

**Private Sector Housing Renewal
Interim Strategy and Policy**

Contents

	Page
1. Introduction	4
2. National, Regional and Local Priorities	4
3. Strategic Aims	8
4. Local Housing Market	9
5. Empty Properties	10
6. Housing Need	10
7. Private Sector Housing Stock Profile and Condition	11
8. Private Rented Sector	13
9. Energy Efficiency and Fuel Poverty	17
10. Legal Framework	18
- Financial Assistance	
- Enforcement	
11. Key Priorities	21
12. Finance	21
13. Action Plan	23
14. Procedure for Determining Appeals	23
15. Consultation	23

Appendices

Appendix 1	Mandatory Disabled Facilities Grant
	Discretionary Disabled Facilities Grant
	Assistance for Houses in Multiple Occupation
	Repairs Assistance
	Empty Homes Assistance
	Landlords' Repairs Assistance
	SAP 35
	Loans and Equity Release
Appendix 2	Enforcement Policy
Appendix 3	Action Plan
Appendix 4	Appeals Procedure
Appendix 5	Funding Bid 2009/2010
Appendix 6	House in Multiple Occupation Licence Policy
Appendix 7	House in Multiple Occupation Licence Fees
Appendix 8	Licensing of Caravan Sites: Model Standards 2008

1. Introduction

This is an interim Private Sector Housing Renewal Strategy and Policy document designed to allow the new Wiltshire council to continue to fulfil one of its key housing roles during its first year of operation. A new Wiltshire strategy and policy will be developed that fully meets local and national priorities. Key actions from this strategy will be reflected in the overarching Housing Strategy for Wiltshire Council due to be published in 2010.

The Private Sector Housing Renewal Strategy primarily deals with providing support and assistance to ensure that the private sector stock is kept in good condition and meets the needs of occupants.

Issues that are relevant to the development of the strategy are:

- National, regional and local priorities
- Housing need
- Character and condition of Wiltshire's housing stock
- Legal requirements
- Available funding

2. National, Regional and Local Priorities

Building Sustainable Communities

In February 2003 the Government launched its Sustainable Communities Plan, a comprehensive programme to improve people's homes, neighbourhoods and quality of life. The plan set out a vision to meet housing need in sustainable communities. The Council is committed to building sustainable communities and achieving a balance between economic, social and environmental objectives through community planning and the Community Strategy, the Community Safety Strategy, the Regeneration Strategy, the emerging Local Plan and the Housing Strategy, which has been assessed as fit for purpose.

Housing Act 2004

See information under 'Legal Framework'

Providing decent homes for vulnerable people

Following the Housing Green Paper 2000, the main essence of the Government's Housing Policy Statement, "Quality and Choice" was to ensure a decent home for all. The criteria for a Decent Home is:

1. That it meets the current statutory minimum standard for housing,
2. It is in a reasonable state of repair,
3. It has reasonably modern facilities and services and
4. It provides a reasonable degree of thermal comfort.

In 2000 the Government set a target that all social housing should reach the decent homes target by 2010. In 2003 it extended the target to include vulnerable households in the Private Sector. The target set was that 70% of vulnerable households should live in Decent Homes by 2010.

Vulnerable households have been defined as those in receipt of at least one of the principal means tested or disability related benefits.

The Council is committed to these objectives and works closely with partners in social housing, and planning and building control, to ensure that this target will be met.

Strategy for Wiltshire 2007-2016

The Wiltshire Strategic Board produced a "Sustainable Community Strategy for Wiltshire". The Wiltshire Strategic Board is the County's Local Strategic Partnership (LSP) and this plan is the Community Strategy.

It highlights a number of changes to the area including:

- Migration, partly from London and the south East but also from EU states, particularly from Poland.
- An increase in the number of single person households

Action related to Housing include:

- Increasing the uptake of energy efficiency measures
- Increasing access to affordable homes

The Local Agreement for Wiltshire (LAW) is an agreement between organisations in Wiltshire to take action over the next three years to improve the quality of life in Wiltshire. Included within the LAW is the Local Area Agreement (LAA) - 35 performance targets that Wiltshire organisations have agreed with government.

The key national indicators (NI) linking in with private sector housing are:

Stronger communities

- NI 12 Refused and deferred Houses in Multiple Occupation (HMO) license applications leading to immigration enforcement activity

Adult health and wellbeing

- NI 136 People supported to live independently through social services (all ages)

Tackling exclusion and promoting equality

- NI 141 Number of vulnerable people achieving independent living
- NI 142 Number of vulnerable people who are supported to maintain independent living

Environmental sustainability

- NI 186 Per capita CO₂ emissions in the LA area
- NI 187 Tackling fuel poverty – people receiving income based benefits living in homes with a low energy efficiency rating

Supporting People Strategy

Supporting People is a partnership between Wiltshire Council the Primary Care Trust, and the Probation Service.

The 5-year Strategy was recently submitted to the ODPM, following approval by the Partnership Board. It sets out 5 strategic priorities for housing related support services in the county. These are:

- Enabling people to live independently and in their chosen home setting for as long as possible.
- Using floating support instead of accommodation based services to break the automatic link between a tenancy and support and provide as much flexibility and choice as possible.
- Linking with our partners and other agencies to provide housing related support packages as part of integrated services.

- Provide preventative housing related support services to minimise crises such as hospitalisation, institutional care, homelessness, social exclusion and re-offending.
- Work with housing authorities, housing providers and voluntary agencies to ensure vulnerable people are supported to access housing advice and suitable accessible housing of their choice.

South West Housing Body

The South West Housing Body (SWHB) sets housing in the wider strategic context of planning and economic growth. It identifies the priorities for housing in the region and makes recommendations to Ministers on the allocation of capital investment.

The SWHB has produced a Regional Housing Strategy 2005 – 2016 which sets out three strategic aims and a number of actions to take these forward. The strategic aims are:

- Improving the balance of housing markets in the region to tackle issues of housing affordability, homelessness and the use of temporary accommodation
- Improving the environmental quality and design of new developments and improving the quality of existing homes.
- Supporting sustainable communities ensuring housing policies promote social inclusion, and mixed and balanced communities.

A workstream, led by Government of the South West, has been established to take forward the actions in the strategy relating to improving the use and quality of existing housing stock.

The Regional Housing Strategy also provides an investment framework for use of the Regional Housing Pot; the South West region has been provisionally allocated £27million for 2009/2010. An element of this is for Private Sector Renewal and is allocated to local authorities, through a bidding process, with the aim of improving the condition of private sector housing stock. Local authorities use the grant for a range of measures. Details of Wiltshire County's bid to the Regional Housing Board for 2009/2010 can be found in Appendix 5.

3. Strategic Aims

The aims of the four district councils' housing strategies are as follows:

- To work in partnership across the housing market to deliver more affordable homes
- To improve the quality and energy efficiency of all existing housing including meeting the Government's decent homes targets
- To deal effectively with homelessness as it arises and to provide the support needed by families and single people to avoid them becoming homeless again
- To seek a sustainable solution to the future management and maintenance of Salisbury's council housing in partnership with its tenants
- To enhance the social, economic and environmental context of housing through developing communities, tackling crime and contributing to urban regeneration

The aims of this Private Sector Housing Renewal Strategy are as follows:

- To increase the number of privately owned homes that are decent and occupied by vulnerable groups by removing category 1 hazards
- To improve the levels of energy efficiency and reduce fuel poverty in the private sector
- To ensure that the private rented sector makes a contribution to meeting housing needs by working with landlords to ensure homes are decent and energy efficient
- To ensure that all rented properties, including houses in multiple occupation, meet all the relevant statutory standards for health and safety and management, and that such standards are maintained
- To look for ways to utilise the county's empty properties to meet housing need
- To ensure that disabled residents are able to live independently in homes that meet their needs

- To investigate ways in which the council can support and raise standards for those living in mobile homes.

4. The local Housing Market

Wiltshire is a predominantly rural county with a population of 433,000, nearly half of whom live in towns or villages with fewer than 5,000 people. A quarter of the county's inhabitants live in settlements of fewer than 1,000 people.

Bigger concentrations of population can be found in the cathedral city of Salisbury, the county town of Trowbridge, and Wiltshire's many market towns, including Chippenham, Devizes, Marlborough, and Wootton Bassett.

Variations in housing type and size mix may be relevant to housing choice options, with relatively fewer flats and more large dwellings in the countryside and villages, and the opposite pattern in Salisbury and the market towns.

Wiltshire has a significantly higher proportion of owner occupiers than the national average and therefore it follows that private sector housing must be a key issue for Wiltshire council.

Salisbury has retained its own council stock of 5382 properties. There are also 5661 houses in Wiltshire owned by the Ministry of Defence. Across Wiltshire there are 21,916 housing association properties.

¹The average house price in Wiltshire is nearly 12 times the average income, making the region one of the most unaffordable areas in the UK to buy a home.

Private renting has become more affordable than buying in many parts of the area recently, but private renting supply has not increased in line with national trends.

The credit crunch is currently affecting mortgage availability in a serious way, as is happening nationwide, and this is expected to depress the market over the next two years. There are expected to be a higher number of repossessions and negative equity among those who have purchased at the height of the market but who are facing increased mortgage payments in line with the mortgage rate. The lack of surplus disposable income is also likely to manifest itself in a tendency to defer maintenance until the economy improves.

¹ National Housing Federation 'South West Home Truths: The real cost of housing 2007-2012'

5. Empty Properties

Wiltshire is estimated to have 3.2% of households unoccupied, of which 1200 have been empty for more than 6 months. This information is derived from council tax records. Bringing empty properties back into use will increase the amount of housing available and thus reduce the number of individuals in housing need. The advantages of bringing these properties back into use include an increase in housing supply, a potential financial saving as it is often more cost effective to renovate an existing property than build a new one, and an improvement to the environment of the area including saving the resources required to build a new property.

This strategy offers owners of empty properties a variety of options including advice and incentives through the provision of an Empty Properties assistance grant. The latter will enable owners to bring the property up to standard but the council will require that it be let to nominated tenants for a period of five years. The strategy also seeks to consider the Housing Act 2004 enforcement powers to make Empty Dwelling Management Orders. These orders give local authorities powers to take over the management of empty properties.

A stand alone Empty Properties Strategy will be adopted by November 2010.

6. Housing Need

Research identifies that more than 10% of households in Wiltshire have at least one member in an identified support needs group. Of those with a support need, 64.6% live in owner occupied accommodation, 27.5% in registered social landlord (RSL) accommodation and 7.9% are private renting.

Those households with a member with support needs (for example frail elderly, physical/ learning disabilities and mental health problems) were asked to indicate if there was a need for improvements to their current accommodation and/or services. The results show requirements for a wide range of adaptations and improvements across the support need households. The most commonly-sought improvements needed were:

- Single level accommodation (968 households – 16.3% of all support needs households)
- Downstairs toilet (940 households – 15.8% of all support needs households)

- Shower Unit (934 households – 15.7% of all support needs households)
- Car parking space near front door (934 households – 15.7% of all support needs households)

Other improvements included stairlifts (921 households), handrails (902 households), lever taps (791 households) and wheelchair access (420 households).

Further analysis shows that households with a support need are more likely than other households in the county to have problems with maintaining their homes (15.1% have indicated they have a serious problem).

7. Private Sector Housing Stock Profile and Condition

Following the decision that Wiltshire would become a new unitary authority, the four existing housing authorities, agreed to work toward producing a stock condition survey for the whole of Wiltshire. The existing stock condition surveys were based on information collected between 2001 and 2005 and whilst they provide some useful data it was not possible to unify the research to give meaningful results.

The new stock condition survey when completed will be key to our understanding of our stock. This is a high priority for us in the coming year. It will guide us in targeting resources in future years and help us in bidding for resources with a clear strategy of the outcomes we wish to deliver.

It was agreed that further research should be undertaken and the first step should be to commission the BRE to undertake a Housing Stock Projections for Wiltshire. This piece of research gives a valuable insight into the condition of the stock and provides a basis for optimal sample design for a house condition survey that will provide robust results. It was proposed that the sample design should ensure a high level of statistical relevance for private sector housing conditions throughout the stock and also give increased knowledge about the housing condition of smaller sub-groups such as vulnerable householder and the over 60s. The results of the stock condition survey should be available soon after the new Wiltshire Council comes into effect.

The results of the BRE Stock Projection survey showed housing conditions to be worse than the national average. The main indicator of overall condition, non decent homes, is 4% above the national average. Two of the criteria of the standard stand out as the cause of this, dwellings with a Category 1 Rating System Hazard and Disrepair. The former at 27% is 8% above the national average. Disrepair at 15% is 6% above the national average of 9%. The reasons for the high rate of Category 1 Hazards are almost certainly associated with the Hazard of Excess Cold which is modeled from data on dwellings with a SAP less

than 35, in this case 5% above the national average of 15%.

This is probably due to combination of two factors, that a higher proportion of properties in Wiltshire are off the gas main and that the housing stock is generally older with solid walls.

The survey highlighted that housing conditions in the south and east of the county were worse than the west and north and that conditions in rural wards were worse than the towns. Generally the stock profile in the south and east is older and it is more likely to be off the gas main. This geographic spread suggests that area targeting would be useful in the delivery of assistance, however the priority groups, those defined as vulnerable by decent homes, are spread throughout the county. It would therefore seem more relevant to adopt a client based approach focusing on vulnerable households which are pepper-potted across the county.

Whilst the survey did not distinguish between owner occupied (84% of the stock) and private rented sector (13.1% of the stock), previous stock condition surveys undertaken in Wiltshire suggest that the private rented sector have a higher level of non decent housing and poorer housing condition.

It is important to remember that the outputs are based on 2001 data and will not therefore have taken account of improvements in the stock since that time. One of the key results where attempts have been made to extrapolate forward to a position at the end of 2006 is for the Government target known as PSA 7 , proportion of vulnerable households in decent homes. BRE estimates indicate that there was a 9% improvement nationally from 2001 to 2005 ; an average of 2% per year . If the same rate of improvement continued to the end of 2006 then an 11% improvement on 2001 would be expected. This would result in a 2006 percentage for Wiltshire of 62%, still short of the 2010 PSA target of 70%. Previous surveys indicate that there are no particular areas of significant deprivation and therefore resources will be spread across the county. The table below shows the percentage of vulnerable households living in non decent homes adjusted to 2006.

	Vulnerable households in decent dwellings as percentage of all vulnerable households
Kennet	57%
North Wiltshire	65%
Salisbury	58%
West Wiltshire	66%
Wiltshire	62%

Since 2006 there has been a significant change in the way decent homes are measured i.e. the replacement of the Fitness Standard by the Housing Health and Safety rating System (HHSRS) as means of assessing minimum standards.

A key result is the estimate of 42,377 dwellings predicted to have a Category 1 Hazard under the new Housing Health and Safety Rating System. This accounts for 27% of the stock compared to the 4% which would have been expected to fail the Housing Fitness Standard (which the Rating System replaces). The main reason for this is the large number of dwellings expected to fail due to the hazard from excess cold. This increase is similar to the national picture and it is estimated that around 900,000 dwellings failed the fitness standard whereas 4.8 million are expected to contain a Category 1 Hazard under the HHSRS. This is mainly because of the hazard from excess cold which effects a greater proportion of homes than any other hazard and contributes toward 20,000 excess winter deaths per annum.

8. The Private Rented Sector

Wiltshire Council has two key functions in its relationship with the private rented sector. Firstly a strategic enabling role to help good landlords to provide an essential private rented housing service and, secondly a regulatory role to ensure that the health, safety and welfare of tenants is protected.

The vast majority of private landlords provide a good service but their reputation can be let down by a minority of poor landlords who provide a substandard service.

The authority sees its regulatory role as providing support to good landlords by taking statutory enforcement action against poor landlords to force them to improve or to get out of the market altogether.

Wiltshire Council sees its regulatory and enabling roles as being complementary.

- The council needs a supply of good quality privately rented accommodation adequate for the needs of its citizens. To achieve this aim the authority needs and values its good landlords. Those landlords and Wiltshire Council have a common objective .. *the creation and maintenance of a prosperous private rented sector that provides the right choice of accommodation in the right areas at the right price.*
- The council acknowledges that the role of a private landlord, to operate a profitable business and to have responsibility for the health, safety and welfare of their tenants is a challenging one. It therefore aims to provide its private landlords with as much support as it can to enable the private rented sector to provide this essential housing service.

- Wiltshire Council will work towards setting up a landlords' accreditation scheme to recognize and reward landlords who manage their properties to a good standard.
- Wiltshire Council will take enforcement action against any landlord found to be operating their business in a substandard manner. The enforcement process will be in compliance with the Government's Enforcement Concordat for good practice and its own enforcement policy as set out in Appendix 2.
- Wiltshire Council is required by law to license certain Houses of Multiple Occupation . The council will operate this requirement in accordance with the Housing Act 2004 and the council's House in Multiple Occupation Licence Policy (Appendix 6) and charge in accordance with the Houses in Multiple Occupation Licence Application Fees (Appendix 7).
- Wiltshire Council will seek the long term improvement of standards of Caravan sites by taking a long term approach to implements the 2008 Model Standards which were issued under section 5 of the Caravan and Development Act 1960 . Appendix 8 provides background information on the process that the council will follow to bring about the improvements of sites.

Private Rented Stock in Wiltshire

The percentage of homes in the private rented sector (including MOD properties) varies across Wiltshire but is overall higher than the UK average.

Area	Number of private rented	Percentage	Total
North Wilts	5,236	9.8%	53,500
Salisbury	6,649	14.08%	47,408
West Wilts	4,550	9.3%	49,407
Kennet	3,778	12.7%	29,565
Total	20,213	11.24%	179,880

A stock condition survey whilst providing a good indication about the conditions of properties in the area is not sufficiently detailed to provide statistically relevant information for property types and occupancy such as houses of multiple

occupation and mobile homes which represent a very small percentage of the stock.

Conscious of these limitations an HMO survey was carried out in West Wiltshire in July 2008 and found the following

- ❖ 65.8% of premises surveyed were constructed before 1919
- ❖ The majority of HMOs are found in the Trowbridge area.
- ❖ 41.1% of premises surveyed are terraced by building type followed by detached at 37.0%
- ❖ The majority of HMOs surveyed fall within two or three storeys in height
- ❖ The majority of HMOs surveyed fall within the private rented sector at 74.0% of the distribution.
- ❖ 1 in 6 of those premises in the survey did not meet the former statutory standard for housing
- ❖ Over one half (54.8%) of those premises included in the survey did not have fully satisfactory fire precautions
- ❖ 32.9% of those premises surveyed (one third) required licensing. In terms of absolute numbers within the list of survey premises this accounts for 24 premises
- ❖ Less than 70.0% of premises surveyed were deemed to have satisfactory management.
- ❖ 64.4% of those premises surveyed met the decent homes standard; the majority of failures under the decent homes standard are attributable to category 1 hazards related to fire safety and excessive cold
- ❖ The overall cost to remedy defects within the HMO stock in West Wiltshire is estimated to stand at £257,700 which equates to a unit cost of circa £3,530 per HMO.

It is estimated that Wiltshire has approximately 300 HMOs, of which 50 require licensing. Wiltshire Council will adopt a targeted approach throughout the rest of the county to identify new HMOs. This will be achieved through council tax records and surveys. These will then be prioritized depending on their condition and dealt with accordingly.

Black and Ethnic population

The population of black and ethnic minorities was estimated at 2 % of the population in 2001 (Census 2001), however the Department for Communities and Local Government 2006 Household survey had 5% of returns from a random survey declaring that they were from an ethnic minority. School surveys suggest 3.33% of pupils are non white.

A recent report on migrant workers in West Wiltshire indicated that they now form approximately 2% of the population of West Wiltshire.

It would seem that Wiltshire has undergone a significant increase in its BME population in recent years; particularly with regard to migrant workers. This increase is not uniform, but is centred on Trowbridge although it affects all parts of Wiltshire to some extent.

In terms of private housing this has had a significant effect. The influx of migrant workers has we think been concentrated at the lower end of the market with an estimated increase in the number of HMOs.

There are concerns about increased risks for this section of the population. There is no safety net in terms of benefits help or housing if things go wrong. There are also concerns that because their housing may be more temporary they will accept a lower standard and accompanying health and safety risks.

At the upper end of the market we are seeing an increase in immigration visit requests and requests from landlords for information about HMO standards as the market potential has increased through migrant workers as they are seen as good tenants.

Park Homes

Park homes are mobile homes used for residential purposes. Park homes vary in size and condition greatly, some park homes resemble bungalows, others are closer in appearance to traditional caravans. Park home sites vary in size and quality. It is estimated that there are in excess of 1000 park homes in Wiltshire. The council also owns three park sites at Corsham, Sutton Benger and Yatton Keynell for 90 mobile homes.

Wiltshire council is committed to ensuring that it has a vibrant park home sector which meets the needs of residents, offers a safe and affordable housing option, and encourages investment and good management by decent owners.

Modern park homes have a relatively long life expectancy, but many mobile homes in the county are aged, not up to today's construction standards, and will

fall into disrepair over the coming years - some becoming beyond economic repair and likely to fall outside the legal definition of a mobile home.

Unlike conventional bricks-and-mortar housing, mobile homes are not covered under the Housing Health and Safety Rating System. Under the 'Environmental Protection Act 1990' (EPA 90), a mobile home could be considered a statutory nuisance if it were in such a state or overcrowded as to be prejudicial to health – however, it would have to have some bearing on the health of others besides the occupiers of the home, which is unlikely.

A standard condition is attached to site licences which requires homes to be kept in good repair. This enables the Council to take enforcement action if a mobile home falls into serious disrepair. The *licensee* would be subject to the Council's enforcement however. In some cases, and particularly on retirement or semi retirement parks, residents have invested most or all of their life savings to purchase a mobile home, and do not have access to adequate funds to restore the home or replace it with another.

There is therefore the need for Wiltshire Council to support vulnerable residents who are being pursued for eviction following the Council's indirect enforcement, or by some site owners who use the site licence condition as a tool to rid their parks of older homes, to replace with new park homes and a consequent profit.

The Council therefore seeks to provide advice to vulnerable residents concerning re-housing options, and/or to promote and provide grant if appropriate and subject to grant eligibility criteria.

9. Energy Efficiency and Fuel Poverty

Energy efficiency is becoming increasingly important in terms of proven links between cold homes and poor health, the rising cost of fuel, and the effects on the environment.

There is a Government rating system for the assessment of the energy efficiency of domestic dwellings. This is referred to as the standard assessment procedure or SAP; the result of such an assessment is given as a single figure between 1 and 100. The higher the figure, the more energy efficient the dwelling. A modern energy efficient dwelling will have a SAP rating of 80 or more.

Information recently provided by the BRE, based on outputs from the 2001 census, indicates that 20% of private stock in Wiltshire has a SAP rating of less than 35, 5% higher than the national figure. This is likely to be as a result of a higher proportion of properties being off the gas main, and housing stock that is generally older with solid walls.

Fuel poverty occurs when households are unable to afford sufficient energy to heat their homes to a comfortable and safe level. The results are cold, damp homes, poor health and debt. Fuel poverty is defined as having to spend more than 10% of disposable income on a household's fuel bills.

Work is underway to establish a baseline SAP figure for Wiltshire to enable the authority to measure progress against National Indicator 187 – 'tackling fuel poverty'. This indicator is proposed to be across-tenure measure of the percentage of households on means tested benefits with a SAP rating of less than 35 or more than 65. Data will be collected by means of a postal survey from households on means tested benefits and from Social Registered Landlords.

Wiltshire Council is committed to improving the energy efficiency of housing within the county. Warm, energy efficient homes have been proved to improve health, the living environment and reduce social exclusion. The council will be actively promoting energy efficiency and addressing fuel poverty in partnership with other organisations and through a variety of schemes.

10. The Legal Framework

Various laws govern the Council's role in improving privately owned houses.

There are two main approaches to ensuring that housing conditions in the private sector are satisfactory. These are:

- Advice and information and, where appropriate, financial assistance to home owners
- Advice and information and, where appropriate, enforcing legal requirements

Financial assistance

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

The order gives local authorities the power to provide assistance for housing renewal. Assistance may be provided for repair, improvement and adaptation of housing. It may also be given for demolition of a dwelling and help with rebuilding costs or to provide alternative accommodation in any location where this supports the improvement of living conditions. The provision of alternative accommodation may be made available where the authority proposes to purchase the existing accommodation or where the provision represents a better alternative compared to repairing, improving or adapting the existing property.

Local authorities may provide assistance in the form of grants (linked to means testing), loans or equity release. Authorities may offer loans through a third party e.g. commercial lenders, or support a special purpose vehicle designed to administer 'not for profit' schemes of financial assistance for housing renewal. This strategy sets out Wiltshire Council's policy and how it intends to use the powers invested in it by Government in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

Before using these powers Wiltshire Council must publish a policy on how it intends to use them. The Policy is incorporated by way of appendices and an action plan within this strategy document.

In summary the council proposes that it will provide the following financial help:

- Disabled Facilities Grants
- Discretionary Disabled Facilities Grant Top Up
- Discretionary Disabled Facilities Grant Move on Assistance
- Houses of Multiple Occupation Assistance
- Minor Repairs Assistance
- Major Repairs Assistance
- Empty Home Grant
- Empty Homes Repair and Manage Assistance
- Landlords Minor Repairs Assistance
- Landlords Major Repairs Assistance
- Loans and Equity Release to fund essential repairs, improvements and adaptations. *
- SAP 35: Hard to Treat Properties *
- Private Rented Sector Initiative*

* The funding for these schemes was made following a bidding process to the Government Office South West . See Appendix 5.

The Housing Grants, Construction and Regeneration Act 1996

Since the introduction of The Housing Grants, Construction and Regeneration Act 1996 local authorities have a statutory duty to provide grant aid to disabled people to adapt their homes in order to meet their needs.

Our main priorities for giving financial help are:

- Ensuring disabled people can adapt their homes so that they can live more independently

- Increasing the number of decent homes occupied by vulnerable people
- To help meet the housing need by bringing empty properties back into use
- Reducing fuel poverty
- Assisting landlords to ensure that rented properties meet the required standards

Appendix 1 gives full details of the assistance offered and how this may be accessed.

Enforcement

Housing Act 2004

This major piece of legislation and one of the significant provisions within it is the new prescribed method local housing authorities must use to assess housing conditions. The aim of the Act is to create a fairer housing market for all those who own, rent or let residential property, while protecting the most vulnerable households in the community.

The main provisions of the Act are:

- Housing Health & Safety Rating System (HHSRS)

This Act replaces the existing Housing Fitness Standard with the Housing Health and Safety Rating System. The Housing Fitness Standard is based on criteria first introduced 80 years ago. Its replacement by the new Housing Health & Safety Rating System represents an important shift in thinking from a system that primarily dealt with a limited criteria for assessing the condition of dwellings, to one which is concerned with the risk posed to an occupant's health and safety by the condition of the property. Up to 29 areas can be assessed for risk covering far more repair and design issues that could adversely affect health. On the 6 April 2006 this change came into force.

- Licensing of Houses in Multiple Occupation

The Housing Act introduces a mandatory scheme to license all properties of 3 storeys and above that are rented to more than one household and contain at least 5 occupants.

- Interim & Final Empty Dwelling Management Order

These orders enable the Local Authority to take over the management of empty properties as determined by Residential Property Tribunals. An interim order can only be used with the consent of the owner, while a final order can be made without the consent of the homeowner.

Our approach to enforcement is set out in Appendix 2 – Enforcement Policy

11. Key priorities

- Completing stock condition survey
- Delivery of Disabled facilities grant programme
- Deliver Discretionary Assistance programme
- Work with landlords to improve private rented properties
- Reducing fuel poverty through grant assistance, advice and working in partnership with other bodies

12. Finance

Capital Resources for Private Sector Housing

Private Sector Housing Renewal 2009/10

Capital funding for Private Sector Housing Renewal in Wiltshire is met entirely from an annual allocation from the Government Office South West . The allocation for each Local Authority from the Regional Housing Pot was made on a basis of 70% formulae and 30% competitive bids. Wiltshire Council's allocation for 2009/10 is £1,804,000. This is an uplift of £716,000 from the combined capital grant for the 4 Wiltshire District Councils in 2008/9.

The criteria for the bidding element is judged on general innovation and good practice. Wiltshire made a capital bid which requested funds for a Loan and Equity release scheme, a scheme aimed at addressing fuel poverty and improving energy efficiency (SAP 35) and a Private Rented Sector Initiative. The bid is outlined in Appendix 5. Wiltshire was successful in to the bid and was allocated £360,000 for the Loan and Equity release scheme and a total of £362,500 for the SAP35 and Private Rented Initiative . The bid stated that the

council would allocate an additional £375,000 for the Loan and Equity Release Scheme and £175,000 for the SAP35 bid. The funds for this contribution to come from the capital received from the formulae allocation.

The financial implications for this funding are shown below.

Capital resources for Private Sector Housing Renewal

Assistance Type	Budget	Maximum Assistance Per Property	Estimated Number of Cases
Loans and Equity Release	£735,000	To be decided	Initial year will be used to set up and develop the scheme
SAP 35	£287,500	£15,000	26
Private Rents Sector Initiative	£250,000	£30,000	25
Other Housing Renewal Assistance	£531,500	£30,000	150
Total	£1,804,000		

Unallocated balance under each heading may be reallocated in consultation with the portfolio holder depending on the demand for each form of assistance.

Mandatory Disabled Facilities Grants

The Council's Capital budget provides for funding of £2,352,000 for Disabled Facilities Grants during 2009/2010. Of this £897,000 comes from the Government and £1,455,000 from Wiltshire. The table below details funding and budgets from 2008 to 2012.

Wiltshire faces an ageing demographic profile, and very strong demand for mandatory Disabled Facilities Grants. These are required once an assessment of need has been made, and the high levels of relatively poor quality owner occupied housing and strong demand from tenants of Registered Social Landlords in the county, mean that demand on the Disabled Facilities Budget is likely to remain high. It will therefore be a challenge to reduce the budget whilst still providing a good quality of service. This Strategy and Policy introduces two initiatives which may produce small savings: local land charges for certain grants over £6,000 and 'move on assistance'. The new Wiltshire Council will review the service to investigate whether efficiencies and cost savings can be made to reduce expenditure.

Mandatory Disabled Facilities Grant Funding 2008 to 2012

2008/2009	2009/2010	2010/2011	2011/2012
Budget	Budget	Planned	Planned
£	£2,352,000	£897,000	£897,000

Action Plan

The housing renewal policy will continue to be developed in line with national best practice and local need. We will seek to be innovative and develop where possible partnerships in both private and public sector. The strategy will therefore seek to build confidence and raise awareness of the help that is available. Appendix 3 details our action and outcomes for the next three years.

One of the council's aims is to achieve continuous improvement. As part of this process we will continually review private sector housing activities and compare our services to ensure we adopt 'best practice'. Where appropriate we will invest in research to identify and better understand housing market conditions.

12. Procedure for Determining Appeals

Appeals will be determined using the procedure given in Appendix 4

13. Consultation

Formal consultation on this policy has taken place in line with the consultation concordat.

Organisations formally consulted about this policy include:

Wiltshire PCT
Social Services/DACS
Children's and Families' Services
Anchor Staying Put (Salisbury)
Ridgeway Care and Repair
Hospital Discharge Team
Age Concern Salisbury District
Age Concern Wiltshire
Citizens Advice Bureau
Departments of Wiltshire County Council
Supporting People Wiltshire
National Landlord's Association

Appendix 1

Mandatory Disabled Facilities Grants

Purpose

The Disabled Facilities Grant is a mandatory grant under the Housing Grants, Construction and Regeneration Act 1996. Its purpose is to modify disabling environments in order to restore or enable independent living, privacy, confidence and dignity for individuals and their families.

Eligibility

To be eligible for a Disabled Facilities Grant the works must be both “necessary and appropriate” and “reasonable and practical”. Part of this evaluation requires that the disabled person needs are assessed by a Local Authority Occupational Therapist. Applications for Disabled Facilities Grants are subject to a means test. The grant limit for relevant works is £30,000.

Eligible Works

Mandatory Disabled Facilities Grant may be provided for the following purposes:

- a) facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling is situated;
- b) making the dwelling or building safe for the disabled occupant and other persons residing with him/her;
- c) facilitating access by the disabled occupant to a room used or usable as the principal family room;
- d) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
- e) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility;
- f) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room where there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;
- g) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room where there is a wash hand basin or facilitating the use by a disabled occupant of such a facility;
- h) facilitating the preparation and cooking of food by the disabled occupant;

- i) improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his/her needs;
- j) facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;
- k) facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and is in need of care;
- l) facilitating access to and from a garden by a disabled occupant; or making access to a garden safe for a disabled occupant.

Land Charge Conditions

It is a condition of the grant that a local land charge will be made in the case of owner occupied application where the grant exceed £6,000. This allows the recovery of funds in the event of a property subsequently being sold or otherwise disposed of. The land charge will be made for the amount that exceeds £5,000, for examples in the case of a grant for £6,000 a £1,000 land charge will be taken up to the maximum allowed (at this point £10,000)

Land Charges Exceptional circumstances

The Head of Private Sector Housing will consider each case and should exceptional circumstances arise having regard to an individual circumstance the Service Director in consultation with the Portfolio Holder will reach a decision as to whether to make such a demand or to demand a lesser amount.

When a property is disposed of repayment of the land charge will normally be exempt in the following circumstances:

- If a client moves to another property within the ten year period that does not require adaptations to be carried out; the new property is more appropriate to their needs (as confirmed by an Occupational Therapist) repayment will be waived.
- If the client is moving into an enhanced or extra care accommodation.
- If the client's death results in a child inheriting the whole of the property who's financial position is such that they could not raise a mortgage or a loan to repay the charge. This is intended to be a safeguard for children who have a mental impairment or who have acted as a carer for their parent.

Discretionary Disabled Facilities Assistance

Purpose

To provide the disabled person with additional options in addition to the statutory Disabled Facilities Grant.

1. Disabled Facilities Grant Top Up

Purpose

A top up to the Disabled Facilities Grant where the cost of essential works exceeds the maximum grant. The maximum level of Disabled Facilities Grant Top Up is £10,000.

Applicant Eligibility

Where a Disabled Facilities Grant has been approved and the cost of the relevant works exceeds the maximum grant level then the council will use the following method to assess eligibility.

This type of funding will not be considered where an alternative is deemed to be more cost effective. The council, prior to awarding discretionary funding, will take the following into account:

- An applicant's ability to afford the excess over the availability of mandatory funding assessed through the statutory test of resources. The Disabled Facilities Grant means test used prior to December 2006 will be adopted to assess the contribution from parents in the case of adaptations for children.
- The availability of other sources of funding for the scheme (which will include the applicant's ability to access equity release funding and loans schemes or social services funding or loans).
- Tenants of Housing Association will need to show that the funding cannot be provided by their landlord.
- A cost benefit analysis of the options available including moving to an alternative more suitable property.
- Provided that an application fulfils the above criteria then an application can be put forward to a case conference where the Portfolio holder for Housing and Director of Housing will consider the merits of providing the assistance and decide whether to make a financial award.

Eligible Works

Works that have received approval for Disabled Facilities Grant and that exceed the maximum grant.

Conditions

Should the applicant be an owner occupier then a legal charge for 15 years will be made on the property.

2. Move on Assistance

Purpose

To provide disabled people financial help to move to more suitable housing.

Applicant Eligibility

A disabled person who would be eligible for a Disabled Facilities Grant.

Where the disabled person is assessed financially to be entitled to a Disabled Facilities Grant then the council may fund up to that level of that grant entitlement.

Eligible Works

- Necessary additional cost of acquiring housing suitable for the applicant or disabled occupiers needs. (Difference between the purchase price of the new home and the sale price of the applicants existing home).
- Legal fees incurred by applicant in connection with the sale and purchase of their home.
- Stamp duty on cost of replacement home.
- Necessary and appropriate Estate Agents and survey fees.
- Fees of appropriate agent or other professional advisor (normally a Home Improvement Agency).
- Removal costs.
- Floor Coverings up to maximum of £1000 (where none present or where replacement is deemed necessary upon inspection by a Council Private Sector Housing Officer).
- Adaptation costs to make the house suitable for the disabled person and their family
- In the case of housing built by a registered Social Landlord the extra cost of developing a property that meets the needs of the disabled occupier and their family.

Costs NOT eligible for Assistance:

- Proportion of purchase price deemed to constitute “betterment” beyond meeting to reasonable needs of the applicant and/or their dependants.
- Redecoration costs.
- Other costs associated with fixtures or appliances.

Pre-requisites to Assistance being given:

- Re-housing must be deemed to be most suitable and cost-effective option.
- The move must fully meet the needs of the disabled person and their family.
- Where appropriate valuations of both existing and replacement homes will be required.

Conditions

In the case of owner occupiers a legal charge will be taken on the property for 15 years equivalent to the financial assistance provided.

Payment will be made on completion.

That the move on housing must be within Wiltshire.

Assistance for Houses in Multiple Occupation

Purpose

To encourage owners of Houses in Multiple Occupation to voluntarily undertake works to improve their property to the minimum Houses in Multiple Occupation standards. It is a condition that the property is occupied or available for residential occupation at the completion of the works. That the occupier should have not family connection to the landlord.

Applicant eligibility

To be eligible for a grant:

- The applicant must have an owner's interest in the premises, which must be an Houses in Multiple Occupation as defined in the Housing Act 2004. Where the owner's interest is leasehold, the lease must have at least five years remaining at approval.
- At completion of works, the property will comply with the standard detailed in Part 1 of the Housing Act 2004.
- Where the premises are liable for licensing under Part 2 or Part 3 of the Housing Act 2004, the premises must be licensed before grant can be paid.
- The landlord must provide a certificate of future occupation, at the grant approval stage, stating that throughout the five year grant condition period the house will be residentially occupied, or available for residential occupation, under tenancies or licenses by persons who, for the time being, are not related to the owner of the house.
- The council must have nomination rights for the five year period
- At completion of the works the landlord may be required to belong to the Wiltshire Landlord Accreditation Scheme.

Applicant Eligibility if a Charity working with Homeless

- That the conditions will be decided on a case by case basis at the discretion of the Portfolio Holder in consultation with the Director of Housing.

Eligible Works

- The work must improve the property to the minimum Houses in Multiple Occupation Standard.
- Work required following a preliminary notice making the property suitable for people to live in.
- Work needed to meet the conditions of a license following an application by the landlord

- Improvements to the energy performance of the property

Grants are limited to works for the provision of:

- Fire precaution and safety measures for occupant safety to meet minimum Houses in Multiple Occupation Standards
- New fixed amenities such as kitchens and bathrooms (but not repair or replacement of existing amenities) to meet the minimum Houses in Multiple Occupation Standards
- Work to improve the energy efficiency of the property

No grant assistance will be available where formal enforcement action under the Housing Acts has been commenced, which requires work to be undertaken.

The maximum eligible expense is £5,000 per letting up to £30,000 per property. If a property is to be let at Local Housing Allowance level the grant is for 100% of eligible works otherwise for 50% of the works.

There can be no further grant of this type awarded for a property within five years of completion of works. A landlord or their tenants may apply for assistance from other schemes within this policy.

Grant Conditions

It is a condition of the empty homes grant that the property owner lets the property at or below the local reference rent for a period of 5 years for grants of £5,000 and under and 10 years for larger grants.

Discretionary Financial Assistance will be made available subject to funds being available and the following conditions:

- 1.1 The applicant is over 18 years of age and applies for assistance on the forms prescribed by the Wiltshire Council.
- 1.2 The applicant holds either a relevant interest in the property as the Owner, leaseholder or under a trust with repairing obligations. That a leaseholder must have a repairing obligation and have at least five years remaining on the lease.
- 1.3 In the case of a grant of £5,000 or less, that the applicant must make a declaration to let the property for the following 5 years at either the local reference rent or below the local reference rent and agree that if higher rents are received then the assistance provided by the council is repaid.
- 1.4 In the case of a grant of over £5,000 that the applicant must make a declaration to let the property for the following 10 years at either the local reference rent or below the local reference rent and agree that if higher rents are received then the assistance provided by the council is repaid
- 1.5 That the property is suitably insured throughout the grant condition period.
- 1.6 That there are no unreasonably long periods where the property is left vacant.

- 1.7 In the case of a property held jointly then all those listed with the land registry must be included in the application.
- 1.8 That grants can be made for improvements and repairs to flats, houses and bungalows. Grants will not be offered for other temporary structures, caravans or mobile homes unless they have remaining planning consent of at least 10 years.
- 1.9 An reasonable element of the grant or loan can be used to cover the costs of agency fees, planning and building regulation charges, architectural services, specialists surveys, land registry charges and legal costs unless clients choose to pay these costs themselves.
- 1.10 No works to commence before approval.
- 1.11 Only work assessed by the council as reasonable, practicable, necessary and appropriate will be eligible for assistance.
- 1.12 That the life expectancy of any structural items repaired or replaced should be 20 years or more (except in the case of mechanical items where it may be a shorter period).
- 1.13 That eligible work must be carried out within 12 months of the date of approval.
- 1.14 For work up to £10,000 2 quotes are required. For work above £10,000 three quotes are required.
- 1.15 That the work is completed by the contractor whose estimate accompany the application unless expressly agreed and then the council will reimburse the cheapest price.
- 1.16 The payment of Housing Assistance is conditional upon the authority being provided with an acceptable invoice and the work being completed in a professional and satisfactory manner. The payment will be made directly to the contractor on behalf of the landlord.
- 1.17 It is a condition of Landlords Assistance that an energy efficiency survey of the property is undertaken and that such works that the Authority considers practical, cost effective and that will improve the energy efficiency of the property are carried out.
- 1.18 That the landlord advises the council forthwith of any changes of tenancy.
- 1.19 At completion of the works the landlord may be required to belong to the Wiltshire Landlord Accreditation Scheme
- 1.20 Maximum Grant £30,000.
- 1.21 Grants in excess of £5,000 are repayable if the property is sold within 10 years of completion of the works and will be secured as a charge on the property. Such assistance is only available owners with leasehold or freehold interests in the property where there is sufficient equity in the property to repay the advance at the time of the works being approved by the council. The applicant may choose to fund works in excess of £5,000 themselves.
- 1.22 Successive applications for each property are permitted subject to the maximum grant not being exceeded in any 5 year period.
- 1.23 That the property is let for 5 years. The grant is repayable if the property is left empty or sold.

- 1.24 If successive applications are made and the sum of the applications in any 5 years exceeds £5000 then assistance will only be provided with a legal charge for the full amount advanced unless the applicant chooses to fund the excess over £5,000 themselves.
- 1.25 That it is a condition of the grant that the scheme of work must result in the property being brought up to the decent home standard including all category 1 HHSRS Hazards being addressed. The council in some cases will require category 2 hazards to also be addressed.
- 1.26 Works that would not be eligible include:
- a. Work to non habitable or temporary structures such as conservatories, garages, porches unless they present a category 1 HHSRS hazard. In such circumstances a financial case would need to be made to repair rather than demolish.
 - b. Remedial work following damage, neglect or DIY disasters unless they present a category 1 HHSRS hazard.

Repairs Assistance

Purpose

To help vulnerable householders maintain their homes. The priority for the Council is to offer assistance to vulnerable households to remove category 1 Housing Health and Safety Rating Hazards. Where appropriate, assistance will also be given to bring the property up to the decent homes standard set by the Government. A decent home is one which is wind and weather tight, warm and has modern facilities. Where no category 1 Hazards exist and the property meets the decent home standard then assistance may be provided for items of major disrepair.

Wiltshire Council is able to offer the following assistance options:

1. Minor Repairs Assistance up to £5,000

This assistance is not repayable.

If the works exceed £5,000 then the applicant may opt to provide their own funds in addition to the assistance to cover the full cost of the works. Alternatively they may opt to apply for a major repairs assistance (see below)

2. Major Repairs Assistance up to £12,000

A legal charge will be placed against a property for 10 years where the assistance exceeds £5,000 in 5 years.

If the works exceed £12,000 then the applicant may opt to provide their own funds to top up the assistance to cover the full cost of the works; this may not however compromise the charge that the council has taken on the property.

Applicant Eligibility

- All owner-occupiers and tenants, licensees and occupiers who have an owner's interest or a lease agreement or trust agreement specifying responsibility for the works required.
- Protected tenants (where assistance is not for works that the landlord is obliged to undertake either contractually or under the terms of the Landlord and Tenant Act 1985).

Provided that the applicant receives any of the following benefits:

- Housing Benefit (Must be in receipt of a disability benefit, have school age children or be over 60 years old)

- Council Tax Benefit (Must be in receipt of a disability benefit, have school age children, be over 60 years old or suffer from sever mental health problems that make work impossible)
- Income Support (Must be in receipt of a disability benefit , have school age children or suffer from sever mental health problems that make work impossible)
- Income-based Job Seekers Allowance (Must be in receipt of a disability benefit or have school age children)
- Working Tax Credit which includes a disability element where the entitled person has a relevant annual income of less than £15,050
- Child Tax Credit where the entitled person has a relevant annual income of less than £15,050
- Pension Credit
- Either Disabled Living Allowance or Attendance or War Disablement or Industrial Injuries Benefit, learning difficulties, or suffer from sever mental health problems that make work impossible and their contribution using the Disabled Facilities Grant means test would be zero

Eligible Works

- Work to resolve a Category 1 Housing Health and Safety Rating Hazard. It is a condition of the grant that on completion of the scheme of work that all category 1 Housing Health and Safety Rating System Hazards are resolved.
- Items of serious disrepair including structural failures or repairs that are urgent or need to be carried out because they affect the occupation of the dwelling.
- Work that reduces the presence of hazards due to risk from falls, fire and contamination.
- Minor repairs including wind or weatherproofing a dwelling. Works tackling defective or sub-standard drainage.
- Electrical and gas safety work
- Works to facilitate the renewal of a central heating boiler in the case of breakdown where the boiler proves obsolete and a Warm Front Grant would not ensure the work is undertaken in a timely fashion.
- Work to improve the property to decent home standards.
- To top up a Warm Front Grant
- Where the property fails or part fails the decent homes standard by virtue of not having reasonably modern facilities, the minimum improvement to meet the standard will be considered for assistance.

Conditions of Assistance

Discretionary Financial Assistance will be made available subject to funds being available and the following conditions:

- 1.1 The applicant is over 18 years of age and applies for assistance on the forms prescribed by the Wiltshire Council;
- 1.2 The applicant holds either a relevant interest in the property as the Owner, leaseholder or under a trust with repairing obligations, has done so for the previous 5 years and has made a disclosure and provided supporting evidence of this or is a protected tenant and the work proposed will make the property decent but not attend to wants that are the responsibility of the landlord. That a leaseholder must have a repairing obligation and have at least three years remaining on the lease. In each case the occupier must make a declaration of intention to remain the property for the foreseeable future.
- 1.3 That the relevant person is regarded as the owner or leaseholder. In the case of a property held jointly then all those listed as the owner or leaseholder including a spouse or partner should fulfill the financial eligibility criteria outlined.
- 1.4 That grants can be made for improvements and repairs to flats, houses, bungalows and Mobile Homes. Grants will not be offered for other temporary structures, caravans or mobile homes unless they have planning consent form a minimum period of 10 years.
- 1.5 An element of the grant or loan can be used to cover the costs of agency fees, planning and building regulation charges, architectural services, specialists surveys, land registry charges and legal costs unless clients choose to pay these costs themselves.
- 1.6 No works to commence before approval, except in the case of an emergency and then only with an inspection of the property by the Authority prior to the commencement of the works.
- 1.7 Only work assessed as reasonable, practicable, necessary and appropriate will be eligible for assistance.
- 1.8 That the life expectancy of any structural items repaired or replaced should be 20 years or more (except in the case of mechanical items where it may be a shorter period).
- 1.9 That eligible work must be carried out within 12 months of the date of approval.
- 1.10 For work up to £10,000 2 quotes are required. For work above £10,000 three quotes are required.
- 1.11 That the work is completed by the contractor whose estimate accompanied the application unless expressly agreed and then the council will reimburse the cheapest price.
- 1.12 The payment of Housing Assistance is conditional upon the authority being provided with an acceptable invoice and the work being completed in a professional and satisfactory manner. The payment will be made directly to the contractor on behalf of the householder.

- 1.13 It is a condition of Housing Assistance that an energy efficiency survey of the property is undertaken and that such works that the Authority considers practical, cost effective and that will improve the energy efficiency of the property are carried out.
- 1.14 Maximum Grant £12,000.
- 1.15 Grants in excess of £5,000 are repayable if the property is sold or the occupiers vacates within 15 years of completion of the works and will be secured as a charge on the property. Such assistance is only available occupiers with leasehold or freehold interests in the home where there is sufficient equity in the property to repay the advance at the time of the works being approved by the council. The applicant may choose to fund works in excess of £5,000 themselves.
- 1.16 Successive applications are permitted subject to the maximum grant not being exceeded in any 5 year period.
- 1.17 If successive applications are made and the sum of the application in any 5 years exceeds £5000 then assistance will only be provided with a legal charge for the combined full amount, unless the applicant chooses to fund the excess over £5,000 themselves.
- 1.18 Works that would not be eligible include:
- a. Work to non habitable or temporary structures such as conservatories, garages, porches unless they present a category 1 HHSRS hazard. In such circumstances a financial case would need to be made to repair rather than demolish.
 - b. Remedial work following damage, neglect or DIY disasters by the occupier unless they present a category 1 HHSRS hazard.

Empty Homes Assistance

Purpose

To provide financial encouragement to owners of empty properties to voluntarily bring them back into use.

Applicant Eligibility

The freeholder or leaseholder of an empty property that has been empty for 6 months or longer. Decisions will be made on a case by case basis and the council would need to undertake a cost benefit analysis to consider whether assistance can be provided.

Eligible Works

Works required will be to bring the property up to both the decent homes standard and to reach a good standard for letting.

Empty Home Grant

100% allowance for eligible works up to £20,000 if the property is let at the Local Housing Allowance level.

50% allowance for eligible works up to £10,000 if let at above the Local Housing Allowance level.

Grant Conditions

It is a condition of the empty homes grant that the property owner lets the property for a period of 5 years for grants of £5,000 and under and 10 years for larger grants.

Discretionary Financial Assistance will be made available subject to funds being available and the following conditions:

- 1.1 The applicant is over 18 years of age and applies for assistance on the forms prescribed by the Wiltshire Council.
- 1.2 The applicant holds either a relevant interest in the property as the Owner, leaseholder or under a trust with repairing obligations. That a leaseholder must have a repairing obligation and have at least five years remaining on the lease.
- 1.3 In the case of a grant of £5,000 or less, that the applicant must make a declaration to let the property for the following 5 years at either the local reference rent or below the local reference rent and agree that if higher rents are received then the assistance provided by the council is repaid.
- 1.4 In the case of a grant of over £5,000 that the applicant must make a declaration to let the property for the following 10 years at either the local reference rent or

- below the local reference rent and agree that if higher rents are received then the assistance provided by the council is repaid
- 1.5 That the property is not let to a member of the landlord's family.
 - 1.6 That the council have nomination rights for a five year period.
 - 1.7 That the property is suitably insured throughout the grant condition period.
 - 1.8 That there are no unreasonably long periods where the property is left vacant.
 - 1.9 In the case of a property held jointly then all those listed with the land registry must be included in the application.
 - 1.10 That grants can be made for improvements and repairs to flats, houses and bungalows. Grants will not be offered for other temporary structures, caravans or mobile homes unless they have remaining planning consent of at least 10 years.
 - 1.11 A reasonable element of the grant or loan can be used to cover the costs of agency fees, planning and building regulation charges, architectural services, specialists surveys, land registry charges and legal costs unless clients choose to pay these costs themselves.
 - 1.12 No works to commence before approval.
 - 1.13 Only work assessed by the council as reasonable, practicable, necessary and appropriate will be eligible for assistance.
 - 1.14 That the life expectancy of any structural items repaired or replaced should be 20 years or more (except in the case of mechanical items where it may be a shorter period).
 - 1.15 That eligible work must be carried out within 12 months of the date of approval.
 - 1.16 For work up to £10,000 2 quotes are required. For work above £10,000 three quotes are required.
 - 1.17 That the work is completed by the contractor whose estimate accompany the application unless expressly agreed and then the council will reimburse the cheapest price.
 - 1.18 The payment of Housing Assistance is conditional upon the authority being provided with an acceptable invoice and the work being completed in a professional and satisfactory manner. The payment will be made directly to the contractor on behalf of the landlord.
 - 1.19 It is a condition of Landlords Assistance that an energy efficiency survey of the property is undertaken and that such works that the Authority considers practical, cost effective and that will improve the energy efficiency of the property are carried out.
 - 1.20 That the landlord advises the council forthwith of any changes of tenancy.
 - 1.21 At completion of the works the landlord may be required to belong to the Wiltshire Landlord Accreditation Scheme
 - 1.22 Maximum Grant £20,000.
 - 1.23 Grants in excess of £5,000 are repayable if the property is sold within 10 years of completion of the works and will be secured as a charge on the property. Such assistance is only available owners with leasehold or freehold interests in the

- property where there is sufficient equity in the property to repay the advance at the time of the works being approved by the council. The applicant may choose to fund works in excess of £5,000 themselves.
- 1.24 Successive applications for each property are permitted subject to the maximum grant not being exceeded in any 5 year period.
 - 1.25 That the property is let for 5 years.
 - 1.26 If successive application are made and the sum of the application in any 5 years exceeds £5000 then assistance will only be provided with a legal charge for the full amount advanced unless the applicant chooses to fund the excess over £5,000 themselves.
 - 1.27 That it is a condition of the grant that the scheme of work must result in the property being brought up to the decent home standard including all category 1 HHSRS Hazards being addressed. The council in some cases will require category 2 hazards to also be addresses.
 - 1.28 Works that would not be eligible include:
 - a. Work to non habitable or temporary structures such as conservatories, garages, porches unless they present a category 1 HHSRS hazard. In such circumstances a financial case would need to be made to repair rather than demolish.
 - b. Remedial work following damage, neglect or DIY disasters unless they present a category 1 HHSRS hazard.

Empty Homes Repair and Manage Assistance

Provides an option for owners to lease their property to the council or an agent nominated by the council and have it repaired and improve to a standard suitable for letting. The council or a named agent would manage the property for a set period of time using the rent to pay for the repairs and letting costs throughout the period of lease. Each offer of assistance would be negotiated on a case by case basis. A running account would be maintained by the council of named agent. Any surpluses returned to the owner. The property would at the end of the lease period be returned to the landlord in the improved condition ready to sale or let.

The cost of refurbishment should not exceed £20,000. The property would be let at the local reference rent.

Landlords' Repairs Assistance

Purpose

The purpose of this type of assistance is to help landlords improve homes occupied by vulnerable tenants. Following the assistance the property will need to meet the decent homes standard set by the Government. A decent home is one which is wind and weather tight, warm, has modern facilities and is free from hazards.

Wiltshire Council is able to offer the following assistance options:

1. Landlords Minor Repairs Assistance from £1,000 to £5,000

This assistance is not repayable.

If the works exceed £5,000 then the applicant may opt to provide their own funds in addition to the assistance to cover the full cost of the works. Alternatively they may opt to apply for major repairs assistance (see below)

2. Landlords Major Repairs Assistance up to £12,000

A legal charge will be placed against a property for 15 years where the assistance exceeds £5,000 in 5 years.

If the works exceed £12,000 then the applicant may opt to provide their own funds to top up the assistance to cover the full cost of the works; this may not however compromise the charge that the council has taken on the property.

Applicant Eligibility

- An owner of a property let to a vulnerable tenant(s).

Households in receipt of the following benefits currently fall within the scope of 'vulnerable':

- Housing Benefit
- Council Tax Benefit
- Income Support
- Income-based Job Seekers Allowance
- Attendance Allowance
- Disability Living Allowance
- Industrial Injuries Disablement Benefit
- War Disablement Pension
- Working Tax Credit which includes a disability element where the entitled person has a relevant annual income of less than £15,050
- Child Tax Credit where the entitled person has a relevant annual income of less than £15,050
- Pension Credit

For the purpose of this assistance the definition will also include the over 60s.

Eligible Works

- Work to improve the property to decent home standards. Note: Where the property fails or part fails the decent homes standard by virtue of the not having reasonably modern facilities that the minimum improvement to meet the standard will be considered for assistance

Work to resolve a Category 1 Housing Health and Safety Rating Hazards.

Grant Conditions

It is a condition of Repairs Assistance and Major Repairs Assistance that the property owner lets the property at or below the local reference rent for a period of 5 years. In the case of Major Repairs the landlord is required to let the property for the following 10 years.

Discretionary Financial Assistance will be made available subject to funds being available and the following conditions:

- 1.1 The applicant is over 18 years of age and applies for assistance on the forms prescribed by the Wiltshire Council.
- 1.2 The applicant holds either a relevant interest in the property as the Owner, leaseholder or under a trust with repairing obligations. That a leaseholder must have a repairing obligation and have at least five years remaining on the lease.
- 1.3 The applicant must make a declaration of intention to make the property available to the current tenant for 5 years subject to the tenant fulfilling the duties of their tenancy. The tenant would have the option to give notice in this period.
- 1.4 In the case of minor repairs assistance that the applicant must make a declaration to let the property for the following 5 years at either the local reference rent or below the local reference rent and agree that if higher rents are received then the assistance provided by the council is repaid.
- 1.5 In the case of major repairs assistance that the applicant must make a declaration to let the property for the following 10 years at either the local reference rent or below the local reference rent and agree that if higher rents are received then the assistance provided by the council is repaid
- 1.6 That the property is not let to a member of the landlord's family.
- 1.7 That the council have nomination rights for a five year period.
- 1.8 That the property is suitably insured throughout the grant condition period.
- 1.9 That there are no unreasonably long periods where the property is left vacant.
- 1.10 In the case of a property held jointly then all those listed with the land registry must be included in the application.
- 1.11 That grants can be made for improvements and repairs to flats, houses and bungalows. Grants will not be offered for other temporary structures, caravans or mobile homes unless they have remaining planning consent of at least 10 years.

- 1.12 An reasonable element of the grant or loan can be used to cover the costs of agency fees, planning and building regulation charges, architectural services, specialists surveys, land registry charges and legal costs unless clients choose to pay these costs themselves.
- 1.13 No works to commence before approval.
- 1.14 Only work assessed by the council as reasonable, practicable, necessary and appropriate will be eligible for assistance.
- 1.15 That the life expectancy of any structural items repaired or replaced should be 20 years or more (except in the case of mechanical items where it may be a shorter period).
- 1.16 That eligible work must be carried out within 12 months of the date of approval.
- 1.17 For work up to £10,000 2 quotes are required. For work above £10,000 three quotes are required.
- 1.18 That the work is completed by the contractor whose estimate accompanies the application unless expressly agreed and then the council will reimburse the cheapest price.
- 1.19 The payment of Housing Assistance is conditional upon the authority being provided with an acceptable invoice and the work being completed in a professional and satisfactory manner. The payment will be made directly to the contractor on behalf of the landlord.
- 1.20 It is a condition of Landlords Repairs Assistance that an energy efficiency survey of the property is undertaken and that such works that the Authority considers practical, cost effective and that will improve the energy efficiency of the property are carried out.
- 1.21 That the landlord advises the council forthwith of any changes of tenancy.
- 1.22 At completion of the works the landlord may be required to belong to the Wiltshire Landlord Accreditation Scheme
- 1.23 Maximum Grant £12,000.
- 1.24 Grants in excess of £5,000 are repayable if the property is sold within 10 years of completion of the works and will be secured as a charge on the property. Such assistance is only available owners with leasehold or freehold interests in the property where there is sufficient equity in the property to repay the advance at the time of the works being approved by the council. The applicant may choose to fund works in excess of £5,000 themselves.
- 1.25 Successive applications for each property are permitted subject to the maximum grant not being exceeded in any 5 year period.
- 1.26 That the property is let for 5 years.
- 1.27 If successive application are made and the sum of the application in any 5 years exceeds £5000 then assistance will only be provided with a legal charge for the full amount advanced unless the applicant chooses to fund the excess over £5,000 themselves.
- 1.28 That it is a condition of the grant that the scheme of work must result in the property being brought up to the decent home standard including all category 1

HHSRS Hazards being addressed. The council in some cases will require category 2 hazards to also be addresses.

1.29 Works that would not be eligible include:

a. Work to non habitable or temporary structures such as conservatories, garages, porches unless they present a category 1 HHSRS hazard. In such circumstances a financial case would need to be made to repair rather than demolish.

b. Remedial work following damage, neglect or DIY disasters unless they present a category 1 HHSRS hazard.

SAP 35 Assistance

Purpose

To improve the energy efficiency of poor performing homes occupied by vulnerable and elderly households.

Applicant Eligibility

- All owner-occupiers and tenants, licensees and occupiers who have an owner's interest or a lease agreement or trust agreement specifying responsibility for the works required.
- Landlord of the property

Eligibility

Provided that the applicant receives any of the following benefits:

- Housing Benefit (Must be in receipt of a disability benefit, have school age children or be over 60 years old)
- Council Tax Benefit (Must be in receipt of a disability benefit, have school age children, be over 60 years old or suffer from sever mental health problems that make work impossible)
- Income Support (Must be in receipt of a disability benefit , have school age children or suffer from sever mental health problems that make work impossible)
- Income-based Job Seekers Allowance (Must be in receipt of a disability benefit or have school age children)
- Working Tax Credit which includes a disability element where the entitled person has a relevant annual income of less than £15,050
- Child Tax Credit where the entitled person has a relevant annual income of less than £15,050
- Pension Credit
- Either Disabled Living Allowance or Attendance or War Disablement or Industrial Injuries Benefit or learning difficulties, or suffer from sever mental health problems that make work impossible, of over 60 where it is shown that over 10% of their income is spent on fuel.

Eligible Works

Properties with a SAP rating below 35 would be treated to give a post work rating increased by at least 10 (over SAP 65 if achievable). External funding and a combination of treatment would be fully utilized in an innovative way.

Conditions of Assistance

Discretionary Financial Assistance will be made available subject to funds being available and the following conditions:

1.1 In the case of a landlords application the condition in Landlords Repairs Assistance Apply.

1.2 The applicant is over 18 years of age and applies for assistance on the forms prescribed by Wiltshire Council;

1.3 The applicant holds either a relevant interest in the property as the Owner, leaseholder or under a trust with repairing obligations, and has made a disclosure and provided supporting evidence In each case the occupier must make a declaration of intention to remain the property for the foreseeable future.

1.4 That the relevant person is regarded as the owner or leaseholder. In the case of a property held jointly then all those listed as the owner or leaseholder including a spouse or partner should fulfill the financial eligibility criteria outlined.

1.5 That grants can be made for improvements and repairs to flats, houses, bungalows and Mobile Homes. Grants will not be offered for other temporary structures, caravans or mobile homes unless they have planning consent form a minimum period of 10 years. Note at present there is no satisfactory method of calculating SAP for mobile homes.

1.6 That a robust method of calculating SAP is used.

1.7 An element of the grant or loan can be used to cover the costs of agency fees, planning and building regulation charges, architectural services, specialists surveys, land registry charges and legal costs unless clients choose to pay these costs themselves.

1.8 No works to commence before approval, except in the case of an emergency and then only with an inspection of the property by the Authority prior to the commencement of the works.

1.9 Only work assessed as reasonable, practicable, necessary and appropriate will be eligible for assistance.

1.10 That the life expectancy of any structural items repaired or replaced should be 20 years or more (except in the case of mechanical items where it may be a shorter period).

1.11 That eligible work must be carried out within 12 months of the date of approval.

1.12 For work up to £10,000 2 quotes are required. For work above £10,000 three quotes are required.

1.13 That the work is completed by the contractor whose estimate accompanied the application unless expressly agreed and then the council will reimburse the cheapest price.

1.14 The payment of Housing Assistance is conditional upon the authority being provided with an acceptable invoice and the work being completed in a professional and satisfactory manner. The payment will be made directly to the contractor on behalf of the householder.

1.15 It is a condition of Housing Assistance that an energy efficiency survey of the property is undertaken and that such works that the Authority considers practical, cost effective and that will improve the energy efficiency of the property are carried out.

1.16 Maximum Grant £15,000.

1.17 If the grant exceeds £10,000 then half of the cost will be repayable if the property is sold or the occupiers vacates within 15 years of completion of the works. This will be secured as legal charge on the property. Such assistance is only available to occupiers with leasehold or freehold interests in the home where there is sufficient equity in the property to repay the advance at the time of the works being approved by the council. The applicant may choose to fund works in excess of £10,000 themselves.

Loans and Equity Release

Purpose

To provide an alternative to grant funding to provide householders a council backed Loan and Equity Release product to fund essential repairs, improvements and adaptations to their homes.

It is proposed that delegate authority is given to the portfolio holder for housing and the Director of Housing to decide the eligible works, eligibility of applicants and conditions.

Examples of the nature and such schemes are as follows;

1. Loans to the over 60's and vulnerable householders to carry out essential repairs to their homes.
2. Loans to the over 60's to install central heating , renew central heating boiler and address non decency and category 1 Housing Health and Safety Rating System.
3. Loans to landlords to carry out essential repair to their home in return for guarantee to let the property in certain ways.
4. Extension to home toe overcome overcrowding
5. Loans where the cost of a Disabled Facilities Grant exceeds the maximum allowance or where the applicant has a contribution towards the cost.
6. Loans for the installation of energy efficiency measures
7. Loans for level access showers.
8. Empty properties loans

Appendix 2

Private Sector Housing Enforcement Policy Wiltshire Council

Contents:

1. Introduction
2. Legislation
3. Enforcement Procedure
4. Priorities
5. Required Level of Remedial Works
6. Local Large Charge
7. Charging for Notices
8. Appeals
9. Offences
10. Formal Cautions
11. Prosecution
12. Works in Default
13. Action by Agreement
14. Exercise of Power of Entry

1.0 Introduction

- 1.1 There are a number of challenges that face the Private Sector Housing team as a result of the profile of the district and obligations placed upon it by Central Government. The main challenge is the number of properties that fall within the private sector that are considered to be in poor repair, non-decent and have serious hazards. It is the responsibility of the Private Sector Housing team to respond to these issues and facilitate improvements in the sector by use of education, enforcement and where possible, financial assistance.
- 1.2 The following details give an indication of the magnitude of the task of improving the quality of housing in the area.
- **There are 157,374 dwellings in the private sector.** These include owner-occupied and rented accommodation.
 - **Over 20,000 of these properties are in the private rented sector.** These constitute some of the poorest housing conditions in the district.
 - **36,963 properties in the whole of the private sector have at least one serious hazard.** Intervention by the PSH team may be necessary.
 - **There are approximately 300 houses in multiple occupation (HMOs) in the district. It is estimated that 50 will need a mandatory licence.**
 - **56,129 properties are considered to fail the decent home standard.** The Government has introduced a target requiring that 70% of homes occupied by identified vulnerable groups, in the private sector, must be decent by the year 2010.

[2008 BRE statistical modelling]

2.0 Legislation

2.1.1 The principle piece of legislation used by the Private Sector Housing team is the **Housing Act 2004** (referred to as “the Act”). However, there are circumstances where other pieces of legislation may be more appropriate in dealing with the identified problem. Officers are expected to use professional judgement to determine the most appropriate piece of legislation to use. In some cases it may be appropriate to use a range of enforcement tools.

Housing Act 2004 & The Housing Health and Safety Rating System (England) Regulations 2005

- 2.2 Where the Private Sector Housing team has reason to enter a property we

- will inspect the whole property using the housing health and safety rating system (HHSRS). This system has been adopted by regulations as the prescribed methodology for assessing housing conditions. The aim is to identify deficiencies within dwellings that may lead to a hazard. Each hazard is assessed and assigned a band. These bands are translated into either a category one or a category two hazard.
- 2.3 The 2004 Act places a mandatory duty on the Council to take action where a category 1 hazard has been identified. There is a discretionary power to deal with category 2 hazards. The Act also provides a range of enforcement tools:-
 - 2.4 Improvement Notices – section 11 is used for category 1 hazards, section 12 is used for category 2 hazards. An improvement notice should be used where reasonable remedial works can be carried out to reduce the hazard sufficiently.
 - 2.5 Prohibition Orders – section 20 for category 1 hazards and section 21 for category 2 hazards. This order may prohibit the use of part or all of a premises for some or all purposes or for occupation by a particular number or description of people. An order may be appropriate where conditions present a risk but remedial action is unreasonable or impractical. It may also be used to limit the number of persons occupying the dwelling, or prohibit the use of the dwelling by specific groups. In an HMO it can be used to prohibit the use of specified dwelling units.
 - 2.6 Hazard Awareness Notices – section 28 for category 1 hazards and section 29 for category 2. This is used where a hazard has been identified but it is not necessarily serious enough to take formal action. It is a way of drawing attention to the need for remedial action. This notice should not be used if the situation is considered serious enough for follow up inspections to be made. This notice is not registered as a land charge and has no appeal procedure.
 - 2.7 Emergency Remedial Action - section 40 – this is only acceptable for use where there is an **imminent** risk of serious harm and the hazard must rate as a category 1. The authority must enter the premises and undertake any necessary remedial works that are required to reduce the immediate risk. A warrant to enter the premises in order to carry out the work may be granted by a justice of the peace where he/she is satisfied that the authority would not be granted admission.
 - 2.8 Emergency Prohibition Order – section 43 – this is only acceptable for use where there is an **imminent** risk of serious harm, the hazard rates as a category one and where it is not practical to carry out the remedial works as in section 40. It can prohibit the use of all or any part of the premises with immediate effect.

- 2.9 Demolition Order – this can only be used in response to category 1 hazards, but not if the building is listed. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.
- 2.10 Clearance Area – All residential buildings in the proposed area must have at least one category 1 hazard. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.
- 2.11 Suspend Improvement Notices or Prohibition Orders – these notices may be suspended where enforcement action can safely be postponed until a specified event or time. This can be a period of time or a change in occupancy. Current occupation and wishes must be taken into account. These may also be used where there is programmed maintenance. The suspensions must be reviewed at the very least every 12 months. The advantage of suspending a notice is that there is a record of the LHA's involvement and the situation must then be reviewed. It is also recorded as a land charge.
- 2.12 The following tools are also available where the Housing Act 2004 measures are not appropriate, or do not sufficiently deal with the problem.

Environmental Protection Act 1990 section 80

- 2.13 Notices can be served if the officer is of the opinion that there is a statutory nuisance at the premises. The premises must be deemed prejudicial to health or a nuisance.

Building Act 1984 section 59/60

- 2.14 Used to deal with defective drainage issues in existing buildings.

Building Act 1984 section 64/65

2.15 Used where sanitary conveniences are insufficient or in need of replacement and are considered prejudicial to health or a nuisance.

Building Act 1984 section 76

2.16 Used where the property is so defective so as to be prejudicial to health. This notice notifies the person responsible of the local authority's intention to remedy the problem (similar to work in default).

Public Health Act 1936 section 45

2.17 Used where there are defective sanitary conveniences due to their repair and/or cleansing ability. They must be in such a state as to be prejudicial to health or a nuisance.

Public Health Act 1961 section 17

2.18 Where any drain, private sewer, water closet, waste pipe or soil pipe has not been maintained and can be repaired for less than £250.

Local Government (Miscellaneous Provisions) Act 1976 section 33

2.19 Used where services such as the water supply are due to be, or have been, cut off to a domestic property.

Prevention of Damage by Pests Act 1949 section 4

2.20 Used where there is evidence of or harbourage of pests at a property.

Housing Act 1985 (as amended)

2.21 Some provisions within the 1985 Act have not been revoked and may be appropriate to use in some circumstances. In particular the overcrowding provisions are still available and can be used where the 2004 Act is not sufficient. The other provisions relate to houses in multiple occupation (HMO) and the Housing (Management of Houses in Multiple Occupation) Regulations 1990. These have been revoked with regards to all types of HMO as described in section 15.0 of this policy, except certain converted blocks of flats. These regulations can be used to deal with disrepair and management issues of this type of HMO only.

The Management of Houses in Multiple Occupation (England) Regulations 2006

2.22 These regulations have been introduced to deal with all other types of

HMO other than those mentioned in 2.21 above. Therefore, all licensable HMOs, smaller HMOs and flats in multiple occupation are covered by these regulations. Only self-contained flats are exempt as they fall under the regulations mentioned above.

- 2.23 The regulations cover the management and repair of the HMO. There are no notice provisions with these regulations therefore if a decision is made to take action under these regulations, the officer must go straight to prosecution.

Other Legislation

- 2.24 The following legislation is also used as part of the day-to-day collection of information, preparing cases for prosecution and gathering evidence.
- 2.25 Local Government (Miscellaneous Provisions) Act 1976 section 16 - Used to formally request information about a premises or a person.
- 2.26 Police and Criminal Evidence Act 1984, Criminal Procedures and Investigation Act 1996, Regulation of Investigatory Powers Act 2000 – used in relation to interviews under caution, prosecution and gathering evidence.

Mobile Homes

- 2.27 Wiltshire has a significant number of permanent mobile home parks and mobile homes. Where poor conditions are identified in mobile homes, the route to improvement (or any other course of action) is not necessarily the same as if the mobile homes were permanent structures. The definition of *residential premises* in the Housing Act 2004 is unclear whether mobile homes could be considered within this definition. As such there is a degree of interpretation to be made when it comes to determining whether the powers in the new Housing Act extend to mobile homes of various types.. Where poor conditions are encountered officers will have to consult this guidance and determine which is the most appropriate legislation to deal with poor living conditions and any other problems with mobile home sites. The sites themselves are governed by the provisions of The Caravan Sites and Control of Development Act 1960, however the provisions of The Housing Act 2004 may be applicable in certain situations as may the provisions of statutory nuisance under The Environmental Protection Act 1990.

3.0 Enforcement Procedure

3.1 Informal Action

3.1.1 The aim of the Private Sector Housing team is to improve the housing conditions in the private sector by use of advice and education and where possible financial assistance. However, there are occasions where these methods are not successful in improving conditions and therefore, it is necessary to consider enforcement action.

3.1.2 In doing so, officers will be expected to follow the principles of the Enforcement Concordat, which encourages openness, proportionality and consistency. In order to achieve this, Officers will be expected to be transparent in the way they have made decisions by keeping clear records and file notes. All remedial work that is required must be sufficient to remove any risks but not so excessive as to be burdensome. Officers must ensure they follow procedures set out by this policy and any associated procedure documents and guidance.

3.1.3 In order to satisfy these principles it is expected that officers in the first instance will make informal contact with the person responsible for the property containing the hazard. It is anticipated that in many cases an informal approach using hazard awareness notices will achieve the desired outcomes.

3.1.4 However, informal action cannot be allowed to continue indefinitely and there must be a limit attached to the informal action. This is to ensure that there is not scope for further delays to works that are likely to be time intensive. Therefore, a suitable response should be required within 28 days of the date of the first letter. If a response is received and a timescale for completion of the works is agreed then it may not be necessary to serve a legal notice.

3.1.5 If remedial works have not been completed in the agreed time, then a notice must be served with reasonable timescales.

3.1.6 The delays incorporated within the informal approach are satisfactory where there is not a high risk or the agreed times are short, but where there is a serious hazard or this procedure provides for unacceptable delay, a notice should be served as soon as possible.

3.1.7 The officer will be required to use discretion on this matter but will be expected to be fully accountable for the decision and make detailed file notes justifying any time delays.

3.2 Decision to take enforcement action.

3.2.1 An inspection of a property must be carried out and the deficiencies noted. As the principal piece of legislation, the Housing Act 2004 will be considered to assess whether there are category 1 or category 2 hazards within the property. Having made this assessment and dependent on the problems within the property consideration will be given to the most appropriate course of action to reduce the hazards to an acceptable level.

3.2.2 The most appropriate legislation must be identified for dealing with the hazard. Only where the Housing Act 2004 is not appropriate should other legislation be considered.

3.2.3 Consideration must also be given to whether consultation is required with other enforcing bodies. In particular where the hazard of fire is identified there is a duty to consult with the fire authority as prescribed under section 10 of the 2004 Act. Other bodies such as the Police and HSE may need to be contacted or other departments within the Council such as Environmental health, Planning, building control etc.

3.2.4 Regard must also be had to other schemes that are available to assist with housing repairs. Tenants and homeowners and landlords may be able to access a number of grants and loan schemes, which may negate the need for formal action to be taken. However, where the offer has been made and the landlord or owner subsequently refuses any offers of assistance it may be necessary to pursue enforcement action.

3.3 Section 8: Statement of Reasons

3.3.1 Under section 8 of the Housing Act 2004, a statement must be prepared detailing which notice provisions are being considered. The statement must also include why the other options have been discounted at this stage. In making these decisions regard must be had to:

- the seriousness of the situation and the imminent risk to health and safety
- the type of hazard and whether it is a priority or target hazard (see paragraph 5.0)
- the current occupation and the impact the decision may have on the social exclusion of certain groups of people
- the turnover of tenants or occupants to the property
- the management of the property

- the occupants views
- the owners views
- the number of hazards within the property and whether they are category 1 or category 2.
- the enforcement policy and procedures, the private sector housing strategy and housing strategy.
- the decent homes standard

3.3.2 Where there are only category 2 hazards consideration must be given to the overall effect of the multiple hazards and whether they are indicative of a rundown property.

3.3.3 Once a decision has been made the appropriate notice procedure must be followed. When taking any form of action a covering letter and the statement of reasons under section 8 must also accompany the notice and the schedule of works.

3.3.4 Enforcement action on owner occupiers and long leaseholders will be based on the health and safety risk to the occupants or other affected persons. However, action will not be taken where a more appropriate contractual remedy exists. Where a Housing Health and Safety Rating inspection identifies a significant hazard, a hazard awareness notice may be served unless the Council is confident that the hazard will be removed or reduced to an acceptable level by other means. Where a significant hazard is identified which requires attention, and the person responsible for the property is unable to carry out the recommended works because of financial hardship, they will be made aware of appropriate financial assistance options available to them from the Council. Where the conditions at one property causes a health and safety hazard or statutory nuisance to the occupants of another property, or the general public, or others persons who might reasonably be expected to visit the property enforcement action will be considered regardless of property tenure. The council may use enforcement action to encourage owners of empty properties to bring them back into use.

4.0 Priorities

- 4.1 The Housing Act 2004 and subsequent HHSRS regulations 2005 have identified a number of hazard categories that have been found within the home. There are 29 hazards that arise from disrepair, lack of maintenance or poor design. The health effect from these hazards range from death to mental stress and the HHSRS provides the opportunity to compare unrelated hazards such as fire with other hazards such as damp and mould growth. This is done through the calculation of a hazard score. The higher the score is the higher the risk posed by the hazard.
- 4.2 This enforcement policy sets the following prioritisation scheme for dealing with hazards (see table one). This will be subject to regular review. The principal behind this is detailed below.
- All category 1 hazards will be dealt with as a priority over category 2 hazards.
 - Where there are multiple category 1 hazards, those with the highest scores will be a priority over the lower scores.
 - Where there are category 2 hazards, the higher scored category 2 hazards will be dealt with first, unless target hazards have been identified in the property.
 - Where an officer has identified deficiencies and felt it necessary to hazard-rate them, even if the result is a low category 2 hazard, the officer must consider at the very least offering advice, or serving a hazard awareness notice. Where the hazard is a target hazard, any necessary remedial works should be considered.
- 4.3 When a complaint is received an officer will prioritise the complaint based on the information provided by the complainant. Where insufficient information has been provided the complainant should be contacted within 5 working days in order to gain the appropriate information to prioritise the complaint.
- 4.4 Using professional judgment and knowledge of the HHSRS the senior officer will prioritise the complaint as a P1, P2, P3 or P4. Complaints classed as P1 require an immediate response as these are considered an emergency. P1 classifications are likely to be very rare. P2 complaints are those that are suspected to be category 1 hazards. These should be responded to within 10 working days. P3 complaints should be responded to within 1 month and P4 complaints within 3 months.
- 4.5 In times of high service demand it may not be possible to adhere to these timescales. The complainant should be kept informed as to the potential waiting time and it may be necessary for the senior officer to implement the measure in paragraph 4.7.

4.6 In all circumstances consideration should be given to whether there are other schemes or assistance that may be available that is more appropriate than serving formal notice.

4.7 Where high volumes of work are experienced it is likely that P3 and P4 cases will be kept on a waiting list. In some cases the senior officer may make the decision that certain cases will not be dealt with by Private Sector Housing. Where possible these cases will be forwarded to alternative schemes for assistance or encouraged to take their own action using provisions under the Environmental Protection Act 1990 or the Landlord and Tenant Act 1985.

Prioritisation of Hazards and Options for Action

Priority (P)		Main options for Action	Other options available for consideration
Category one			
<i>Immediate action</i>	P1 Highest band A+ Imminent risk to health and safety.	<ul style="list-style-type: none"> • Emergency Action • Prohibition Order • Improvement Notice • Demolition Order 	<ul style="list-style-type: none"> • Clearance • Suspend notices • Hazard awareness Notice
<i>High Priority</i>	P2 Hazard Bands A – C Including target hazards	<ul style="list-style-type: none"> • Improvement notice • Prohibition Order 	<ul style="list-style-type: none"> • Clearance • Demolition • Suspend notices • Hazard awareness Notice
Category two			
<i>Medium Priority</i>	P3 - Target Hazards Bands D – J High bands D - F	<ul style="list-style-type: none"> • Improvement notice • Suspend notices • Hazard awareness Notice 	<ul style="list-style-type: none"> • Prohibition Order
<i>Low Priority</i>	P4 - Low bands G - J	<ul style="list-style-type: none"> • Hazard Awareness Notice • Suspend notices 	<ul style="list-style-type: none"> • Improvement notice • Prohibition Order

5.0 Required level of remedial works

- 5.1 As a minimum, category 1 hazards must be reduced to a low category 2.
- 5.2 Where this is not possible all reasonable steps must be taken to reduce the hazards as far as reasonably practicable. In some cases, such as listed buildings, category 1 hazards may remain. This scenario should have been considered when deciding which course of action is most appropriate and may influence the officer's decision as to which type of enforcement action to take.
- 5.3 Target hazards should be improved to the ideal where this is possible and reasonable to do so.
- 5.4 When deciding on the remedial works, regard must be had to the seriousness of the hazard, the ideal that the property should achieve, and the level of work required that is reasonable to reduce the hazard significantly without incurring excessive cost.
- 5.5 For the hazard of fire, where the property is an HMO, section 10 of the Housing Act 2004 states that the LHA must consult with the Fire Authority before taking any action and deciding on the remedial works. A working protocol is to be developed to ensure that this process does not become burdensome to both parties.

6.0 Local land charge

- 6.1 Notices will be placed on the local land charges register.

7.0 Charging for notices

- 7.1 The Housing Act allows charges to be made for notices. The council will investigate charging with a view to introducing charging for notices in the life of this policy.

8.0 Appeals

- 8.1 Once the officer has made the decision to serve a notice and has followed the correct procedure the notice should be served with a copy of the s8 statement of reasons.
- 8.2 All correspondence must detail the appeal procedure for the action being taken. This is slightly different for each notice/order and care should be taken to ensure the correct information is included.
- 8.2 The person served with the notice/order has the right to appeal against the notice/order on any grounds. The main reasons for appeal are likely to be the contents of the notice/order and the schedule of work. Appeals can also be made on the grounds that the notice/order was not served on the correct person, or that a different course of action would be more appropriate.
- 8.4 Appeals are made to the Residential Property Tribunal (RPT). The intention is that the tribunal will be able to make a decision based on paperwork and statements supplied by both parties. On occasion a hearing will be held where both parties must present their cases. There is no requirement for legal representation. The RPT may request to visit the property in question.

9.0 Offences

9.1 Housing Act 2004

9.1.1 Failure to comply with an improvement notice without reasonable excuse – the notice recipient commits an offence and is liable to prosecution. On summary conviction they can be fined up to level 5 on the standard scale. The obligation to carry out the remedial works continues despite the fact that the period for completion has expired.

9.1.2 Failure to comply with a Prohibition Order – an offence is committed if the premises is used in contravention to the order, or permission is given for the premises to be used in contravention to the order. On summary conviction fines up to level 5 on the standard scale may be levied. In addition there is a further fine of up to £20 per day for every day or part day after conviction that the property is used in contravention.

9.2 Environmental Protection Act 1990

Failure to comply with a notice – the notice recipient commits an offence and is liable to prosecution. On summary conviction the fine can be up to level 5.

9.3 Management regulations 2006

Failure to comply is an offence and is liable to prosecution. On summary conviction the fine can be up to level 5.

9.4 Building Act 1984

Failure to comply with any notice - the notice recipient commits an offence and is liable to prosecution. On summary conviction fine can be up to level 4 with a daily charge of £2 until works are complete.

9.5 Public Health Act 1936

Failure to comply with any notice - the notice recipient commits an offence and is liable to prosecution. On summary conviction fine can be up to level 4.

9.6 Public Health Act 1961

No prosecution procedure – the Council carries out works and the person responsible is charged.

9.7 On the standard scale, the fines currently stand at

Level 4 is currently up to £2,500.

Level 5 is currently up to £5,000

10.0 Formal Cautions

- 10.1 The Council will consider the use of a formal caution as an alternative to a prosecution. Cautions can be mentioned to the Court when sentencing the same offender for a later offence.

11.0 Prosecution

- 11.1 Where there is a breach of a notice or an order the officer must investigate the offence and prepare the case for prosecution. This may involve interviewing relevant people under caution, following the relevant parts of the Police and Criminal Evidence Act 1984.
- 11.2 If it is considered in the public interest to prosecute, the case will proceed to prosecution.

12.0 Works in Default

- 12.1 The Housing Act 2004 makes provisions for the Council to carry out the works to a property where the person responsible has failed to comply with a notice.
- 12.2 Works in default can be carried out either instead of a prosecution or in addition to a prosecution. The works in default procedure should be followed

- 12.3 This is a discretionary power. Discussions will be required with the Head of Private Sector Housing due to the cost implications of this procedure. Although it is anticipated that the cost of the works will be recovered, it is not guaranteed that this money will be paid back promptly.
- 12.4 It is proposed that works in default should be used where there is an imminent risk to health and safety and where the remedy is relatively easy to achieve. If it is to be used in other circumstances, full justification based on the merits of the case will be required.
- 12.5 It is also proposed that it should be used in conjunction with prosecution where it is appropriate to do so. This would be dependant on the nature of the hazard but should be considered due to the delays often experienced during the prosecution procedure. The delays often result in the remedial action being postponed leaving the occupier living in unacceptable conditions.
- 12.6 In deciding whether works in default is an option, the officer must consider: the imminent risk to health and safety and whether undue delay would put the occupier, visitors or the public at increased risk. They must also consider whether there are finances in place to carry out the work and what the minimum works required would be to remove the risk. Works in default cannot be carried out if, as a result of the action a second, different hazard will result. Any remedial works must be extensive enough to remove the hazard and leave the property in a safe condition.

13.0 Action by Agreement

- 13.1 The Act also makes provision for remedial works to be carried out by agreement. This is where the local authority arranges for the works to be carried out at the request of the person responsible and they are then charged for the full cost. When it is carried out in default without agreement the local authority can recover expenses reasonably incurred plus interest.
- 13.2 In order to use this provision the officer must be confident that the cost of the works will be repaid in full once the work is complete.
- 13.3 The budget must be in place for this procedure. If the costs incurred cannot be paid they must be placed as a charge against the property. The Enforced Sale Procedure may then be used if considered appropriate.

14.0 Exercise of power of entry

- 14.1 Using the formal powers of entry If an officer decides of their own accord that it is necessary to carry out a survey or examination of premises under the Act and that the inspection does not fall within the exemptions specified in section 239(6) & (7), then the authorised person must give at

least 24 hours notice of his intention to do so to the owner of the premises (if known) and to the occupier (if any).

14.2 Where entry is consistently refused application will be made to the magistrates court for a warrant to entre premises.

Appendix 3:
Private Sector Housing Action Plan

Actions	Priority – High, Medium or Low	Target Date	Resources Required
Key Goals			
Establish procedures and targets for dealing with empty properties	High	November 2010	Staff time
Work towards an accreditation scheme for landlords	Medium	April 2010	Staff time
Set up an equity release and loan scheme as an alternative to grant funding	Medium	April 2010	Staff time + £735,000
Ensure that there is no interruption in the delivery of Disable Facilities Grant as a result of local government re-organisation	High	April 2009	Staff time
Strategies and Policies			
Produce a revised Private Sector Housing Renewal Strategy and Policy based on the stock condition survey	High	November 2010	Staff time
Adoption of the Private Sector Housing Enforcement Policy	High	December 2009	Staff Time
Adoption of Houses in Multiple –Occupation (HMO) Licence Policy and fees	High	December 2009	Staff Time
Produce a draft Empty Homes Strategy	High	October 2010	Staff time
Review the financial assistance process and procedures	Medium	Annually	Staff time
Management Information			
Undertake a county wide stock condition survey with good statistical evidence of the housing condition of vulnerable householders	High	January 2010	£120,000
Maintain the stock condition survey	Medium	On-going	£20,000 pa

Maintain and improve the quality of information we hold on Houses in Multiple occupation	Medium	On-going	Staff time
Develop methodologies to identify and improve poor housing occupied by the vulnerable	Medium	December 2009	Staff time
Have robust statistical information on the proportion of people on income related benefits living in homes with low and high energy efficiency to report the requirement of NI187	High	September 2009	Staff time
Implement a county wide database and IT system for case and document management	Low	April 2010	Staff time
Funding			
Maximise funding opportunities by drawing in money available from other companies and organisation such as the energy generating companies and Warm Front	Medium	On-going	Staff time
Present bids for Government capital funding	High	Oct 2010	Staff time
Set up equity release and loan scheme as an alternative to grant funding	Medium	April 2010	Staff time + £735,000
Service Delivery			
Standardise service delivery and standards across the county	High	October 2009	Staff time
Agree future operation of Home Improvement Agencies across the county	High	April 2010	Staff time
Continue and improve partnership working to share good practice, resources and gain external resources through joint initiatives	High	On-going	Staff time/Opportunities
Private Renting			
Focus on capability for enforcing conditions in the private rented sector	High	On-going	Staff time

Encourage a more professional approach from landlords	Medium	On-going	Staff time
Set targets for identification, inspection and enforcement of private rented sector	Medium	December 2009	Staff time
Implement licensing of HMOs (in line with the Housing Act 2004)	High	On-going	Staff time
Make available advice on standards required and assistance available to landlords	Medium	September 2009	Staff time
Establish a pattern of regular landlord forums around the county	Medium	April 2010	Staff time + £4,000 pa
Establish a landlords' forum steering committee	Low	April 2010	Staff time
Work towards an accreditation scheme for landlords	Medium	April 2010	Staff time
Increase the number of properties meeting decent homes standard – (Increased as a direct result of council intervention. Measured by comparison to the previous year)	Medium	April 2010	Staff time
Reduce the number of category 1 hazards in rented properties (Increased as a direct result of council intervention. Measured by comparison to the previous year)	Medium	April 2010	Staff time
Owner Occupiers			
Increase the number of homes occupied by vulnerable people that meet the decent homes standard.	High	On-going	Staff time
Reduce the number of properties with category 1 hazards (Increased as a direct result of council intervention. Measured by comparison to the previous year)	High	On-going	Staff time
Make available advice on assistance and other housing options	Low	December 2009	Staff time
Tenants			
Make available advice on assistance and tenants' repair rights	Medium	December 2009	Staff time
Disabled People			
Understand the effects of a reduced DFG budget	High	October 2009	Staff Time

Process 100% of DFG applications within the 6 month statutory period	High	On-going	Requirement in Law
Provide assistance above the mandatory grant where needs cannot be met within the mandatory limits	Medium	On-going	Dependent on funding
Work with RSLs to deliver adaptations to social housing and maximise their financial input.	High	On-going	Dependent on funding
Make available assistance to help people move to more suitable housing	Medium	December 2009	Staff time
Work with choice based lettings to ensure that re- housing options are maximised for disabled people	Low	On-going	Staff time
Review of the delivery of Disabled Facilities Grants	Medium	April 2010	Staff time
Empty Homes			
Establish procedures and targets for dealing with empty properties	High	October 2010	Staff time
Work with partner organisations to occupy homes	Medium	December 2010	Staff time
Energy Efficiency			
Set targets for elimination of hazard 1 excess cold from dwellings	Medium	April 2009	Staff time
Undertake a county wide mailing in conjunction with Warm Front	Medium	December 2009	Staff time
Provide assistance and advice where other sources are not available	Medium	On-going	Funding
Encourage use of energy certificates in rented sector	Medium	October 2009	Staff time
Contribute to carbon reduction initiatives in housing	Medium	On-going	Staff time

Appendix 4

Procedure for Determining Appeals - Private Sector Housing Renewal

The appeals mechanism operates to ensure the Wiltshire Council can demonstrate it has duly exercised its discretion.

All unsuccessful applicants who have formally made an application for financial assistance will be notified in writing of grounds of intention to refuse, the availability of the appeals mechanism and that all appeals should be submitted in writing to the Housing Service Director within 21 days of the date of the refusal. Any appeal made outside the time limit will not be considered.

Limited financial provision will result in difficult choices being made in prioritising applications for assistance.

Any applicant having made a formal application that is refused, or has not been determined within a 6 month period, can appeal. On receipt of an appeal the applicant will thereafter be given a further 21 days in which to submit written grounds giving reasons why they feel the work should be considered for a particular type of grant or why the grant should be made available for such work. The Housing Service Director may also arrange at this stage for a representative to meet with the appellant to clarify facts. The Housing Service Director shall review the case and advise the applicant of the outcome within a period of 21 working days. The applicant has a further 21 days to then pursue an appeal if they are still aggrieved. Where such an appeal is received the case will be referred to the Corporate Director. Upon receipt of an appeal the Corporate Director shall arrange for the complaint to be reviewed by an Officer outside the service unit concerned. The Corporate Director may investigate and determine any appeal received if he considers it appropriate.

Should the complainant be dissatisfied with the outcome of an appeal, a further appeal may be made to the Local Government Ombudsman.

Appendix 5

Capital Funding Bid 2009/2010

In October 2008 a competitive bid was made to the Government Office South West for additional funding for Private Sector Housing Renewal. The bid was successful and the money can be used for new projects that will benefit householders Wiltshire. The bid was for the following schemes:

1. **Loans and Equity Release**

To provide the necessary capital to establish a Loan and Equity release scheme to help vulnerable residents fund essential repairs, improvements and adaptation to their homes. The products provided would give the occupier a sufficient degree of choice to ensure that their home is kept decent and would include affordable subsidised capital repayment loans, interest only loans and an interest roll up facility.

2. **SAP 35 Grant for Hard to Treat Homes**

To improve the energy efficiency of poor performing homes occupied by vulnerable households. It would directly address the objectives of National Indicator 187. Properties with a SAP rating below 35 would be treated to give a post work rating increased by at least 10 (over SAP 65 if achievable). External funding and a combination of treatment would be fully utilized in an innovative way.

3. **Private Rented Sector Initiative.**

To improve the housing standards in the rented sector by raising awareness with landlords by offering amongst other things a free energy efficiency certificate. A grant will be offered for energy efficiency measures, to reduce category 1 hazards and improve fire precautions and security. There would be a requirement that the property meets the accreditation standard and that it is let at or below the local housing allowance.

Appendix 6

House in Multiple Occupation (HMO) Licence Policy

1. Introduction

- 1.1 The government has made regulations which mean that all HMOs with 3 storeys, with five or more persons and occupied by two or more households will require a mandatory HMO licence.
- 1.2 HMOs owned by the police, health authorities, and universities are exempt. Social housing and properties converted into self-contained flats with proper building regulation approval are also exempt.
- 1.3 Licences will be granted by the Council where the following requirements are met:
 - The house or flat in question is reasonably suitable for occupation by the intended number of occupants (either the number specified in the application or another number set by the Council) or can be made suitable by the imposition of licence conditions.
 - The proposed licence holder and manager are fit and proper persons.
 - The applicant is the most appropriate person to hold the licence
 - The manager is either the person having control or an agent or employee of the person having control.
 - The proposed management arrangements are satisfactory.
- 1.4 The following sections explain how the Council will reach its decisions on these matters.

2. Reasonably suitable for occupation

In reaching this decision the Council will take account of prescribed standards set by Regulations made under section 65(3) of the Act, its HMO Standards (which include space standards), such other standards as it may see fit to adopt under section 65(2), Building Regulations, British Standards and any other standards it judges relevant.

The government has introduced standards that the Council must consider when assessing whether or not a HMO is suitable for occupation. In summary, these are:

2.1 Heating

Each unit of accommodation in an HMO must be equipped with adequate means of space heating.

2.2 Shared bathrooms and toilets

Where bathroom facilities are shared the following must be provided:

- Where there are 4 or fewer occupiers sharing facilities there must be at least 1 bathroom with a bath or shower and a toilet (which may be in the bathroom).
- Where there are 5 or more occupiers sharing facilities there must be 1 separate toilet with wash hand basin (with tiled splash back) per 5 occupants and at least 1 bathroom (which may contain a toilet) with a fixed bath or shower per 5 occupants.
- Where reasonably practicable there must be a wash hand basin with appropriate splash back (unless it has its own cooking facilities and is provided with a sink (see below))
- All baths, showers and wash hand basins must be equipped with taps providing an adequate supply of cold and constant hot water.
- All bathrooms must be adequately heated and ventilated
- All bathrooms and toilets are to be of an adequate size and layout and must be suitably located in relation to the accommodation.
- All baths, toilets and wash hand basins are to be fit for purpose.

2.3 Exclusive-use bathrooms and toilets

Where there are no adequate shared facilities, each unit must be provided with the following exclusive-use facilities, either within the unit or within reasonable proximity:

- An enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water.

2.4 Shared kitchens

Where kitchen facilities are shared there must be:

- A kitchen, suitably located in relation to the living accommodation, of such layout and size and equipped with facilities to adequately enable the occupants of the house to store, prepare and cook food;
- The kitchen must be equipped with the following equipment, which must be fit for purpose and supplied in sufficient quantity for the number of occupants.
 - Sinks with draining boards;
 - An adequate supply of cold and constant hot water to each sink supplied;
 - Installations or equipment for the cooking of food;
 - Electrical sockets;
 - Worktops for the preparation of food;
 - Cupboards;
 - Refrigerators with freezer compartments (or separate freezers);
 - Refuse disposal facilities; and
 - Extractor fans, fire blankets and fire doors

The Council will use its HMO standards in determining the quantity required.

2.5 Exclusive-use kitchens

Where individual units are provided with their own kitchen facilities there must be:

- Adequate appliances and equipment for the cooking of food;
- A sink with an adequate supply of cold and constant hot water;
- A worktop for the preparation of food;
- Sufficient electrical sockets;
- A cupboard for the storage of kitchen utensils and crockery
- A refrigerator

The Council will use its HMO standards in determining the adequacy of these facilities.

2.6 Fire precautionary facilities

Appropriate fire precaution facilities and equipment must be provided.

3. Fit and proper person

- 3.1 In order to issue a licence the Council must be satisfied that the proposed licence holder is a fit and proper person and the most

appropriate person to hold the licence. It must also be satisfied that any proposed manager of the house is the person having control or is an agent or employee of the person having control of the house, and that the proposed manager is a fit and proper person.

3.2 The Council will consider a person to be fit and proper if it is satisfied that:

- They do not have any unspent convictions that may be relevant to their role as either licence holder or manager and, in particular, any conviction involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- They have not been found by a court or tribunal to have 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 do not have any unspent conviction in relation to any housing, public health, environmental health or landlord and tenant law; including any civil proceedings in which judgement was made against them.
- They have not been in control of a property, which has been subject to a control order under section 379 of the Housing Act 1985 in the last 5 years.
- They have not had a licence refused, been convicted of breaching the conditions of a licence under Parts 2 or 3 of the Act; or have acted otherwise than in accordance with a Code of Practice approved under section 233 of the Act that concerns a property in their ownership (whether or not in the Council's district).
- They do not own or have not previously owned property that has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004.

3.3 In addition, the Council may also take in to account whether any person associated or formerly associated with the applicant or manager has done any of these things, if it considers this information relevant.

4. Satisfactory management arrangements

4.1 In order to issue a licence the Council must be satisfied that the proposed management arrangements for the house are satisfactory. If it is to be satisfied, it will expect, in particular, the licence holder to have in place the following arrangements:

- A person to whom the tenants can report defects at the HMO, this will also include an emergency contact, and for this information to be displayed in written form in the premises.
- An established system for periodically inspecting the HMO to identify any repairs or maintenance.
- The ability to finance and to undertake repairs and maintenance in an appropriately timely fashion.
- Where the manager is not the owner of the property, the manager must be able to fund and implement urgent repairs in those situations where it is not possible to obtain the owner's approval without undue delay.
- A system to deal with any anti-social behaviour caused by tenants or their visitors, which causes nuisance or annoyance to people living in the vicinity.

4.2 The Council may also consider whether any person proposed to be involved in the management of the house has a sufficient level of competence. In this connection the Council may take into account matters such as the frequency and nature of any validated complaints made to it in connection with the property or its management, and the adequacy of any required response.

5. Licence Conditions

Licences will be valid for 5 years and will specify the maximum number of occupiers or households for which the house is judged suitable. This number will be determined on the basis of the number of kitchens, bathrooms, WCs and the room sizes.

Draft licences must be issued to applicants within a reasonable period of time; the aim is to issue these within 12 weeks of the application.

The applicant will have at least 14 days to make any representations regarding the proposed licence and the Council will take these into account before issuing the actual licence.

Licences will be issued with conditions. These will include mandatory conditions, which will apply to all HMO licences, and may also include

discretionary conditions which can be made in relation to the management and condition of the HMO and may be property specific.

5.1 Mandatory conditions

The following mandatory conditions will apply to all HMO licences:

- The licence holder must provide the Council with a copy of the gas safety certificate for the property every year (assuming that gas is supplied to the house).
- The licence holder must keep electrical appliances and furniture supplied by him or her in safe condition, and must supply the Council on demand, with a declaration as to their safety.
- Smoke alarms must be installed in the property, must be kept in working order, and the licence holder must supply the Council on demand, with a declaration as to their condition and positioning.
- Tenants must be provided with a written tenancy agreement.

5.2 Discretionary conditions

The Council will apply the following discretionary conditions in all relevant cases. Requirements that:

- The house will be provided with appropriate fire precautionary facilities and equipment, including fire doors, alarm systems and emergency lights where these are judged necessary.
- Fire detection equipment, alarm system, fire fighting equipment and any emergency lighting must be subject to an annual inspection by a competent person and a copy of their inspection report be provided to the Council within 28 days of the inspection.
- The landlord must provide an energy performance certificate
- Specified facilities and equipment will be provided within a timescale set by the Council, in order that the property can be brought to the required minimum standards.
- Any repairs to the facilities and equipment that are necessary to ensure that they are fit for purpose, will be completed within a timescale set by the Council.
- The premises must comply with statutory management regulations within a timescale set by the Council.

The Council may also apply other conditions where these are considered necessary having taken into account the facts of the case.

6. Licence fees

The Council will charge a fee for each licence. This fee will reflect the estimated average cost to the Council of undertaking the licensing process, and will be determined in accordance with available best-practice guidance. The Council may determine that, for a specified period, the fee for a licence will be reduced, and may determine that any such reduction is to apply only to a specified category of premises, such as those already known to the Council and having previously reached the standard of fire protection and level of amenities required prior to the introduction of the Housing Act 2004.

7. Application for licences

Licence applications must be accompanied by the specified fee, must include the information specified by regulations, any further information required by the Council and must be in a form acceptable to the Council.

If Council Officers are already familiar with a property the Council may determine that it is appropriate to issue the licence without making a site visit at the time of application. It may also be possible to issue a licence on the basis of the information provided as part of the application, but in most cases an Officer from the Council's Housing Service will carry out an inspection before licensing a HMO in order to assess compliance with the licensing requirements and the number of people for whom the HMO is suitable.

As part of the licensing process, HMOs will be prioritised for assessment under the Housing Health and Safety Rating System (HHSRS). The Council must ensure that all Category-1 hazards have been addressed within 5 years of the licence being granted, but is intending that this will be achieved in a shorter time.

It is an offence not to licence a qualifying HMO and that failure is punishable by a fine of up to £20,000. Any decision to prosecute will be taken in line with the Council's

HOUSING ENFORCEMENT POLICY

8. Variation of licences

The Council may vary a licence either with the agreement of the licence holder or, without agreement, if it considers there has been a change of circumstances since the time when the licence was granted. Change of circumstance will be taken to include any discovery of new information.

9. Revocation of licences

The Council may revoke a licence either with the agreement of the licence holder or in the following circumstances:

- Where the Council considers that the licence holder or any other person has committed a serious breach of a licence condition or repeated breaches of a condition, or;
- Where the Council no longer considers that the licence holder is a fit and proper person to hold the licence, or;
- Where the Council considers that the management of the premises is no longer being carried out by fit and proper persons;
- Where the premises has ceased to be an HMO requiring a licence, or;
- Where the Council considers that, were the licence to expire at that time, it would not grant a further licence because of the structure of the premises.

10. Discretion

In exceptional circumstances the Head of Private Housing can in individual cases vary the amenity standard. A reasoned explanation for the variation must be made.

11. Appeals

The licence applicant, anyone with an estate or interest in the premises, a person managing the premises or anyone on whom the licence would place any restriction or obligation, may appeal to a Residential Property Tribunal against the Council's decision to either grant or refuse a licence, or in connection with decisions in relation to revocation or variation. The appeal period is set as 28 days.

Appendix 7

Houses in Multiple Occupation Licence Application Fees

The fee structure set out below is believed to balance the Council's need to recoup its reasonable administration costs whilst minimising the burden to landlords. The level of fees is similar to those being considered by other district councils.

***For first HMO licence on premises or
Previous licence lapsed or
Previous licence revoked***

up to 5 lettings	£375
6 to 10	£475
11 to 15	£560
16 to 20	£660
More than 20 lettings	£750

Variation of existing licence

Change in management/licence holder	£150
Change in numbers	£200 + any difference in banding for increased numbers (above)

Renewal of licence on expiry of initial licence

Circumstances unchanged	£200
New licence holder and/or changes to property	£350

Charge for returning an incomplete, illegible or inaccurate application

	£50
--	-----

- Where the Council exercises its discretion to issue a licence for less than 5 years, the fee charged will be reduced pro-rata.
- Licence application fees are not subject to Value Added Tax.
- The above fees represent an average cost of less than £50 per letting for a 5 year licence.
- We will review the scale of charges annually.
- The Council will waive charges for Charities that are working in partnership with Council that operate to house homeless people.

Appendix 8

Licensing of Caravan Sites: Model Standards 2008

Since the implementation of the Caravan Sites and Control and Development Act 1960 all Councils have been legally required to license most types of caravan sites. The term caravan is closely defined in law and includes touring caravans and large units on permanent sites, now commonly called park homes. There are some exemptions from licensing, including gipsy sites, sites owned by Councils and sites run by exempted organisations such as the Scouts.

The Council can only issue a caravan site licence if there is firstly a valid planning consent for the land in question. And, in issuing a licence the Council can apply conditions with respect to layout and the provision of facilities, services and equipment. Councils are obliged, when considering conditions, to have regard to national, model standards.

Model standards for this purpose have appeared in many revised forms, the most recent being the 2008 edition for permanent (as opposed to touring) sites. These in turn built on the previous 1989 version and now cover good practice on wide range of topics including site density, roads and pavements, lighting, utility supplies, recreational space, fire prevention and flood prevention. It is this latest standard that Wiltshire Council is obliged to consider when granting licences to new or redeveloped sites.

Application for new licences are rare. However, all the former district councils issued many caravan site licenses in their own rights over the years. It is not surprising to find that there was some variation in procedures and licensing conditions. Hence there is need to ensure a degree of uniformity for all operators and residents of licensed sites across Wiltshire.

This can best be achieved in the medium to long term by formally accepting the 2008 model standards as the basis for all new or revised caravan site licence conditions. For historic, geographic and other reasons, not all existing sites will be able to meet the new conditions and indeed there is a legal procedure involving broad consultation before existing conditions can be amended.

Many of the existing licensed sites within the Wiltshire district are of high quality with a good set of up to date conditions ensuring good standards of health, safety and welfare of residents. Equally, there is a minority of cases in which standards are old or which are no longer appropriate. Establishing the revised conditions will enable the council to work with site operators to gradually over the medium and long term to improve poor standards towards, and in some cases reaching, the best practice level set out in the 2008 model standards.

The Council therefore formally adopt the 2008 Model standards issued under section 5 of the caravan Sites and Control of Development Act 1960 as the basis for conditions for new licences within the district and that officers use the 2008 model standards as the basis for any revision of existing caravan site licences.