

From: [REDACTED]@barnet.gov.uk>
Sent: 01 December 2022 06:09
To: Shaw, Cath; housingstandards@levellingup.gov.uk
Cc: [REDACTED]; [REDACTED]; [REDACTED]
Subject: Housing standards in rented properties in England- Current systems and processes in place for prioritising enforcement of housing standards

Dear Colleagues,

Further to the initial response from Cath Shaw Deputy Chief Executive yesterday, I can confirm the following.

In the London Borough of Barnet, we are already committed to raising standards in the private rented sector and ensuring homes are safe and secure. We have recently commenced the process of updating the Council's Housing Strategy and expect to further strengthen through this document our commitment to ensuring all homes are quality homes. This would include ensuring we deliver healthy homes, eliminate fuel poverty and improve energy and water efficiency, as well as supporting private tenants through licensing and bringing forward a tenants' rights charter for private sector homes.

In practice, a combination of methods are used to ensure compliance with the Housing Act 2004 and other relevant legislation relating to ensuring minimum standards are met in the private rented sector.

Service requests from members of the public, other departments, councillors etc are dealt with reactively by the Housing Enforcement Team. An initial assessment is completed based on a questionnaire and photographs when they are provided, inspections are then prioritised based upon risk and a lack of co-operation by the landlord. All investigations of service requests and enforcement decisions are made in line with the Council's Regulatory Services Enforcement Policy.

Officers' caseloads are reviewed with their Team Leader on a regular basis, and 9% of closed cases are audited on a monthly basis to ensure that the investigation has been undertaken appropriately, and necessary enforcement action is taken. All notices, orders and licences issued are checked by a senior officer.

The Housing Enforcement Team work closely with Social Services and Barnet Homes in relation to vulnerable tenants and tenants requiring urgent rehousing due to their housing conditions. A senior officer sits on the Council's multi agency panel reviewing and prioritising next steps in relation to hoarded, filthy and verminous premises. Such properties are often owner occupied and in a poor condition.

Housing Association service requests are considered where in-house complaints processes have already been used, unless the complaint is urgent or the occupiers are vulnerable.

The Council also utilises proactive licensing processes to ensure oversight of housing conditions. In addition to mandatory HMO licensing, a full borough additional licensing scheme for HMOs that are occupied by three or more persons, or 2 or more households, is now in operation.

The Additional HMO Licensing scheme also includes any buildings converted into self-contained flats that don't meet the Building Regulations 1991(or later) and:

- the building is 3 or more storeys in height
- there are at least 3 flats
- all the flats are privately rented
- both the building and self-contained flats are under the same ownership/control

The first such scheme commenced in July 2016 and a new scheme commenced in October 2022. All licensed premises have an HHSRS inspection completed as part of the HMO Licensing process. Inspections are completed proactively to ensure that major conditions are complied with, and category 1 hazards are reduced. All service requests from occupiers/neighbours are followed up reactively by the Housing Enforcement Team, as previously noted.

Based on extensive data analysis and consultation a Selective Licensing scheme is due to be introduced in Spring 2023 across Burnt Oak, Colindale North and Colindale South wards. This will cover the entire rented sector in these areas. A further consultation is due to be commenced regarding further wards that are being considered for Selective Licensing. If these are found to be suitable, then such a scheme will require approval by the secretary of state, which we recognise will likely elongate the timescales for its introduction. We therefore welcome any consideration the government might give to reducing barriers to the adoption of Selective Licensing Schemes to support the proactive inspection of rented properties.

Following Grenfell, a dedicated team has been resourced to deal proactively with fire safety in high priority blocks. As part of the full inspections completed under this programme, a full HHSRS assessment has been undertaken. These blocks are a combination of private and mixed tenure and include housing associations.

The Housing Enforcement Team currently sits within Re, the Council's Joint Venture Company with CAPITA. The team's performance is monitored monthly against key performance indicators that cover a breadth of housing enforcement activities, including category 1 hazards reduced, mandatory HMO major conditions compliance, and processing times for HMO Licences and housing service requests. These KPIs are contractually enforceable, and penalties could be applied, if required.

All staff undertaking housing enforcement activities have completed the HHSRS training course, and all officers in the Housing Enforcement team have completed the Environmental Health degree. All new staff are subject to a 6-month probation in which their competency is assessed in relation to housing investigations and rectification of housing conditions issues.

The Council's Environmental Health (EH) Service uses the Idox Uniform data management system to record and monitor all licensing and housing conditions related service requests, and associated enforcement activities. This same system is used to calculate and record HHSRS assessments. At present there are 118 service requests under investigation where damp (including leaks) and mould are reported as one of the key problems. This is more than 50% of the service requests being investigated reported to EH as "disrepair" or "urgent disrepair" cases. The full data set requested will be provided in January 2023 as part of the Council's more detailed response.

With regards to the Council's own housing stock, a response will be provided by Barnet Homes, the Council's ALMO, setting out the arrangements they have in place for managing issues of damp and mould within the stock. At present we are aware of 22 cases of "severe" damp or mould which is defined as representing a failure to meet the Decent Homes standard. Such cases have all been referred to the repairs service who we expect to be dealing with them as urgent matters. The completion of such repairs will be confirmed.

In addition, we are aware that Barnet Homes, are monitoring and addressing 729 'moderate' cases of damp and/or mould. Whilst these cases do not represent a failure of the Decent Homes standard,

to ensure the ongoing safety of residents we will review how such matters can be prevented from becoming Category 1 or 2 hazards by looking at how and when we engage with Barnet Homes around such issues.

The council recognises the importance of tackling serious hazards, including damp and mould, across all tenures uniformly and is committed to treating this issue seriously. The matter has already been reviewed with the Chair of the Council's Housing and Growth Committee and the Deputy Chief Executive.

As part of preparing our more detailed response we intend to review the extent to which issues of damp and mould are prioritised by council services and in relation to enforcement procedures, including the following:

- We will review the performance review mechanisms in place for assessing Housing Associations to ensure that they are appropriately capturing the rectification of issues relating to housing conditions.
- We will review the Council's handling of housing standards enforcement alongside a review being undertaken by Barnet Homes, the Council's ALMO, which will be reported at the Council's 'Housing and Growth Committee'.
- A meeting is being set up with the Director of Public Health to discuss the Council's approach to damp and mould.
- A review will be undertaken to ensure that arrangements for emergency accommodation of homeless people does not place them in accommodation with category 1 hazards.
- We will review data currently collected, to ensure that it captures the necessary information for assessment of risk to tenants across all tenures in the borough.

If you need any clarifications or more detailed information at this stage please let me know.

Kind regards

[Redacted Signature]

Private Sector Housing Manager

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The banner features a photograph of an elderly couple looking at something together. The text is overlaid on the image, with a teal background at the bottom containing the Barnet logo and tagline.

From: Shaw, Cath <Cath.Shaw@Barnet.gov.uk>
Sent: 30 November 2022 22:16
To: housingstandards@levellingup.gov.uk
Cc: [REDACTED] barnet.gov.uk>
Subject: LB Barnet Private sector housing response

Dear colleagues

Please accept my apologies that for technical reasons we have been unable to submit our interim response on damp and mould in the private sector by this evening's deadline. It will be with you ASAP tomorrow.

We take this issue, along with that of damp and mould in our own stock, extremely seriously and look forward to providing you with more information shortly.

Kind regards,

Cath

Cath Shaw
Deputy Chief Executive
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Department for Levelling Up, Housing & Communities

Rt Hon Michael Gove MP

Secretary of State for Levelling up Housing & Communities

Minister for Intergovernmental Relations

Department for Levelling Up, Housing and Communities

4th Floor, Fry Building

2 Marsham Street

London

SW1P 4DF

19 November 2022

Dear Local Authority Chief Executive and council leaders,

HOUSING STANDARDS IN RENTED PROPERTIES IN ENGLAND

The tragedy of Awaab Ishak, who died at two years old as a direct result of mould in his family home, has highlighted the urgent need to ensure a decent standard of properties for tenants in all sectors.

I know you will join me in mourning this avoidable loss. I also know, from previous experience, that councils and authorities across the country are already determined to improve housing standards. That is why I am confident you will all be as focussed as my department is on ensuring that no family ever has to experience such a tragedy again. In 21st century Britain, this should not be a high aspiration.

I have today written to social housing providers on this crucial matter. All of us – including my department – need to deliver our responsibility to people living in poor quality housing. That is why I am writing to you to request you do everything in your power to prioritise the improvement of housing conditions for the millions of private and social tenants, in line with existing duties in the Housing Act 2004. This becomes ever more urgent as we go into winter with a cost of living and energy crisis, which may exacerbate damp and mould conditions in some homes.

As you will be aware, local housing authorities have a duty under the Housing Act 2004 (“the Act”) to keep housing conditions in their area under review with a view to identifying any action that may need to be taken by them under the Act (section 3(1)).

Treating damp and mould seriously

Having considered it necessary and urgent to ensure that, as we go into a challenging winter, damp and mould issues are being addressed, I now direct, under section 3(3) of the Act, that all local housing authorities in carrying out their duty to review housing conditions in their area must:

- have particular regard to high scoring (bands D and E) category 2 damp and mould hazards, as outlined in the guidance ‘Housing health and safety rating system (HHSRS) enforcement guidance: housing conditions’¹
- supply the department with an assessment of damp and mould issues affecting privately rented properties in your area, including the prevalence of category 1 and 2 damp and mould hazards; and

¹ <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-enforcement-guidance-housing-conditions>

- supply the department with an assessment of action you have identified that may need to be taken in relation to damp and mould issues affecting privately rented properties in your area.

In addition, pursuant to your duties under section 3(3) of the Act, I would like you to provide the following data covering your last three 12 monthly reporting periods for privately rented properties in your area:

- how many damp and mould hazards you have remediated, compared to your assessment of the prevalence of these hazards;
- how many times you have taken enforcement action to remedy damp and mould hazards and the form this has taken;
- how many civil penalty notices have been issued in relation to non-compliance with enforcement action over damp and mould hazards; and
- how many prosecutions have been successfully pursued in relation to damp and mould hazards.

If you have not collected this information, please explain why.

Finally, I would also like you to set out how you are prioritising enforcement of housing standards more generally in your authority, across all tenures, including what plans you have to ensure adequate enforcement capacity to drive up standards in the private rented sector.

Alongside this, I have asked social housing providers to make an assessment of their properties and the Regulator of Social Housing will also be writing to them shortly on this matter.

I would like an initial response by the end of the month – this should set out how you are prioritising this work and any other initial information you can provide. I would then like the full response by 27 January at the latest. My officials will work with the Local Government Association and local authorities to agree the process and format for these responses in the coming days. Any questions in the meantime can be directed to housingstandards@levellingup.gov.uk. My department will review these returns and may ask for further information. We may also periodically publish the responses, or a summary, to improve transparency on this important issue. I have focussed here largely on damp and mould to make quick progress on this important area during the winter months, but reserve the right to make further directions and requests in relation to wider standards in the near future as the department deems necessary.

I would like to take this opportunity to thank you for the important work that you do in your local areas to improve housing standards for tenants. It is vital that we all learn from the events that led to the tragic death of Awaab, and my officials and I look forward to working collaboratively with you to improve standards for renters across the country and across all tenures.

With every good wish,



Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing and Communities
Minister for Intergovernmental Relations