

HHSRS & Housing Standards

Online Course

December 2024

Introductions

Please introduce yourself briefly with:

- Your name & role
- Any specific issues you want to see covered today

Course Aims

- Main aims:

1. To explore the landlord/tenant relationship and explain in outline the ways in which tenants can bring claims against social landlords including issues arising from the Homes (Fitness for Human Habitation Act) 2018
2. To give an outline of the Housing Health and Safety Rating System (HHSRS) and to demonstrate some of the property faults that you should be aware of when you visit tenant homes
3. To consider issues arising from tenant alterations
4. Time permitting, to explain the powers that local councils have to enforce housing standards

Session 1

Statutory Property Standards Relevant to Social Housing

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Importance of Property Condition

Why should landlords keep properties in good condition?

- If not maintained, properties deteriorate and eventually become uninhabitable
- Landlords have many legal obligations – tenants can bring claims and local housing authorities can carry out works in default, prosecute or levy large civil penalties (in England) if these obligations are not met
- Disrepair can be a major source of tenant dissatisfaction
- There are very clear links between unsatisfactory housing conditions and ill health

HOUSING COMPLAINTS

0800 047 8083

Housing Disrepair Claims - £3,600 Compensation + Your Home Repaired

Make a housing disrepair claim to force your housing provider to repair your property. **Damp, mould, leaks** and many other issues resolved at no cost to you.

- **No Win, No Fee**
- **60 second application**
- **Free service**

Start My Claim →



The Statutory Framework

Important for housing officers to have an appreciation of the statutory framework which governs property condition:

- **Section 11** Landlord and Tenant Act 1985 (LTA)
- **Section 4** Defective Premises Act 1972 (DPA)
- **New section 9A** - Homes (Fitness for Human Habitation Act) 2018 amended sections 8 – 10 of the Landlord and Tenant Act 1985
- **S82** Environmental Protection Act 1990 (EPA) – private prosecution where prejudicial to health
- Part 1 Housing Act 2004 (the Housing Health and Safety Rating System - **HHSRS**)
- NB new **section 10A** Landlord and Tenant Act 1985 – inserted by Social Housing (Regulation) Act 2023 – amongst other things will set timescales for dealing with hazards in particular damp & mould growth - consultation now complete

The Statutory Framework …(cont'd)

In respect of shared ownership, as important to remember also section 1 Defective Premises Act 1972

Section 1 anyone taking on work for or in connection with the provision of a dwelling has a duty to:

- use proper materials
- do the work in a professional and workmanlike manner
- make sure the dwelling is fit for human habitation when completed

The duty covers new build properties, conversions, and enlargement of existing buildings, as long as a new dwelling is provided (not repair)

Post 28 June 2022 Section 2A Defective Premises Act 1972 extends the duty to apply to work in relation to any part of a relevant building including refurbishment

As well as freeholder, can sue developer, builder, architect, surveyor

For new dwellings completed before 28 June 2022, a claimant has 30 years to make a claim from completion (extended from 6 years) –15 years after that date

NB In *Bole & Anor v Huntsbuild Ltd (2009) EWCA Civ 1146* & *Rendlesham Estates Plc & Ors v Barr Ltd (2014) EWHC 3968 (TCC)* the meaning of "fit for human habitation" was discussed – arguably relevant to section 9A – see later

The Statutory Framework …(cont'd)

- We will not go into the full details of the law today – notes with further explanation have been given separately to look at later if you wish
- However, important for you to bear in mind:
  - If there are faults at a property, it is possible in many cases for a tenant to sue the landlord if they are not rectified
  - Landlords only normally become liable for a fault at a dwelling once they know it (have "notice") and then fail to remedy the defect in reasonable time
  - "Notice" usually telephone call, email or letter but can simply be constructive notice from the visit of a housing officer even if about arrears, neighbour nuisance or whatever (or indeed contractor)
  - No notice of fault necessary in common parts (landlord should inspect these regularly) – strict liability and no reasonable time – *BT v Sun Life Assurance Society [1996] Ch. 69*
  - Faults at property may lead to enforcement action by local council (works in default, prosecution or civil penalties, rent repayment orders)

Landlord/Tenant Relationship

- Tenancy agreement – essentially a contract between the two parties
- Lease and tenancy mean the same thing – grant of exclusive possession for a defined period of time in return for money (rent)
- Two broad types:
    - Long lease – right to occupy flat for typically 99 or 125 years – capital sum paid up front but pay every year ground rent and service charges – leaseholder can make freeholder extend the lease for 90 years – shortly to be 990 years – but has to pay to do this
    - Periodic tenancy – is fixed term of a week or a month but keeps repeating until either landlord or tenant gives notice – the majority are assured tenancies with housing associations (may also be starter or assured shorthold tenancy) and secure tenancies with Council landlords (or introductory or fixed term tenancies)
- Both long leases and periodic tenancies set the responsibilities and rights of both parties – repairing obligations particularly relevant to today
- Repairing obligations in leases often very complicated – lease has to be looked at carefully if there is a dispute

Contractual Repairing Obligation

The detail of the express repairing covenant in a lease will vary between individual social landlords

Covenant just means an undertaking to do eg landlord to carry out repairs or indeed not do something eg by tenant not to cause nuisance

In practice, most repairing covenants are very similar and along lines below:

- To keep in repair structure and exterior of dwelling
- To keep in repair and working order any installations for space heating, water heating and sanitation and for the supply of water, gas and electricity, including :-

  (i) basins, sinks, baths, toilets, flushing systems and waste pipes

  (ii) electric wiring, gas pipes and water pipes

  (iii) water heaters, fireplaces, fitted fires and central heating installations

Where flat, to keep common parts in repair and fit for use

Contractual covenant may go beyond s11 both in scope (eg more elements covered eg kitchen fittings, fans, etc) and repair standard – for example some covenants may state “keep in good repair”

Section 11 Landlord and Tenant Act 1985

- This is a very important statutory provision
- No matter what a tenancy agreement says, section 11 requires a landlord to:
  - Keep in repair the structure and exterior of the property;
  - Keep in repair and proper working order the installations for the supply of water, gas, electricity and sanitation
  - Keep in repair and proper working order the installations for heating and hot water

If flat, to keep in repair common parts

Restrictions on Section 11

- There are numerous technical restrictions on section 11
- For example, it only deals essentially with **disrepair** not **bad inherent design** – but if, say, there is a wall with rising damp, the landlord can be ordered to deal with the damp, not just keep patching the plaster
- The standard is “acceptable having regard to age, character, location and prospective life” of the home – minor defects are ignored
- There are also many court decisions on what ‘keep in repair’ and ‘structure and exterior’ – only since 2011 finally accepted that plaster is part of the structure

Making Good And Redecoration

- Where a landlord has a legal obligation to repair there is also a legal obligation to make the disturbed work
- This includes redecoration - *McGreal v Wake* (1984); *Bradley v Chorley BC* (1985) and to what standard discussed in *Vukelic v Hammersmith LBC* (2003) – not bare minimum
- For example, if a social landlord replasters a wall because of damp the landlord also has to replace any skirting boards removed and to make good the decoration
- There is no liability to redecorate after improvement works (which are not considered to be works of repair) except where such redecoration is negotiated as a condition for granting a landlord permission to do improvement works

Section 9A Landlord and Tenant Act 1985

- New section 9A (operative since March 2020) since implies a covenant by a landlord that:
    a) Property is fit for human habitation at the start of the tenancy
    b) Will remain fit for human habitation throughout the tenancy
- Came into effect for existing tenancies in March 2020
- 'Fit for human habitation' defined in section 10 – refers to stability, damp, internal arrangement, natural lighting, ventilation, water supply, drainage and sanitary conveniences, facilities for preparation and cooking of food and for the disposal of waste water (the old statutory definition)
- Crucially, however, includes **'any prescribed hazard'** (ie HHSRS)
- Does have to be **'so far defective in one or more of those matters that it is not reasonably suitable for occupation in that condition'**

What Does Unfit For Human Habitation Mean?

- ***"Any prescribed hazard" -*** *– does not have to be category 1*
- *"… and the house or dwelling shall be regarded as unfit for human habitation if, and only if, it is so far defective in one or more of those matters that it is not reasonably suitable for occupation in that condition" :*
- *Summers v Salford Corp* (1943) A.C. 283. – single broken sash cord held by House of Lords to make a house unfit

"If the state of repair of a house is such that by ordinary user damage may naturally be caused to the occupier, either in respect of personal injury to life or limb or injury to health, then the house is not in all respects reasonably fit for human habitation".

"In the present case the breaking of one sashcord necessarily involved the strong probability that its fellow cord, especially with the extra strain imposed upon it, would also break, with the further certainty of danger to anyone handling the window at the time of the break: and with the further certainty that until repair that window must either remain permanently closed or permanently open. Either event would prevent that room from being reasonably fit for occupation: and as this room was one of only two bedrooms it appears to me clear that until repair the whole house would properly be described as unfit for occupation by a working class family."

What Does Unfit For Human Habitation Mean?
…(cont'd)

- Two recent cases amongst first to reach court after S9A coming into effect
- Both County Court therefore do not create precedent

  Dezitter v Hammersmith and Fulham Homes (Central London County Court, 7 November 2023)

  Primarily concerned quantum – strangely no defence offered by landlord – 3 periods of disrepair – quantum for two periods where disrepair only 30% and 40% of rent – third period property found to be unfit – quantum was 100% of the rent – court said binary decision – either property was fit for human habitation or it wasn't – if unfit, no benefit to tenant – parallels new Welsh law – total general damages £53.6K and £1k special damages plus costs to claimant

  Dalton v Forhousing Ltd (Manchester County Court, 19 June 2023)

  Claim in respect of both disrepair and unfitness primarily in respect of dampness – claim dismissed primarily because of poor evidence from claimant in respect of notice and lack of response by landlord (plus tenant denying access) – accepted that no ongoing water penetration – court found mould growth due to claimant sealing vent, clutter blocking airflow and drying towels on radiators (perhaps not read latest DLUHC guidance on condensation?!) Note also arguments re decanting and habitability
- NB see also *Jillians v Red Kite Housing*
- See the extremely helpful notes by Giles Peaker on the Nearly Legal website:

  https://nearlylegal.co.uk/2023/11/tales-from-the-county-courts-housing-conditions-quantum-proof-of-notice-of-defects-and-section-21-and-gas-safety-certificates-again/

What Does Unfit For Human Habitation Mean?

…(cont'd)

Two earlier cases which both relate to S1 of the Defective Premises Act 1972 and in particular to the duty to leave the complete property fit for habitation are now being considered in relation to S9A (both create precedent):

Bole & Anor v Huntsbuild Ltd (2009) EWCA Civ 1146 – at first instance, High Court decision included the following elements relevant to S9A:

ii) Unfitness for habitation extends to 'defects of quality' rendering the dwelling unsuitable for its purpose as well as to 'dangerous defects'

iii) Unfitness for habitation relates to defects rendering the dwelling dangerous or unsuitable for its purpose and not to minor defects

iv) Such a defect in one part of the dwelling may render the dwelling unsuitable for its purpose and therefore unfit for habitation as a dwelling house even if the defect does not apply to other parts of the dwelling - as per Summers v Salford Corporation.

vi) In considering whether or not a dwelling is unfit for habitation as built one must consider the effect of the defects as a whole."

Court of Appeal :

The obvious purpose of a dwelling is for it to be occupied and inhabited safely and without inconvenience

Rendlesham Estates Plc v Ors & Barr Ltd [2014] EWHC 3968 (TCC)

High Court followed Bole and stated ""…. for a dwelling to be fit for habitation within the meaning of the Act, it must, on completion (without any remedial works being carried out) for reasonable time:

(a) be capable of occupation … without risk to the health or safety of the occupants and

(b) be capable of occupation … without undue inconvenience or discomfort to the occupants

NB general tenor is that "Not reasonable suitable for accommodation" does not equate to "uninhabitable"

NB Again see *Jillians v Red Kite Housing*

Tenant Like Manner

- Before we look at the statutory obligations any further, worth remembering that common law (law evolved by the courts) implies a duty on tenants to use a property in a 'tenant like manner'
- Includes taking proper care of the property by doing small jobs such as unblocking wastes, changing light bulbs, maintaining garden, etc – jobs where householder wouldn't engage a contractor
- Should not damage the property and should also repair any damage caused by tenant himself/herself, family or guests
- See *Warren v Keen [1953] 2 All ER 1118, [1954] 1 QB 15*
- Any contribution by tenant to detrimental conditions in a property should always be recorded and taken into account if claim made
- Section 9A specifically says that landlord not liable for works attributable to failure of tenant in duty to use premises in a tenant-like manner
- Same also applies to section 11 – ie a potential defence in both cases

What About If The Tenant Will Not Allow Access To Inspect And Do Repairs?

- Section 11 gives a landlord the right to enter the property to view/inspect the property to ascertain condition at any reasonable time after giving 24 hours' notice
- If a tenant refuses, landlord can obtain injunction from the court
- Landlord has an implied right to enter to carry out repairs under common law and statutory right with an assured tenancy under Section 16 Housing Act 1988 – also usually term in tenancy agreement
- If a tenant does refuse access to carry out work, they cannot claim damages for disrepair or personal injury from that point
- A tenant refusing completely access to landlord is in breach of contract – if clear disrepair to property landlord may seek possession order as alternative to injunction
- Disrepair pre action protocol requires tenant to give reasonable access for inspect and carrying out required works

Disrepair and Design Faults

- Much of landlord and tenant law concerned with disrepair – traditionally landlord responsibilities centred around obligations to keep properties in repair.
- If a tenant took a property on with design faults that might affect their health, well so be it – no obligation to deal with inherent (design) faults - just to deal with disrepair
- S11 LTA and S4 DPA very much follow this principle
- However, very important change introduced by HHSRS is that it covers both disrepair and design faults – refers to deficiencies not defects
- Also, the HHSRS applies to the whole curtilage so includes rear garden unlike s11

Disrepair and Design Faults …(cont'd)

- Design faults include poor insulation, cold bridging (increasing chance of condensation), upper floor windows do not have restrictors, bad cooker layouts (no work surfaces to either side), dangerous stairs, etc
- Bear in mind S82 Environmental Protection Act can also cover design faults (where a property is a statutory nuisance as it is prejudicial to health because, for example, of dampness due to inadequate heating or insulation)
- Big change after the Homes (Fitness for Human Habitation Act) 2018 is that tenants can now bring an action for loss or injury caused by design faults
- For example, before this change, a tenant could sue if a child fell out of an upper floor window with a broken restrictor but not if there had never been one – that was a design fault
- Now could potentially sue as no restrictor to upper window is a 'prescribed hazard'

Disrepair and Design Faults

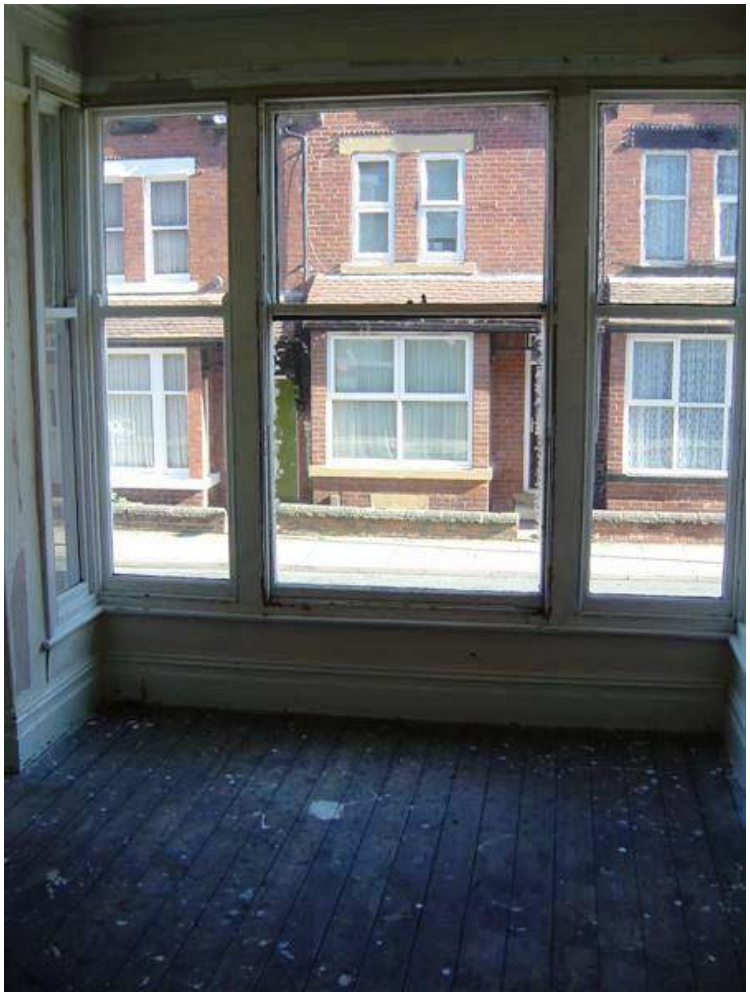


Disrepair and Design Faults





Disrepair and Design Faults





Constructive Notice

- A most important point is some of the legal provisions require a landlord to have 'notice' of a defect before becoming liable – and then fail to carry out remedial work within a reasonable time
- Ie a landlord has to have known about the defect unless in common parts where not notice is required there is immediate liability – landlord remains in possession
- However, a visit to a property can mean that a landlord has constructive notice – and that visit may be a housing officer not just surveyors also indeed contractors
- If obvious damage then landlord should undertake whole house inspection
- Hannon v Hillingdon Homes Ltd [2012] EWHC 1437 (QB) notable case

Hannon v Hillingdon Homes Ltd

- Tenant removed balustrade approximately 20 years ago without seeking consent
- A number of visits to property by contractors & housing officers over the 20 years
- Gas contractor doing repair fell over side of stairs & damaged ankle – unable to work again – claimed under s4 Defective Premises Act
- High Court held:
    - (i) Balustrade part of structure
    - (ii) Failure to replace them was a "relevant defect"
    - (iii) Fact that tenant removed the balustrade did not absolve the landlord of responsibility
    - **(iv) The landlord had notice of the defect because of the visits to the property by contractors and employees**
- Landlord liable – very substantial damages (£100k plus costs)

Minimising Risk of and Cost of Claims

- If you see anything of concern at a property no matter what the reason for the visit, raise it – better safe rather than sorry
- Landlords should deal with *urgent* repairs *urgently* and all repairs within a reasonable period once aware of them
- Landlords should inspect before the end of a tenancy notice period
- Landlords should undertake routine inspections especially of common parts in blocks
- Inspect with mutual exchanges before consent
- Consider property condition and complaint/repair records before initiating possession proceedings

Minimising Risk of and Cost of Claims …(cont'd)

- If a letter from a tenant intimates action follow it up
- Ensure pre-action protocol followed when formal letters arrive – refer to your legal team
- Ensure that immediate action taken if Section 82 Environmental Protection Act 1990 intention to bring proceedings arrives – just 21 days to abate if is statutory nuisance
- Where appropriate take independent advice & follow it (ensuring first that independent expert has appropriate qualifications and experience)
- Be prepared to settle where appropriate but also be prepared to defend robustly if claim does not have merit to send message

Session 2

How the Housing Health and Safety Rating System Works

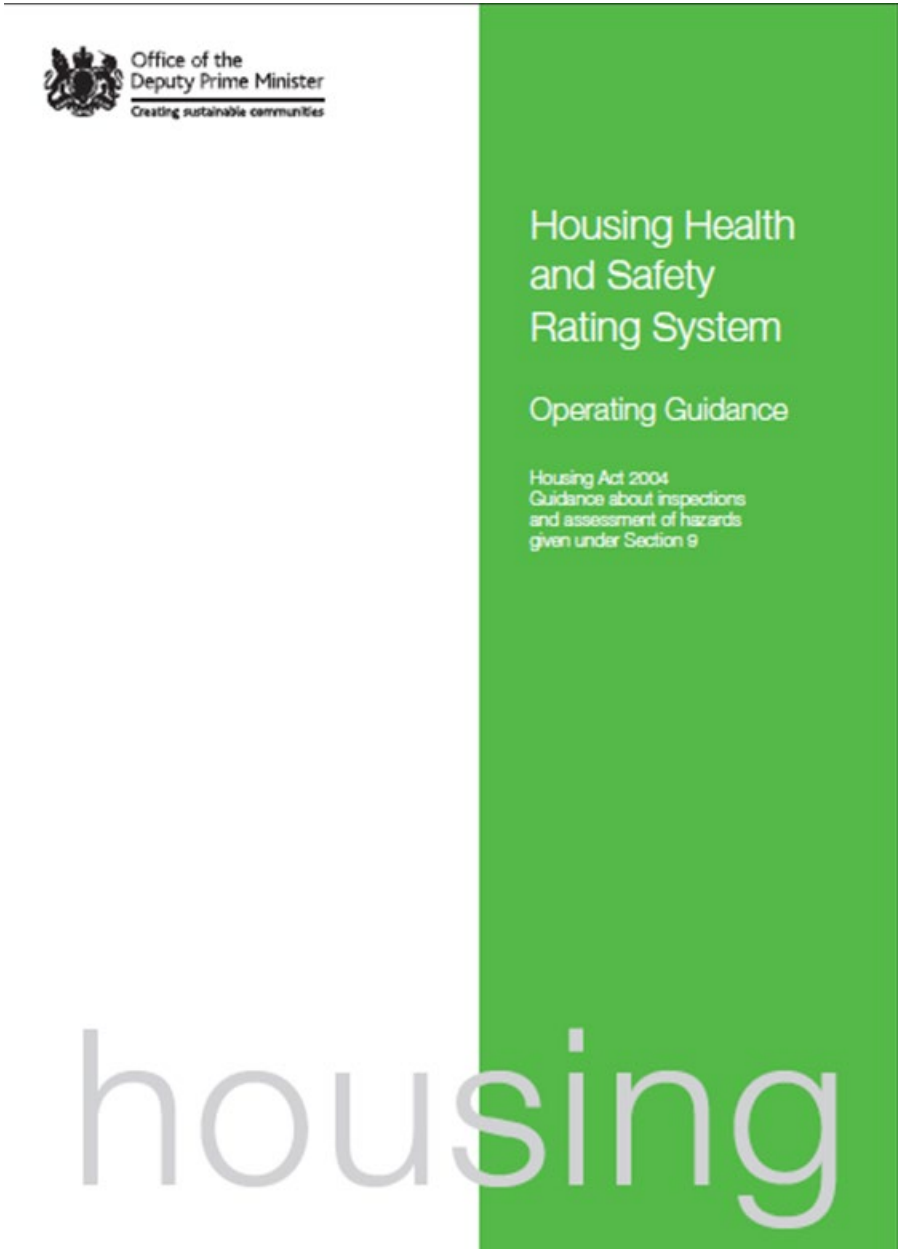
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Origins of HHSRS - The Former Statutory Fitness Standard

- Local councils have intervened with unsatisfactory housing since Victorian times
- Until April 2006, the minimum legal standard that local housing authorities used for enforcement was that a property should be 'fit for human habitation'
- The Housing Act 2004 now requires a property to be free from serious (category) 1 hazards – enforcement by local councils
- The former fitness standard dated back to 1919 and it was criticised for many reasons in particular that ignored many health issues
- Ironic that now brought back as standard for tenants to use to sue landlords – although has been modified to include HHSRS – 'prescribed hazard'

Development of the HHSRS

- HHSRS developed in late 1990s by Warwick University
- Based on extensive research linking hazards in properties to harmful effects on health
- Passed into law in Part 1 of the Housing Act 2004 – came into effect from 1 April 2006
- Covers much broader range of issues than the old fitness standard - fire, falls, carbon monoxide, electrical hazards, asbestos, etc
- Requires enforcement officers to use a structured, risk assessment approach to determine whether a hazard is significant and warrants intervention - not just failure to meet rigid standard
- Will not cover scoring mechanism in any detail today but if you are interested the statutory Operating Guidance set this out



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Revision of the HHSRS

- Government has just published “Summary report: outcomes and next steps for the review of the Housing Health and Safety Rating System (HHSRS)”
- HHSRS under review for over two years – proposed changes:-
  - Reduction in hazards from 29 to 21
  - Scoring simplified
  - New guidance with much greater clarity in particular indicating minimum requirements
  - Publication of a lot of worked examples as an aid to scoring
  - Post Grenfell, amalgamation of ‘fire’ and ‘explosion’ – guidance to include specific minimum standards

Is HHSRS Relevant to Social Housing?

- Yes – it is the minimum legal standard and it applies to social landlord properties in just the same way as it does to a private landlord (or owner occupier) – except enforceability with council landlords
- Local housing authorities will visit social landlord properties in response to tenant complaints – will generally try to resolve informally but can and do serve formal enforcement notices
- Must take formal action if category 1 hazard (category 1 explained later)
- Power (discretionary) to take formal action for category 2 hazard
- If property has one category 1 hazard then fails Decent Homes Standard
- As stated, significance increased greatly following Homes (Fitness for Human Habitation Act) 2018 as tenants can use 'prescribed hazard' as basis to sue under section 9A LTA 1985

The Principle of the HHSRS

- Many different types of hazard in a home
- To allow these to be compared rating system uses a formula which generates a numerical score drawing on the statistics which show effect of bad housing on health
- Score allows hazards to be compared – how serious is it?
- Relies on assessment of
    - 'likelihood' of harmful occurrence - what are the chances harm will occur, and
    - 'harm outcomes' – the actual effect on health from the harmful occurrence
- Score of 1,000 is trigger point – score at or above this level, then category 1 hazard and LHA has duty to act
- Also fails Decent Homes Standard

Operating Guidance – National Averages

Falling on stairs
Average likelihood and health outcomes for all persons aged 60 years and over, 1997-1999

Dwelling type & age		Average likelihood 1 in	Spread of health outcomes				Average HHSRS scores
			Class 1 %	Class II %	Class III %	Class IV %	
Houses	Pre 1920	218	2.2	7.7	22.1	68.0	170 (F)
	1920-45	226	2.1	7.4	20.5	70.0	156 (F)
	1946-79	256	1.6	6.6	21.6	70.2	116 (F)
	Post 1979	256	1.4	6.3	25.3	67.0	112 (F)
Flats	Pre 1920	214	3.9	8.0	19.3	68.8	249 (E)
	1920-45	263	1.6	2.8	20.1	75.5	97 (G)
	1946-79	410	2.8	5.3	17.7	74.2	96 (G)
	Post 1979	409	2.6	5.2	19.4	72.8	92 (G)
	All	**245**	**1.9**	**6.7**	**21.7**	**69.7**	**134 (F)**



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The Underlying Principle

The principle of the HHSRS is that:

> 'Any residential premises should provide a safe and healthy environment for any potential occupier or visitor'

NB Applies to the structure, outbuildings, garden, fencing amenity space and any shared facility or access

All dwellings have hazards – aim is not to eliminate hazards but to identify unacceptable hazards and reduce such hazards to an acceptable level

HHSRS concerned with occupiers, visitors and, where appropriate, people in the vicinity

Deficiency

Deficiency: A failure to meet the Ideal, whether because of *inherent design fault* and/or lack of repair or maintenance

Traditionally surveyors looked for **defects** ie **disrepair,** something that had deteriorated from its original condition

Eg in timber single glazed window rot, broken glass, broken catches, etc

With HHSRS, also look for **design faults**

Eg with first floor window, now also look for restrictors, escape if fire, safety glass at low level, thermal comfort, etc

At ground floor, windows should be secure

Hazard, Harm and Health

Hazard: Any risk of harm to the health and safety to potential occupier resulting from a deficiency

Harm: an adverse physical or mental effect on the health of a person

Health: Taken from the World Health Organisation definition:

> **physical, mental and social well being** – reflects the fact that a number of hazards can potentially have a serious impact on occupier's mental and social well being.

The 29 Hazards

There are 29 hazards in total (list emailed separately)

In practice, only around 10 at most found on a regular basis – but necessary to be aware of them all

Hazards are classified into 4 groups:

A Physiological Requirements

B Psychological Requirements

C Protection against Infection

D Protection against Accidents

The Operating Guidance has a hazard profile for each of the 29 hazards with statistics on health impacts

Physiological Hazards

Hygrothermal

1. Damp and mould growth etc
2. Excess cold
3. Excess heat

Pollutants (Non Microbial)

4. Asbestos (and MMF)
5. Biocides
6. CO & Fuel combustion products
7. Lead
8. Radiation (Radon)
9. Uncombusted fuel gas
10. Volatile Organic Compounds

Psychological Hazards

11. Crowding and space
12. Entry by intruders
13. Lighting
14. Noise

Protection Against Infection

15. Domestic hygiene, pests and refuse
16. Food safety
17. Personal hygiene sanitation & drainage
18. Water supply

Protection Against Accidents

19. Falls associated with baths etc
20. Falling on level surfaces etc.
21. Falling on stairs etc.
22. Falling between levels
23. Electrical hazards
24. Fire
25. Flames, hot surfaces etc
26. Collision and entrapment
27. Explosions
28. Position and operability of amenities etc
29. Structural collapse and falling elements

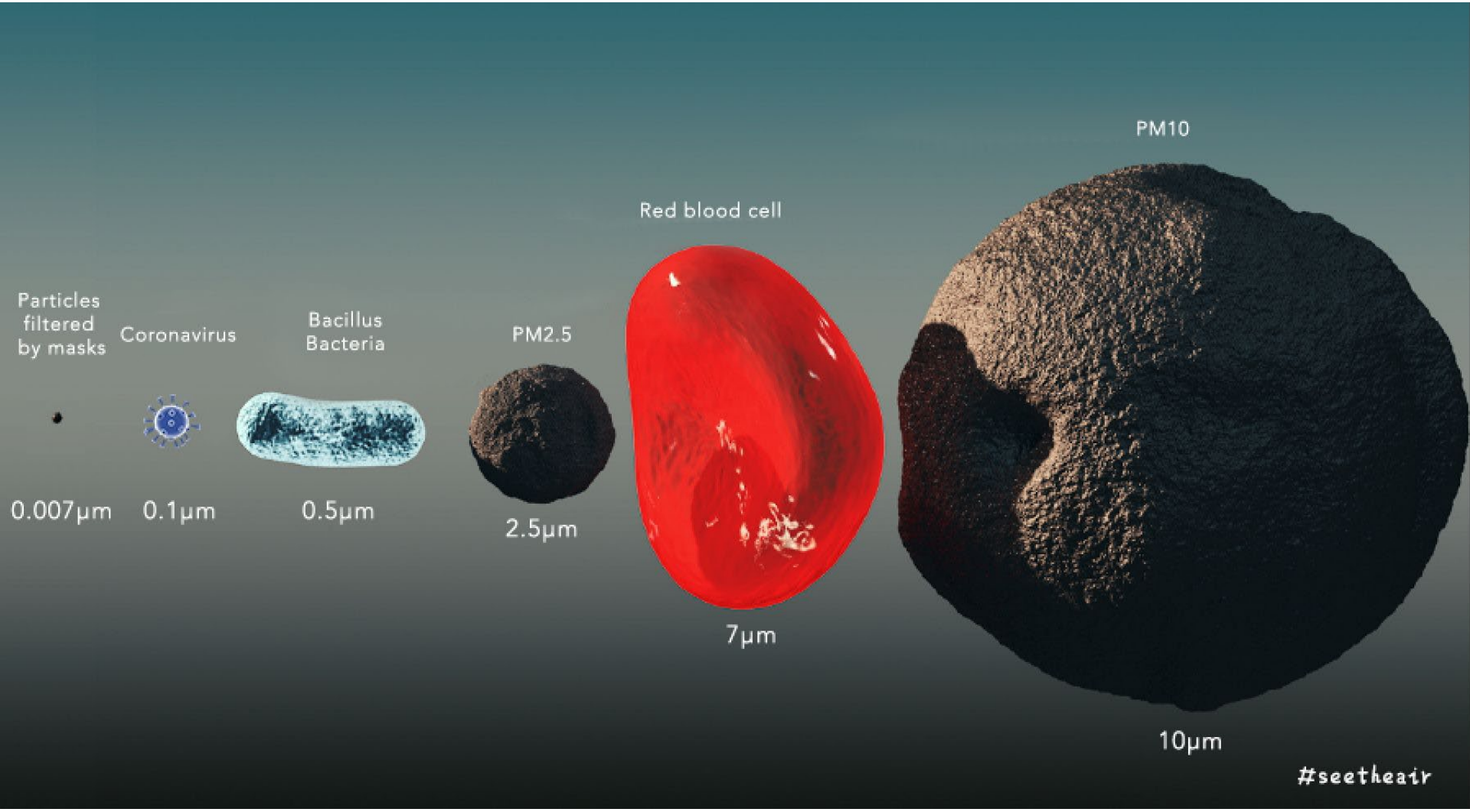
Damp & Mould Growth

- 3 main forms of damp:
    1. Rising damp
    2. Penetrating damp/traumatic damp
    3. Condensation
- Rising damp and penetrating damp are due to faults in the building structure
- Condensation is caused by water vapour in the air within the dwelling condensing on cold surfaces such as walls & ceilings
- May be caused by lifestyle of tenant eg not using heating, not using ventilation, unvented tumble dryer, LPG heaters, etc
- However, problems with property may contribute – inadequate heating and insulation, cold bridging

Mould Spores & House Dust Mites






Particles filtered by masks
0.007µm
Coronavirus
0.1µm
Bacillus Bacteria
0.5µm
PM2.5
2.5µm
Red blood cell
7µm
PM10
10µm
#seetheair

Asthma

- However, HHSRS places emphasis on conditions which lead to elevated relative humidity - allergens from mould spores and house dust mites
- Most relevant allergic condition is asthma, although rhinitis also a concern and there are links between eczema and dust mites
- Estimates vary as to the number of people with asthma in the UK
  - NICE & British Lung Foundation: over 8 million people have been diagnosed with asthma (12% of population)
  - Some children grow out of it.
  - 5.4 million people in the UK are currently receiving treatment for asthma: 1.1 million children (1 in 11) and 4.3 million adults (1 in 12)
  - NICE: 185 people admitted to hospital every day with asthma attack
  - 2020 – 1,335 deaths with asthma as underlying cause – 61% 80+
  - NHS 2023 figures - almost 31,000 babies and toddlers admitted to hospital annually with lung conditions caused or exacerbated by cold, damp & mould

Asthma …(cont'd)

- People will be as well aware of the tragic case of Awaab Ishak, the two year old boy who died on the 21 December 2020 in a one bedroom property owned by Rochdale Housing Association
- The coroner gave the cause of death as:

  1a) Acute airway Oedema with severe granulomatous tracheobronchitis due to

  1b) Environmental mould exposure

- The granulomatous tracheobronchitis led to cardiac arrest
- Lancet: "*spores from the mould entered his respiratory system and, over time and from continued exposure, caused chronic inflammation (as granulomas) that eventually occluded his airway*.
- The coroner made Prevention of Future Deaths Report to Michael Gove (DLUHC) and Steve Barclay (Secretary of State for Health)
- Significant responses from Michael Gove, from Housing Ombudsman and now the Regulator of Social Housing
- Social Housing (Regulation) Act will introduce timescales for dealing with hazards in particular damp & mould growth (Awaab's Law)

New Guidance

- DLUHC has published new guidance: "Understanding and addressing the health risks of damp and mould in the home"
  - Summarises on legal obligations and standards
  - Gives notes on health risks
  - Recommendations for courses of action set out firmly
- Does state:-

  "As this guidance also makes clear, tenants should not be blamed for damp and mould. Damp and mould in the home are not the result of 'lifestyle choices', and it is the responsibility of landlords to identify and address the underlying causes of the problem, such as structural issues or inadequate ventilation."

But NB Dalton v Forhousing Ltd 2023 – County Ct accepted lifestyle issues - drying towels on radiator, cluttered property & blocked vent - as a defence

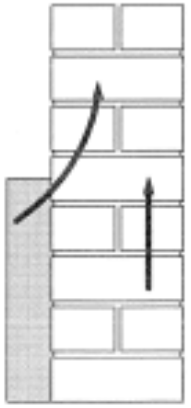
Rising Damp



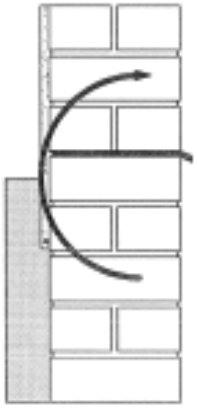




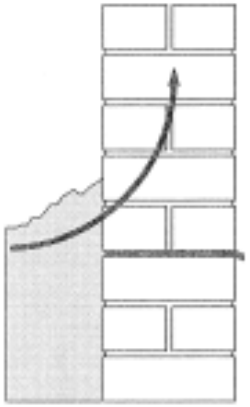




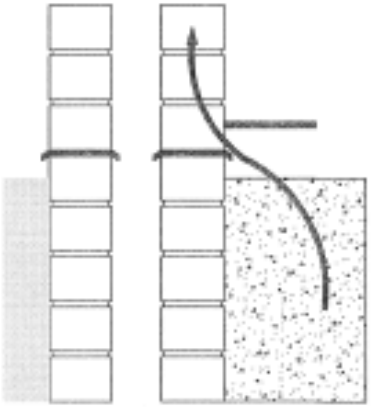
No DPC or DPC has failed



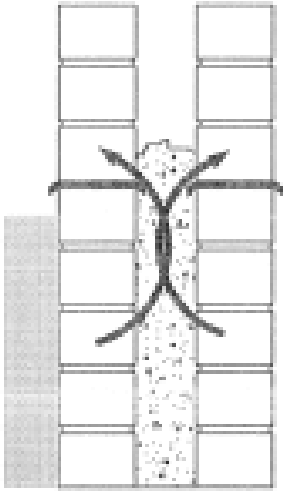
Render Bridging DPC



DPC bridged by soil or high paving

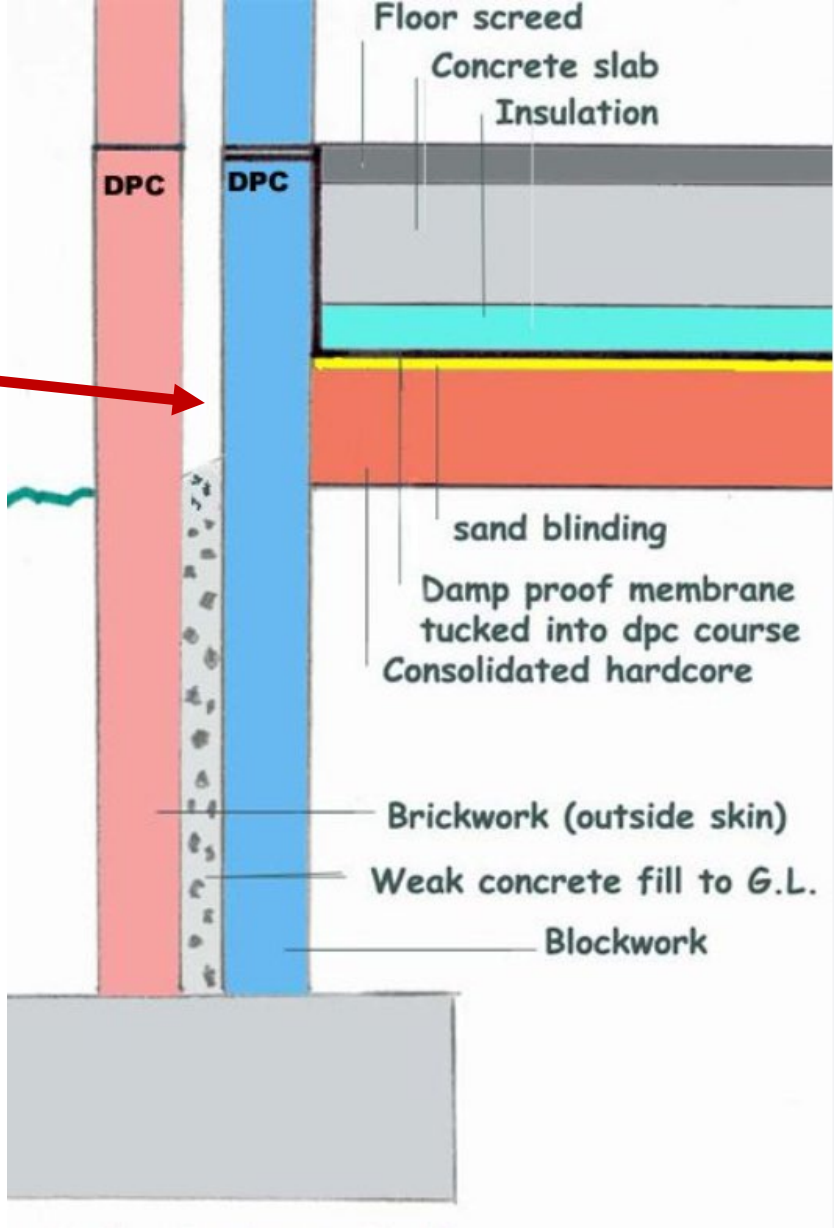


Solid floor bridging DPC



Mortar or other debris in cavity

This is the area that must be kept clear – if the mortar debris builds up then bridging can occur.















Mortar Debris











Penetrating Damp



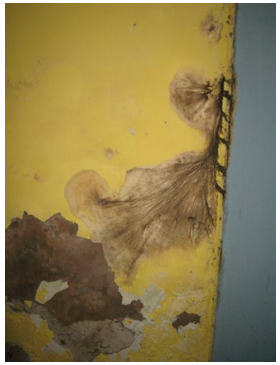















31/05/2016 10:17

Traumatic damp

- Traumatic damp is caused by plumbing leaks within the property
- Often slow weeps – more significant leaks noted more quickly - but slow weep over period of time can cause substantial damage
- May be water supplies to kitchen and bathroom fittings, may be central heating, may be leaks from waste plumbing
- Leaks under baths common – plumbing may not be effectively supported
- In flats slow leaks in service ducts can occur – NB remember duct housing may be asbestos containing material
- Washing machines connected by tenant to landlord plumbing can cause leak

Example of Traumatic Damp











Condensation













Allergens



- Strong links with allergic respiratory conditions especially asthma
- Linked also with eczema

- Mould generally black spot mould *Aspergillus niger*
- Faecal pellets from house dust mites (*Dermatophagoides pteronyssinus)* contain proteins which are very powerful allergens



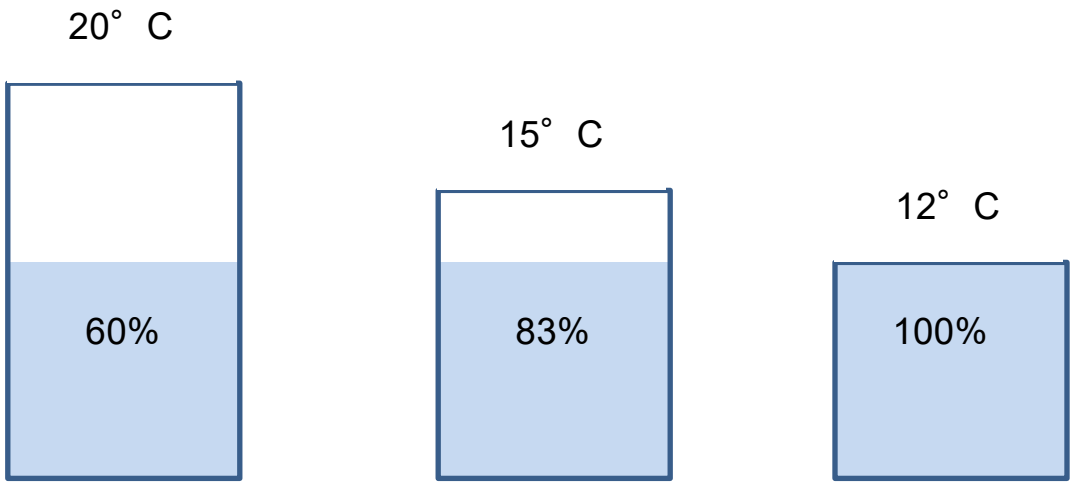
Condensation

- Condensation is the most common form of damp
- More associated with modern properties – older properties had higher levels of adventitious ventilation (draughts)
- HHSRS much more concerned with condensation because of the health impact – mould spores and dust mites
- Traditionally properties had open fireplaces and draughty windows – led to significant air movement within property
- Move to room sealed heating boilers serving central heating and the introduction of windows with tight fitting casements has significantly decreased air movement
- Situation seems to be getting worse with air tightness requirements of modern Building Regulations

Condensation – Relative Humidity

- Water exists as solid, liquid or gas (vapour) - Water vapour obviously present in air all the time
- The higher the temperature the more water than can exist as a vapour in the air
- At 20 °C air can contain just over twice the amount of water as a vapour than at 10°C
- If air containing water vapour is cooled, then at some temperature (the ‘dew point’) it becomes ‘saturated’ and beyond this the water vapour will condense as a liquid
- Condensation occurs when external surface is at dew point

Effects of Cooling Air



Temperature	Water Vapour (g/kg dry air)	Relative Humidity
20°C	8.7	60%
15°C	8.7	83%
12°C (dew point)	8.7	100%

Moisture Generation

Water vapour source (average house/day)	Approximate amount water generated (litres)
4/5 people asleep:	1.5
2 people active:	1.6
Cooking:	2.6
Washing up:	1.0
Washing clothes:	4.0
Drying clothes:	4.5
Bathing/washing:	0.5
Approx. total	**15.7**

Moisture Generation …(cont'd)

- In addition to usual household activities, unvented heating appliances and unvented tumble dryers cause particular problems as can generate substantial volumes of moisture
- Typical 4 kg load of washing will still hold around 2.2 kg moisture even after fast spin
- Hose out of window – moisture not properly expelled – direct duct is an effective answer (fairly low cost) – but lint clearing necessary
- Even condensing tumble dryers release moisture into atmosphere and should be used in well ventilated environment – washer dryer combos better as water cooled (discharge into waste plumbing)

Drying Clothes

- Drying clothes produces very substantial volumes of moisture - spun washing still has over 50% original weight as additional water
- Ideally clothes dried outside – saves energy & less condensation
- Both radiator drying and tumble dryers release moisture
- HHSRS refers to 'clothes drying facilities – lack of facilities ventilated to the external air' in relevant factors for damp & mould growth
- Many older flats have had external drying areas removed and many modern properties are built with no external drying facilities
- Pragmatic approach:
  1. Install permanent vents to take tumble dryers (less cost than dealing with condensation complaints)
  2. Advise drying of clothes in ventilated bathroom with window open or extract fan in operation

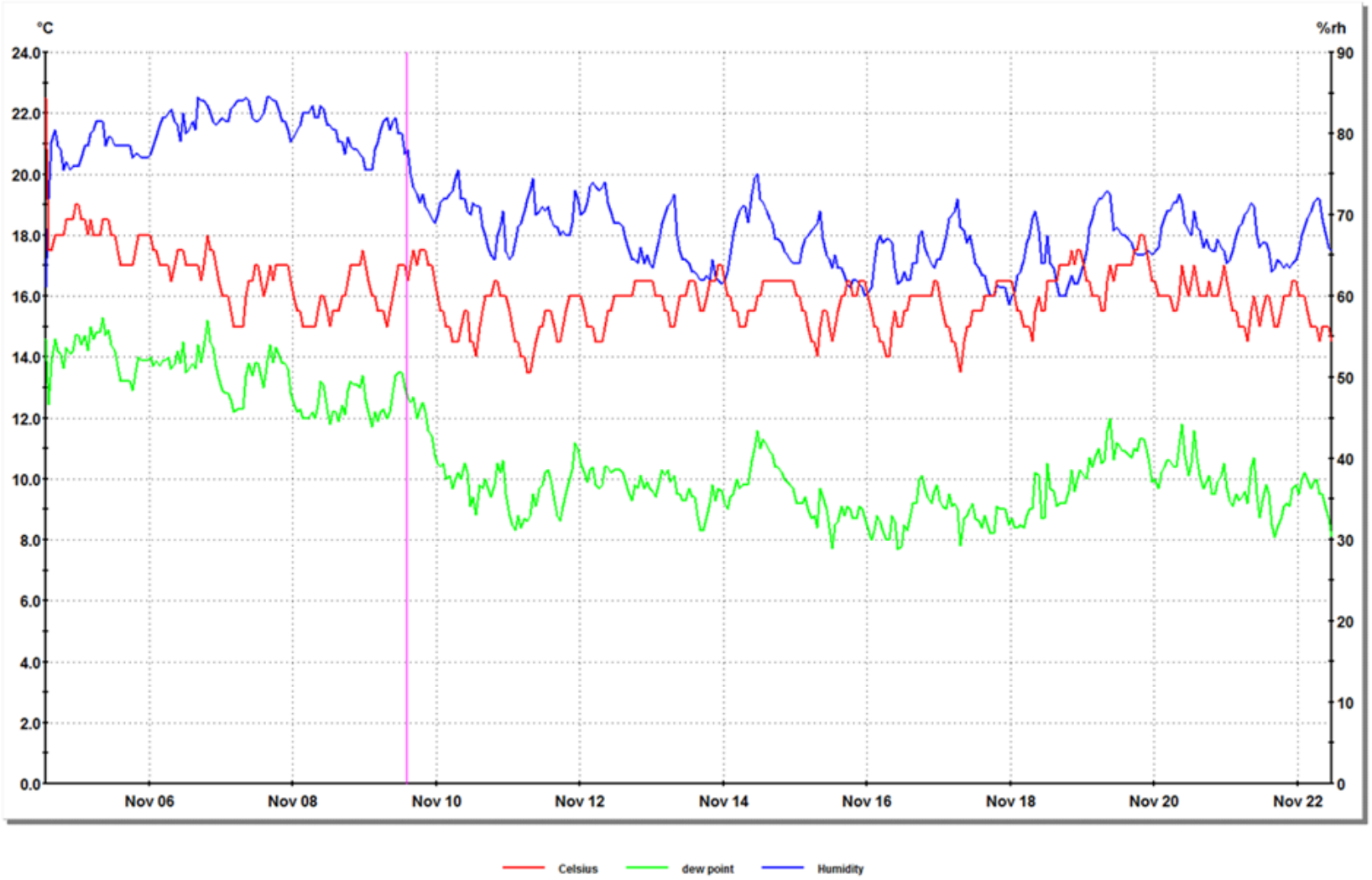

Prestige
Register Now


White Knight
CALL NOW TO REGISTER
0800 479 0785

Assessing Condensation

- Data loggers can be useful tool in assessing responsibility for condensation – left in property
- Log RH and temperature at very regular intervals
- Data downloaded into PC and gives graph/tables over time
- Can help identify when (or whether) heating being used and any sudden surges in RH eg use of unvented tumble dryer
- In reality, much assessment done having regard to the factors listed next
- Key question is whether condensation 'landlord or lifestyle' (or both)

Example Output From Data Logger



Assessment of Condensation

- Number/ages of occupants can be significant – if overcrowded then likelihood of condensation greater
- Useful to compare with other similar, adjacent properties
- If only very small percentage of properties with condensation then lifestyle probably significant factor
- If high percentage, then design more likely to be significant issue

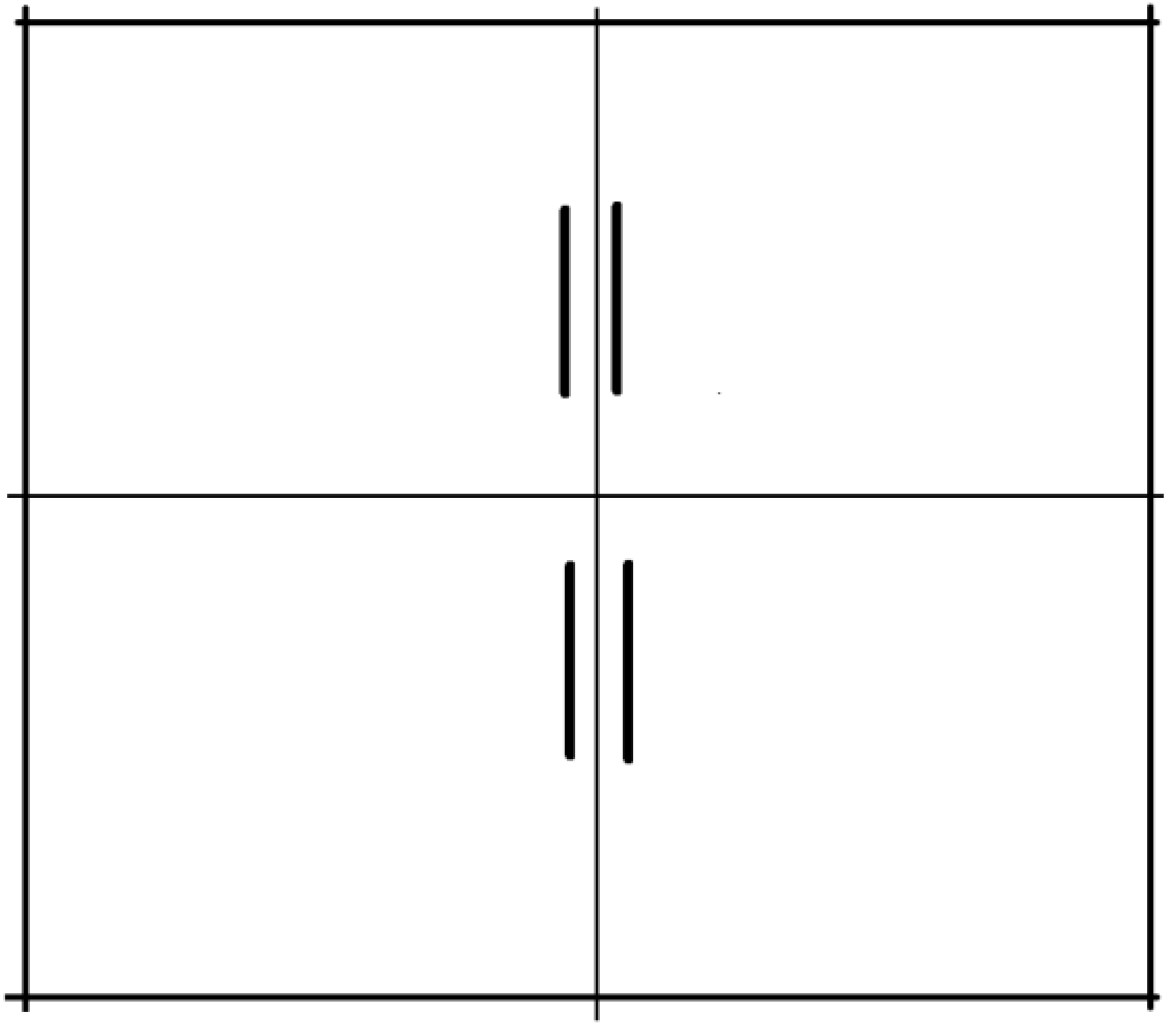
Heating

- Must be considered in the context of the thermal transmittance properties of the main building elements
- A number of questions:
  1. Is heating adequate in extent (whole house)?
  2. Is it of adequate size and good design?
  3. Does it work properly?
  4. Is it both efficient and affordable with suitable controls (both programmer and thermostats) and does the householder know how to use it especially complex controls?
  5. Does the householder use it for sufficient time periods?

Heating

- September Baringa Report on Financial Vulnerability – 2.5m households facing difficulties in making ends meet – “heat or eat” decisions
- Vulnerability is shifting - most at-risk age group is now 35-45 particularly those with dependents.

1. Contact utility providers: Many energy and water companies offer support schemes and bill relief for those struggling to pay
2. Utilise charities and grants: Explore resources like Turn2us for information on available schemes or StepChange for income and expenditure assessments.
3. Local councils: Check eligibility for the Household Support Fund, which has been extended to April 2025, aimed at helping those with energy, food, and water costs.




NEXTGEN

Insulation

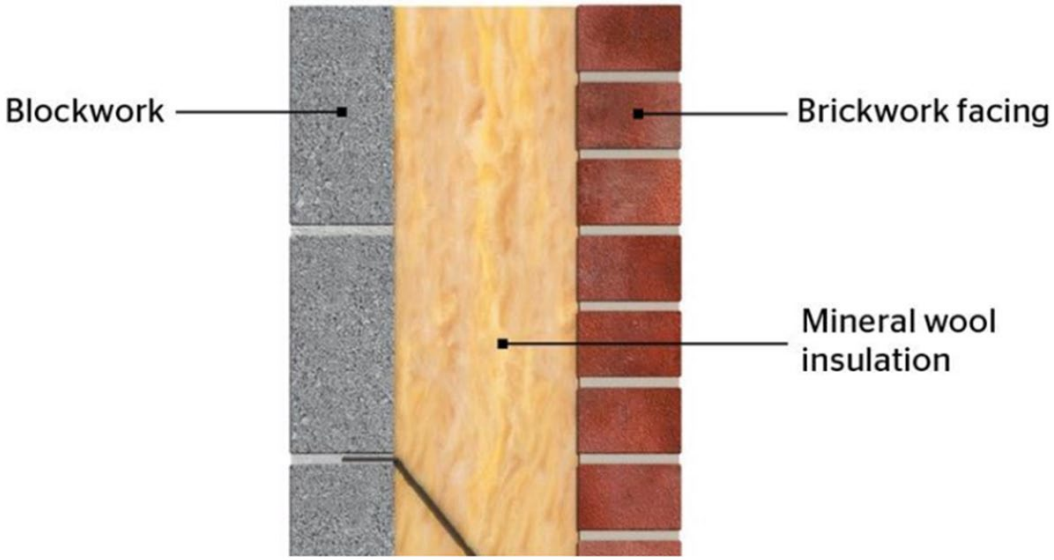
- Very important issue - no point having effective heating system if heat rapidly lost through poorly insulated structure
- Essential starting point (if it exists) is the loft
- Often assumed to be well insulated but often is not – eg glass fibre pulled back by contractor to access wiring and left
- May well be condensation within loft itself if eaves blocked

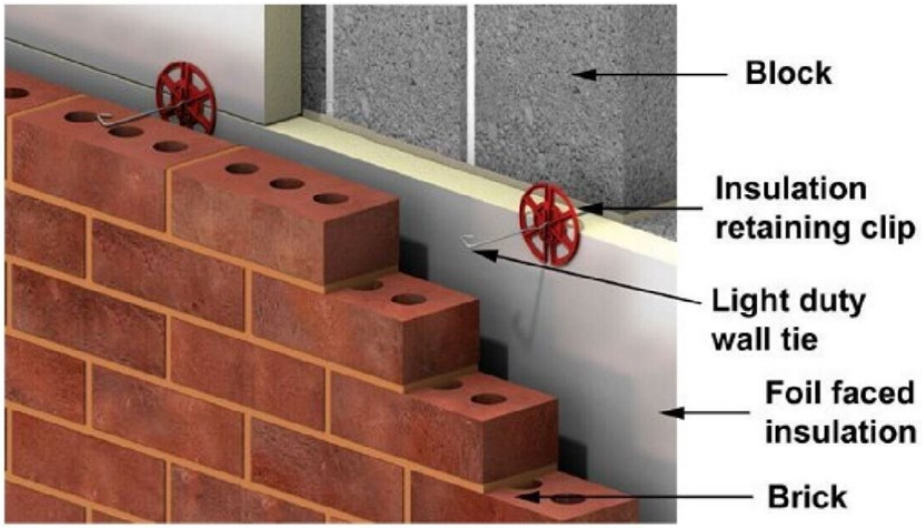




Insulation …(cont'd)

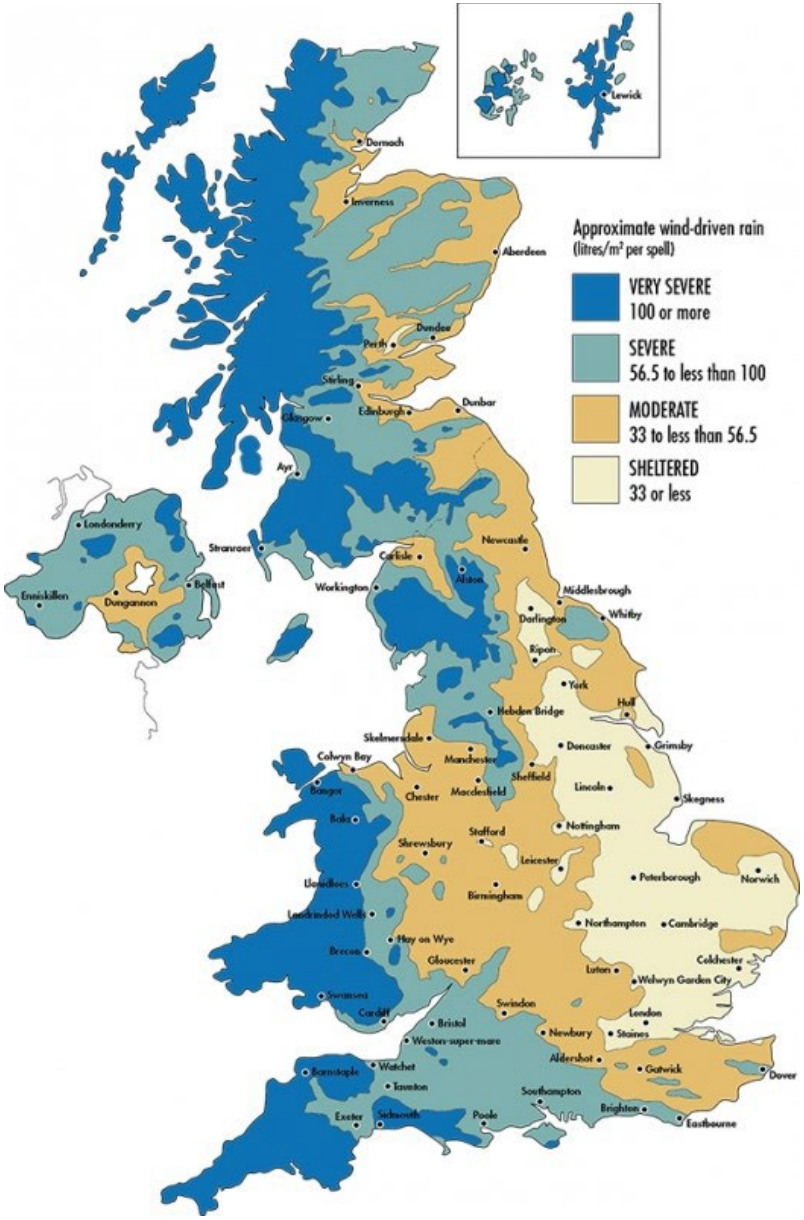
- **Walls** also very important – major potential heat loss
- Still general wisdom that **cavity walls** should be insulated and does improve thermal performance
- However, cavity wall insulation can be problematic especially in exposed locations
- NB can often settle and numerous instances of bridging
- May also have been poor installation (inadequate material)
- Infrared camera survey good diagnostic tool if concerns


Blockwork
Brickwork facing
Mineral wool insulation


Block
Insulation retaining clip
Light duty wall tie
Foil faced insulation
Brick

Wind driven rain

BRE say cavity fill insulation should not be installed in the regions where wind driven rain very severe (zone 4) or severe (zone 3)



Penetrating damp – cavity fill





- NB cavity fill does become affected by moisture, then heat loss can actually increase
- Retro cavity fill can increase localised condensation as gaps often present plus slump occurs and creates in effect cold bridges
- Insulation material may escape through top of cavity, vents indeed into consumer units
- May accelerate deterioration of cavity wall ties



External wall insulation (EWI) – rendered finish – may be brick slips – very useful for non-traditional properties – although not without problems on occasions careful detailing important eg at eaves, window/door reveals and around meter boxes

Internal wall insulation often difficult and expensive - Sempatap/Wallrock occasionally used on walls/ceilings as lower cost alternative



Insulation

- **Non traditional construction:** as built very poor thermal performance
- Concrete and steel houses both very prone to cold and damp problems
- If retained, thermal upgrade essential – typically EWI high performance insulation etc with render or brick slip finished





Cold Bridging

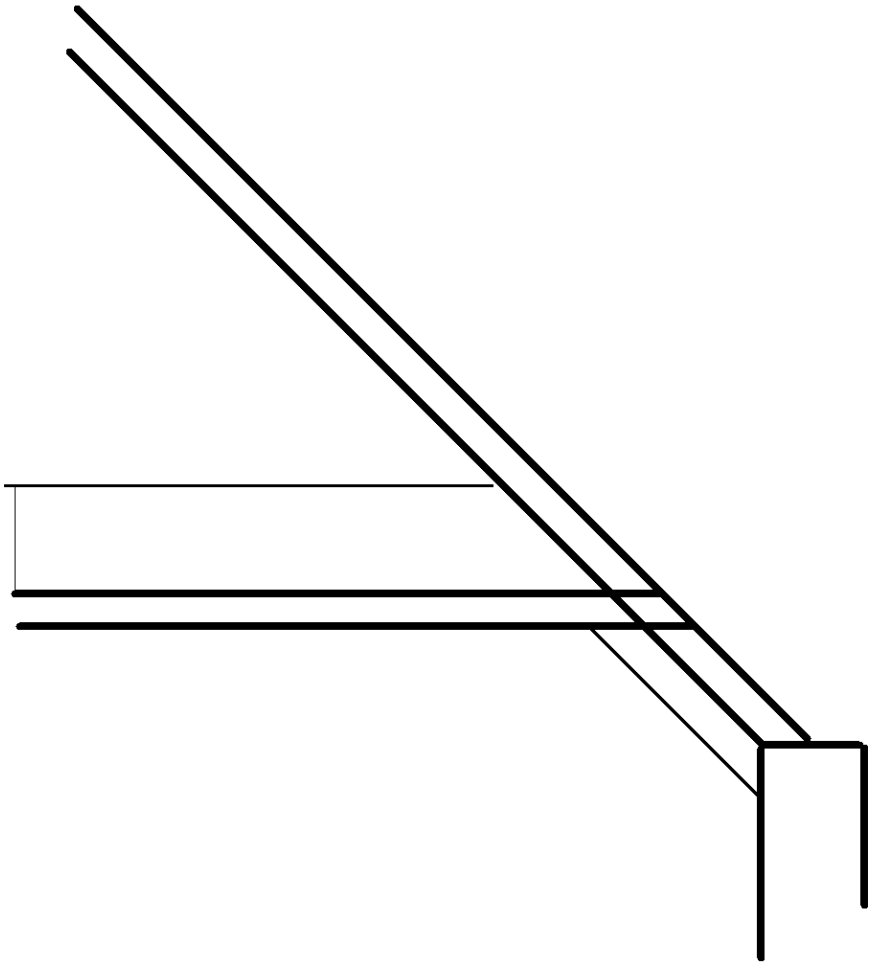
- Another very important area when investigating condensation
- Many structures especially concrete have areas where heat loss is higher – cold (or thermal) bridges
- May be raking eaves in old property, concrete lintel, concrete ring beam, mortar debris in cavity, deck access maisonette, etc
- Frequently source of localised condensation
- Modern Building Regulations particularly keen to reduce incidence
- Infrared thermometer very effective in identifying cold bridges
- Treat with insulation (with vapour check)













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Ventilation

- Reduction in ventilation a factor in the prevalence of condensation today
- Greatly improved draught performance of modern windows one of the reasons why air movement in properties less – helps keep heat in but greater risk of condensation
- Whilst not legal requirement when many properties built, is good practice to have extract fans in all kitchens & bathrooms – retrofit if appropriate
- Where fans present, important to check they actually work
- Often disabled by householders – fuses removed, turned off at fused spur
- Smoke matches simple test to show effectiveness – draw often ineffectual because of poor quality fan or bad/excessive ducting
- Some modern properties are built with very long duct runs – centrifugal fans reqd
- Do check overrun times where switched by light and where appropriate humidistat control settings
- Continuously running fans (very low rate) with humidistat control increasingly used as are positive input ventilation units (best where there is roof space)




Cold Incoming Air
Tempered Air
Reclaimed Air
Warm Circulated Air

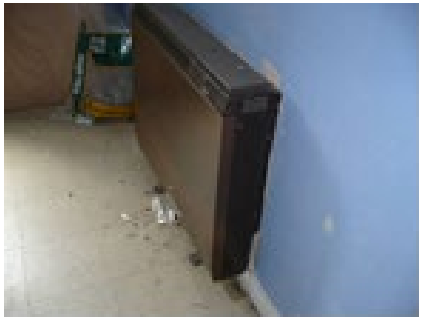



EXTRACT FAN



Excess Cold







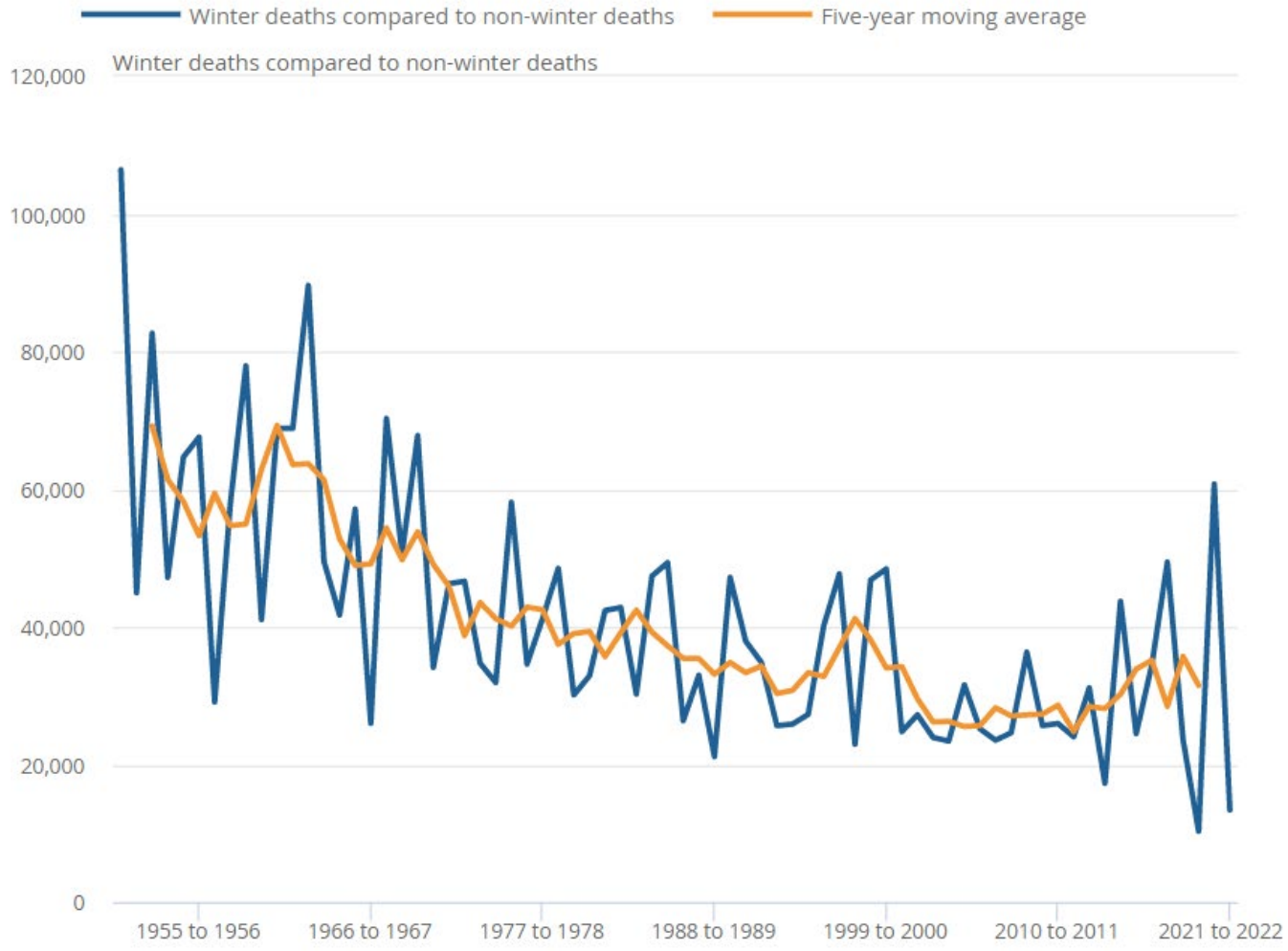








Excess Winter Deaths 1955/1956 to 2021/2022

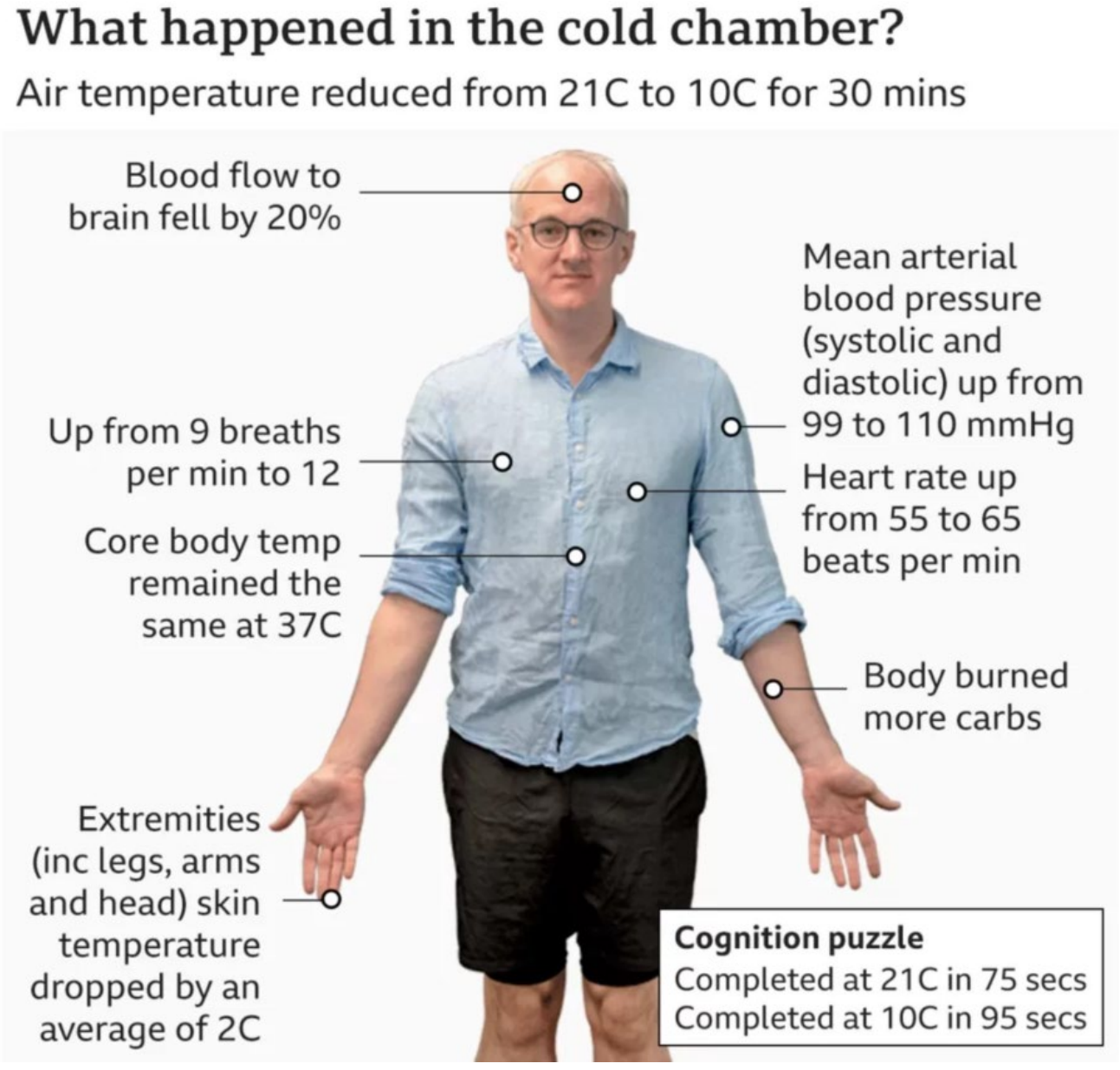


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Excess Cold

- Key points:
  - If tenant cold for extended periods, significantly increases risk of heart attack/stroke, followed by bronchitis/pneumonia/flu
  - Elderly vulnerable group – see excess winter death figures
  - HHSRS looks for whole dwelling, efficient, programmable, controllable heating coupled with decent insulation – affordability key consideration
  - Level of insulation required likely to be greater if electric heating – NB electric storage radiators not popular but much more affordable than panel heaters
  - Cold bridging will make it more likely that excess cold hazard exists
  - System built properties that have not been upgraded significant problem and also most certainly will be category 1 hazard
  - If SAP (standard assessment procedure rating - look at EPC) is 35 or below, will be category 1 hazard – and can be category 1 hazard even if above 35

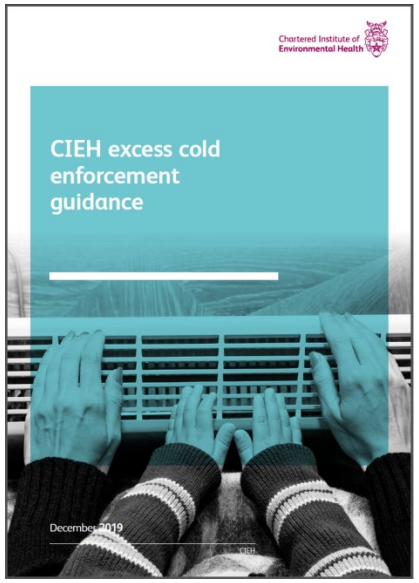
University of South Wales Experiment



CIEH excess cold guidance

- CIEH Excess cold enforcement guidance gives excellent practical advice on meeting minimum requirements taking into account fuel type and level of insulation
- Includes section on important case of Liverpool CC v Kassim – Upper Tribunal held that affordability is a relevant issue

https://www.cieh.org/media/3762/cieh-excess-cold-enforcement-guidance.pdf



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Excess Heat









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Excess Heat

Zero Carbon Trust – Overheating in Homes: The Big Picture (2015)

See also Part O of the Building Regulations – mitigate overheating in new build – limits amount of glazing and sets time/temperature limits

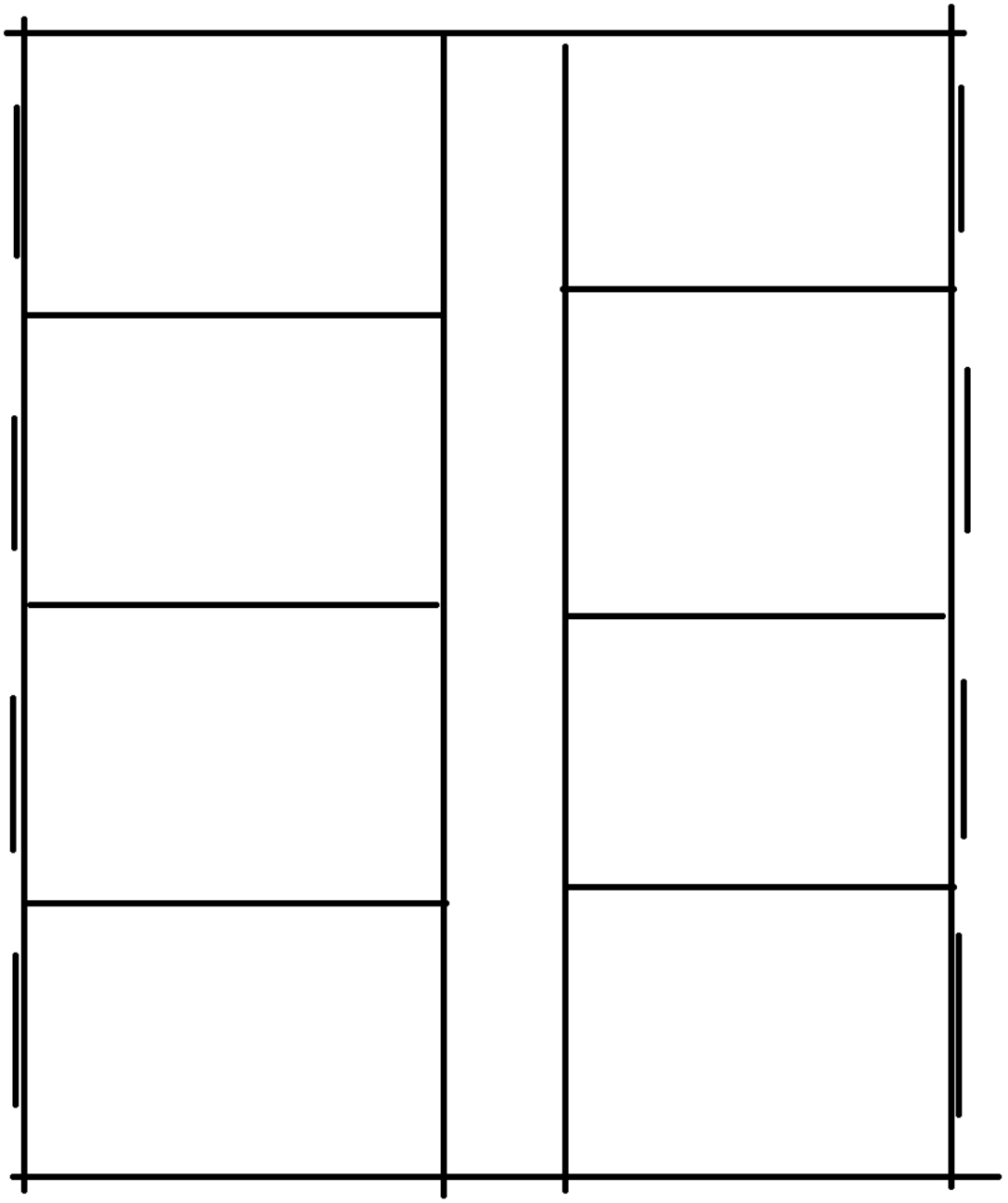
During summer 2022, there were an estimated 2,985 (2,258 to 3,712) excess deaths associated with 5 heat episodes, the highest number in any given year

Heat exhaustion – body loses excess water and salt from sweating
Heat stroke – body unable to control it internal temperature
Core temperature of 40° C dangerous – organ failure, heart attack, kidney failure



Single aspect flats
Unfortunately common – design restricts cross ventilation

Back to back houses were banned in 1909 because of the poor ventilation – we now build thousands of back to back flats!



Asbestos











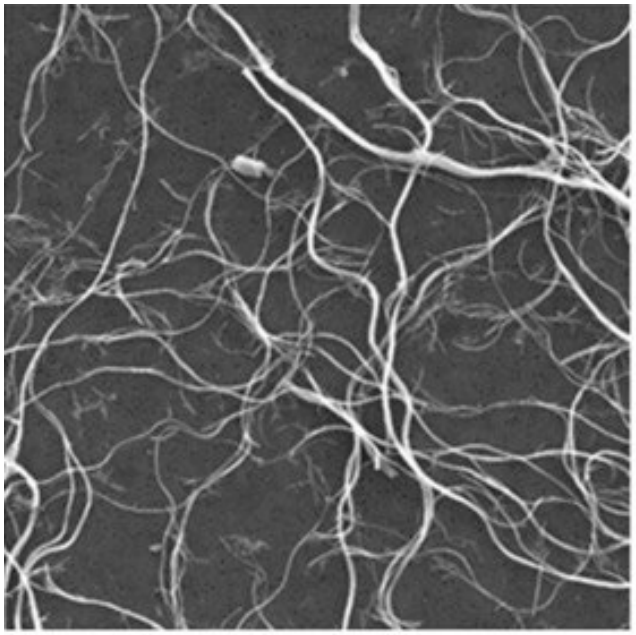




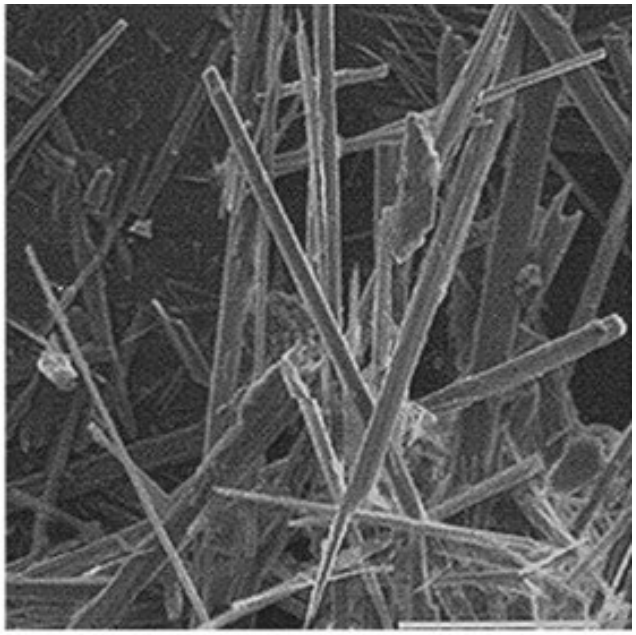
Serpentine (Chrysotile – White) & Amphibole (Amosite - Brown & Crocidolite - Blue) Fibres

Serpentine curly in appearance – amphibole more needle like

White in theory less harmful than brown and blue but still dangerous – blue thought most dangerous of all as very thin fibres



Chrysotile



Crocidolite

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Asbestos Related Deaths and Risk

- Until recently approximately 2,500 asbestos related deaths each year from mesothelioma and lung cancer – last figures for mesothelioma show fall to 2,268
- Three main forms of asbestos used in asbestos containing materials (ACMs) – white (chrysotile), brown (amosite) and crocidolite (blue – rare in residential environment)
- Level of risk dependent on the nature of the ACM (asbestos cement – 10% – 15% white asbestos, brittle but not friable whereas asbestos insulation board (AIB) has 20% - 40%+ of brown/white asbestos and is friable – easily damaged)
- Also depends on the location of the ACM and how likely it is to be damaged – the potential for fibre release

Carbon Monoxide

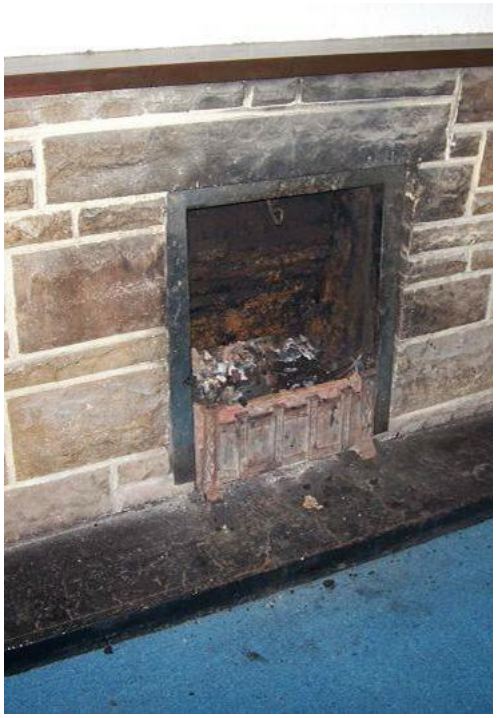
- Commonly referred to as the “silent killer” – no taste, no smell, no colour
- Has typically led up to 50 accidental deaths per year – will this reduce after the legal requirement to fit carbon monoxide detectors since October 2022?
- Harm arises because the red blood cells distribute vital oxygen around the body with oxyhaemoglobin – if a person breathes in carbon monoxide the red blood cells take that rather than oxygen to form carboxyhaemoglobin which cells cannot use

  Acute poisoning: High concentrations - may be death (hypoxia – brain cells starved of oxygen die) – if survive may cause brain damage and heart damage)

  Chronic poisoning: Lower concentrations – headache, dizziness, confusion, listlessness, memory loss, nausea and vomiting

- Often misdiagnosed as flu or food poisoning – elderly and people with heart problems more vulnerable – particular risk to unborn child with pregnant women

Carbon monoxide













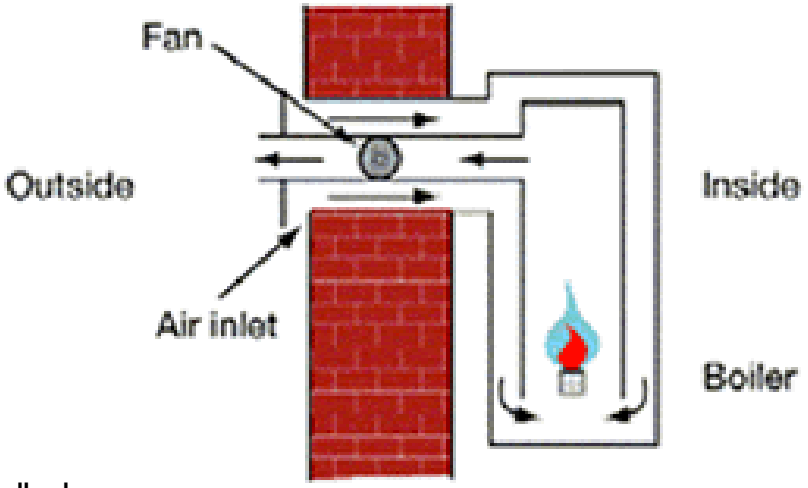
Open Flued v Room Sealed Appliances

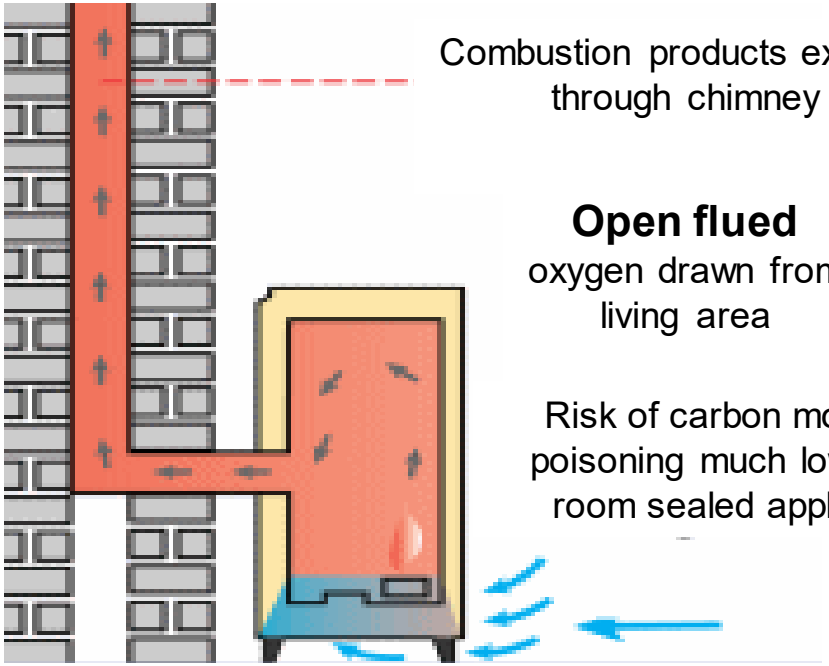
- All combustion appliances require air for the fuel to burn
- Traditionally fires and stoves drew the combustion air from the air in the room
- However, so did the people in the room and in cold weather with the doors and windows shut oxygen in the room could be depleted
- That is why some combustion appliances need permanent ventilation for example the gas fired back boilers which used to be common but rare now – had to have a 150 x 225mm permanent air vent in the external wall (sometimes taped over by tenant)
- The safer approach is to take the combustion air directly from outside
- This was done originally using balanced flues (passive only – no fan)
- Nowadays, virtually all boilers use a fanned flue
- Much safer as they don't reduce the oxygen in the room provided they are installed correctly
- Remember it is illegal to sleep in a room with an open flued gas appliance (Gas Safety (Installation and Use) Regulations 1998
- You won't have gas fires in bedrooms but you may come across elderly residents who have been discharged from hospital sleeping in a living room with gas fire
- Capping the gas and offering alternative heating is an option to consider

Open Flued v Room Sealed Appliances









Combustion products expelled through chimney

Open flued
oxygen drawn from living area

Risk of carbon monoxide poisoning much lower with room sealed appliances



Fanned flue (roof)

Carbon monoxide













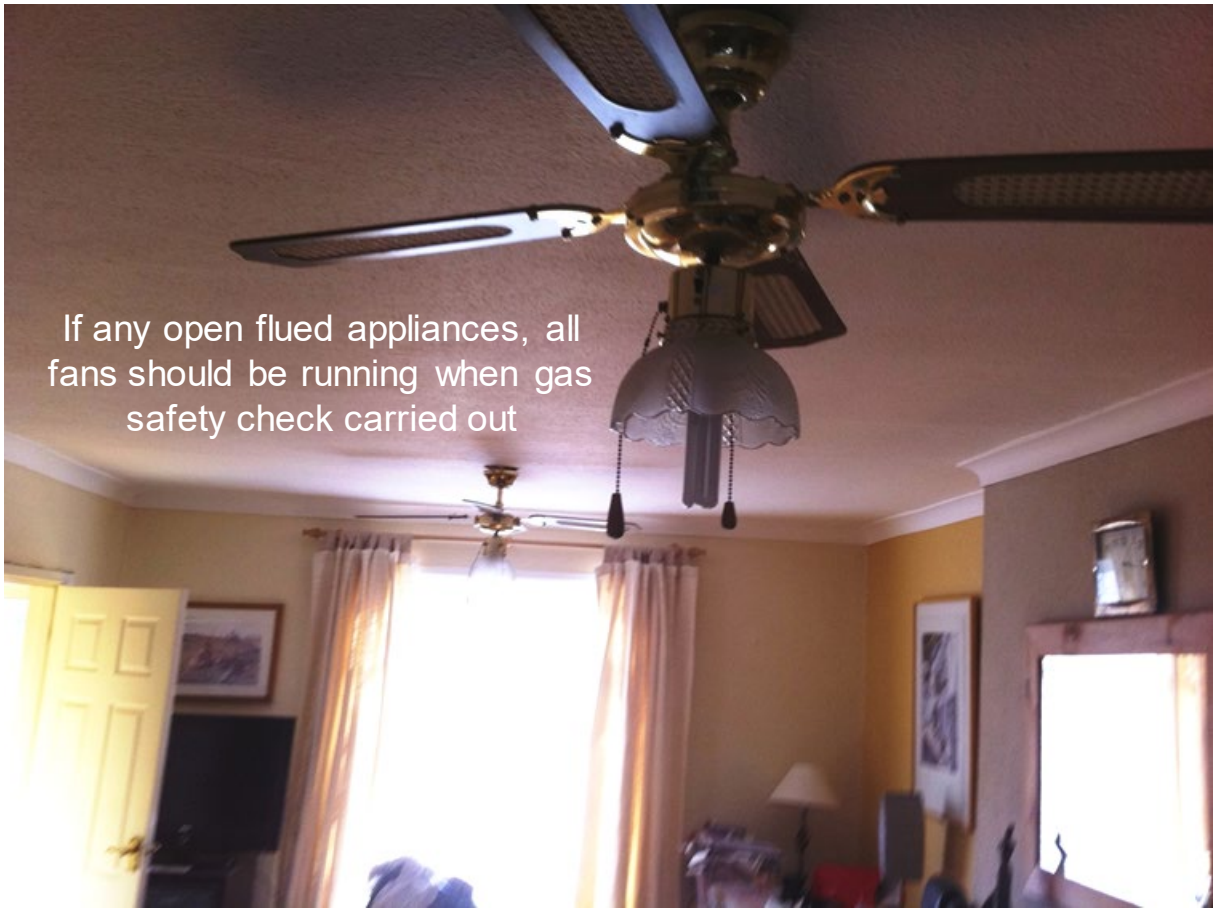
Permanent vent required with larger appliances



Lower draught permanent vent



Permanent vent required with larger appliances eg gas back boiler



If any open flued appliances, all fans should be running when gas safety check carried out


Canesten



Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Amended with effect from October 2022 – all landlords must now

1) Make sure there is a carbon monoxide alarm in any room used as living accommodation with a fixed combustion appliance (excluding gas cookers).
2) Ensure smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.
3) Ensure at least one smoke alarm is fitted on each storey of their homes where there is a room used as living accommodation - legal requirement in the private rented sector since 2015 but now also applies in social housing

Councils have enforcement powers with penalties if not complied with

Carbon Monoxide – Open Flued Gas Fires

- Look for warning signs
- Damage to appliances
- Appearance of flame on fire – should be steady blue flame with radiant itself orange (not orange/yellow flame – does not apply to flame effect fires which are intended to burn with yellow flame)
- Evidence of spillage (eg staining around fire/sooting). Also sooting on radiants
- Scorching to appliance
- Inadequate ventilation eg no air brick to back boiler or wall mounted boiler – blocked vents, conservatories to rear of living room with back boiler.

Carbon Monoxide – Open Flued Gas Fires

- Tenant saying windows steam up more than usual – water is also combustion product and steaming up may be due to escape of flue gases into the room.
- Pilot light (very rare these days) continually going out
- Smell when appliance turned on (carbon monoxide is odourless but smell when fire starts may indicate malfunction.
- Occupier complaining of headaches, nausea, tiredness, drowsiness, light headedness, chest pains, etc
- Occupier has recently altered bed of flame effect fire
- NB since 1998 only room sealed appliances should be used in bedrooms

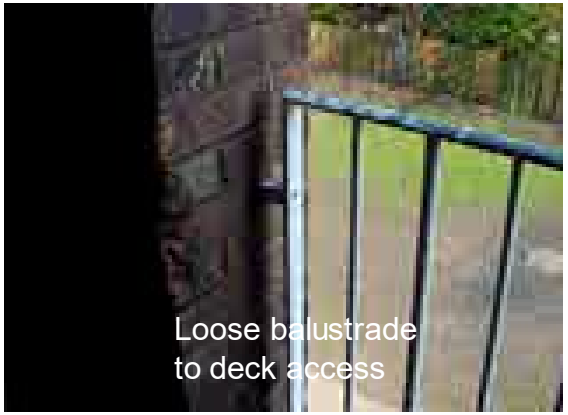
Carbon Monoxide – Solid Fuel

- Again, there now must be a CO detector preferably hardwired.
- Occupier complaining of headaches, nausea, tiredness, drowsiness, light headedness, chest pains, etc.
- When was chimney last swept and by whom?
- Signs of sooting, staining, etc round fire
- Any damage to fire
- If a stove, any damage to the stove in particular to glass panel
- If tenant has fitted a solid fuel stove themselves (is starting to happen) if no permission then breach of tenancy agreement
- If permission given, surveyor must check that done in accordance with Building Regulations
- If permission not given, either stove must come out or surveyor check that work complies with Building Regulations (and Building Regulations application made)


Front elevation


Hopper head


Communal stairs


Loose balustrade to deck access

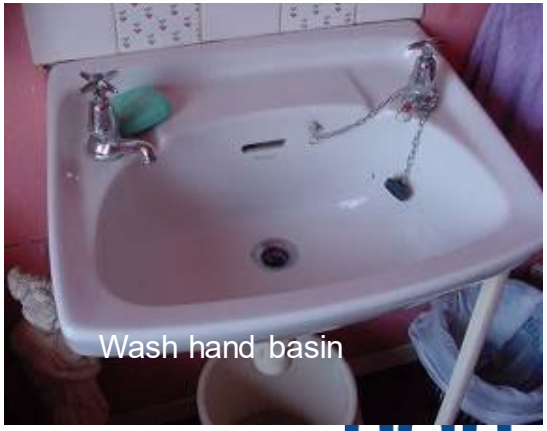

Bedroom window


Wall at base of stairwell


Bedroom wall and ceiling


Cooker


Kitchen door


Wash hand basin

TRAINING

Exercise 2A

- In groups, please look at the following pictures
- They show a 1960s terraced house of cross wall construction (timber framed walls at first floor level to front and rear which are not insulated) with a flat roof covered with felt. There is an attached garage to the front of the property.
- The property backs onto a garage site and is separated by a 1.8m high fence which is rotted in places. There is significant evidence of anti social behaviour on the garage site.
- The property has an entrance hall, through living/dining room, small sitting room and kitchen on the ground floor and 3 bedrooms and bathroom on the first floor. Heating is provided by a fairly modern gas fired combination boiler serving radiators in all rooms but not the kitchen. There is also a gas fire in the through living room.
- The tenant has carried out a number of alterations without consent
- What statutory provisions is the landlord in breach of and why?


Front elevation


Rear garden


Staircase

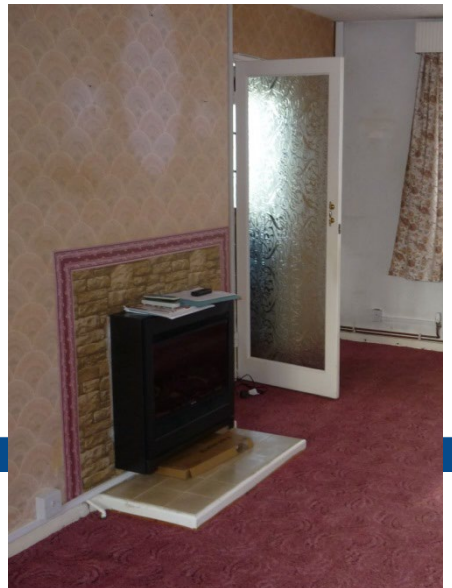

Front garden

Rear bedroom




Kitchen

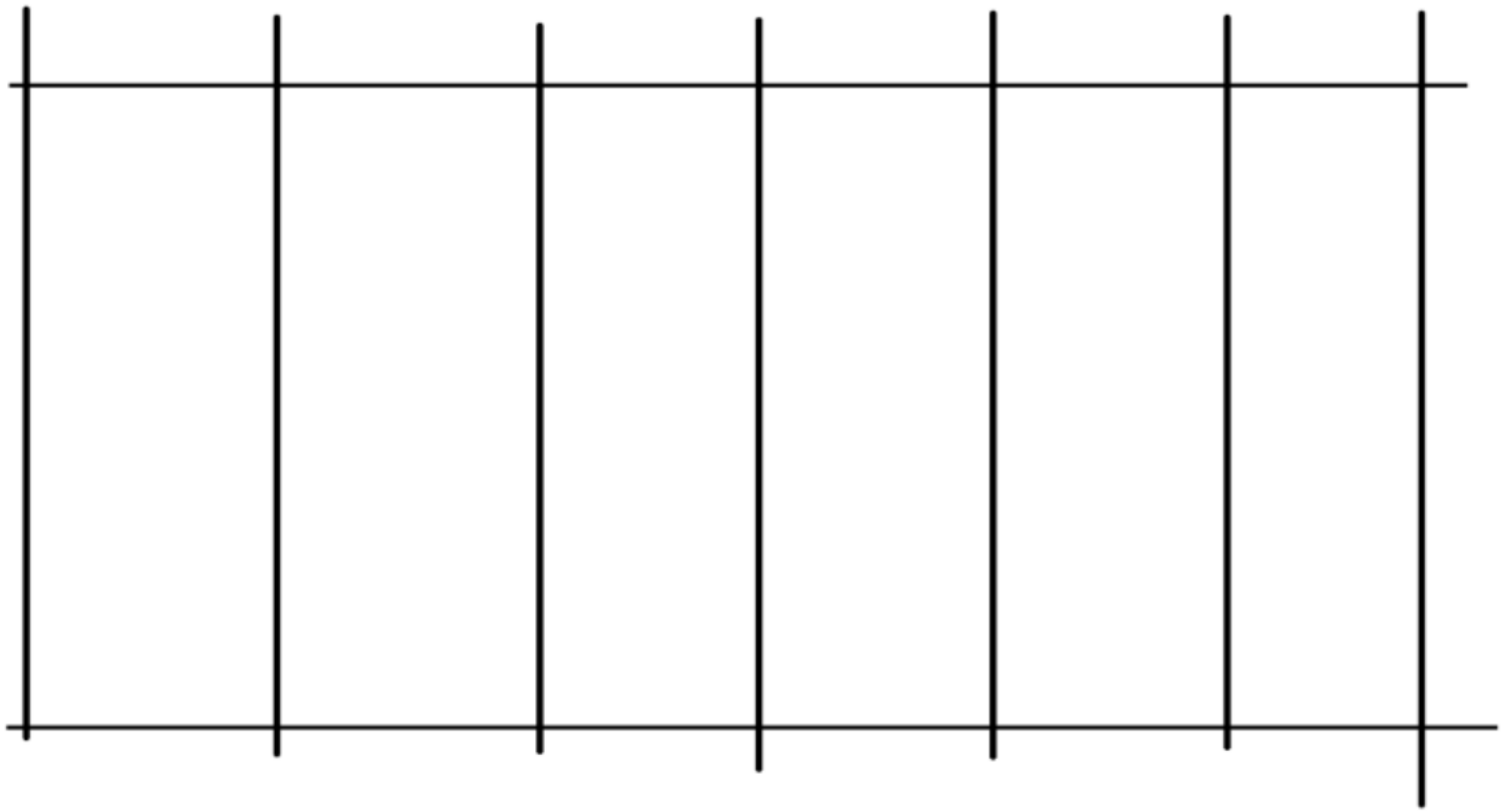
Through living/dining room



Front bedroom



Cross wall construction – structural walls run front to back. Front and rear walls often timber stud with poor and sometimes no insulation



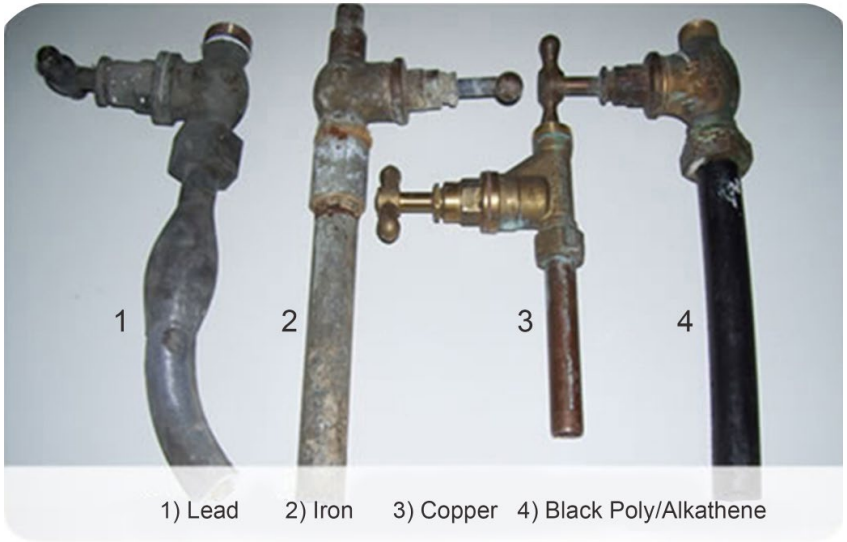
Lead

- Cumulative toxin - affects multiple body systems - distributed to the brain, liver, kidney and bones - accumulates over time in teeth and bones
- Lead is particularly harmful to young children - can affect children's brain development, resulting in reduced intelligence quotient (IQ), reduced attention span and increased antisocial behaviour, and reduced educational attainment
- Long term harm in adults, including increased risk of high blood pressure and kidney damage
- Exposure of pregnant women to high levels of lead can cause miscarriage, stillbirth, premature birth and low birth weight
- Issues in housing are **old paint** and **lead service pipes**
- WHO state that there is no level of exposure to lead that is known to be without harmful effects – in Britain 10 micrograms per litre maximum under current drinking water standards

Lead









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Radon

- Radioactive gas that escapes from the ground in various parts of the country (generally hilly areas – see risk area map) – no colour, smell or taste
- Is a break down product of uranium
- Estimated 1,100 lung cancer deaths each year linked to radon – risk much greater for smokers (both current and former)
- Where high radon levels, 1 in 3 life time risk of lung cancer for current smoker (1 in 8 for ex smoker who gave up at 50)
- Ukradon.org very useful website – can order quickly a report which shows the potential risk (post code search) or a test kit with two passive detectors which are left in the property for three months then sent to the laboratory for analysis

ukradon.org

UK Health Security Agency

UKradon

Contact us Your account

Home About radon Sector guidance Our services About us FAQ Resources

Welcome to UKradon

Three steps to manage radon in buildings - check, measure, act

Every building has radon and in most areas the levels are low. Some buildings in "radon Affected Areas" have higher levels. Buildings in these areas should be tested for radon. High levels can be reduced by simple building works. There are three simple steps you can follow:



1. Check

Is your property in a radon Affected Area?



2. Measure

If you are in a radon Affected Area you should order a radon measurement pack for your home



3. Act

If the radon level is high you should reduce it using simple building works

Radon address search

A report will tell you the estimated probability above the Action Level.

Order a report

Radon measurement pack

Find out the yearly average radon level for a property and if it is above or below the Action Level.

Order a domestic pack

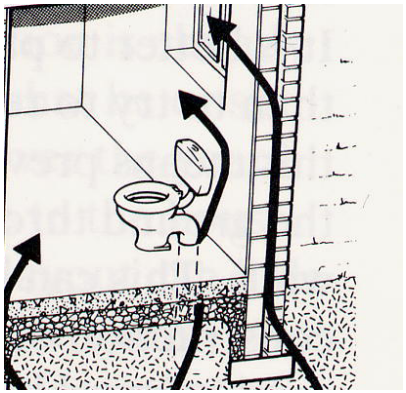
Order a workplace pack

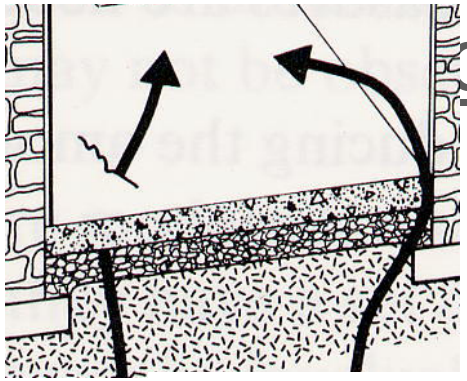
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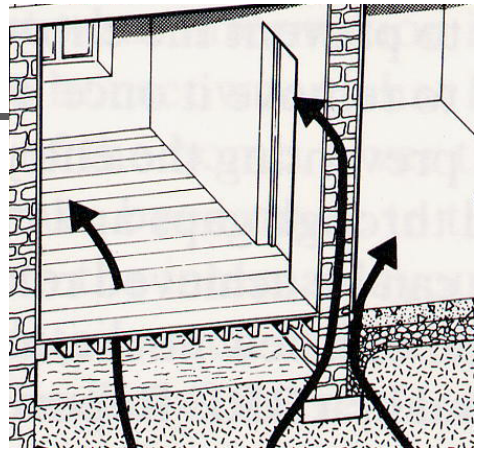
Radon

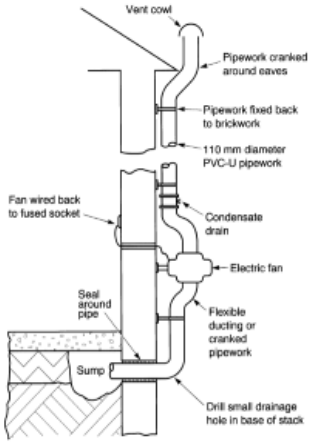
- Radon enters buildings through cracks in the floors or at floor-wall junctions, gaps around pipes or cables, small pores in hollow-block walls, cavity walls, or sumps or drains
- Radon levels are usually higher in basements, cellars and living spaces in contact with the ground - however, considerable radon concentration can also be found above the ground floor
- With new build homes in risk areas, radon barriers are installed below floors
- With existing properties, radon levels can be reduced by:
    - increasing under-floor ventilation;
    - installing a radon sump system in the basement or under a solid floor;
    - avoiding the passage of radon from the basement into living spaces;
    - sealing floors and walls; and
    - improving the ventilation of the building for example positive input ventilation

Radon









Sump pump



UKradon detector (2 left in place for 3 months)

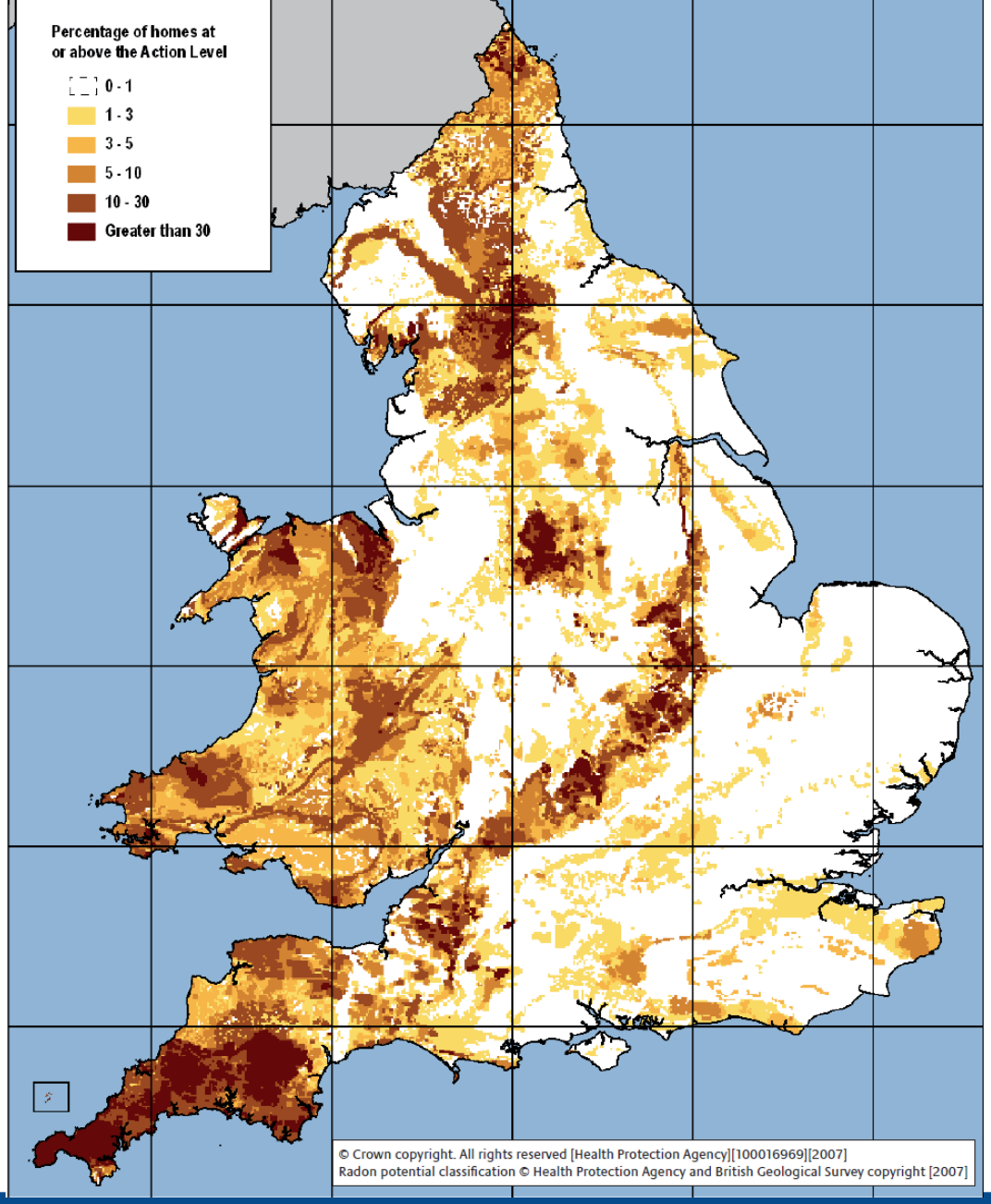


Airthings








Percentage of homes at or above the Action Level
0 - 1
1 - 3
3 - 5
5 - 10
10 - 30
Greater than 30
© Crown copyright. All rights reserved [Health Protection Agency][100016969][2007]
Radon potential classification © Health Protection Agency and British Geological Survey copyright [2007]

Crowding and Space

- Much tighter than the statutory standard under Part X of the Housing Act 1985 (which has not been repealed)
- Statutory standard, which counts all habitable rooms as bedrooms has been described as “archaic” & “unacceptable”
- Crowding and space hazard presumes there should be at least one living room and also reasonable space for play and recreation where children present
- Proper space for privacy with bathrooms and WCs
- Operating Guidance somewhat vague – LACORS guidance very helpful

Crowding and Space …(cont'd)



Entry by intruders

- This concerns the anxiety felt by occupiers where properties are insecure
- Two broad issues:
  - Area outside the dwelling (rear and side gardens to houses and common parts to flats – defensible space)
  - Security of the dwelling itself

Entry by intruders

Area outside the dwelling

- Where a house, defensible space is rear (and side garden if present)
- Where boundary adjoins a public area (not another private garden) such as road, path, car park etc then should be high fence (1.8m)
- Where a flat, important that any damaged secure access systems are repaired quickly so people other than legitimate visitors are excluded

Dwelling itself

- Double glazing has made a big difference to security with windows (but early windows not secure because of external beading)
- Multi point locking preferable for both doors and windows
- With doors, Yale lock (cylinder night latch) not secure unless it deadlocks
- Mortise locks much more secure but final point of exit should be thumb turn (fire egress)
- Euro cylinder locks almost universal in new doors now – however……..
- Be aware in particular of **snapping** and **bumping** – see videos

Entry by Intruders







Effective door entry system crucial with common parts



Lack of defensible space in rear garden – vulnerable because adjoins area to which public have full access

Double glazing and multi point locking have made a big difference to window security





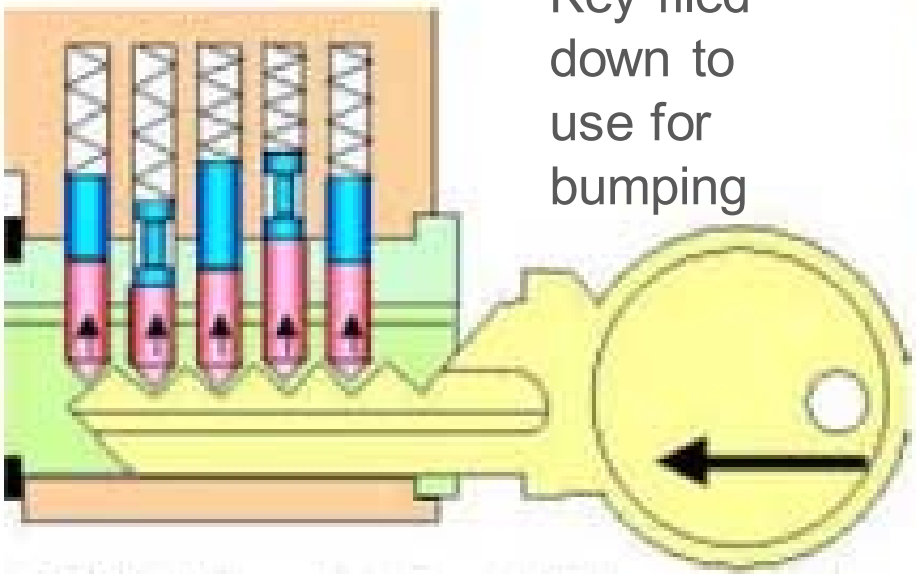


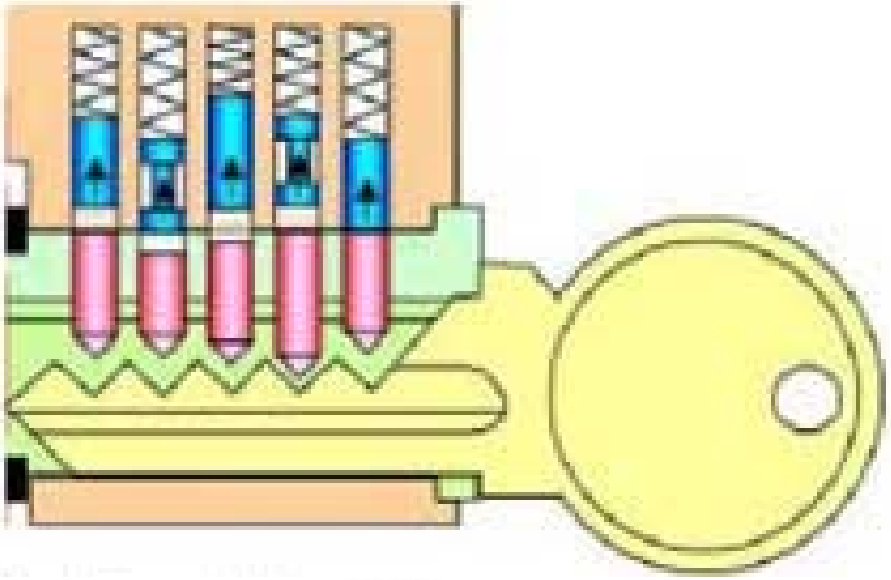


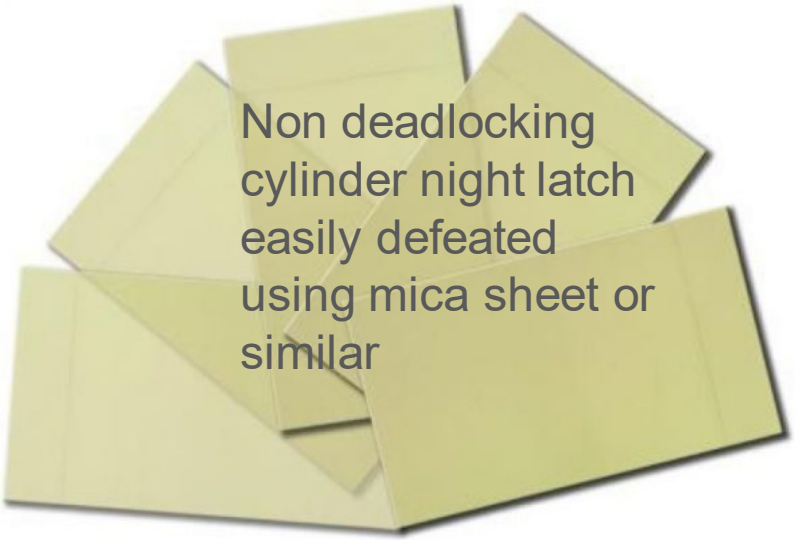
Euro cylinder locks can be vulnerable to snapping and bumping



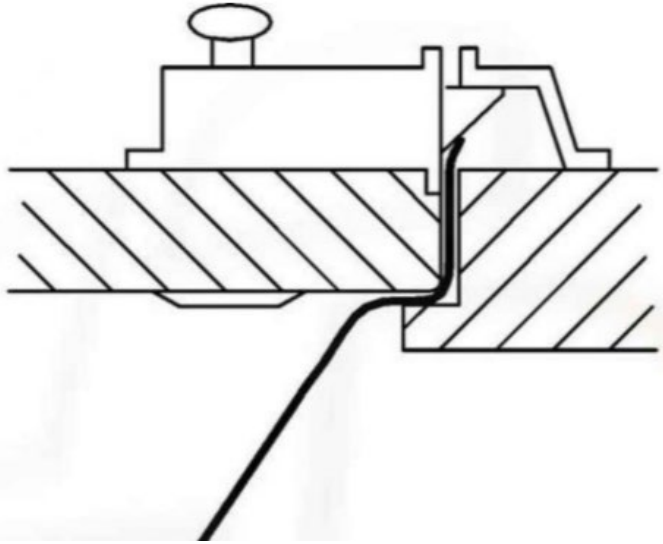
Key filed down to use for bumping







Non deadlocking cylinder night latch easily defeated using mica sheet or similar





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Lighting

- Lack of natural light and/or a window with a view can trigger depression and possibly other psychological effects such as irritability, anxiety, poor concentration, sleep problems etc
- Impact on both mood and circadian rhythms
- Recent study published in the Journal of Affective Disorders found that each additional hour spent outside in natural light was linked to a corresponding decrease in the risk of developing long-term depression
- Intrusive artificial light also a significant concern – humans evolved to the rhythms of the natural light/dark cycle
- Exposure to artificial light at night can lead to increased risk of sleep disorders, depression, obesity, diabetes, heart disease and cancer

Lighting



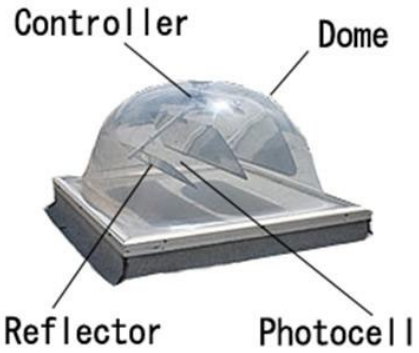


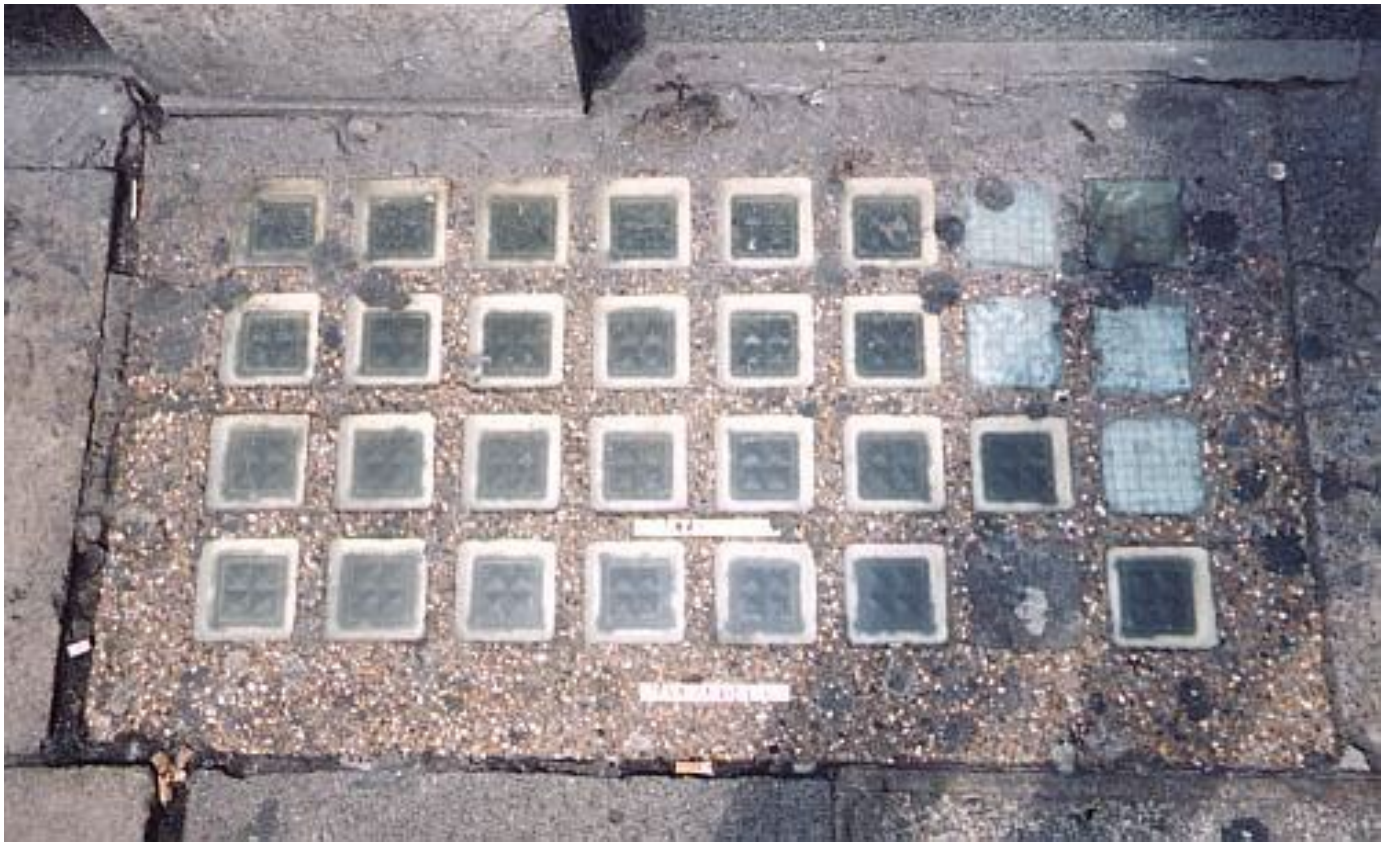






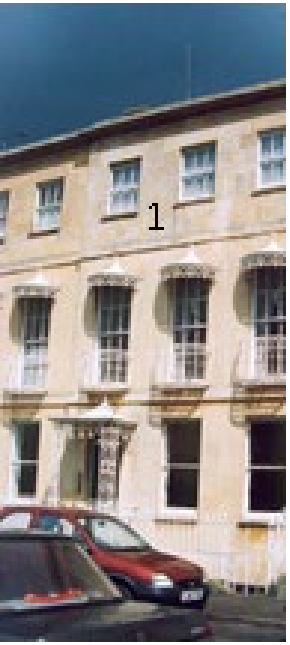


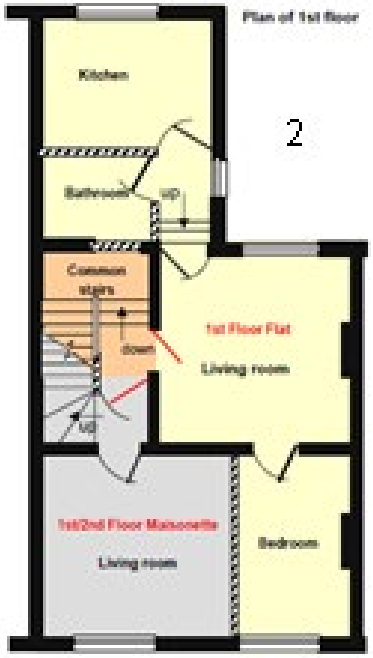


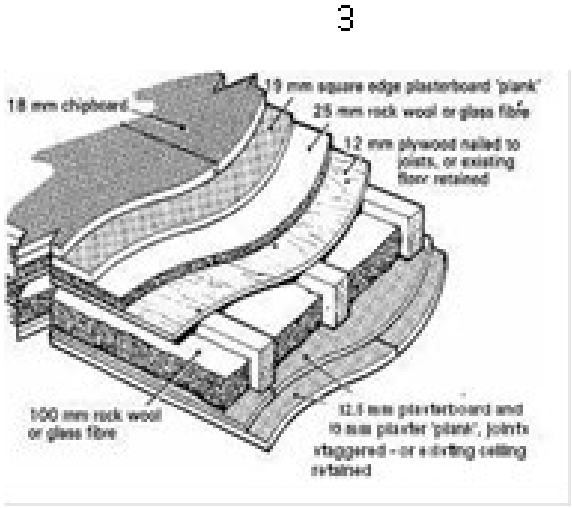


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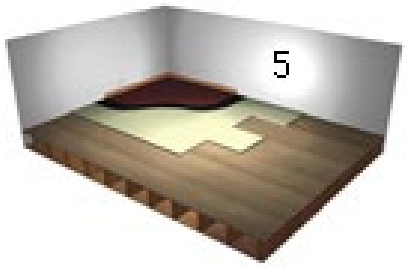
Noise

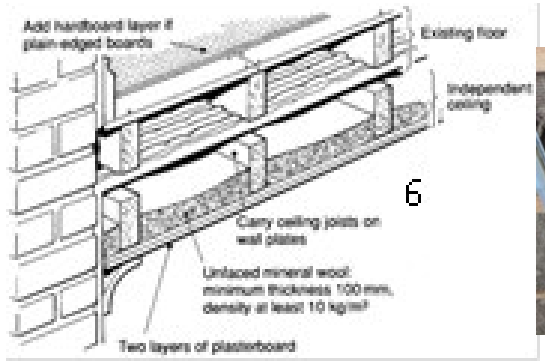

1


Plan of 1st floor
Kitchen
Bathroom
UP
Common stairs
down
1st Floor Flat
Living room
up
1st/2nd Floor Maisonette
Living room
Bedroom
2

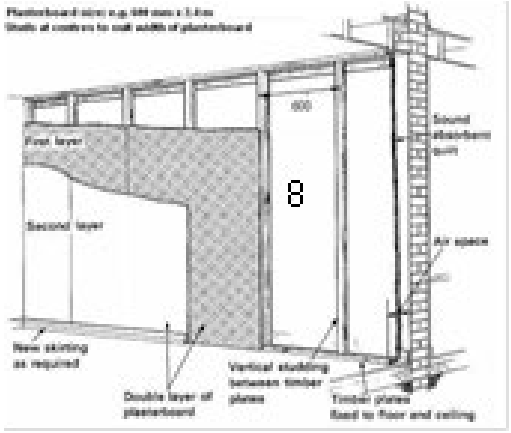

3
18 mm chipboard
19 mm square edge plasterboard 'plank'
25 mm rock wool or glass fibre
12 mm plywood nailed to joists, or existing floor retained
100 mm rock wool or glass fibre

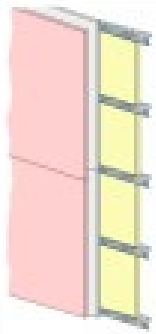

4


5


Add hardboard layer if plain-edged boards
Existing floor
Independent ceiling
6
Carry ceiling joists on wall plates
Unfaced mineral wool: minimum thickness 100 mm, density at least 10 kg/m³
Two layers of plasterboard




8
Sound absorbent quilt
First layer
Second layer
Air space
New skirting as required
Vertical studding between timber plates
Double layer of plasterboard
Timber plates fixed to floor and ceiling


9

Noise …(cont'd)

- Psychological disturbances and physiological changes resulting from annoyance and sleep disturbance - typical health effects are
- stress responses, sleep disorders and lack of concentration
- Headaches, anxiety and irritability are also associated with noise induced stress, and the effects of sleep disturbance may affect mood the following day
- Extreme responses may include violence and even sadly suicide
- Disturbance from unwanted noise can trigger a complex hormonal response akin to that from the "fight and flight" response
- Associated with elevated risk of cardiovascular disease and diabetes

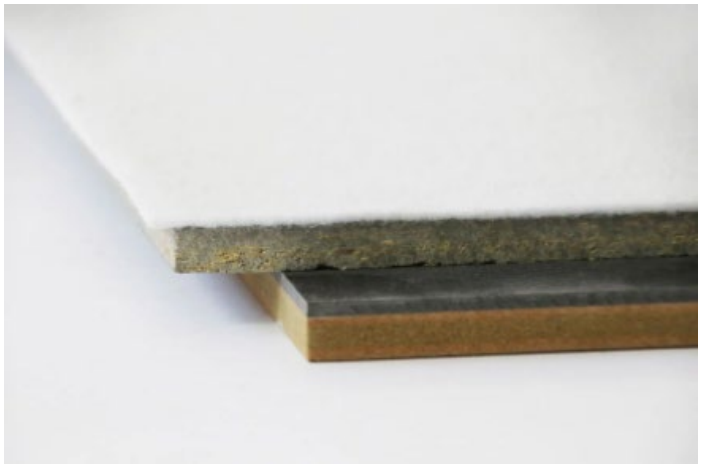
Noise …(cont'd)



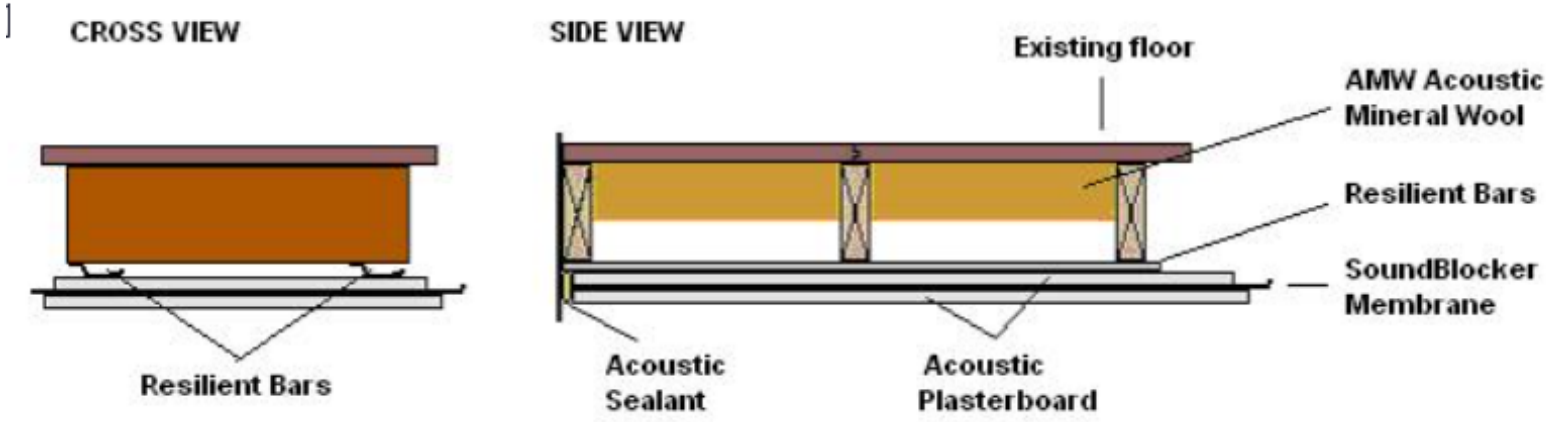


Acoustilay

Maxideck

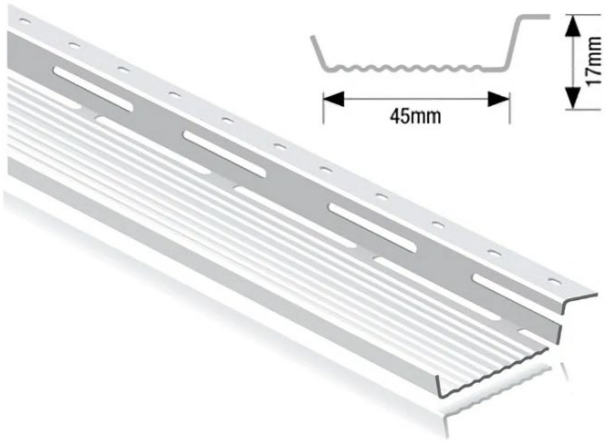


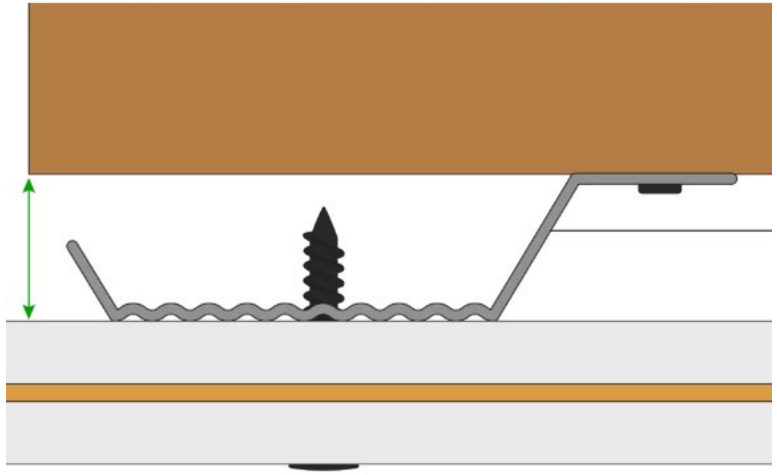
Resilient Acoustic Bars



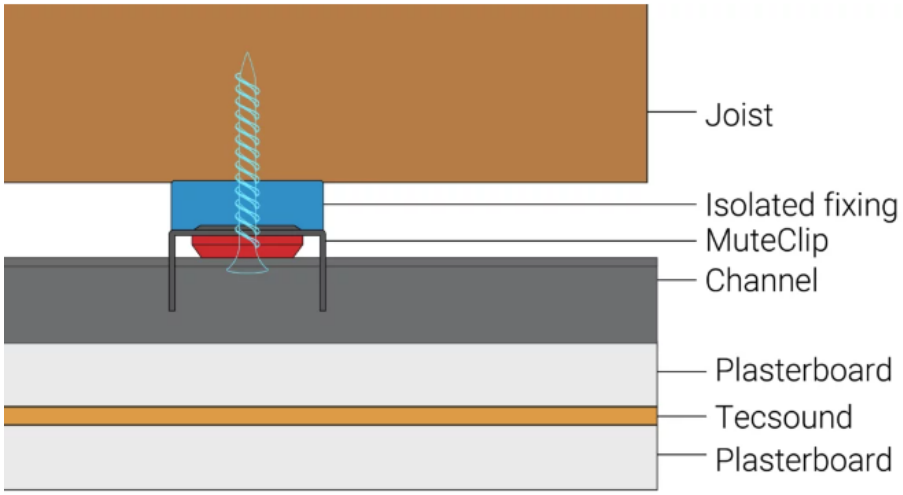
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Resilient bars

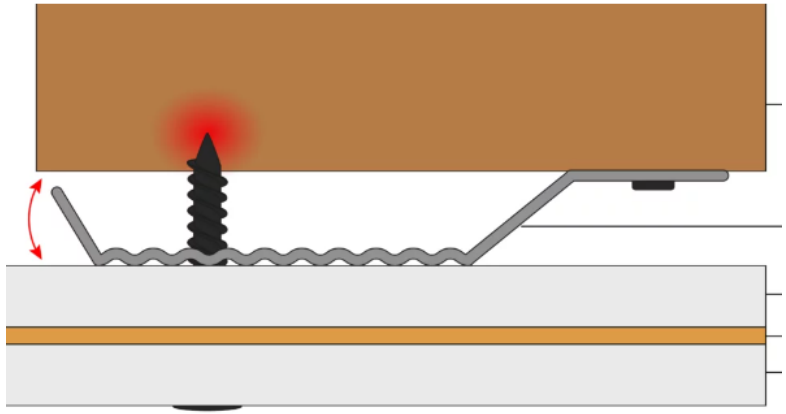




Correct installation



Alternative



Incorrect installation

Domestic Hygiene Pests and Refuse













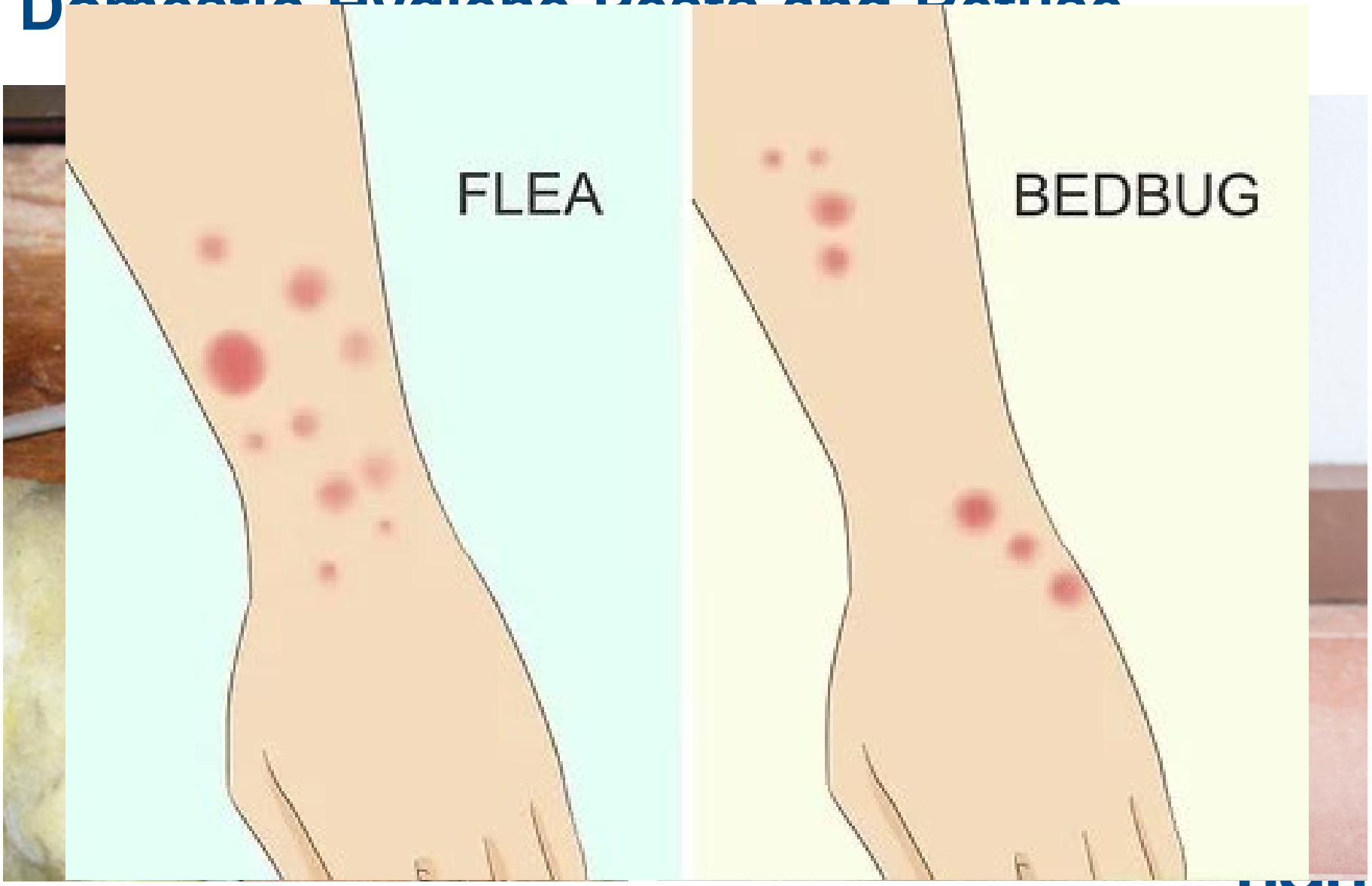


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Domestic Hygiene Pests and Refuse …(cont'd)

- Dwelling design, layout & construction should permit ready & effective cleaning
- Should be adequate and hygienic provision for storage & disposal of refuse
- Should not be access into and harbourage in dwellings for pests
- Rats can enter through gap size of a waste pipe and mice through gaps smaller than 10 mm
- Rats and mice can both carry salmonella and recently Hantavirus
- Rats – carry zoonotic agents as yersiniosis, cryptosporidiosis, toxoplasmosis, leptospiral jaundice (Weil's disease), trichinosis (roundworm infection)
- Squirrels can cause significant damage in particular in roof spaces
- Bed bugs growing problem – growing resistance to pesticides – heat treatment often used (freezer and/or high temperature) – sniffer dogs used
- Cockroaches can produce allergic response especially in children
- Fleas – insect growth regulator prevents transition to adult

Domestic Hygiene Pests and Refuse



Food safety









Food safety …(cont'd)

- Kitchen facilities should be in a properly designed room or area, laid out so as to make safe and hygienic preparation and cooking of food easy, so reducing the risk of food poisoning and promoting safe practice
- The Welsh Housing Quality Standard gives very practical advice on appropriate facilities in kitchens having regard to the household size (extract to be forwarded)
- With HMOs, basic rule of thumb is 5 people per kitchen but always look at the local housing authority HMO licensing standards for guidance

Personal Hygiene Sanitation & Drainage









Personal Hygiene, Sanitation & Drainage

…(cont'd)

- Covers threats of infection and threats to mental health associated with personal hygiene, including personal washing and clothes washing facilities, sanitation and drainage
- Surfaces and amenities in bathrooms should be capable of ready and effective cleaning
- Ideally every WC should have a wash hand basin within the same compartment
- Much greater risk in HMOs especially where bedsit type
- Rule of thumb again 5 people per bathroom – but if only WC is in that one bathroom then has to be separate WC plus wash hand basin
- Again look at local housing authority HMO licensing guidance (if housing association no requirement to licence but guidance very useful)

Water Supply







HSE

Health and Safety Executive

Legionnaires' disease

Part 2: The control of legionella bacteria in hot and cold water systems



This guidance is for dutyholders, which includes employers, those in control of premises and those with health and safety responsibilities for others, to help them comply with their legal duties. These include identifying and assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager responsible for others.

The guidance gives practical advice on the legal requirements of the Health and Safety at Work etc Act 1974, the Control of Substances Hazardous to Health Regulations 2002 concerning the risk from exposure to *Legionella* and guidance on compliance with the relevant parts of the Management of Health and Safety at Work Regulations 1999.

HSG274 Part 2
Published 2014

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Water Supply …(cont'd)

- In rural locations where may be private water supply (eg springs, wells, cisterns, etc) bacteriological infection (especially coliforms) potential concern
- Regulations require testing - see DWI website https://www.dwi.gov.uk/private-water-supplies/local-authorities/what-sampling-is-required/
- In social housing, particular concern is control of legionella (*Legionella pneumophila*) which is responsible for Legionnaires disease – potentially fatal form of pneumonia – over 200 reported cases per year in UK (many travel related)
- Temperature control important – does not survive above 60°C or multiply below 20°C
- Infection through inhalation (eg mist from shower) – not by drinking contaminated water or direct transmission person to person
- All premises owned and managed by landlords have to be risk assessed – much lower risk in individual dwellings – generally combi boilers now and frequent turnover of water
- Greater risk where shared water systems – regular sampling (as per risk assessment) and treatment as appropriate (eg treatment by raising the water temperature in whole system to 70°C for minimum one hour – cold water systems using disinfectant
- NB scalding risk with high temperature – thermostatic mixer valves should be used for example in sheltered accommodation where residents particularly vulnerable to scalding
- With voids, common to either drain at outset or flush water weekly
- Common practice to renew shower head and hose before reletting

Falls Associated With Baths





Falls Associated With Baths ...(cont'd)

- The most common injuries that result from falls associated with a bath, shower or similar facility are cuts or lacerations (27%), swelling or bruising (26%), or fractures (11%) (Operating Guidance figures)
- Because of the many hard projections and surfaces found in bathrooms, and that the user may be unprotected by clothing, outcomes from a fall are likely to be more severe than in other areas
- Main cause of falls in bathrooms is slipping when getting into or out of the bath - the slip resistance of the internal surfaces of baths and showers when wet will affect the likelihood of an incidence occurring
- Lack of functional space increase likelihood of fall
- Securely fixed grips of great value – but secure fixing to masonry or timber essential – not rawlplugs into plasterboard

Falling on Level Surfaces









Falling on level surfaces if level difference <300mm



Gang mowers can dislodge chamber lids in communal grassed areas



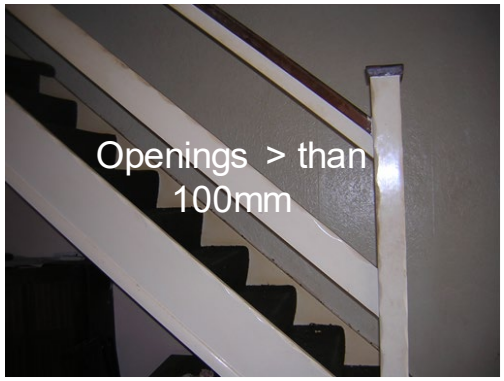
Off level slabbing – if void relet with slabbing by previous tenant then is adopted

Falling on stairs etc

- Good, securely fixed handrails, decent lighting and staircases being in good repair all very important especially with steep staircases
- **Look out in particular for missing balustrades (banisters) – may have been removed by tenants to facilitate moving furniture up the stairs**
- Ranch style balustrades can allow children to fall through – gaps should be no bigger than 100m (size of a baby's head)
- Handrail necessary when 3 or 4 steps
- Look out for slippery treads – polished wood common in 1960s flats
- Open risers increase risk and the injury caused – leg is trapped and more likely to break

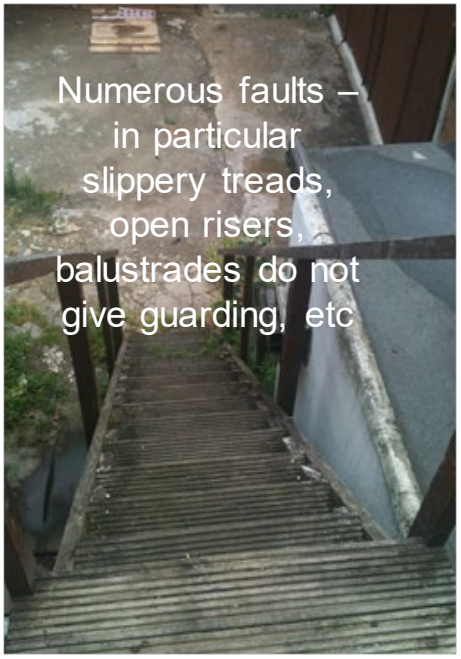
Falling on Stairs etc













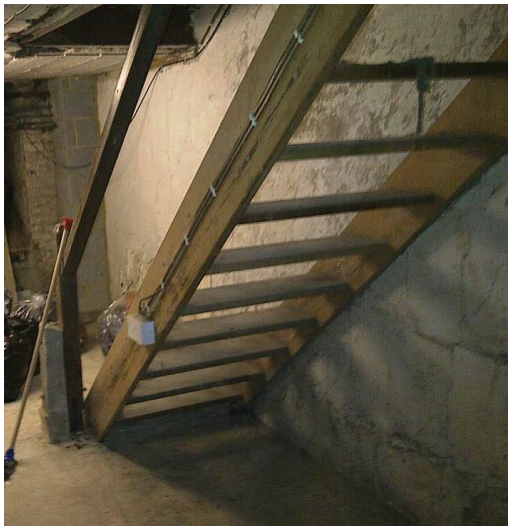
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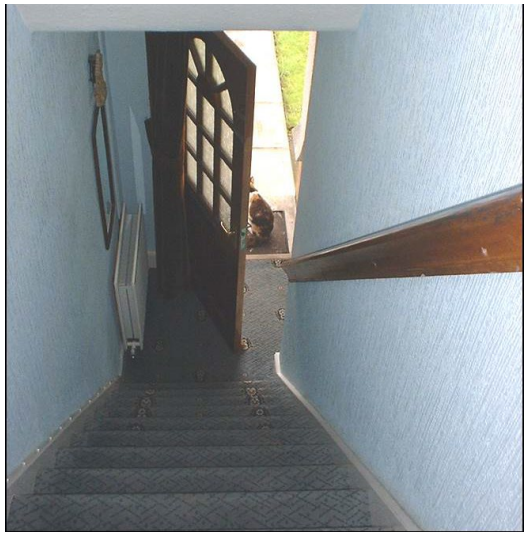
Falling on Stairs etc ...(cont'd)





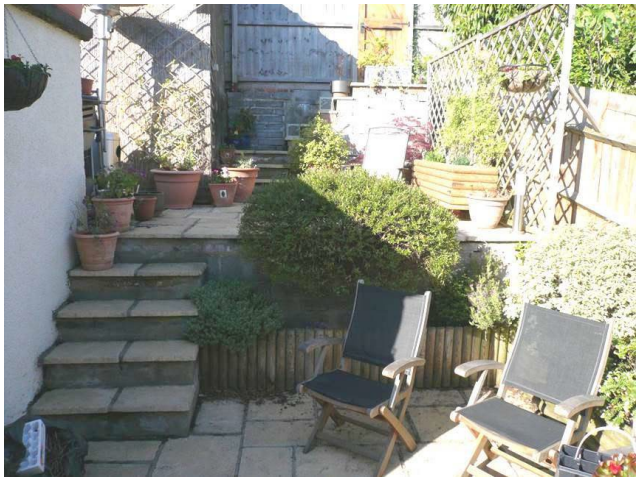


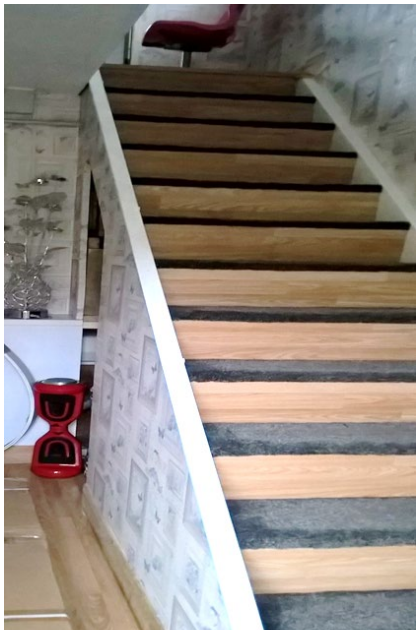






Falling on Stairs etc









Falling between levels

- Window restrictors should be present on all windows at first floor level and above – are cheap to retrofit – sadly falls do occur and the outcomes can be catastrophic
- Ranch style balustrades to landings can be used as a climbing frame and are generally boarded over
- Some 1960s balustrades are very open (see photographs)
- With balconies bear in mind iron guarding may have corroded

Falling Between Levels



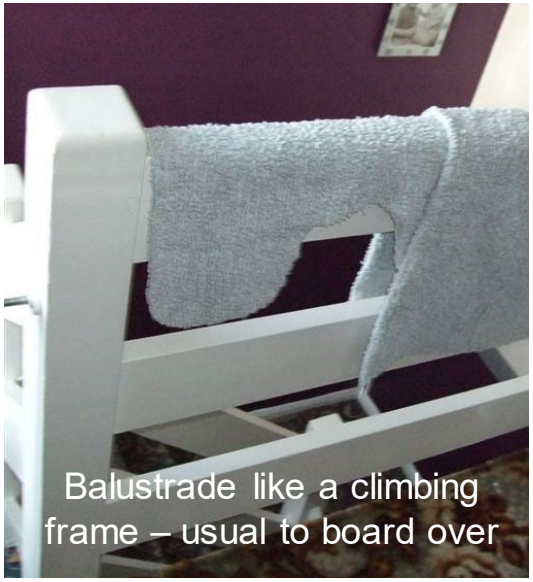


Iron guarding may corrode (and concrete may deteriorate)





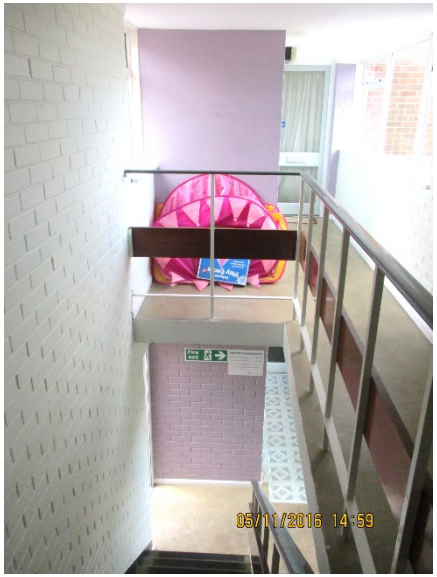




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Falling Between Levels















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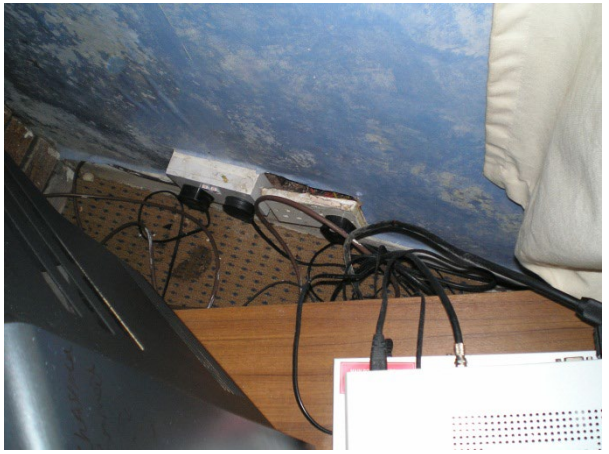
Electrical hazard

- Electricity can cause muscle contractions and irregular heart beat – may even stop the heart – burns common injury
- Significant link with fire (although more commonly electrical appliance eg fridges/freezers/TVs/tumble dryers etc rather than electric installation itself)
- Note condition of electrical fittings – socket outlets, light switches etc – look for both damage and signs of scorching
- In particular look for any signs of alterations done by tenants – electric showers installed without permission, sheds wired up to kitchen lights, etc
- May see on occasions see meter being bypassed – dangerous and obviously illegal – must be reported formally but be very discreet in the property
- With consumer units, if no RCD, and especially if there are the old wire or cartridge fuses, does not mean that the unit is automatically dangerous but does indicate that the installation is old and should be checked

Electrical Hazard











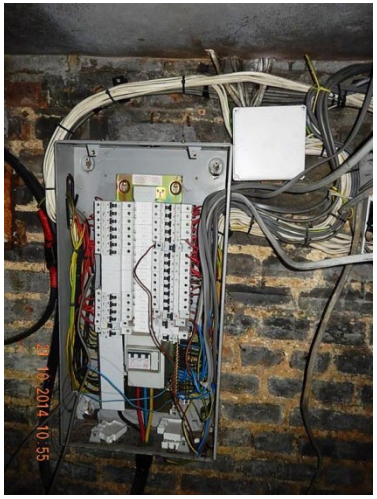




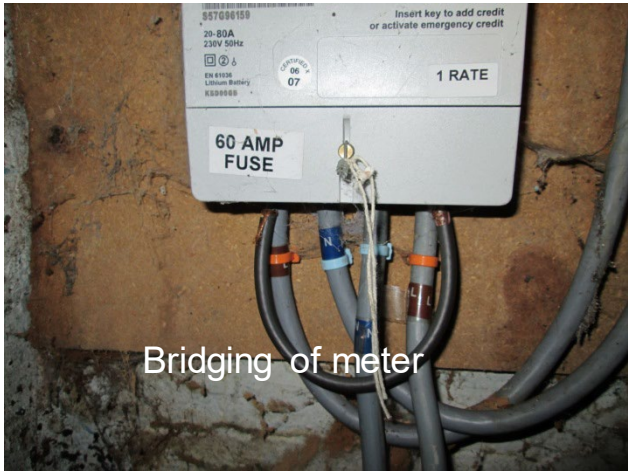


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Electrical Hazard …(cont'd)







Bridging of meter





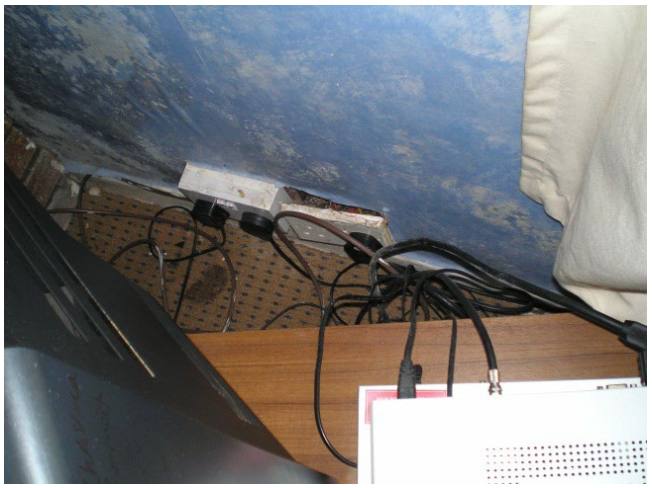
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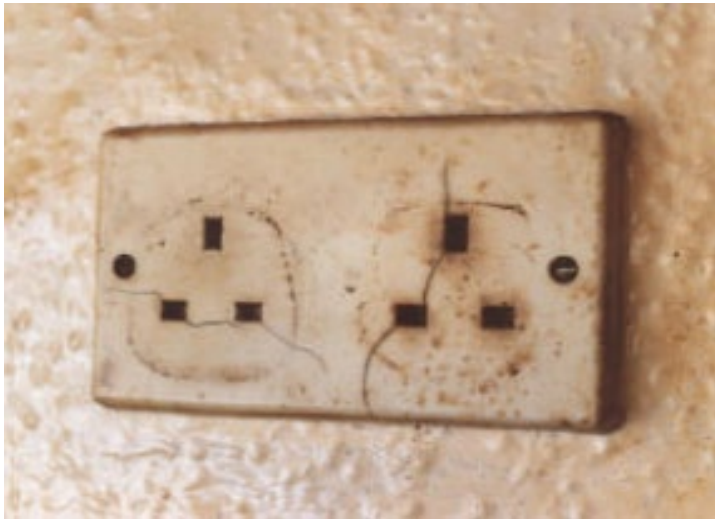


Electrical hazard & fire





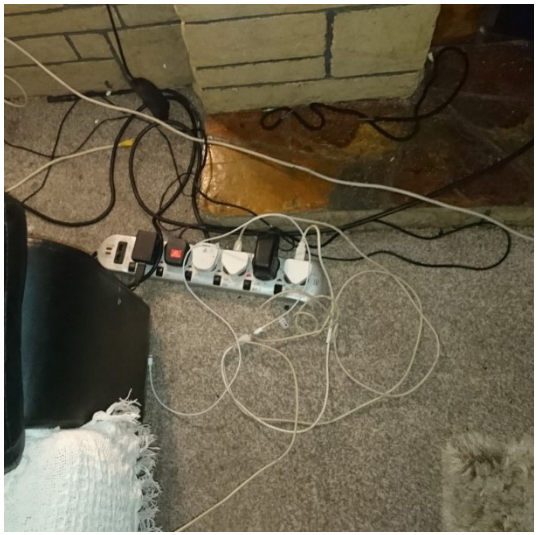


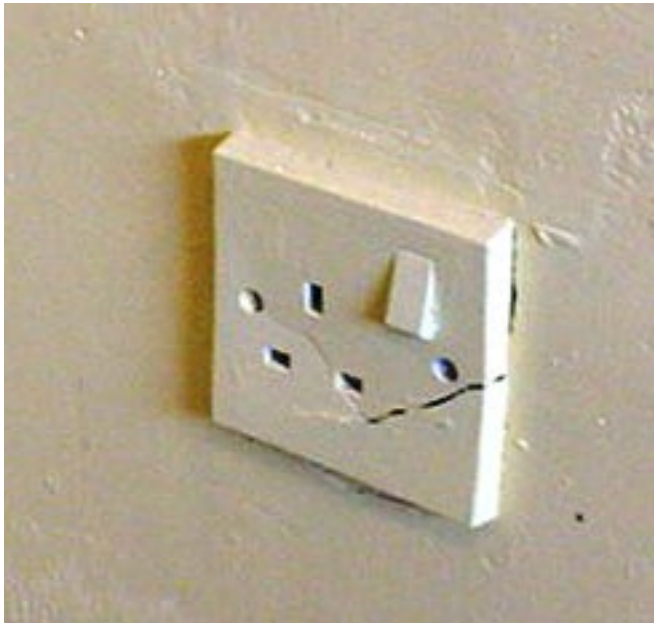


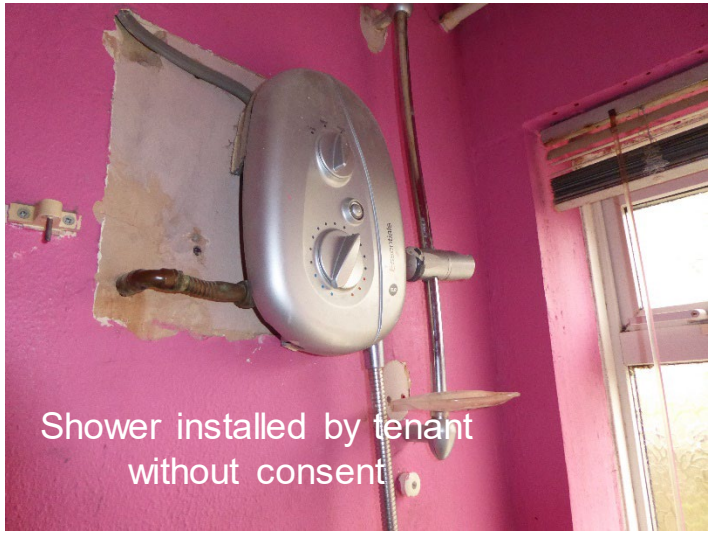


Electrical hazard









Shower installed by tenant without consent



Utility company will shield on request to allow safe access for example to eaves gutters

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Electrical Installations – Consumer Units

- Traditionally overload protection provided by wire or cartridge fuses – no earth leakage protection
- Modern electrical installations have residual current devices (RCDs) - cut off power if earth leakage detected
- Will also have miniature circuit breakers (MCBs) instead of fuses which cut off much more quickly – middle unit
- Neither is a statutory requirement in an existing installation but a consumer unit as top example illustrates system dated
- Bottom unit is old style with original fuse holders changed for MCBs
- RCBOs (residual current circuit breaker with overload protection – combines MCB with RCD)







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Fire Safety

- HHSRS adopts a risk assessment approach to all 29 hazards – however, traditionally a standard based approach has been adopted with fire safety
- Fire risk assessment can be very complex but the fire hazard profile in the HHSRS Operating Guidance is non specific and lacking in detail
- In reality, those dealing with fire risk assessments whether as enforcement officers or property managers rely heavily on two sets of guidance which both give clear, detailed advice - not the relevant factors set out in the Operating Guidance
- Neither are standards as such & rely on risk assessment but are significantly more practical than the Operating Guidance

Fire Safety …(cont'd)

- There are two sets of guidance as there are two fundamentally different strategies adopted in respect of evacuation dependent on build type:
  - **Stay Put** – purpose built flats
  - **Simultaneous evacuation** – most converted flats, HMOs and single household dwellings
- NB specialist strategies where sheltered accommodation

Fire Safety …(cont'd)

Stay Put

In simplistic terms the person(s) in the flat affected by fire evacuate to place of safety but all other residents remain in their flats unless directed to leave by F&RS - relies on effective compartmentation (60 minutes) – each unit a 'fire resisting box' – 'defend in place' the approach – no automatic fire detection (AFD) in the common parts

Local Government Association fire safety guidance

Simultaneous Evacuation

Where compartmentation considered not sufficient for stay put, then automatic fire detection (AFD) in common parts alerts residents in whole building to leave

LACORS fire safety guidance

In both cases, there must be stand alone AFD in property

Fire – Guidance

Fire safety in purpose-built flats – Local Government Group – now not comprehensive post Grenfell – being reviewed



Converted flats, single household dwellings & HMOs - LACORS fire safety guidance being reviewed



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Stay Put





With stay put, usual practice not to have smoke detectors in common parts to trigger evacuation of the block (may be smoke detectors for automatic smoke vents). Will be 60 minute protected route down with self closing devices, signage and emergency lighting in many cases. Vital however that each flat has its own standalone automatic fire detection system. NB although described as 60 minutes, in practice the vast majority of flat doors are 30 mins (self closing device very important to protect other tenants as tenant evacuates affected flat). Fire generally breaks out through window. When stay put policy was evolved, the external surfaces were generally concrete or brick and windows often metal so flame tended not to spread. However, many blocks have been clad and windows commonly now PVCu





Stebbing House Shepherd's Bush – fire started by charging of e-bike – cladding did resist fire (although faults with installation and specification) and the fire did not spread beyond flat

LFB say they are called to, on average, an e-bike or e-scooter fire once every two days

Many social landlords have separate charging rooms for mobility scooters



Stay Put – Lakanal House Fire (2009)





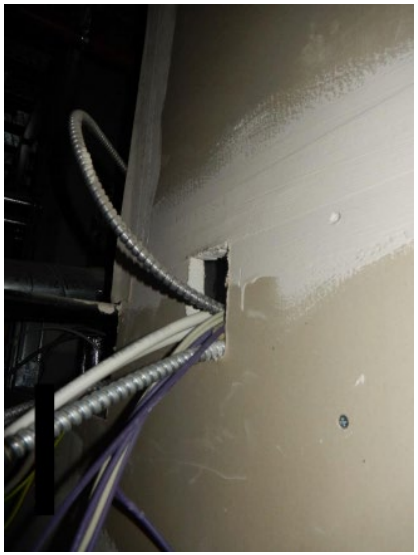
Lakanhal House Fire

- Fire 3 July 2009 – 6 people died (3 adults, 3 children) & 20 injured
- 14 storey block on 2 storey podium, 98 dwellings (2 bedroom maisonettes) – built 1959
- Scissor arrangement to flats with single staircase to block but escape balconies
- Fire fighters lift out of action at time of fire so had to climb stairs (and no floor signs)
- Inadequate compartmentation measures – faults in initial design because of scissor layout (part timber to common parts), 1980s refurbishment with some fire stopping not done, some asbestos panelling replaced with flammable laminate (wood and resin) panels, some corridor walls had multiple layers of paint and lack of cavity barriers in ceilings
- Fire started on the 9th floor (TV fault) and rapidly spread up and down
- Management of LFB criticised for adhering to stay put policy too long and in particular not changing instructions to 999 control centre to tell residents to get out
- Many social landlords in England now starting to install emergency evacuation alarm systems in high rise blocks (mandatory for new build in Scotland)
- Can only be operated by the fire fighters – accessed via premises information box.

Examples of Compartmentation Being Compromised – Lack of Fire Stopping









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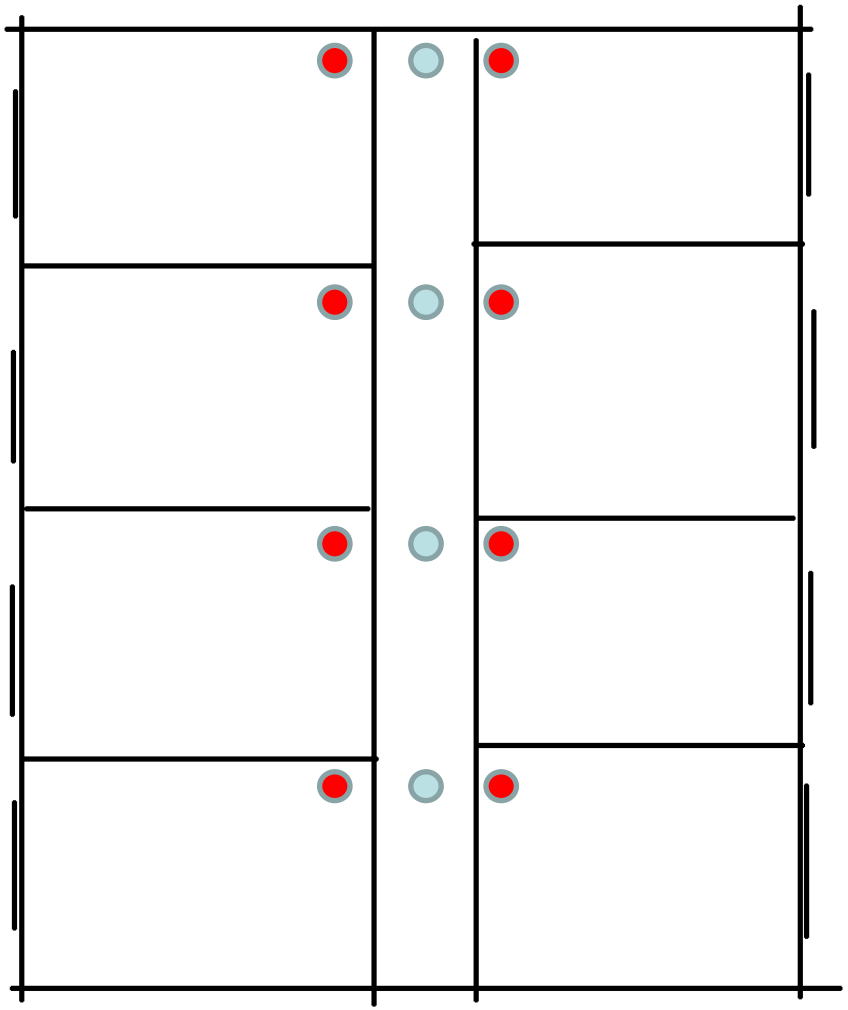
Simultaneous Evacuation

- Here, in HMOs and most converted flats there will be a “protected route” (30 minutes separation) with automatic fire detection in the common parts – now often linked to heat detectors in individual flats
- LACORS guidance gives clear advice using case studies on the precautions appropriate in particular types of property
- Enforcement action will often focus on absence of effective fire precautions and/or abuse/lack of maintenance of precautions
- Note: LACORS guidance not strictly applicable to purpose-built flats and buildings converted into self contained flats to a standard in compliance with the Building Regulations 1991 (or later) – in reality compliance often difficult to establish

Smoke detector

Heat detector

Simultaneous evacuation in converted flats – detection in common parts



There will of course be standalone detection in each individual flat
Increasingly heat detectors located close to entrance door to each flat in addition to smoke detectors in the common parts – all interlinked




Reliable Fire Protection Services Ltd
56 Glendale Gardens, Leigh On Sea, Essex, SS9 2AS
Telephone:
01702 715226
www.reliablefire.co.uk
BAFE
ISOQAR
BS 5306 PART 3 PORTABLE EXTINGUISHER MAINTENANCE
REGISTERED EXTINGUISHER TECHNICIANS
IFEDA
FIRE EXTINGUISHER MAINTENANCE RECORD
DATE
CODE
NSD
COMMENTS
WEIGHT
ENG
01/13
IS
01/14
9.5kg
2
This extinguisher is serviced and maintained in accordance with the recommendations and frequencies of British Standard 5306 part 3 and refilled when required to BS6643
CODES
CS - Commissioning Service
B - Basic Service
R - Recharged
E - Extended Service
O - Overhaul
NSD - Next Service Date
CNM - Condemned Not Maintained
Next Test
Discharge Date
2015
Last Test
21.10.2014 10:10


Fire action
On discovering a fire
On hearing the fire alarm
Assembly point
CAR PARK

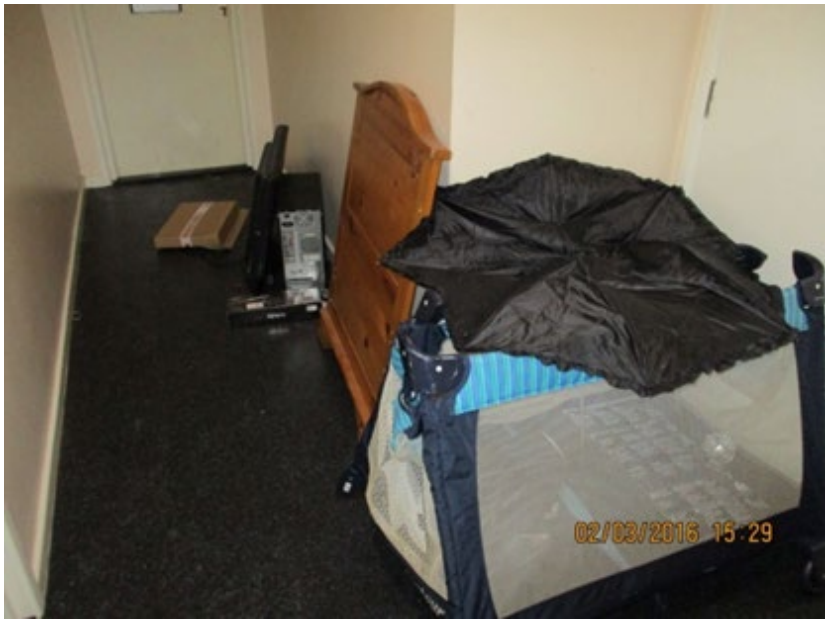

21.10.20


Fire Alarm Control Panel Instructions
21.10.2014 10:02


8'95

Obstructions





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Mains vs Battery Powered AFD





Dr Claire Sheppey, who played significant role in treating victims of 7/7 bombings, sadly died in fire caused by cigarette butt after an evening out

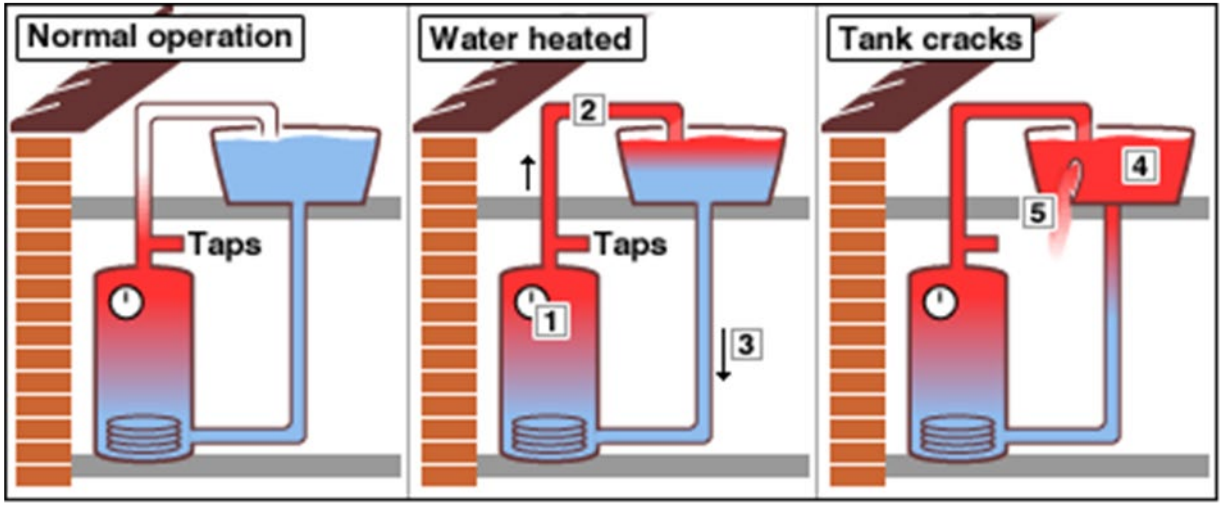
Firefighters sadly found a smoke detector with the batteries removed on a table in the hall of her flat

Automatic fire detection should be hard wired, battery backed and interlinked – now a legal requirement in Wales

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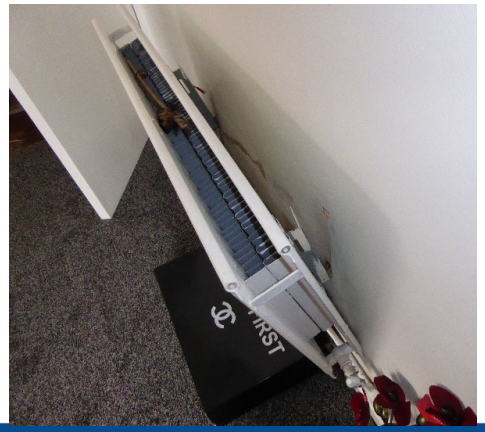
Flames Hot Surfaces etc







Old style single thermostat to immersion heater could fail dangerous and continue heating the water – "kettling" could result with very hot water in cistern in roof space – almost all now plastic – 2 dreadful separate cases where cistern has split and the hot water pouring through ceiling has killed a young child



Radiators should always be securely fixed to masonry or timber – not plasterboard using rawlplugs

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Collision and Entrapment





Collision and entrapment covers both:

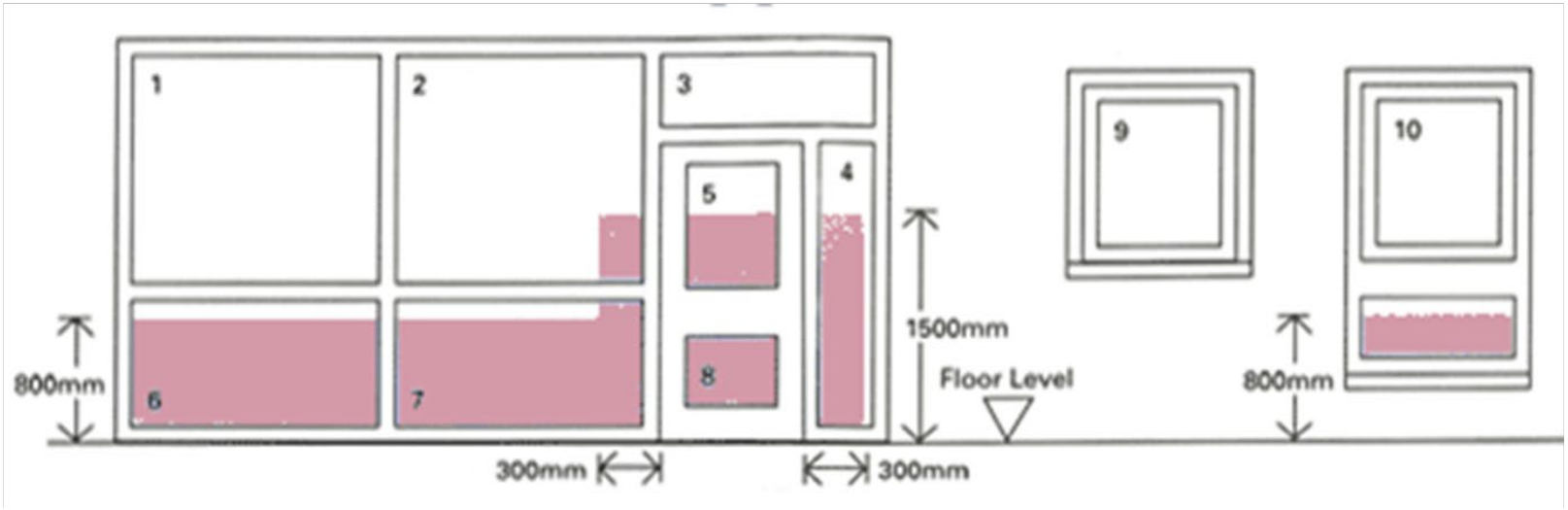
a) trapping body parts in architectural features, such as trapping limbs or fingers indoors or windows; and

b) striking (colliding with) objects such as architectural glazing, windows, doors, low ceilings and walls.

Of particular concern is low level glazing – below 800 mm in windows and 1,500 mm in doors and adjoining glazed panels

Needs to be safety glazing – easiest way to check is to look for BS kite mark

One option for non safety glazing is to apply glass safety film



Collision and Entrapment …(cont'd)













Low number of explosions each year but generally very serious when they do occur.

Majority of explosions attributable to mains or stored gas (emphasises importance of gas safety check). Smaller number due to water vapour and then fire

This explosion was due to gas leak from a joint in the gas installation. A resident aged 79 was killed in the explosion and all four properties in the terrace were demolished



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Explosions







Vast majority of explosions due to gas but these slides show an explosion due to water vapour.

Property left empty during very cold spell. Plug of ice in vent/expansion pipe from hot water cylinder. Person went in to clean and turned immersion heater on. Forgot to turn it off on leaving. Defective thermostat and so immersion heater remained switched on.

Water continued to heat up – steam pressure increased and because the ice in the vent/expansion pipe did not melt quickly enough the massive pressure of steam blew the cylinder apart and the house with it – damage so severe the house had to be demolished.

Position and Operability of Amenities



Poor design in new build made it extremely difficult to open bathroom window



Consumer units at high level very difficult to operate especially for older people

Covers threats of physical strain associated with functional space and other features at dwellings.

Very rare for this to be a category 1 hazard





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Structural Collapse and Falling Elements



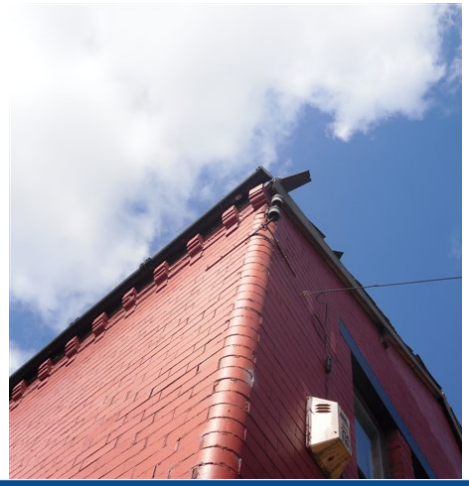






Covers threat of whole dwelling collapse, element of dwelling falling through disrepair or adverse weather, or partial internal collapse eg rotten floor







Structural Collapse and Falling Elements













The Scoring System

- The Rating System uses a risk assessment approach to generate a score
- Numerical score allows the gravity of widely differing hazards to be compared directly
- Uses a formula which relies on the following:

  The **likelihood** of a harmful occurrence

  The **spread of possible harms** that could result

  Weightings applied by the system

Likelihood

- The likelihood of an occurrence over the next twelve months which could harm to a member of the vulnerable age group
- 'Occurrence' may be an event (for example a fall, a scald, an electric shock, etc), or a period of exposure (for example to cold, damp, asbestos, radon, etc)
- The likelihood is always expressed as a ratio – from between 1 in 5,600 to 1 in 1 - the smaller the second number, the higher the likelihood
- The system requires surveyors to use one of 16 'representative scale points' eg 1 in 1,000, 1 in 320, 1 in 180, 1 in 56, 1 in 10, 1 in 6, etc
- These are used to represent a range of likelihoods (please see next slide)

Likelihood Ranges – Representative Scale Points

HHSRS Standard Range of Likelihoods –

			Representative Scale Point
Less likely than		1 in 4,200	1 in 5,600
1 in 4,200	to	1 in 2,400	3,200
2,400	to	1,300	1,800
1,300	to	750	1,000
750	to	420	560
420	to	240	320
240	to	130	180
130	to	75	100
75	to	42	56
42	to	24	32
24	to	13	18
13	to	7.5	10
7.5	to	4	6
4	to	2.5	3
2.5	to	1.5	2
More likely than		1 in 1.5	1

The inspector judges the range for the likelihood. The HHSRS Hazard Formula uses scale points to represent that range.

Harm Outcomes/Spread of Harms

- The possible adverse effect on health (physical, mental or social wellbeing) from a harmful occurrence
- May be illness or injury and may be temporary or permanent
- But must be an outcome that leads to medical intervention – statistics in the system only took account of recorded injuries, illnesses and deaths
- From most harmful occurrences a range of outcomes may be possible, although usually one most likely
- Eg falling out of sixth floor window – death almost certain outcome but people do survive even higher falls

Spread of Harms

- Harm outcomes may vary from death to bruising/cuts
- The Rating System breaks the possible harm outcomes down into four classes*:

  Class I – Extreme

  Class II – Severe

  Class III – Serious

  Class IV – Moderate

- The Spread of Harm Outcomes are expressed as Percentages and the <u>total must equal 100% spread between the four Classes</u>
- Again, representative scale points are used (see below)

Class of Harm Weightings

Weightings are given to each of the four classes of harm to reflect the degree of incapacity caused

Class of Harm		Weighting
I	Extreme	10,000
II	Severe	1,000
III	Serious	300
IV	Moderate	10

The Formula

Class of Harm & Weighting			Likelihood		Spread of Harms (%)		Product
I	10000	÷	L	X	O_1	=	S_1
II	1000	÷	L	X	O_2	=	S_2
III	300	÷	L	X	O_3	=	S_3
IV	10	÷	L	X	O_4	=	S_4
			Hazard Score		$= S_1 + S_2 + S_3 + S_4$		

The Formula in Use – An Example

A window to a ground floor room has a cill less than 1,100 mm above floor level with faulty restrictors

Child would land on grass

Likelihood of harmful occurrence assessed at 1 in 320

Assessment of harm outcomes

Class I	0% chance of extreme harm
Class II	1% chance of severe harm
Class III	10% chance of serious harm
Class IV	89% chance of moderate harm

Calculation of Score

Class of Harm Weightings		Likelihood		Spread		
10,000	÷	320	x	0	=	0
1,000	÷	320	x	1	=	3
300	÷	320	x	10	=	9
10	÷	320	x	89	=	3

Hazard Score = 15

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Same Window, Higher Floor

This time the same window is located on the third floor

Child would land on paved area

Likelihood again 1 in 320 but spread of harm outcomes much different

Assessment of harm outcomes

Class I	90% chance of extreme harm
Class II	9% chance of severe harm
Class III	1% chance of serious harm
Class IV	0% chance of moderate harm

Falling from a higher floor obviously leads to much more serious outcomes – likelihood the same but score much higher

Calculation of Score

Class of Harm Weightings		Likelihood		Spread		
10,000	÷	320	x	90	=	2,813
1,000	÷	320	x	9	=	28
300	÷	320	x	1	=	1
10	÷	320	x	0	=	0

Hazard Score = 2,842

Banding/Categories of Scores

Band	Score
A	5,000 or more
B	2,000 – 4,999
C	1,000 – 1,999
D	500 - 999
E	200 – 499
F	100 – 199
G	50 - 99
H	20 - 49
I	10 - 19
J	9 or less

Scoring in Practice

- Officers will only assess significant hazards
- Paper based form can be used but in practice Officers will use software to score hazards
- Most local authorities use add-ons to proprietary packages or Excel spreadsheets

Linking deficiencies to hazards

- The starting point, as with any survey, is to look at the property and identify what is wrong
- With HHSRS, aim is to identify deficiencies – and then link these to hazards – are any hazards significant?
- Must look at the dwelling and, where appropriate, common parts
- As we shall see when we look at the Operating Guidance, necessary to consider what the landlord is responsible for 'landlord not lifestyle'
- Remember also surveyor is taking into account the most vulnerable group not the actual household

Linking deficiencies to hazards …(cont'd)

- Deficiency – failure to meet the Ideal whether because of *inherent design fault* or *disrepair/lack of maintenance*
- Important for inspector to understand what the ideal is for a particular element and then to consider how that element falls short of the ideal – is there a significant hazard?
- A deficiency can contribute to one or more hazards – see next slide
- Equally, several deficiencies can contribute to just one hazard – eg, a property may suffer from rising damp, penetrating damp from a leaking roof and condensation because of inadequate heating

One deficiency, multiple hazards

- Disrepair or design faults to a window could contribute to the following hazards:
  - Excess cold
  - Damp and mould growth
  - Falling between levels
  - Collision and entrapment
  - Entry by intruders
  - Fire
  - Structural collapse and falling elements
  - Domestic hygiene pests and refuse
  - Position and operability of amenities, etc

Exercises

- In the following exercises, please look at the pictures and text on the following slides and state:
  - What the building faults (deficiencies) are present
  - What HHSRS hazards do the deficiencies link to
  - How serious you think these hazards are and why – think about what factors increase the likelihood (the chance of the harmful occurrence) and also, if any, the harm outcomes (the injury caused)
  - What work needs to be done?

Exercise 1A

- Please look at the following sets of pictures
- They show the staircase and landing in a block refurbished in the 1970s
- What deficiencies (faults) do you see, and what hazards under the Housing Health and Safety Rating System do you think they link to?


PRIVATE YARD





Exercise 1B





1960S three storey flat block – property is on second floor. No restrictors to all windows and the bedroom window (shown) and living room windows also have broken catch making difficult to close. Cill height 900mm.

Cooker immediately adjacent to the door to entrance hall. Please look carefully at photograph.

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Exercise 1C







1930s house. Loose socket outlets/switches in kitchen. Damaged socket outlet on landing. Tenant has carried out unauthorised alterations to add sockets.



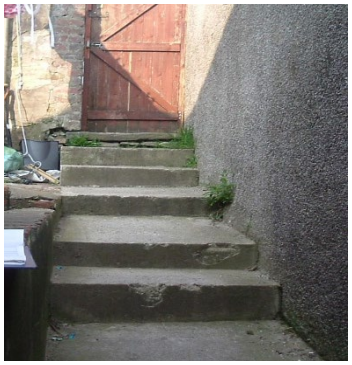




Exercise 1D













External flight of steps to front entrance is long and steep. Treads and risers of uneven depth and height in parts. Treads generally narrow (less than 220mm). Opens onto busy main road. Only lighting is from street lamp some distance away. Steps in rear yard which serve back entrance have uneven riser heights and tread lengths and are damaged in places. The rear yard is not overlooked and there is no artificial lighting

Front garden is elevated above both the adjoining property (a Chinese hot food takeaway) and the highway. The drop onto the adjoining property is over 4 metres and onto the highway is approximately 3 metres. With the adjoining property, child Would either land on concrete paving or fall through the glazed roof of an external store. The fall onto the highway would be onto a tarmacadam pavement bordering very busy trunk road. The top of the wall in both cases is a flat coping providing no guarding and no clear definition of the edge.

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Exercise 1E



Former tenant has left decking with post and wire edging. Posts are about 800mm high. Decking slippery and ill defined steps to it. Inspection chamber to unlit public path to rear has missing cover exposing drop of over 1m.







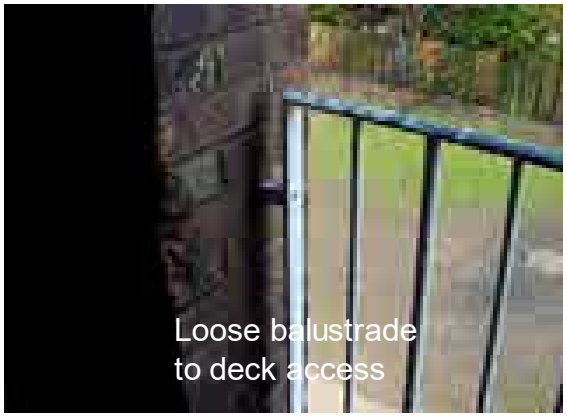
Exercise 1F

- Please look at the following sets of pictures
- This is two storey, three bedroom maisonette on the second and third floors of a four storey 1960s block owned by a council
- The flat roof has been leaking and the blocked gutter overflowing, causing serious damp to two bedrooms. Two balustrades on the deck access are loose. There is a broken down pipe leaking rain water over the entrance to the stairwell. There is no door entry system and there is significant graffiti in the stairwell
- The kitchen is badly laid out. The wash hand basin in the flat is cracked and the waste pipe is leaking.
- The windows are a mixture single glazed metal casements and PVCu double glazed. Heating is by electric storage radiators to the living room and two of the bedrooms


Front elevation


Hopper head


Communal stairs


Loose balustrade to deck access


Bedroom Crittall window


Wall at base of stairwell


Bedroom wall and ceiling


Cooker


Kitchen door


Wash hand basin

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Exercise 1G

- The property is a two storey pre-1919 mid terrace house. The solid walls are part brick part stone and are 450 mm thick. There is a pitched roof with stone slates - there is evidence that the fixings to the slates are rotting. There are double glazed PVCu windows throughout - but the windows to first floor have got top hung opening lights only with big fixed panes below).
- The photographs show the staircase and landing area, the kitchen/living room/vestibule area, fairly minor penetrating damp to two bedrooms and part of the roof and chimney.
- The property has been extensively modified. The ground floor accommodation now comprises a small entrance vestibule, front living room with open plan stairs off and rear kitchen/ diner. The accommodation to first floor comprises two bedrooms and bathroom.
- There is no automatic fire detection at all. Several rooms including the kitchen have polystyrene tiles to the ceiling.
- There is oil fired central heating (30 years old) and 100mm loft insulation.

Exercise 1G ...(cont'd)









Exercise 1G ...(cont'd)









Session 3

Local Housing Authority Enforcement Powers

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Enforcement by Local Housing Authority

- Local authorities have enforcement powers under a range of legislation besides the Housing Acts
- Environmental Protection Act 1990, Building Act 1984, Public Health Act 1961, Prevention of Damage by Pests Act, etc
- Majority of powers involve the service of a notice requiring work – if not done, 3 options:
  - Carry out the work in default and recharge the cost
  - Prosecute for failure to comply with the notice (or formal caution)
  - As an alternative to prosecution, can now levy civil penalties of up to £30k per offence

Enforcement – HHSRS

- The enforcement regime for the Rating System (Part 1 of the Housing Act 2004) extends the range of enforcement options
- Will look at these shortly but important to consider a preliminary point:

  Local authorities have a duty to take the "most appropriate course of action" if a category 1 hazard is found ie a hazard where the score is 1,000 or above

  They also have a discretionary power to take formal action with Category 2 hazards

- In practice, many local authorities will take formal action in respect of Category 2 hazards
- Applies to all tenures

Entry and Charging

- Substantial powers of entry – including by warrant in certain circumstances
- Generally 24 hours notice to owner and occupier(s) required
- Offence not to allow entry
- Also have powers to require Landlords to provide documents – for example gas certificates, electrical test certificates, etc
- Can require details of the tenancy agreement
- There is a power to charge for the costs reasonably incurred in inspecting and considering action – typically minimum of £300
- May add the costs of specialist surveys eg gas, electrical, structural engineer
- Can leave equipment eg noise monitor, radon tester

Enforcement Concordat

- There is a duty to take the most appropriate course of action (ie formal action) where there is a category 1 hazard
- However, this does not preclude local authorities from taking informal action before moving to formal action if necessary
- Almost all will have signed up to the Enforcement Concordat
- Intended to give a basis for fair, practical and consistent enforcement
- Actions should be “proportionate”
- Most local authority officers will normally take informal action first unless there is a significant hazard
- Tribunal may not uphold notice if LHA has not tried to deal with matter informally first – unless serious

Options for Action

- Improvement Notice (Section 11 & 12)*
- Prohibition Order (s20 & 21)*
- Hazard Awareness Notice (s28)
- Emergency remedial action (s40)
- Emergency Prohibition Order (s43)
- Demolition Order (s265 1985 Act as amended)
- Clearance Area (s289 1985 Act as amended)

* Both Improvement Notices and Prohibition Orders can be suspended)

Improvement Notice

- By far the most common form of action taken
- Notice served on owner/agent with copies to tenant/mortgagee
- Registered as local land charge (LLC)
- Has to give minimum of 28 days for work to start then specifies time within which it has to be completed
- If not complied LHA has powers to either:
    1. Do the work in default & reclaim costs, and/or
    2. Prosecute (or formal caution) - unlimited fine since 2015
    3. As alternative to prosecution, levy civil penalty
- 'Rogue landlord' provisions of the Housing & Planning Act 2016 allow LHAs now to apply civil penalties of up to £30k and to apply to Tribunal for rent repayments orders (as can tenants) – up to 1 year's rent
- Heavy financial penalties now being commonly applied
- Landlord only has 21 days to appeal

Prohibition Order

- LHA can prohibit-
  - Use of part or all a premises
  - For some or all purposes
  - Occupation by particular numbers or descriptions of people (for example the vulnerable group)
- Full Prohibition Orders relatively rare because both of compensation potentially payable and empty home implications
- Has to specify work required to lift the order – but major flaw is that no requirement to compel the work to be done
- Again registered as local land charge (LLC)
- Again can be suspended and Suspended Prohibition Orders commonly used to limit numbers in HMOs ie prohibit use by more than specified number of people because of facilities/rooms sizes

Prohibition Order …(cont'd)

- Comes into effect 28 days after Order made (unless appealed – 28 days to appeal)
- Prohibition Order is draconian measure - Human Rights Act 1998 referred to in some appeals
- May be used as 'holding measure' as alternative to demolition
- Compensation may be payable to both occupier and owner and this can be substantial
- As stated, LHA has no power to make the owner do the work but has to revoke the order if the work is done
- Both owners and occupiers can be prosecuted for failing to comply with requirements of the Order (eg if overcrowd property)
- In England, rent repayment orders can be made on application to the Residential Property Tribunal but civil penalties are not available

Hazard Awareness Notice

- New type of notice – no equivalent in Housing Act 1985
- Advises recipient that category 1 and/or category 2 hazard exists on premises
- Content similar to Improvement Notice including specification of remedial works but
  - No dates for work to be started or completed
  - No offence if not complied with
- Service satisfies mandatory duty
- Must include specific statement of reasons for deciding to serve in addition to the usual Statement of Reasons
- NB there is no provision for appealing the notice
- Is not registered as Local Land Charge

Suspension

- Both Improvement Notices and Prohibition Orders can be suspended until time or event in the future
- With Improvement Notices, will usually be where there is an elderly resident who is very resistant to having any work done
- Some or all of the work may be suspended until, typically, there is a “change in the occupancy”
- With Prohibition Orders, typically suspended when used to control numbers
- Prohibition Order will limit number of occupants to a specified number (for example 8)
- If there were, for example, 10 residents when the Order was made then the additional 2 would not have to leave but when the number did drop to 8 the suspension would lift and it would be an offence if the numbers increased beyond 8 in the future

Emergency Action

- Act allows LHAs to
  - take **Emergency Remedial Action** (carrying out works of a very urgent nature and then giving notice to the LHA) and to
  - make **Emergency Prohibition Orders** (which become operative immediately even if appealed)
- The following must apply in both cases-
  - Category 1 hazard present
  - In addition, LHA satisfied that hazard involves imminent risk of serious harm to the health and safety of any of the occupiers of the subject property or any other resident premises

Emergency Action …(cont'd)

Emergency Remedial Action

- LHA does the work and then serves notice on the owner within seven days
- Can recover cost of work plus administration costs
- Generally only used for limited works eg repairing gas leak, blocked drains, dangerous electrics, end terrace
- Often coupled with Improvement Notice

Emergency Prohibition Order

- Unlike Prohibition Order comes into effect immediately and stays in effect even if appealed
- Has to specify what works are required to lift it
- Used only in circumstances such as fire risk, electric risk etc where there is clearly imminent risk of serious harm

Exercise 2A

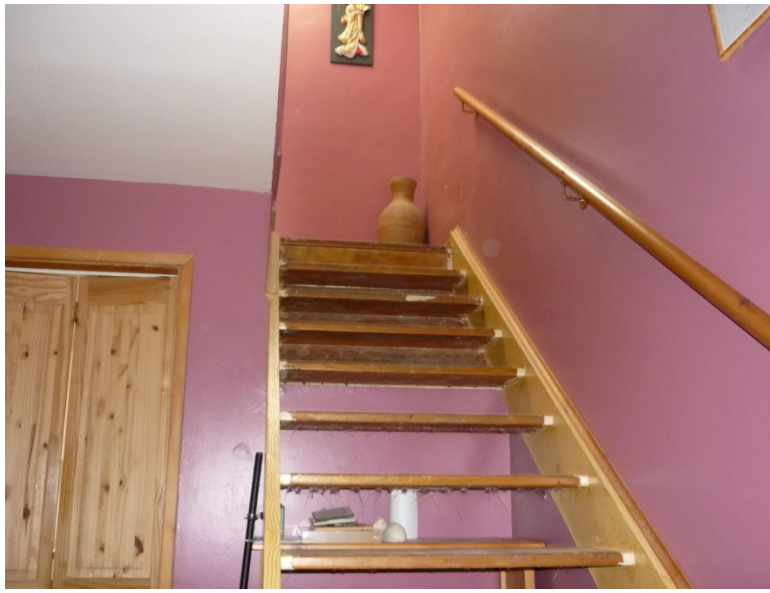
- In groups, please look at the following pictures
- They show a 1960s terraced house of cross wall construction (timber framed walls at first floor level to front and rear which are not insulated) with a flat roof covered with felt. There is an attached garage to the front of the property.
- The property backs onto a garage site and is separated by a 1.8m high fence which is rotted in places. There is significant evidence of anti social behaviour on the garage site.
- The property has an entrance hall, through living/dining room, small sitting room and kitchen on the ground floor and 3 bedrooms and bathroom on the first floor. Heating is provided by a fairly modern gas fired combination boiler serving radiators in all rooms but not the kitchen. There is also a gas fire in the through living room.
- The tenant has carried out a number of alterations without consent
- What statutory provisions is the landlord in breach of and why?



Front elevation



Rear garden



Staircase

Rear bedroom



Front garden

Through living/dining room





Kitchen



Front bedroom



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Exercise 2B

- In groups, please look at the following pictures
- They show a 1970s semi-detached house of cavity construction with pitched tiled roof. The property backs onto a communal service area
- The tenant has carried out a number of alterations without consent including building a very poor quality low wall on the rear boundary, removing the kitchen door, removing the handrail to the stairwell, connecting an electric cooker in a potential unsafe manner to the landlord cooker control and fitting a makeshift restrictor to a first floor window. There is only one smoke detector in the property and this is not working
- A former tenant had built a kitchen extension with boarded roof. The landlord had relet with this in place. The roof has now deteriorated badly and is starting to leak.
- Paving in the rear garden is cracked and badly off level
- Brickwork to the side boundary wall has perished badly in places
- What statutory provisions is the landlord in breach of and why?

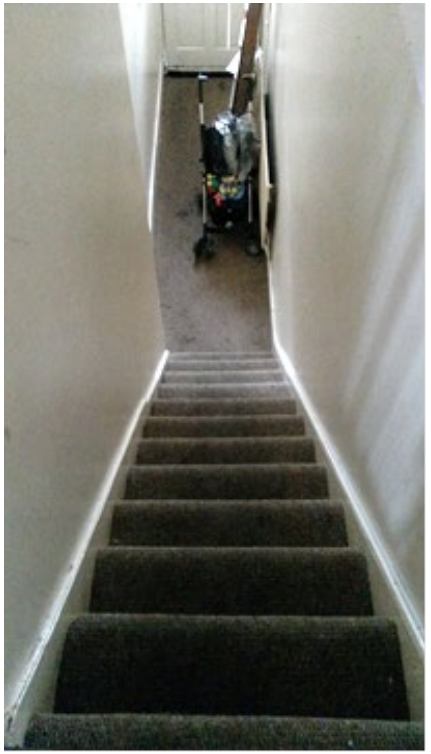









cooker
OFF
ON
socket
OFF
ON







Exercise 2C …(cont'd)









Ground floor flat in 1960s block. No secure door entry system and communal entrance door frequently wedged open. Entrance door to individual flat has just standard Yale lock. Large, single glazed timber windows without secure locks. Frames are rotted in part and putty missing. No defensible space to communal grounds. Police.uk crime figures for locality are elevated for anti social behaviour, burglary, theft etc but also over past year some evidence of higher rate of violent crime.

Please look at photograph of stairs(NB no handrail to right hand side)

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Exercise 2D

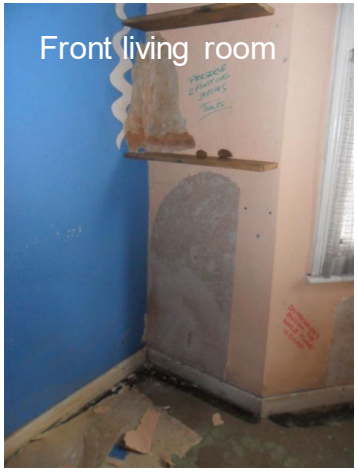
- They show a nineteenth century house acquired by a social landlord
- The property has solid brick walls (225 mm). The roof (not visible on the photograph as hidden by the parapet wall) has a central valley and is covered with slates, some of which are slipped and missing.
- There are single glazed timber sash windows which are ill fitting.
- There are two ground floor reception rooms, kitchen & bathroom, and three bedrooms to the first floor.
- There are several areas of dampness (please see photographs). The ceiling plaster to the rear bedroom is cracked and bulging.
- Central heating to the ground floor rooms is provided by 20 year floor mounted boiler in the kitchen. There is 75 mm loft insulation.
- What deficiencies (faults) exist , and what hazards under the Housing Health and Safety Rating System do you think they link to?















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Thank You