

CUTTING FUEL POVERTY IN THE PRIVATE RENTED SECTOR



**Effective use of HHSRS and minimum
standards**

A toolkit for local authorities



Association for the
Conservation of
Energy



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1. ABOUT THIS TOOLKIT

The aim of this toolkit is to provide practical guidance and support to local authorities on the effective and proactive enforcement of energy efficiency standards in the private rented sector (PRS). This covers both the Housing Health and Safety Rating System (HHSRS) (Excess Cold) and the newly introduced Minimum Energy Efficiency Standards (MEES).

It has been developed following extensive research which comprised:

- A desk review;
- Interviews with local authorities and third-party stakeholders;
- The development of a set of case studies highlighting proactive and innovative approaches to enforcement; and
- A stakeholder workshop to test and explore the early findings from the research.

The research was funded by Ebico Trust, a registered charity which is funded through any profit made by the energy supplier Ebico. A steering group comprising representatives from the Department for Business, Energy and Industrial Strategy (BEIS), the Local Government Association (LGA), the Chartered Institute of Environmental Health (CIEH), the Residential Landlords' Association (RLA) and the Association of Local Energy Officers (ALEO) has overseen the research, which was carried out by the Association for the Conservation of Energy (ACE) and CAG Consultants.

A policy report, aimed at policy makers, has been produced alongside this toolkit and can be accessed [here](#).

2. WHAT IS FUEL POVERTY AND HOW CAN IT BE ALLEVIATED?

A household is said to be in fuel poverty if its income is below the poverty line (taking into account energy costs) and its energy costs are higher than is typical for its household type. This is known as the 'Low Income High Cost' (LIHC) definition.

Fuel poverty is caused by three main factors:

- Low income;
- High energy prices; and
- Poor energy efficiency, for example inadequate insulation or old or inefficient heating systems.

The LIHC indicator measures both the number of households experiencing fuel poverty and also the 'depth' of fuel poverty or 'fuel poverty gap.' This is the gap between how much a household needs to spend to maintain a warm home (taking account of household size) and the average cost of heating a home, taking into account their income. This can be thought of as the amount by which bills would have to decrease to take the household out of fuel poverty.

Households in fuel poverty have to choose between having a cold home or going into debt. Cold homes cause ill health, with around 10,000 UK deaths per winter attributed to this cause.

Fuel poverty can be alleviated by:

- Increasing householder income (for example, through ensuring the householder is receiving all of the benefits they are entitled to);
- Reducing the cost of energy (for example, by switching tariff or supplier); and
- Reducing the amount of energy needed, through installing energy efficiency measures (such as insulation and efficient heating systems).

The last of these is the most reliable way of reducing fuel poverty as it relates to the property and not the occupant, and provides a long-term solution that can protect a household from future energy price rises.



3. FUEL POVERTY IN THE PRIVATE RENTED SECTOR

Proportion of Private Rented Households in Fuel Poverty



Fuel Poverty Gap

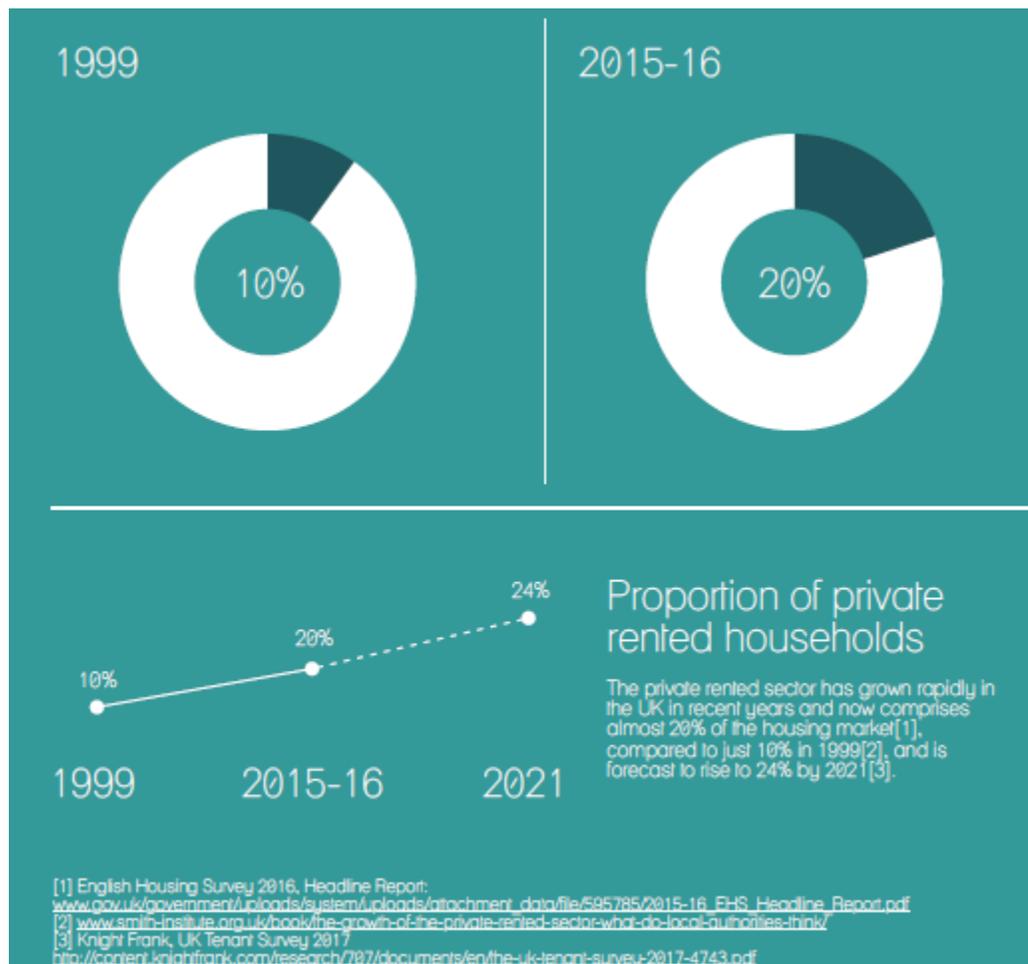


Recent statistics for England show that the thatlevels of fuel poverty are highest in the private rented sector, with 21.3% ofhouseholds in fuel poverty, with a fuel poverty gap of £410 [1]

As the infographic shows, recent statistics for England show that the levels of fuel poverty are highest in the PRS and this sector also has the highest fuel poverty gap¹. The most recent poverty statistics show that around 36% of private rental tenants in Wales are in fuel poverty².

Compared with other housing tenures, the PRS has the largest proportion of the most energy inefficient F- and G-rated properties (as recorded on their Energy Performance Certificates), at 6.3%. This compares to around 0.7% of social housing³. 45.7% of households living in such properties are in fuel poverty.

The PRS is growing rapidly, as illustrated by the infographic below.



¹ <https://www.gov.uk/government/statistics/annual-fuel-poverty-statistics-report-2017>

² Living in Wales Survey, 2008: <http://gov.wales/docs/statistics/2009/091130livingwales2008en.pdf>.

³ English Housing Survey 2016, Headline Report: www.gov.uk/government/uploads/system/uploads/attachment_data/file/595785/2015-16_EHS_Headline_Report.pdf

3. POLICY CONTEXT

There are two key mechanisms that can be used by local authorities to reduce fuel poverty in the PRS: the Housing Health and Safety Rating System (HHSRS); and the Minimum Energy Efficiency Standards (MEES).

3.1 HOUSING HEALTH AND SAFETY RATING SYSTEM

HHSRS was introduced as part of the Housing Act in 2004. It is a risk-based evaluation tool to assess risks to health and safety in the home. It is used to assess the likelihood of particular faults or deficiencies impacting on the health or wellbeing of those living in the dwelling. It includes 29 hazards, including 'Excess Cold'. The rating system can be applied to any tenure, but it has most value in the PRS where it plays an important role in protecting tenants.

From the HHSRS Operating Guidance¹:

*"The dwelling should be provided with **adequate thermal insulation** and a **suitable and effective means of space heating** so that the dwelling space can be **economically maintained** at reasonable temperatures".*

Local authorities have a duty to take action on any 'Category 1' hazard. A Category 1 hazard is one that is serious and which presents an immediate risk to a person's health and safety.

The 2015 English Housing Survey (EHS) estimated 'that 5% of private rented homes had a risk of Excess Cold, a higher proportion than both owner-occupied (3%) and social rented homes (1%)⁴. Excess Cold is one of the most common Category 1 hazards, second only to trips and falls⁵.

3.2 MINIMUM ENERGY EFFICIENCY STANDARDS

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 establish a minimum level of energy efficiency for privately rented property in England and Wales. This means that, from April 2018, landlords of privately rented

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627686/Private_rented_sector_report_2015-16.pdf

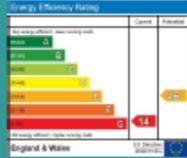
⁵ <https://www.cieh.org/media/1166/hhsrs-11-years-on.pdf>

domestic and non-domestic property in England or Wales must ensure that their properties reach at least an Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants. These requirements will then apply to all private rented properties in England and Wales – even where there has been no change in tenancy arrangements – from 1 April 2020 for domestic properties, and from 1 April 2023 for non-domestic properties. At the moment, it is proposed that there would be a cost cap of £2,500, which would mean that landlords would not be required to spend more than this amount; if a property cannot reach band E within this expenditure then landlords would be required to bring properties as close as is technically feasible to this level within this value of investment.



3.3 HHSRS AND MEES – A COMPARISON

HHSRS and MEES are separate powers and have no formal links. The infographic below presents the key differences between them.

Comparison of HHSRS (Excess Cold) and MEES		
	HHSRS	MEES
Requirement	No Excess Cold	Minimum E 
Exemptions		
Proposed Cost Cap		 £2,500
Enforced by	Environmental Health or Housing Teams  District Level	Trading Standards or Environmental Health/Housing  County Level
Compliance checked by		

In spite of the absence of formal links between the two, they can be used very effectively in tandem. In section 4.3 below, we explore how some councils are looking to use HHSRS and MEES together to raise standards.

3.4 OTHER LOCAL AUTHORITY POWERS AND POLICY CONTEXT

3.4.1 Local Authority powers

Local authorities have a variety of powers that they can draw down on to improve standards in the PRS, as follows:

The **Housing Act 2004** introduced series of powers in addition to HHSRS⁶:

- **Licensing of Houses of Multiple Occupation (HMOs)** – properties rented out by at least 3 people who are not from 1 'household' (e.g. a family) but share facilities like the bathroom and kitchen. Requirements were extended in April 2018 and are expected to significantly increase the workload of some local authorities.
- The ability to introduce **selective licensing** of private landlords. Where a local authority establishes a selective licensing scheme, landlords within the area covered by the scheme are required to hold a license to operate.

The **Energy Performance of Building Regulations (2007)**⁷ requires EPCs during sales or rentals. The evidence suggests that it is poorly enforced in the PRS. A 2013 Freedom of Information request from Friends of the Earth and the Association for the Conservation of Energy found that only 26% of private domestic rentals were complying with the regulations⁸.

The **Deregulation Act 2015**⁹ introduced new measures to protect tenants from eviction when they raise a complaint about the condition of their home.

The **Housing and Planning Act 2016**¹⁰ provides powers that permit local authorities to impose a civil penalty of up to £30,000. This can be used as an alternative to prosecution for a range of offences under the Housing Act 2004 (including those related to HHSRS), and where a landlord or property agent has breached a banning order under the Housing and Planning Act 2016.

The Act also enabled the sharing of certain data held by Tenancy Deposit Protection¹¹ with landlords and managing agents with local housing authorities in England. This data could help local housing authorities to identify where private rented properties are located. Having addresses of landlords or management agents will also help to target enforcement of housing conditions and standards.

⁶ <https://www.legislation.gov.uk/ukpga/2004/34/contents>

⁷ <http://www.legislation.gov.uk/uksi/2012/3118/contents/made>

⁸ www.1010global.org/sites/default/files/uploads/ckfinder/files/130816%20-%20Final%20response%20letter%20to%20D%20Timms.pdf

⁹ <https://www.gov.uk/government/publications/retaliatory-eviction-and-the-deregulation-act-2015-guidance-note>

¹⁰ www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016

¹¹ <https://www.gov.uk/government/publications/obtaining-and-using-tenancy-deposit-information>

3.4.2 National policy context

The **Homes (Fitness for Human Habitation) Bill**¹² is currently in the Parliamentary pipeline. This seeks to extend enforcement powers and tenants' rights, making use of HHSRS rather than setting up a parallel set of standards.

The **Clean Growth Strategy**¹³ was published in October 2017. This sets a target for all PRS and fuel poor homes to reach EPC band C by 2030, and all other homes by 2035 to help eradicate fuel poverty, reduce carbon emissions and deliver economic benefits to the UK.

4. MAKING THE CASE FOR POLITICAL SUPPORT

Effectively implementing HHSRS, MEES and other related powers has a number of potential benefits:

- **Reduced fuel poverty.** Almost half those living in privately rented F- or G-rated properties are in fuel poverty. Increasing the energy efficiency of these properties is key to reducing fuel poverty in this sector.
- **Reduced ill health.** The UK experiences, on average, 32,000 deaths in each December to March period that are in excess of mortality rates across the rest of the year. Of these, almost 10,000 deaths are attributable to the avoidable circumstances of living in a cold home – about the same as the number of people who die from breast or prostate cancer each year¹⁴.
- **Reduced burden on the NHS.** Work undertaken by the Building Research Establishment (BRE) highlights that cold-related illnesses from privately rented F- and G-rated properties costs the NHS £35million per year¹⁵. Thurrock Council has removed over 1,000 Category 1 hazards since 2014, most of them Excess Cold, contributing to an estimated saving to the NHS of over £2 million¹⁶.

¹² <https://services.parliament.uk/bills/2017-19/homesfitnessforhumanhabitationandliabilityforhousingstandards.html>

¹³ <https://www.gov.uk/government/publications/clean-growth-strategy>

¹⁴ www.nea.org.uk/wp-content/uploads/2018/02/E3G-NEA-Cold-homes-and-excess-winter-deaths.pdf

¹⁵ BRE, 2011: www.cieh.org/media/1380/the-health-costs-of-cold-dwellings.pdf. Please note that this study is based on BRE's HHSRS cost calculator, which has since been updated. (The PRS sector has grown and the English Housing Survey's (EHS) latest statistics have shown that there has been a reduction in some hazards).

¹⁶ See case study in appendix for more details

- **Helping the most vulnerable.** Many of the most vulnerable people in society live in the PRS, and this number is increasing. For example, between 2001 and 2011, the number of households with dependent children in London's PRS grew by a staggering 160% (an additional 153,000 households)¹⁷.
- **Economic opportunities.** There are opportunities to create business and jobs for those installing the energy efficiency measures required to remove Excess Cold hazards or bring properties up to the MEES standards.

5. HOW CAN HHSRS AND MEES BE USED TO TACKLE FUEL POVERTY

This sections briefly outlines the findings from our research and presents examples of the approaches of different councils.

4.1 HHSRS

4.1.1 Introduction

Excess Cold is one of 29 hazards assessed within the HHSRS. It is not linked to the EPC of a property (or to the Standard Assessment Procedure which sits behind the EPC rating).

The operating guidance states that a dwelling must be able to be 'economically maintained at reasonable temperatures' but does not provide a specific definition of this.

Our research found that councils take a variety of approaches to enforcing HHSRS, including:

- Engaging with landlords to raise awareness of the importance of energy efficiency;
- Working in partnership with other agencies to identify properties that require action to remove risks;
- Identifying funding to help landlords comply with requirements;
- Using the new civil penalty notice powers to charge landlords for offences relating to Excess Cold hazards; and



HHSRS requires homes to have fixed, affordable heating.

¹⁷ <https://www.futureoflondon.org.uk/2015/08/20/vulnerable-communities-in-the-private-rented-sector/>

- Tackling Excess Cold through selective licensing schemes.

These are detailed in turn below.

4.1.2 Engagement with landlords and tenants

HHSRS is a complex system and many landlords may struggle to understand what they need to do to comply with it. Many councils are working to proactively raise awareness of HHSRS with private landlords and/or tenants and of the importance and potential benefits of energy efficiency to private landlords.

“Landlords really struggle to understand what they are required to do to meet the standards. The system is very complex for non-specialists.”

Cornwall Council has introduced a voluntary **Responsible Landlord Scheme** together with an associated Rental Standard which sets out minimum criteria for privately rented properties. This offers a route to engagement through which the council can raise awareness of HHSRS and MEES. Launched in 2015/16, the scheme now has over 350 members who between them own about 4,000 properties (10% of Cornwall’s privately rented stock.) Members agree to sign up to the Cornwall Rental Standard, which reflects the minimum threshold the Council will accept to demonstrate legal compliance. Landlords who fall well short of the standard or choose to ignore it altogether will be more likely to be the subject of enforcement action. See appendix for full case study.

Wigan Council has a system of asking the tenant to first speak to their landlords about any problems, and only then contacting the council. The council provides guidance on the steps that a tenant should go through in terms of contacting their landlord and recording any contact. “After informing us, we may carry out a visit to inspect the condition of your home, contact the landlord/letting agent on your behalf or offer help and advice.”¹⁸

¹⁸ www.wigan.gov.uk/Resident/Housing/Private-Housing/Reporting-repairs-Private-renting.aspx

4.1.3 Identifying properties

Through partnership working

Identifying properties that may have an Excess Cold hazard is challenging, particularly given the increasingly limited resources that most councils have. Some councils are working in partnership with other agencies to identify properties where hazards may be present.

Thurrock Council identifies landlords via **service requests from tenants** and by **referrals from its Well Homes project** involving Public Health, Fire Service and Handyman service partners. The Well Homes project includes surveying properties to identify HHSRS hazards, with over 1,000 Category 1 hazards removed to date – the majority of them Excess Cold. See appendix for full case study.

Norwich City Council works in partnership with other local authorities in the area as well as the Clinical Commissioning Group (CCG) and local social services to operate the **'Early Help Hub'**. This provides a forum for professionals to come together to share information in order to ensure the provision of the most appropriate and effective support at the earliest opportunity. Through this hub, the council has identified a list of properties that may need an HHSRS inspection. In addition, colleagues have started a project within the local hospital linked to hospital discharges, and many referrals have been made that way. See appendix for full case study.

4.1.4 Funding

Historically, there were various funding sources and tax breaks that could be accessed to encourage landlords to improve the energy efficiency of their properties but these have now largely disappeared. However, there is funding available under the Energy Company Obligation (ECO). Under the 'Affordable Warmth' obligation element of ECO, funding is available to help with the cost of insulation or heating upgrades for those living in private housing (including the PRS) who claim certain benefits.

"In the 1980s and 1990s we gave out grants to landlords. But this was stopped. There isn't enough funding and there has been an ethos change. Landlords are running a business."

Under ECO, energy suppliers can use the 'flexible eligibility' mechanism for up to 10% of their obligation by installing energy saving measures in properties that have been declared eligible by local authorities. Participating local authorities will need to

publish a Statement of Intent (SOI) which specifies that support can be given to households that do not meet the Affordable Warmth eligibility criteria, including households living in the PRS.

Nottingham Council's **Flexible Eligibility Statement of Intent** (SOI) enables ECO funding to be directed to households that do not meet the standard ECO Affordable Warmth criteria. While not specifically focused on the PRS, the SOI enables households living in E-, F- and G-rated properties to access funding. This is also true of properties classified as having a Category 1 Excess Cold hazard.

4.1.5 Links to selective licensing

Under the Housing Act 2004, local authorities currently have powers to introduce selective licensing of privately rented homes to address problems in their area, or any part of them, caused by low housing demand and/or significant anti-social behaviour.

Liverpool has introduced a **city-wide selective licensing scheme**. By getting a foot in the door to undertake compliance checks on license conditions, officers are identifying hazards including Excess Cold. These are the second most common hazard found in properties inspected. Since 2017, 119 Excess Cold hazards have been referred to Housing Enforcement as a result of licensing inspections.

This includes one property converted into six flats, which were found to have no fixed heating. As a result of the inspection, the landlord agreed to install full gas central heating system throughout the building.

Despite initial resistance to the licensing scheme, the council reports that landlords came on board quickly, with over 35,000 properties registered in the first few months. The Council works directly with landlords to support them and highlight the benefits from compliance. See appendix for full case study.

4.1.6 Approaches to enforcement, including charging

"We go down the informal route usually, if the landlord seems willing to cooperate. If landlord has history of non-compliance we will go straight to enforcement."

"We are becoming more enforcement orientated and are serving more notices as a result. Previously we were raising awareness and educating landlords. But lack of resources means we can't keep on educating and educating."

For improvement notices, because we are not shy about serving them, we withdraw the charge if the notice is complied with – it provides an extra incentive to comply. It gives our officers more freedom to go out and serve notices too."

We stick rigidly to the law as set out in statute. If it's a Cat 1 hazard, we must take the appropriate action and that means serving a notice unless it's something they can sort out in a day or two."

As the above quotes from different council officers illustrate, councils take differing approaches to enforcement. Many councils take an informal approach to encouraging action, with enforcement seen as the last resort.

However, some councils will move straight to enforcement, particularly where they are working with a landlord that has been found to be non-compliant in the past or where there is a tenant in immediate danger (e.g. particularly vulnerable to ill health from cold).

Some councils have set targets. For example, Norwich City Council has an annual target to make 100 homes safe.

Councils take a range of approaches to charging for enforcement, with most having a standard (flat rate) and others charging based on time or the number of hazards. Our research found that charges ranged from £270 to £700 per enforcement notice.

Norwich City Council takes a very proactive approach to enforcing HHSRS, with over 100 enforcement cases a year, over half of which relate to Excess Cold. The council takes its statutory duty to take enforcement action to remedy those hazards very seriously. They commissioned research which found that around 1,670 private sector homes in the city had a Category 1 risk for Excess Cold. It also identified where the highest concentrations of fuel poverty and Excess Cold hazards were and estimated that 9% of properties in this sector had an EPC rating of F or G.

Inspections were carried out on 75 properties in one road alone, resulting in enforcement work in two properties to remove Excess Cold hazards. See appendix for full case study.

The **Housing and Planning Act 2016** gives local authorities powers to impose a civil penalty of up to £30,000 as an alternative to prosecution for a range of offences under the Housing Act 2004. Many councils are still considering how best to use these powers.

Colchester Council has made use of the new civil penalties powers and ordered a landlord to pay £8,870 for cold, damp conditions in a property¹⁹. See appendix for full case study.

4.1.7 First Tier Tribunal Appeals related to Excess Cold

Landlords have the right to appeal any enforcement notice through the First Tier Tribunal. Each Tribunal case is considered separately and while Tribunals will frequently refer to other cases in the context of explaining their decision, the findings of the Lower Tribunal do not set a precedent although previous rulings cases are referenced during appeal hearings where relevant.

"People get scared of serving notices but it is pretty straightforward. Only 2 or 3 end up at tribunal each year (out of around 700 notices)."

The accompanying policy report includes a report of all appeals related to Excess Cold; full details can be found here. In summary, this found that:

- **Affordability;** free standing, peak electric heaters are generally considered by the Tribunal to be unacceptable as the main source of heating in a home due to their high running cost. In the case of Liverpool CC versus Kassim

¹⁹ www.colchester.gov.uk/article/21290/Colchester-landlord-ordered-to-pay-8870-for-cold-damp-conditions

(which was referred to the upper Tribunal, the rulings of which can be considered to set a precedent), the council's Improvement Notice specified that electric panel heaters needed to be replaced so it was more affordable for the tenant to heat the property. As part of the appeal case²⁰, the council presented evidence that the cost of heating a home via the installed electric panel heaters (on a standard tariff) would cost twice as much modern fan assisted storage radiators on an Economy 7 tariff, and three times as much as a modern gas central heating system.

- **Measures;** Tribunals found in favour of councils that have required central heating OR off peak, fixed electric heating, sometimes with insulation. Tribunals have also upheld enforcement notices requiring secondary glazing and/or wall insulation.
- **Timeframe;** while informal approaches can be effective, setting a timescale/timeframe for moving to formal enforcement action should be defined from the onset to encourage compliance. Tribunals have noted that cases which take a long time to resolve could result in a vulnerable tenant living with a Category 1 hazard for a prolonged period of time.
- **Evidence;** councils need to present thorough evidence at the Tribunal. This may include:
 - Comparative heating costs for gas and electric (including on and off-peak tariffs) for the property as well as comparative installation costs for gas and electric heating systems for the property.
 - Comparative EPC ratings from other properties in the same street.
 - Evidence from the Building Research Establishment's Excess Cold Calculator²¹.
 - Evidence as to whether the heating system has sufficient capacity to maintain temperatures set out in the HHSRS Operating Guidance.

*"Given its statutory obligation to take enforcement action in relation to Category 1 hazards, it is of some concern that (the council) spent quite so long negotiating with the (landlord) on the basis of informal schedules of work." (From the FFT case: *Hadmimin vs LB Southwark*; further details [here](#).)*

²⁰ <http://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j869/HA-3-2011.pdf>

²¹ <https://bregroup.com/services/advisory/housing-stock/excess-cold-calculator-xcc/>. Environmental Health Practitioners and Technical Officers in the assessment of Excess Cold in dwellings. Users enter information about a dwelling and its occupants and the calculator provides estimated running costs and information on the adequacy of the heating system.

4.2 MEES

4.2.1 Introduction

Since April 2018, landlords of privately rented domestic property in England or Wales have been required ensure that their properties reach at least an EPC rating of E before granting a new tenancy to new or existing tenants. These requirements will then apply to all private rented properties – even where there has been no change in tenancy arrangements – from 1 April 2020. The domestic property regulations will be enforced by local authorities.

In certain circumstances, a landlord may be able to claim an exemption. For example, where the cost of making improvements exceeds the cost cap (with no

funding provided to cover

this) or in situations where, despite improvements having been made, the property remains below the minimum E-rating. Such cases must be registered on the PRS Exemptions Register. (Full details on exemptions can be found [here](#)²².)

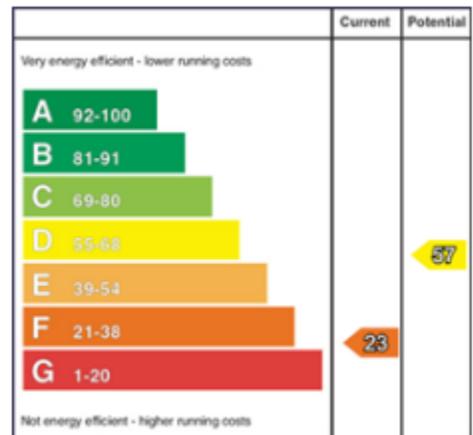
“It sets a minimum standard which landlords can be held accountable against and hopefully will reduce fuel poverty for vulnerable tenants.”

4.2.2 Planned activity on awareness raising and enforcement

Councils will have the power to serve penalty notices where they believe that an F- or G-rated property has been unlawfully let.

“To apply MEES, (the district) would need better understanding of EPC legislation and this hasn't been their skill area in the past so they would need to train themselves up – this is difficult when roles are split between authorities.”

Government guidance leaves it to councils to choose which department is responsible for MEES enforcement; either Trading Standards (which are responsible for enforcing EPCs), or Environmental Health/Housing



Under MEES it is illegal to rent out F- or G-rated homes

²² www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions/guidance-on-prs-exemptions-and-exemptions-register-evidence-requirements

(where knowledge about fuel poverty and poor housing conditions sits). Therefore, a joint approach between departments will be required (and between councils in the case of two-tier areas, where Trading Standards sits with the county and Environmental Health with the district). This may present some challenges to two-tier councils and those that don't already have a close working relationship between the departments.

It is relatively easy for councils to establish which properties are substandard by reference to EPCs, which have to be publicly registered²³.

However, at the time of our research (early 2018), we only found a few cases of councils having firm plans to raise awareness of and enforce MEES.

"The Private Rented Services Regulation & Enforcement team have a good working relationship with the Trading Standards team, and will probably need to work more closely together going forward, to ensure that HHSRS and MEES are used to their strengths. There will likely be signposting between the two departments."

Cornwall Council has identified that there are around 4,500 F- or G-rated privately rented properties in the county and they are currently working out how best to tackle these.

In the first 6 months after MEES is introduced, the council plans to provide as much advice and assistance as possible to landlords. In the six months thereafter, they plan to take a more enforcement-based approach against landlords with F- or G-rated properties that are not exempted and are known to have created a tenancy. The council will also be checking the MEES exemption data to see whether the reasons for exemption are credible. To date (March 2018), there are around 30 properties listed on the exemptions register in Cornwall. To align with this activity, the Council seeks to provide form(s) of assistance (potentially grants or loan assistance) to landlords to improve their properties and continue to provide much-needed PRS accommodation in the area.

Some councils have set aspirational targets for landlords to meet higher EPC bands in future years. However, until this is backed up by national legislation these councils recognise that they may not be achievable.

Waltham Forest have an aspiration that all privately rented homes should reach Energy Performance Certificate (EPC) band C to support action on warm and healthy homes and the eradication of fuel poverty. The council note *"the difficulty in achieving the high levels of energy efficiency represented by EPC bands A, B and C in*

²³ <https://epc.opendatacommunities.org>

older properties" and are committed to work with local landlords to provide advice and signpost to sources of grant funding.

4.2.3 Use of data

EPC data is freely accessible. It includes information on the 'transaction type' which will indicate where the EPC was obtained for rented properties (see Fig xx²⁴)

	A	B	C	D	E	F	G	R
	LMK_KEY	ADDRESS	ADDRESS	ADDRESS	BUILDIN	G_RATING	CURRENT_ENERGY_RATING	TRANSACTION_TYPE
1		1	2	3	ENCE_NU	MBER		
23	4.87E+20	218, Rayle Hutton				2.9E+09	F	marketed sale
24	1.89E+20	6, Albert St Warley				1.46E+08	F	rental (private)
25	1.69E+20	36, Britanr Warley				8.92E+09	C	rental (private)
26	3.74E+20	7, Glanmei Shenfield				6.37E+09	D	marketed sale
27	7.59E+20	126, Hatch Pilgrims Hatch				3.06E+09	D	marketed sale
28	3.21E+20	35, Greenv Hutton				2.84E+09	F	marketed sale
29	1.38E+21	3, Glovers Kelvedon Hatch				2.67E+09	E	ECO assessment
30	2.85E+20	49, Ongar Road				8.81E+09	G	rental (private)

EPC data obtained from opendatacommunities.org, showing transaction type

Cornwall Council is looking at how they can **align council tax data and benefit data** to identify privately rented properties, cross checked with EPC data, to identify F- and G- rated properties, and then tenancy deposit information. However, there are numerous barriers to accessing all the necessary data:

- EPC data doesn't have a UPRN (Unique Property Reference Number) which can make it difficult to match it to council-held data.
- Tenancy deposit data can be hard to access.

²⁴ <https://epc.opendatacommunities.org>

4.3 LINKING MEES AND HHSRS

HHSRS and MEES will each have greatest impact if councils adopt an integrated approach to raising awareness of and enforcing both powers, as well as wider powers introduced by the Housing Act 2004 and the Housing and Planning Act 2016. We found evidence of councils planning to:

"In the 1980s and 1990s we gave out grants to landlords. But this was stopped. There isn't enough funding and there has been an ethos change. Landlords are running a business."

- Use HHSRS where serious and/or additional hazards have been identified that could cause immediate harm and where the vulnerability of the tenant requires immediate action to be taken. For example, gaining access to the property, undertaking works by default, prohibiting the use of the property and requiring works that go above the proposed cost cap under MEES.
- Using HHSRS where an exemption has been lodged for MEES (e.g. in relation to the proposed cost cap) and where a Category 1 Excess Cold hazard is anticipated to exist.
- Requiring EPC information to be collected as part of any selective licensing and HMO licensing schemes in order to support the implementation of MEES.

Norwich City Council: Where a landlord seeks exemption from MEES, the council will consider looking to see whether there is scope for HHSRS enforcement.

Nottingham City Council is using EPC ratings, produced by their own in-house Domestic Energy Assessor, to inform the works required to mitigate Excess Cold category 1 hazards. "Whilst a HHSRS assessment can determine whether works are necessary to bring the property up to a decent standard, it cannot determine how cost effective a particular system would be to heat a dwelling. Therefore, as part of our enforcement activities, we used an in-house DEA to produce an EPC. This allowed us to enforce regulations more robustly, by ensuring that the property can meet minimum temperature specifications and that this can be achieved at affordable levels for low income households.

EPCs for F- and G-rated properties endorses the severity of a category 1 Excess Cold hazard, and the specified works referenced within the EPC can mitigate this hazard. We feel that using EPCs and HHSRS together provides a robust tool to enforce against landlords."

5. FURTHER INFORMATION

The accompanying policy report, 'Warm Arm of the Law; tackling fuel poverty in the private rented sector', can be accessed [here](#). This includes a number of recommendations, directed at central, regional and local government as well as at tenant advisory services and the energy efficiency industry, regarding how MEEES and HHSRS could be more effectively implemented.

Links to further resources are provided within the case studies which are presented in the appendix.

APPENDIX - CASE STUDIES

1. CORNWALL COUNCIL

Cornwall Council is taking a proactive approach to improving standards in the PRS. The council has introduced a Responsible Landlord Scheme, together with an associated Rental Standard which sets out minimum criteria for privately rented properties. The council also uses HHSRS proactively to identify and remove Category 1 hazards, many of which will be related to Excess Cold.

Their approach

The council responds to a high number of complaints from tenants. The council's policy is to go straight to serving notices on landlords rather than engaging in negotiation. They find this is a much more efficient and effective approach. "We found that if you start negotiating with landlords, you can enter a huge delay in the time taken to enforce the works necessary to remove or mitigate the hazard identified. And that results in a tenant being exposed to a hazard for longer."

They get around 600 complaints directly from tenants plus referrals from public health, police, fire brigade and agencies delivering home adaptations. The council serve hundreds of notices each year, many of which relate to Excess Cold. In 2016/17, figures show that the council found:

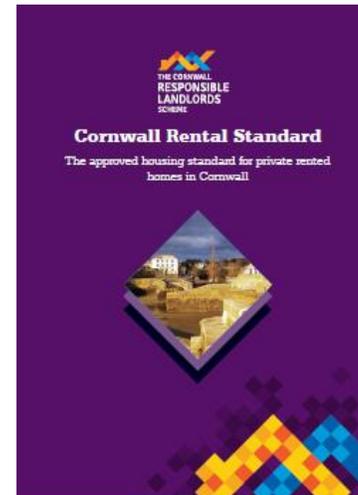
- 115 Category 1 Excess Cold hazards; and
- 110 Category 2 Excess Cold hazards.

Causes were primarily poor insulation and/or a missing or inefficient heating system.

When the council receive a complaint from a tenant, they use a triage system:

1. They will firstly engage with the tenant and tell them they must ask their landlord to remedy the aspects that are of concern to them.
2. If the tenant does so, and then provides proof to the council of this and states no action has been taken, the council will then intervene. "More often than not we will find a hazard."

This approach is supported by the council's 'Responsible Landlord Scheme', a registration scheme launched in 2015/16. This now has over 350 members who between them own about 4,000 properties (10% of Cornwall's privately rented



stock.) Members agree to sign up to the Cornwall Rental Standard, which reflects the minimum threshold the Council will accept to demonstrate legal compliance. Landlords who fall well short of the standard or choose to ignore it altogether will be more likely to be the subject enforcement action.

The council charges up to £50 an hour for their enforcement work and are very strict in terms of recording their costs. They have various systems in place to ensure they receive these costs and so successfully recover a high proportion of their charges. "Anyone designing systems to charge needs to think about how they will actually recover these costs." Consideration should also be given to how such funds can be ring-fenced for future enforcement activity.

Plans for enforcing MEES

The council has identified that there are around 4,500 F- or G-rated privately rented properties in the county and they are currently working out how best to tackle these.

In terms of the Responsible Landlord Scheme, they only hold email addresses for member landlords and don't have addresses for their properties, so are unable identify whether any member landlords own F- or G-rated properties. However, the intention is to use the scheme as a route to engage landlords and raise awareness of council strategies.

In the first six months after MEES is introduced, the council plans to provide as much advice and assistance as possible to landlords. In the six months thereafter, they plan to take a more enforcement based approach against landlords operating EPC F- or G-rated that are not exempted and are known to have created a tenancy (through accessing tenancy deposit data, see section 3.4.1 above). The council will also be checking the MEES exemption data to see whether the reasons for exemption are credible. To date (March 2018), there are around 30 properties listed on the exemptions register in Cornwall.) To align with this the council seeks to introduce form(s) of assistance (potentially grants or loan assistance) to landlords who seek to improve their properties and continue provided much needed PRS accommodation in the area.

The council is looking at how they can align council tax data and benefit data to identify privately rented properties, cross checked with EPC data to identify F- and G-rated properties and then tenancy deposit information. However, there are numerous barriers to accessing all the necessary data:

- EPC data doesn't have a UPRN which can make it hard to link it to council data.
- Tenancy deposit data can be hard to access.

In terms of enforcement action on MEES; this would depend on what evidence exists that an offence has been committed. If there is sufficient documentary evidence, it is likely that an inspection will be undertaken.

What has facilitated their approach?

One of the council's priorities in terms of homes is raising standards in the PRS. The basis of this being an understanding that the quality of the PRS is relatively poor as evidenced by the most recent stock survey in 2010/11 which found that approximately 50% of the PRS is non-decent. With 18% of total stock in Cornwall being privately rented, this gives a very high figure of non-decent homes. Members are acutely aware of the house price/wage discrepancy; the ability to buy is very low and people need to access the PRS. So the council were keen to raise quality in this sector. There is now a team of around 20 staff working in private sector housing.

Further information

- Cornwall Responsible Landlord Scheme – a guide for landlords <https://www.cornwall.gov.uk/media/12847880/Landlords-Bitesize.pdf>
- Cornwall Rental Standard The approved housing standard for private rented homes in Cornwall <https://www.cornwall.gov.uk/media/12849446/Cornwall-Rental-Standard.pdf>

2. LIVERPOOL COUNCIL

Liverpool's city-wide selective licensing scheme was set up to raise property management standards in the PRS. By getting a 'foot in the door' to undertake compliance checks on license conditions, officers are identifying hazards such as Excess Cold.

Landlord LICENSING
Liverpool's Selective Licensing Scheme



Over the past three years, the private sector housing team have received over 4,500 complaints about properties in the PRS, ranging from rubbish accumulations to more serious and significant issues including Excess Cold, overcrowding and fire safety.

In October 2014, the Mayor and Cabinet approved a business case for introducing a city wide selective licensing scheme. The scheme is being delivered alongside mandatory HMO licensing (introduced in 2006) to regulate up to 50,000 PRS properties. The scheme started on 1st April 2015 and ends 31st March 2020.

Prior to selective licensing, landlords could sign up to the free, voluntary accreditation scheme run by the City Council - Citywide Landlord Accreditation Safety Scheme (CLASS). Yet during inspections officers were finding significant issues in some properties. Unfortunately, there had been relatively low take-up in CLASS by landlords and so the council introduced a city wide selective licensing scheme.

Louise Connelly, Private Sector Housing Licensing Manager, noted that “Property standards across the city were variable, and mandatory licensing for Houses in Multiple Occupation (HMOs) only covered a small fraction of rented properties in the city”. She added that “The licensing scheme will improve the rental market in Liverpool by raising standards and help to identify non-compliant landlords and managing agents who do not invest in their properties or manage their tenants. Non-compliant landlords who do not invest or manage their properties will move out of the market, making Liverpool an attractive prospect for good landlords.”

The scheme is regularly reviewed and reported – most recently to elected members in September 2017. To date, 43,602 licenses have been granted to 7,058 license holders. Officers have undertaken 13,328 compliance activities, which to date have shown a high degree of non-compliance (75%) across the board. These non-compliance issues are being resolved. The key to success in targeting and focusing resources, is the council’s intelligence and risk-based approach. The Landlord Licensing service is able to map the PRS against complaints, anti-social behaviour and unlicensed properties and then target specific areas.

The license application process involves robust ‘fit and proper checks’ of potential license holders followed by information on each licensable property. Officers visit properties to determine compliance with license conditions. As appropriate, any evidence of potential hazards, including Excess Cold, are referred to the Housing Enforcement Team which follow up these referrals using HHSRS and other housing powers where appropriate. Any informal or formal action is consistent with the City Council’s Private Sector Housing Enforcement Policy.

Excess Cold hazards are the second most common HHSRS hazard found in properties inspected. Since 2017, 119 Excess Cold hazards have been referred to Housing Enforcement as a result of licensing inspections, including the example below.

Excess Cold case study

A four-storey property in Liverpool had undergone substantial renovations, transforming it from a single dwelling into six self-contained flats. The landlord, who has 31 licensed properties across the city, had no history of enforcement against

him by the City Council. During a compliance visit in January 2018, a Category 1 Excess Cold hazard was identified.



There was no fixed heating in any of the individual flats or communal areas. This meant that the occupants were using their own inefficient heating, including free-standing electric bar heaters. These can result in high energy bills and increase the likelihood of cold-related illnesses and electrical fires. In addition to inadequate heating provision, there was also an apparent lack of ventilation. Tenants were drying clothes on small electric radiators, leading to damp and mould-growth within the properties.

Following the inspection, the City Council corresponded with the landlord, and while noting that he was complying with the selective licence conditions, there was a Category 1 Excess Cold hazard in the property. A fixed form of heating would need to be installed in all flats to avoid enforcement action under the Housing Act 2004. The landlord agreed to carry out the improvement works and installed a full gas central heating system throughout the building.



Without the selective licence scheme, and the associated compliance visits, the hazard would not have been identified and remedied, particularly since the occupants were vulnerable. (It was thought unlikely that the tenants would have reported the landlord to the City Council. This visit came about as a result of a complaint from neighbours.)

To date no visits have been made to the other properties owned by the landlord. However, as part of its Operational Plan 2018-19, the City Council's district teams will be undertaking targeted enforcement work on portfolio landlords as this has been found to drive up standards in similar circumstances.

The City Council is in the fourth year of the city-wide selective licensing scheme. Work has begun to evidence outcomes to determine whether the scheme has led to improved property standards. This will determine the need for future licencing after 2020.

Despite initial resistance to city-wide selective licensing, landlords came on board very quickly and over 35,000 properties were registered within the first few months of the scheme. The City Council worked directly with landlords to support them, highlighting that there were benefits for compliance by creating a level playing field in the PRS. The City Council's robust PSH Enforcement Policy means that landlords

committing offences will not have a commercial and financial advantage over other compliant landlords.

A portfolio agent in Liverpool stated “Licensing has made us raise our game as we now won’t manage any properties that don’t comply with the licensing conditions. It’s made our job easier to get rid of landlords who don’t want to spend money. I know that if I manage properties in Liverpool, all licensed landlords will be treated the same and the council will be able to focus on getting the unlicensed ones and those ones who don’t want to comply with basic minimum standards”.

Further information

- <http://liverpool.gov.uk/business/landlord-licensing/liverpools-landlord-licensing-scheme/>
- Private Sector Housing Enforcement Policy: <https://liverpool.gov.uk/media/1356666/private-sector-housing-enforcement-policy.pdf>

3. NORWICH CITY COUNCIL

Introduction

Norwich City Council takes a very proactive approach to enforcing HHSRS with over 100 enforcement cases a year, over half of which relate to Excess Cold.

The council's approach

According to the council’s Home Energy Conservation Report 2017-2019, there are approximately 14,000 privately rented properties in Norwich. The council commissioned some work from the Building Research Establishment (BRE) which showed that there were issues with the condition of some of the city’s privately rented properties. The council takes its statutory duty to take enforcement action to remedy those hazards very seriously. This research identified that a total of around 1,670 private sector homes in the city had a Category 1 risk for Excess Cold



Figure 1 - Proportion of homes with Excess Cold hazard, as reported in the council's HECA report

(including the owner-occupied sector). It also identified where the highest concentrations of fuel poverty (see map) and Excess Cold were and estimated that 9% of properties in this sector had an EPC rating of F or G.

In the current financial climate, and in common with other local housing authorities, the council does not have the resources to tackle every hazardous home in the privately rented sector. The private sector housing team comprises three Environmental Health Officers (EHOs) who take targeted enforcement action in the worst cases. These cases come to the team's attention either through complaints from tenants or by proactively targeting properties and landlords where there is a known problem. The team's annual target is to make 100 homes safe.

For example, inspections were carried out on 75 properties in one road alone, resulting in enforcement work in two properties to remove Excess Cold hazards. One of these properties was entirely lacking a fixed heating system (with tenants relying on very expensive portable heaters and using bubble wrap over the windows. Controllable storage heaters and double glazing have now been installed. In the other, the boiler was found to be broken so the tenant was without hot water and, again, only had expensive portable heaters. In addition, some of the windows did not shut. A new boiler has now been installed and the windows have been replaced.

The council works in partnership with other local authorities in the area, as well as with the Clinical Commissioning Group (CCG) and local social services to operate the 'Early Help Hub'. This provides a forum for professionals to come together to share information in order to receive the most appropriate and effective support at the earliest point. Through this hub, the council is informed of properties that may need an HHSRS inspection. In addition, colleagues have started a project within the local hospital linked to hospital discharges, and many referrals have been made that way.

The council charges about £270 per notice but this is waived if the landlord writes to say they are going to do the work. These costs are not sufficient to cover the cost of enforcement action. However, with civil penalty notices, the council are more confident that they will be able to recoup their costs.

Information and education

The council provides information for tenants about what action the council can take and offers a toolkit to encourage and equip tenants to take action themselves. If a tenant makes a complaint, the council will usually discuss the problem with them and assesses whether or not it requires immediate intervention. In most cases, the toolkit will be provided, which includes template letters. They always follow up complaints and will inspect the property if a tenant is still experiencing problems, with enforcement action the next step.

MEES enforcement

Looking ahead, council officers will be considering how best to enforce MEES. Where a landlord seeks exemption from MEES, they will consider looking to see whether there is scope for HHSRS enforcement.

What has facilitated their approach?

There is strong political support for the council's work in this area. A report on 'Housing conditions in the privately rented sector' was presented to the council's Scrutiny Committee in February 2018²⁵. This outlined the council's plans for targeting its enforcement resources at the worst cases. Officers report a culture of, "If there's something that needs doing, then we just do it." Because the team has very limited resources, they need to be proactive in their approach to target their activity where it's most needed.

Resources:

- Simple guide to the 29 HHSRS hazards
file:///C:/Users/Emma/Downloads/Housing_hazards.pdf

4. NOTTINGHAM CITY COUNCIL

Using EPCs to enforce HHSRS

Nottingham City Council are in the process of updating their Fuel Poverty Strategy, which highlights that 15.8% of



Nottingham's households are in fuel poverty. The city has made great strides in reducing fuel poverty in recent years and the council is determined to build on this success. Tackling fuel poverty is one of the council's top five priorities identified in the Nottingham Plan.

32% of Nottingham's homes are privately rented, many of which have solid walls, and households in the PRS are three times more likely to be in fuel poverty. The Environmental Health Safer Housing team have pledged to tackle fuel poverty in the PRS as part of their role in enforcement. As outlined in the draft Fuel Poverty

²⁵ goo.gl/qH6WGw

Strategy, this includes enforcement of the MEES regulations, alongside enforcement of HHSRS where category 1 Excess Cold hazards are identified.

Nottingham City Council's Energy Services team run the council's domestic energy efficiency and fuel poverty working group. This group includes representatives from the Environmental Health Safer Housing team, Housing Strategy, Nottingham City Homes and Nottingham Energy Partnership, and guest members include Age UK and Public Health. As part of their role in the group, the Environmental Health team promotes their enforcement service through the delivery of frontline staff training and the development of a referral form to encourage action.

The council also operate a Health and Housing Partnership, which is made up of Heads of Service, to take forward action around fuel poverty, including working with representatives from Public Health and the NHS.

The council's Flexible Eligibility Statement of Intent (SOI) enables ECO funding to be directed to households that do not meet the standard ECO Affordable Warmth criteria. While not specifically focused on the PRS, the SOI enables households living in E-, F- and G-rated properties to access funding. This is also true of properties classified as having a Category 1 Excess Cold hazard.

Safer Housing Fuel Poverty Project

Nottingham City Council's Safer Housing Team, working in partnership with Nottingham Energy Partnership (NEP), delivered a small proactive fuel poverty project in the Dales ward, an area known to have higher than average levels of fuel poverty.

The principal idea behind the project was that works required to mitigate an Excess Cold hazard would have a positive impact on eradicating fuel poverty. The project used EPC ratings to inform the works required to mitigate Excess Cold category 1 hazards, and the project was successful in obtaining energy efficiency funding to support landlords take forward these works. The project team also secured internal 'Being Great' funding to have a member of the team trained as a Domestic Energy Assessor (DEA).

The Safer Housing team used HHSRS to assess properties, with the DEA providing EPC inspection where appropriate, to support enforcement activity, while NEP supported landlords and tenants to install the energy efficiency measures.

Alison Thomas, Principal Environmental Health Officer, highlighted that:

"Whilst a HHSRS assessment can determine whether works are necessary to bring the property up to a decent standard, it cannot determine how cost effective a particular system would be to heat a dwelling. Therefore, as part of our enforcement activities, we used an in-house DEA to produce an EPC. This allowed us

to enforce regulations more robustly, by ensuring that the property can meet minimum temperature specifications and that this can be achieved at affordable levels for low income households.

EPCs for F- and G-rated properties endorses the severity of a category 1 Excess Cold hazard, and the specified works referenced within the EPC can mitigate this hazard. We feel that using EPCs and HHSRS together provides a robust tool to enforce against landlords.”

The project saw the removal of category 1 hazards in seven properties, and the resulting improvement in the properties’ EPC rating. The project has developed a partnership model that can enable other councils to replicate the project.

The project was not without its challenges. Gaining access to properties was a problem, particularly where tenants had not initiate the inspection through a complaint and were therefore less engaged with the project. The project also took longer to set up than originally envisaged, meaning that the timescales to access grant funding was reduced. Those landlords that proactively engaged with the project team and installed measures were able to take advantage of grants funding, whilst those landlords that were slow to comply, including those served with improvement notices, were too late to access grants. Alison Thomas highlighted “that is imperative that landlords quickly comprehend that they have a legal duty to improve their properties by undertaking works and should actively engage with the council to take up any grant funding”.

Further information

- Nottingham Energy Partnership: <https://nottenergy.com/>
- Ebico Trust, Safer Housing Fuel Poverty Project: <https://ebico.org.uk/trust/ebico-trust-projects/>
- Nottingham City Council Flexible Eligibility Statement of Intent: <http://committee.nottinghamcity.gov.uk/documents/s61620/Flexible%20Eligibility%20LA%20Statement%20of%20Intent.pdf>
- Nottingham Plan (2015-2019): <https://www.nottinghamcity.gov.uk/about-the-council/council-plan-puts-citizens-at-the-heart/>
- Energy Strategy 2010-2020: <https://www.nottinghamcity.gov.uk/environmental-health-and-safer-housing/energy-services/>

5. THURROCK COUNCIL

Introduction

There are around 10,000 privately rented properties in Thurrock, with this figure due to increase as a result of rising housing demand. The Private Housing Team consists of three Principal Environmental Health Officers and a Private Housing Liaison Officer. The team's work is funded from the general fund, fee charges and licensing fees. The service deals with landlord tenant complaints as well as HMOs. Thurrock Council has long recognised that poor housing has a detrimental effect on health and wellbeing.

In 2012, the council commissioned the Building Research Establishment (BRE) to produce a stock condition survey and a Health Impact Assessment. BRE estimated there were 6,683 dwellings with a Category 1 Hazard within the borough, with Excess Cold being the second most common hazard (after falls).

Well Homes

The council's 'Well Homes' Project grew out of a Health Impact Assessment. Through this project, the Private Housing Service provides a proactive approach to delivering housing services in the private sector. The project is delivered in partnership with Public Health and a number of other partners, including the Fire Service and Handyman service. It includes surveying properties to identify HHSRS hazards and then the removal of these, with over 1000 Category 1 hazards removed to-date – the majority of them Excess Cold (since 2014). Surveys are conducted by an advisor funded by the Private Housing Team. This has contributed to an estimated saving of over £2 million to the NHS and over £6 million if you include savings to wider society. The Well Homes Service has currently been suspended while the council reviews the options of re-tendering or bringing it in-house.

Enforcement – HHSRS and MEES

The council will enforce informally where possible but will serve statutory notices under the Housing Act 2004 as required, with a charge of £488. From this year, the council will be applying Civil Penalty Notices as an alternative to prosecution for certain housing offences. In these cases, the council must be satisfied that, if the case were to be heard in a magistrate's court, there would be a realistic prospect of conviction.

The council will also look to serve Civil Penalty Notices under the Minimum Energy Efficiency Standards, in cases where the council is satisfied that a property has been let in breach of the Regulations i.e. with an EPC rating below E, or if the landlord has lodged false information on the PRS Exemption Register. The council plans to

identify privately rented properties that do not meet the minimum MEES EPC rating of E, utilising the openly available EPC data. The council plans to work with its energy partners (suppliers with ECO obligations) to try to secure funding to offer to landlords to help them comply with MEES.

Landlord Accreditation and Training

The council has a landlords' accreditation scheme which is run in partnership with London Landlords Accreditation Scheme and there are currently 200 accredited landlords in Thurrock. As part of accreditation, landlords attend a course which includes information on legislative duties under both HHSRS and MEES. To maintain their accreditation, landlords have to attain CPD hours maintaining and improving their knowledge; to assist this, the council hosts training courses. The council also holds landlords' forums where landlords are given updates and reminders on their legal duties.

The council offer financial assistance to remove Category 1 hazards to accredited landlords who enter into partnership with the Homelessness Team, providing safe and warm homes for homeless families. Accredited landlords are also given a discount when applying for a HMO licence.

Identifying Landlords

The council identifies landlords via service requests from tenants and by referrals from Well Homes and partners such as the fire service, the police and internal teams such as social services and Local Area Coordinators, Adult Social Care. The council has built up a database of landlords in the borough using information from tenant's service requests and information obtained from the council's Tax and Benefits departments.

Challenges

The team face a number of challenges including:

- Limitations arising from constrained resources and service demand along with fulfilling statutory duties and accommodating new legislative changes such as the extension of HMO licensing.
- Some tenants' reluctance to report issues or co-operate with the council in the investigation of hazards due to fear of homelessness.
- Housing stock that includes hard to treat properties including solid wall terraces and off gas properties which score low on EPC ratings.
- Increasing rental prices driven by rising demand, caused by the relative affordability of housing compared to London and a flourishing local economy (with employers such as Amazon having recently relocated to the borough). This led to strong increases in house prices and consequently rental prices.

- The consequential unaffordability leads to overcrowding and increasing numbers of HMOs.
- This has led to an increase in complaints by tenants against their landlords, with a growing number of tenants living in sub-standard properties with hazards such as Damp and Mould Growth, and Excess Cold.
 - Such issues have led to deterioration in landlord and tenant relationships and can result in increases in rents, retaliatory evictions, and thus an escalation in homeless applications.
 - In recent years there has also been a trend for London Boroughs to discharge their homelessness duty by placing tenants in Thurrock, often without carrying out adequate property checks. These reportedly often come back to the private housing team to address as service requests.

Performance Indicators

The team reports on the number of private tenants whose homes have been improved as a result of direct enforcement action and on the number of hazards removed from private property. The 2017/18 target for hazards removed was 530, rising to 800 for 2018/19, due to an increase in the number of service requests.

Links

- London Landlord Accreditation Scheme: <http://www.londonlandlords.org.uk/>
- Thurrock Well Homes: <https://www.thurrock.gov.uk/well-homes-in-private-housing/well-homes>
- Thurrock's Fees and charges <https://www.thurrock.gov.uk/houses-in-multiple-occupation/fees-and-charges>

6. LONDON BOROUGH OF WALTHAM FOREST

Waltham Forest have developed guidance for landlords on the minimum requirements for privately rented homes, which includes information on heating and thermal comfort.

As the Housing Health and Safety Rating System (HHSRS) is not a standard, it does not provide a list of requirements that landlords should be meeting. However, the council report that many landlords would like to understand the basic things that they can do to their property to ensure that their properties are safe and that tenants live in a property free of Category 1 and 2 hazards.

Guidance on minimum requirements

The Housing Standards and Regulatory Services Team at the London Borough of Waltham Forest have developed guidance on minimum requirements for privately rented homes, which can support landlords to understand what they need to do.

The guidance covers a range of topics, including:

- **External standards:**
 - Building elements.
 - Surface and foul water drainage.
 - External staircases and steps.
- **Internal standards:**
 - Walls, ceilings, floors, doors and windows and space standards.
 - Lighting and other electrical installations.
 - Gas installations.
 - Fire safety.

The guidance also includes information on:

- Heating and thermal comfort.
- Dampness (including condensation).
- Ventilation.

Excerpts from the heating and thermal comfort sections is detailed below:

HEATING AND THERMAL COMFORT

Heating should be matched to the thermal capacity and performance of the structure. The heating system should comprise of either full gas central heating or electric storage heaters at off peak or low cost rates. A heating system comprising of programmable fixed electric room heaters may also be acceptable in modern homes provided with a high level of thermal insulation.

The premises should be capable of being heated to a temperature of 21°C in living areas and 18°C in bedrooms when the outside temperature is - 1°C.

The heating should be controllable by the occupants i.e. have a timer and/or thermostat and should operate independently from the hot water system.

The heating should be properly installed and regularly maintained by a Gas Safe or NICEIC registered engineer. Copies of their certificates should be provided.

There should be a fixed heating appliance or radiator in every room. Portable gas or electric heaters are not acceptable. If the heating appliance is an electric fire it can only be a wall-mounted convector heater and it must be connected to a fused spur.

Where a new boiler is required the installation should meet the latest SEDBUK Band "A" rating (high efficiency boilers).

Effective insulation should consist of a minimum 200mm loft insulation or equivalent to achieve the performance above. All hot water cylinders should be properly insulated.

Waltham Forest have an aspiration that all privately rented homes should reach Energy Performance Certificate (EPC) band C to support action on warm and healthy homes and the eradication of fuel poverty. The council note "*the difficulty in achieving the high levels of energy efficiency represented by EPC bands A, B and C in older properties*" and are committed to work with local landlords to provide advice and signpost to sources of grant funding.

Further information

- Waltham Forest's 'Standards for Privately Rented Property' can be found online here:
<https://static.walthamforest.gov.uk/sp/Documents/Standards%20for%20Private%20Rented%20Property.pdf>
- Private rented property licensing:
<https://walthamforest.gov.uk/content/private-rented-property-licensing>