac{1}{2}$  persons
  - 5 or more - 2 for each room
  
2. Sexual overcrowding. No two persons, over 10 years old, of opposite sex should have to sleep in the same room (unless living as a couple). This does not allow for couples to have a room to themselves - the standard would not be breached if the mother slept in the same room as the daughter and the father with the son.
  
3. Space Standard (people are defined as in 1. above)
  - 10.2m<sup>2</sup> or more = 2 persons
  - 8.36m<sup>2</sup> - 10.2m<sup>2</sup> = 1 persons
  - 6.5m<sup>2</sup> - 8.36m<sup>2</sup> = 1 person
  - 4.66m<sup>2</sup> - 6.5m<sup>2</sup> =  $\frac{1}{2}$  person

## **Appendix 2**

### **Case 1**

A two storey, private rented property was occupied by a mother and three children. A complaint was received and on visiting the items of disrepair noted included a leaking soil vent pipe, a leaking toilet, mould growth in the bathroom and leaking taps. There was a poorly fitting rear door and no lock to the door so the premises could not be secured.

An Improvement Notice was served on the landlord requiring work to be carried out to rectify the problems. The landlord complied with the notice.

### **Case 2**

A two storey, privately rented property was occupied by a mother and four children. A complaint was received and a visit carried out. Deficiencies noted included broken glazing to the front door, a broken lock to the front door and an ill-fitting window, which had been forced open. There were also broken windows and catches on the first floor. An Improvement Notice was served on the owner requiring work to be carried out.

The owner failed to carry out the work within the required time period set out in the notice and the Council instigated works in default. However the landlord organised for the work to be carried out before the works in default had been carried out by the Council.

### **Case 3**

A two-storey property was occupied by an elderly couple that were owner-occupiers.

The property was found to be rat infested and considered to be in a filthy condition. In addition there were numerous structural issues with the property. The Council arranged for a "clean out " of the property and carried out emergency repairs to deal with dangerous electrics and a leak at the property. The Council worked in close partnership with the social services and medical practitioners to help the couple to avail of other services that would assist them.

### **Case 4**

A two storey, privately rented property was occupied by a mother and child. The heating and hot water system failed at the property and the tenant and the Council tried unsuccessfully to contact the landlady so that repairs could be carried out. The Council undertook emergency repairs to rectify the matter and recharged the owner.

### **Case 5**

A two storey, three bedroom house was found to have three families living in it. They consisted of a couple without children, a couple with a fifteen year old daughter and a couple with a two year old child and a ten month old baby. The house was not statutorily overcrowded, but emergency remedial action had to be taken by the Council to improve fire precautions and legal notices followed.