

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 Renting Homes (Wales) Act 2016
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 Community Housing

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Importance of Property Condition

Common sense that landlords should 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 and/or prosecute (potentially unlimited fines)
- 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 staff to have an appreciation of the statutory framework which governs property condition:

- Renting Homes (Wales) Act 2016
  - **Section 91 (fit for human habitation)**
  - **Section 92 (repairing obligations)**
- **Section 4 Defective Premises Act 1972 (duty of care)**
- **Section 82 Environmental Protection Act 1990** (private prosecution where property prejudicial to health)
- **Part 1 Housing Act 2004** (the Housing Health and Safety Rating System - HHSRS)

Section 11 Landlord and Tenant Act 1985 (repairing obligation) no longer applicable to occupation contracts

The Statutory Framework …(cont'd)

In respect of new build and 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

The Statutory Framework …(cont'd)

- Not possible to go into the law in fine detail but additional information in the notes
- 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 about it (have "notice") and then fail to deal with it in a 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) and liability immediate
  - Faults at a property may lead to enforcement action by local council and this can have serious consequences – prosecution and/or works in default - (in England financial penalties of up to £30k plus rent repayment orders – not applicable as yet in Wales)

Landlord/Tenant Relationship

- At the heart of the relationship between landlord and tenant is the tenancy agreement – essentially a contract between the two parties
- Lease and tenancy mean essentially the same thing – grant of exclusive possession for period of time which is certain for rent (premium paid up front if long lease plus ground rent and service charges)
- NB Distinguish long lease (fixed term typically 99 or 125 years) and periodic tenancy (monthly or weekly – brought and/or an end by notice)
- Leasehold and Freehold Reform Act 2024 will introduce significant changes including lease extension to 990 years and reduced cost of extending lease
- With social landlord: periodic tenancy used generally to be assured tenancy but now secure occupation contract following the Renting Homes (Wales) Act 2016
- Tenancy agreements give rights to and create obligations for both parties – important for this course is the obligation for landlord to repair defined parts of a property – but many obligations on tenants (now 'contract holders' as from 1 December 2022 onwards)

Renting Homes (Wales) Act 2016

- This introduced radical changes to the framework of landlord/tenant relationship in Wales from 1 December 2022
- Existing tenancies converted to 'occupation contracts' – with 2 types of landlord - 'community landlords' (LA and RSL) and 'private landlords'
- Conversion process for existing tenancies
- Tenants (& licensees) now called 'contract holders'
- 2 types of occupation contract:
  - Secure contract: For use by community landlords.
  - Standard contract: This is the default contract for the private rented sector, but can be by local authorities and RSLs in certain circumstances eg a 'supported standard contract' within supported accommodation – fixed term or periodic
- Landlord has to provide a 'written statement' of the occupation contract to the contract holder (up to 6 months where existing tenancy converting)

Renting Homes (Wales) Act 2016 …(cont'd)

- Introduced a whole range of changes in addition to the types of contract – much not within scope of today
- There are four types of terms that can feature in occupation contracts:
  - **Key matters:** The names of the parties and address of the property - must be inserted in every contract.
  - **Fundamental Terms:** Cover the most important aspects of the contract, including the possession procedures & landlord obligations regarding repair (and fitness) – certain sections of the Act eg S91 (fitness) and S92 (repair obligations) are fundamental provisions and must be incorporated in contracts
  - **Supplementary Terms:** Deal with the more practical, day to day matters applying to the occupation contract eg contract holder to notify the landlord if the property to be empty for four weeks or more – NB Renting Homes (Supplementary Provisions) (Wales) Regulations 2022 especially Regulation 11 re rent and unfitness and Coastal Housing case – see later
  - **Additional Terms:** Any other specifically agreed matters, for example a term which relates to the keeping of pets - must be fair, as required by the Consumer Rights Act 2015.

Renting Homes (Wales) Act 2016 …(cont'd)

- A number of sections in the 2016 Act are specifically stated to be 'fundamental provisions'
- A fundamental provision is a provision of the Act (generally a section in the Act) which automatically becomes a term of an occupation contract to which it applies
- Some fundamental provisions cannot be varied (S20) eg re anti social behaviour, deposit scheme, possession, variation of occupation contract etc
- Some can be not incorporated or modified provided only if position of contract holder is improved (applies to S91 & S92) – not just that position of landlord made worse

Contractual Repairing Obligation

Periodic tenancies would always contain an express repairing covenant – used to vary between social landlords

NB covenant just means a binding obligation to do (or not do) something for example undertaking by landlord to carry out repairs or by tenant not to cause nuisance or sublet

In practice, most repairing covenants were 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

All has now changed post Renting Homes (Wales) Act 2016 – section 92

This used to be important as contractual covenant could go beyond the old 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” – tenants could and did sue on the broader obligations in the tenancy agreement

Presumably most landlords keep the standard wording of s92 in model contract

Covenants Implied by Statute

- Acts of Parliament will often imply terms into a legal agreement - apply to both parties no matter what they may have agreed
- Until the 2016 Act came into effect, there were two key statutory provisions were implied terms into tenancy agreements or imposed a duty :
  - **Section 11 Landlord and Tenant Act 1985**
  - **Section 4 Defective Premises Act 1972**
- In brief Section 11 LTA 1985 implied specified repairing obligations into the great majority of residential tenancy agreements (and still does in England)
- Now replaced by **section 92 Renting Homes (Wales) Act 2016**
- **S4 Defective Premises Act 1972** means that a landlord has a duty to tenants and visitors to take such care as reasonably necessary to ensure they are reasonably safe from personal injury or damage caused by a relevant defect(s) and this still applies
- But now section **91 Renting Homes (Wales) Act 2016** has added specific obligation that property must be fit at start of tenancy and maintained fit
- Both section 91 and section 92 are fundamental terms

Tenant Like Manner now S96 RHWA16

- 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
- In England, failure to use the property in tenant like manner can act as defence to both S11 and S9A of the LTA
- S101 of the 2016 Act abolishes the duty in respect of occupation contracts
- However, S96 of the 2016 Act does limit liability on landlord for in respect of contract holder misconduct
- Does not seem as effective as the tenant like manner defence – at least in respect of S92 disrepair claims – see later

Notice

- With S11 LTA (and in most cases S4 DPA) it was clear that landlord only liable once has notice of the fault and then fails to deal with it in a reasonable time
- However, notice can be constructive notice from a visit by housing officer (not just technical officer) or contractor – see next slide
- NB in general terms no notice required in common parts and liability immediate - *BT v Sun Life Assurance Society [1996] Ch. 69*
- S11 no longer applicable to Wales (S4 does) but S97 RHWA16 makes it clear that notice required for both Ss 91 & 92
- Obligations under S91 and S92 do not arise until landlord 'becomes aware that works or repairs are necessary' and then fails to deal with them in a reasonable time – but see above re common parts
- No guidance on how this will be interpreted (as was the case with S9A in England) **but reasonable to suppose that the courts will take into account constructive notice**
- NB for constructive notice defect has to be visible to naked eye

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)

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 followed this principle and S4 DPA still does
- Presumably the new S92 will do so too
- However, very important change introduced by HHSRS is that it covers both disrepair and design faults – refers to deficiencies not defects

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
- Big change after the Homes (Fitness for Human Habitation Act) 2018 in England was that tenants can now bring an action for loss or injury caused by design faults – and this is happening
- Similar principle now applies in Wales after the Renting Homes (Wales) Act 2016
- 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 sue as no restrictor to upper window is a falling between levels hazard and within definition of fitness

Disrepair and Design Faults

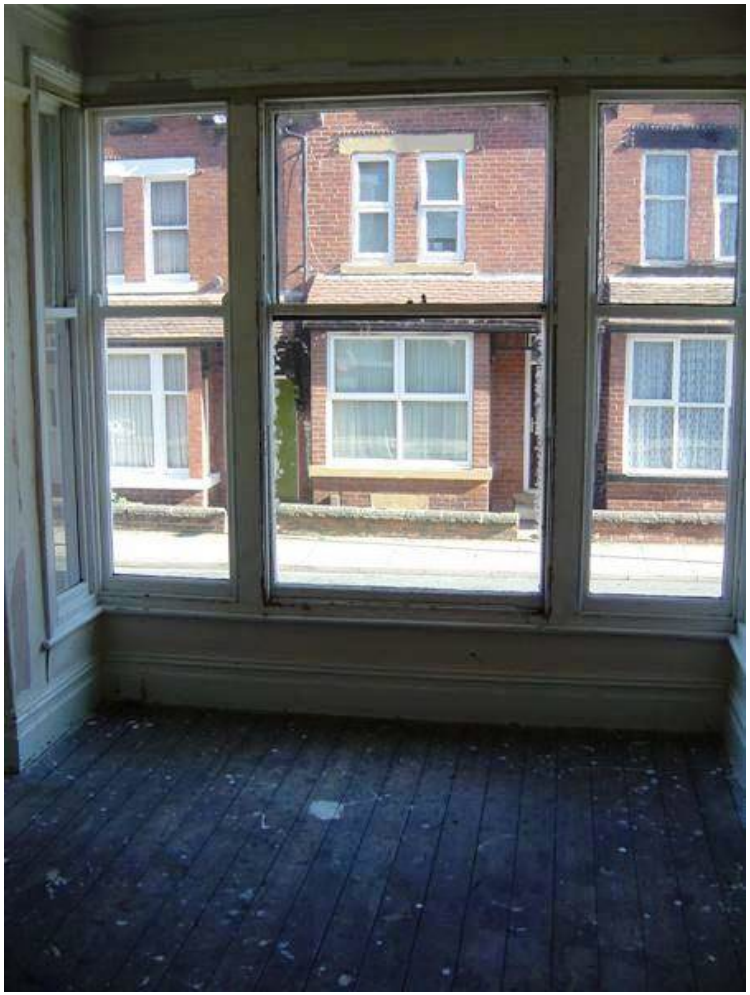


Disrepair and Design Faults





Disrepair and Design Faults





S91 – Fit For Human Habitation

- Landlord must ensure the dwelling is fit for human habitation—
  (a) on the occupation date of the contract, and
  (b) for the duration of the contract.
- The reference to the dwelling includes, if the dwelling forms part only of a building, the structure and exterior of the building and the common parts
- Is fundamental provision
- In essence there is fundamental term in the occupation contract for property to be fit for human habitation – and a contract holder can bring action for breach of this obligation (seeking specific performance and/or damages)
- Also rent is not payable for period when unfit – contract holder can withhold rent
- S94 – Allows Ministers to prescribe matters by reference to existing regulations on HHSRS and may also make regulations setting out matters which mean dwelling is unfit

The Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022

- Reg 3 and the Schedule prescribe the matters and circumstances to which regard must be had when determining whether a dwelling is fit for human habitation – in essence the 29 hazards in the HHSRS
- Additional guidance in https://gov.wales/fitness-homes-human-habitation-guidance-landlords-html
- Regulation 3 - 'regard must be had to the presence or occurrence, or the likely presence or occurrence, of the matters and circumstances listed in the Schedule' ie the 29 hazards
- Guidance somewhat vague – gives lists of factors and landlord actions similar to relevant factors in HHSRS Operating Guidance – but no definitive statements as to what will render unfit
- Clear that the mere presence of a hazard of itself not sufficient to render unfit – probably question of fact and degree – but clear that design faults will be an issue
- In England, hazard has to make the property "not reasonably suitable for occupation" to be unfit – no such qualification in Wales

The Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 …(cont'd)

- **Reg 5** – smoke alarms and carbon monoxide alarms
  - Smoke alarms – on each storey, in repair and working order, mains powered and interlinked
  - Carbon monoxide alarms – in every room (includes circulation space) where gas, oil, solid fuel appliance (heating, lighting, cooking) – does not appear to include cookers where contract holder entitled to remove
- Failure to comply means the dwelling is treated as unfit (Reg 5(4))
- **Reg 6** – electrical safety
  - The landlord must ensure that there is a valid electrical condition report in respect of the dwelling during each period of occupation
  - Condition report carried out by qualified person – valid for 5 years report says repeat in less than 5 years
  - Must give contract holder copy within 7 days of start or inspection completion
  - If additional or investigatory work, then within 7 days of confirmation
- Failure to comply means dwelling treated as unfit (Reg 6(6)
- Reg 7 special provisions for application to converted contracts – grace period

Coastal Housing Group Ltd v Mitchell & Anor (2024) EWHC 2831 (Ch)

- Extremely important case – tenants had argued that rent not payable where, although the electrical condition report had been carried out and the installation was satisfactory, a property had not been certified fit for human habitation (certificates had been provided but were late as not within the 14 day period)
- Regulation 11 of the Renting Homes (Supplementary Provisions) (Wales) Regulations 2022 states that the contract-holder is not required to pay rent in respect of any day or part day during which the dwelling is unfit
- Community landlords argued that in such circumstances that dwelling was fit for human habitation; the late delivery of the certificate did not make the dwelling unfit
- High Court held that rent not payable for the period when certificate not provided even though electrical installation satisfactory as shown by (late) certificate
- No decision yet as to whether tenants can reclaim rent actually paid – could involve repayment of £ millions – to be considered probably in New Year
- Position re common parts not decided – clear that electrical services in common parts have to be inspected but not whether certificate has to go to tenant
- Housing associations involved have sought permission to appeal – also two housing associations claimed the legislation is not fit for purpose and breaches European Convention on Human Rights

Coastal Housing Group Ltd v Mitchell & Anor (2024) EWHC 2831 (Ch)

- Do look at the following links:

  https://nearlylegal.co.uk/2024/11/it-must-have-consequences/

  https://blogs.cardiff.ac.uk/housing-law-wales/

  The second link is to a brand new website started by Professor Dave Cowan of Cardiff university dedicated to housing law and policy updates in Wales which as its first post deals with the Coastal Housing case

Coastal Housing Group Ltd v Mitchell (Summary by Professor David Cowan

- Rent is not required to be paid if the electrical condition report (assuming it has been done) is not provided to the contract holder
- The expression “not required to be paid” means not lawfully due
- If the landlord does provide the electrical condition report late, that doesn’t cure the earlier breach, ie rent was not required to be paid during the breach
- The electrical condition report must extend at least as far as those installations which directly or indirectly serve the dwelling and in which the landlord has an interest or control over *(ie common parts)*
- The electrical condition report had to be provided to converted contract holders on or before 14 days after 1st December 2023; but, where “investigatory or remedial work had been carried out” after 1st December 2022, the landlord had to provide written confirmation of the works within 14 days of the work being confirmed to them
- It remains an open question whether Regs 6(3)-(5) engage and breach Article 1 of the First Protocol such that they should be read as being compatible with the right to the protection of property. That question is likely to depend on whether occupiers who have paid rent are entitled to have the rent repaid to them.

S92 – Repairing Obligation

- This again is a fundamental provision and in practice almost restates S11 LTA 85
- Landlord must:
  a) keep in repair the structure and exterior of the dwelling (including drains, gutters and external pipes), and
  b) keep in repair and proper working order the service installations in the dwelling (installation for the supply of water, gas or electricity, for sanitation, for space heating or for heating water)
- If the dwelling forms part only of a building, the landlord must
  a) keep in repair the structure and exterior of any other part of the building
  b) keep in repair and proper working order a service installation which directly or indirectly serves the dwelling
- The standard of repair is that which is reasonable having regard to the age and character of the dwelling, and the period during which the dwelling is likely to be available as home
- Will courts may well look back at case law associated with S11 LTA?

Limitations on Both S91 & S92

- Ss 95 – 97 set out some interesting limitations on both S91 and S92
- S95 (fundamental provision)
  - **No liability in respect of S91 where landlord cannot make fit at reasonable expense** – may well be source of dispute
  - Neither S91 nor S92 require landlord to
    a) to keep in repair anything which the contract-holder is entitled to remove from the dwelling, or
    b) to rebuild or reinstate the dwelling or any part of it, in the case of destruction or damage by fire, storm, flood or other inevitable accident (same for common parts)
  - **S92 does not require landlord to carry works or repairs to common parts unless disrepair or failure to keep in proper working order affects contract-holder's enjoyment** of —
    a) the dwelling, or
    b) common parts that the contract-holder entitled to use under occupation contract

S96 – Contract Holder's Fault

- S96 (fundamental provision)
  - No liability in respect of S91 where dwelling is unfit for human habitation wholly or mainly because of an act or omission (including an act or omission amounting to lack of care) of the contract-holder or a permitted occupier of the dwelling
  - The landlord is not obliged by section 92(1) or (2) to carry out works or repairs if the disrepair, or the failure of a service installation to be in working order, is wholly or mainly attributable to lack of care by the contract holder or a permitted occupier of the dwelling
  - "Lack of care" means a failure to take proper care—

    (a) of the dwelling, or

    (b) if the dwelling forms part only of a building, of the common parts that the contract-holder is entitled to use under the occupation contract.

In effect formalises misconduct by contract holder as defence – but note that S101 specifically states that the implied duty to use in a 'tenant like manner' does not apply to contract holder under occupation contract - nor liability for waste ("damage")

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Contract Holder's Fault

- See also Regulation 13 of the Renting Homes (Supplementary Provisions) (Wales) Regulations 2022:

13. The contract-holder is not liable for fair wear and tear to the dwelling or to fixtures and fittings within the dwelling but must—

(a) take proper care of the dwelling, fixtures and fittings within the dwelling or to any items listed in any inventory,

(b) not remove any fixtures and fittings or any items listed in any inventory from the dwelling without the consent of the landlord,

(c) keep the dwelling in a state of reasonable decorative order, and

(d) not keep anything in the dwelling that would be a health and safety risk to the contract-holder, any permitted occupier, any persons visiting the dwelling or any persons residing in the vicinity of the dwelling.

S97 – Notice

- S97 (fundamental provision)
  - **Makes requirement for notice explicit for both S91 and S92 – obligations do not arise until landlord (or in the case of joint landlords, any one of them) becomes 'aware that works or repairs are necessary'**
  - **Also makes explicit that landlord has reasonable time to carry out necessary works or repairs before becoming liable**
  - No reference to constructive notice – reasonable to suppose that will apply
  - Notice can be carried across to new landlord provided new landlord aware of the issues before transfer – but only liable from date of transfer
- NB model contract includes obligation on tenant to report any faults in or damage to the dwelling to the landlord as soon as reasonably practicable
- Unclear how this will affect liability especially if clear constructive notice – and what about common parts?

Ss 98 - 101

S98 (fundamental provision)

- Right of entry at reasonable time after 24 hours notice to both inspect condition and also to carry out works or repairs to comply with S91 & S92

S99 (fundamental provision)

- Gives permitted occupier who suffers personal injury or loss/damage to personal property because of failure to comply with S91 or S92 right to bring proceedings in their own right

S100

- Court may order specific performance (even if limited by equitable rule) for breach of repairing obligations (which include obligation to keep fit)

S101

- Common law concepts of ‘waste’ and use of a dwelling in a ‘tenant-like manner’ do not apply in relation to occupation contracts
- ‘Waste’ is damage or harm caused by actions or neglect on the part of the contract-holder
- Envisaged that a supplementary provision will be made by regulations which, if incorporated as a term of the contract, will require a contract-holder to take care of the dwelling and of any fixtures and fittings

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 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

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



Housing Health and Safety Rating System

Operating Guidance

Housing Act 2004
Guidance about inspections and assessment of hazards given under Section 9

housing

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)" – but only applies to England
- HHSRS under review for over two years – proposed changes in England:-
  - 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
- Reasonable to suppose Senedd may adopt

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Is HHSRS Relevant to Community Housing?

- Yes – it is the minimum legal standard and it applies to community 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 WHQS
- Obviously significance much greater post RHWA as definition of unfitness based on HHSRS

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 WHQS

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 ...(cont'd)

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

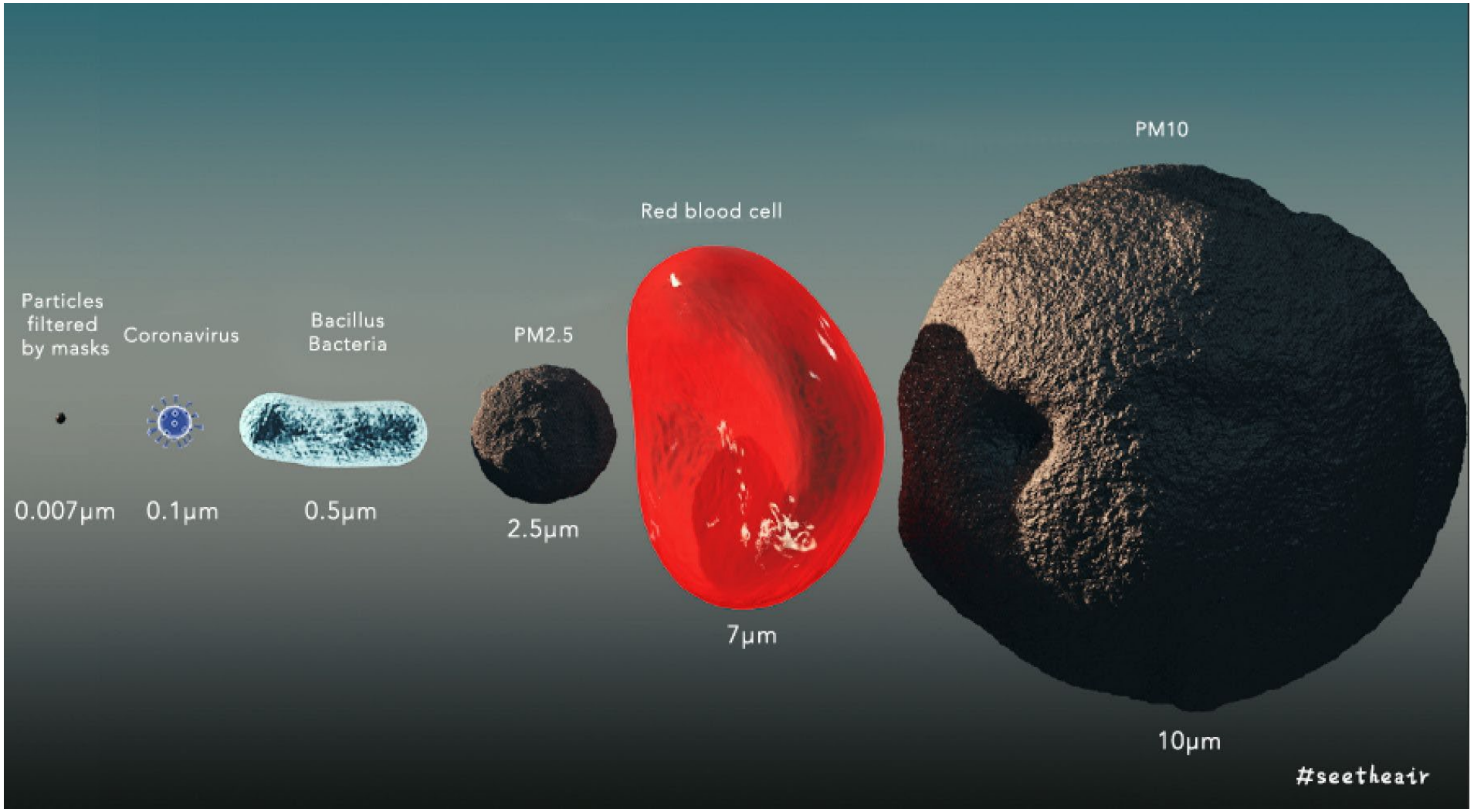
Damp & Mould Growth

- 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)
- In England, significant responses from Michael Gove, from Housing Ombudsman and now the Regulator of Social Housing
- Social Housing (Regulation) Act will introduce timescales in England for dealing with hazards in particular damp & mould growth (Awaab's Law)

New Guidance in England

- DLUHC in England 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

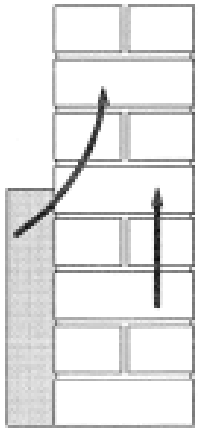
Rising Damp



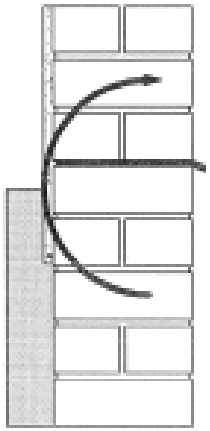




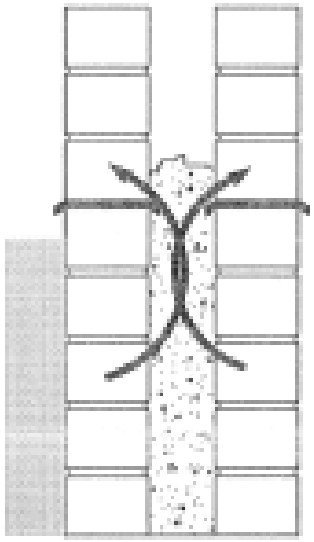




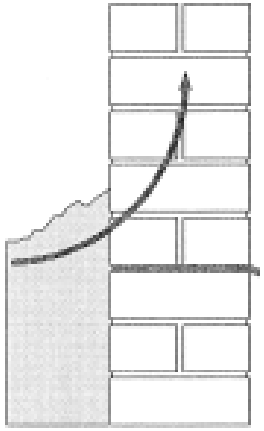
No DPC or DPC has failed



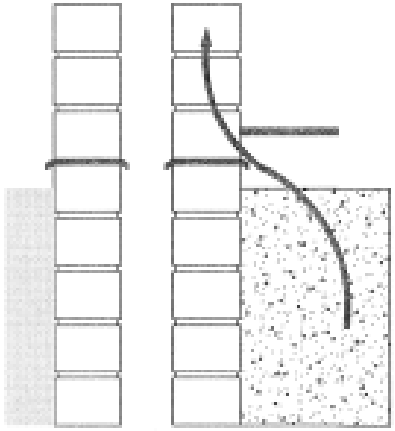
Render Bridging DPC



Mortar or other debris in cavity

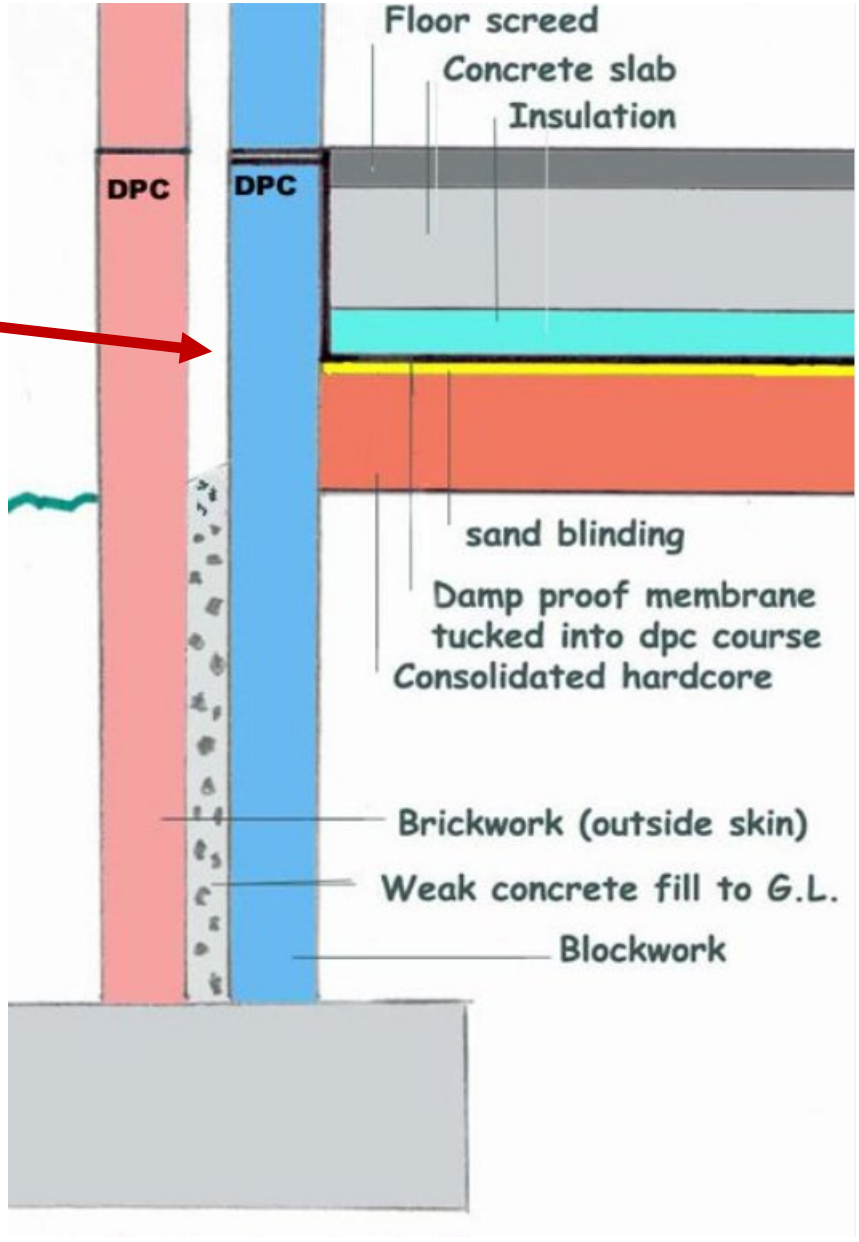


DPC bridged by soil or high paving



Solid floor bridging DPC

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















Mortar Debris











Penetrating Damp



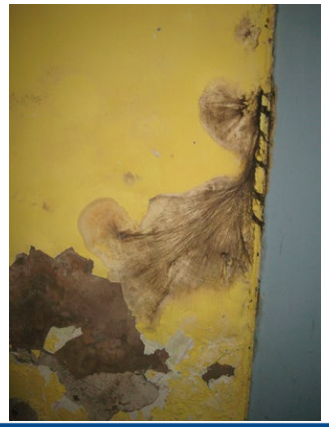















31/05/2016 10:17

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



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

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



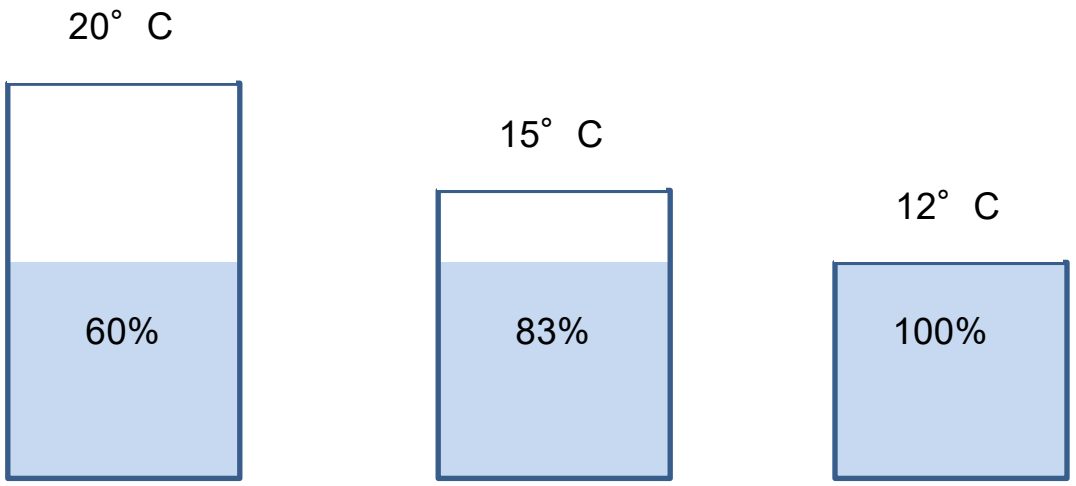
Condensation

- 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

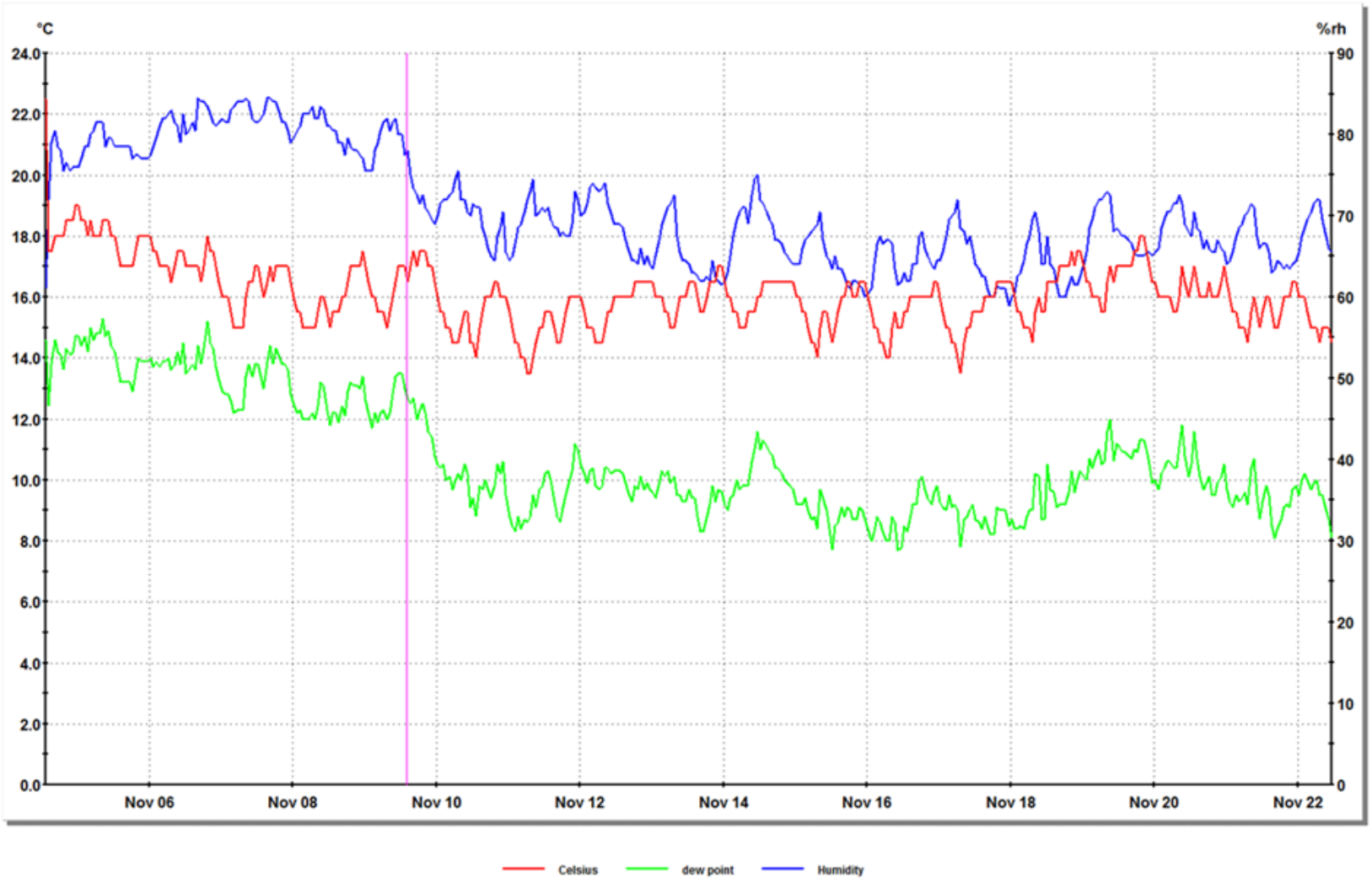

Prestige
Register Now


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



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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

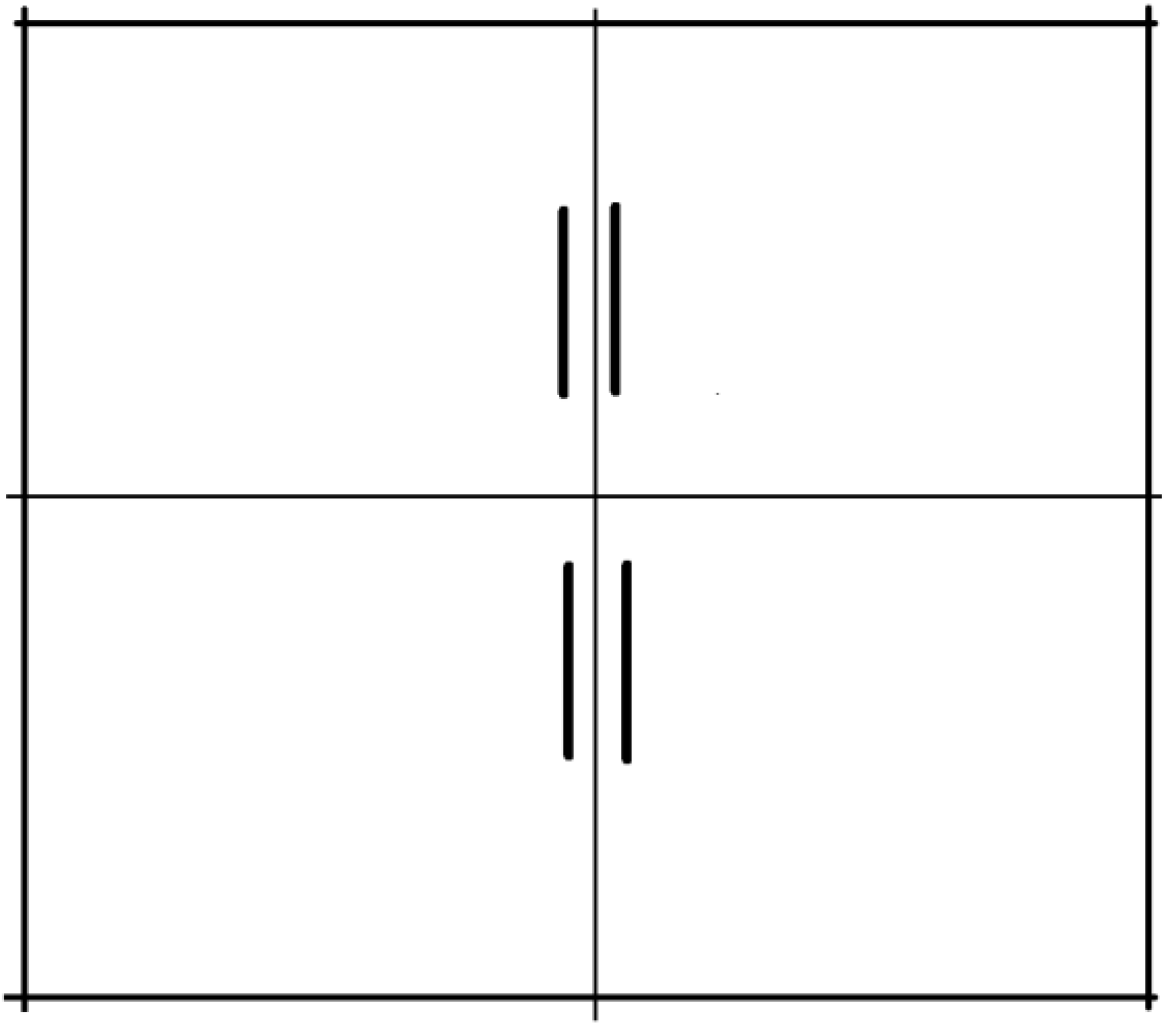
Heating

- 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

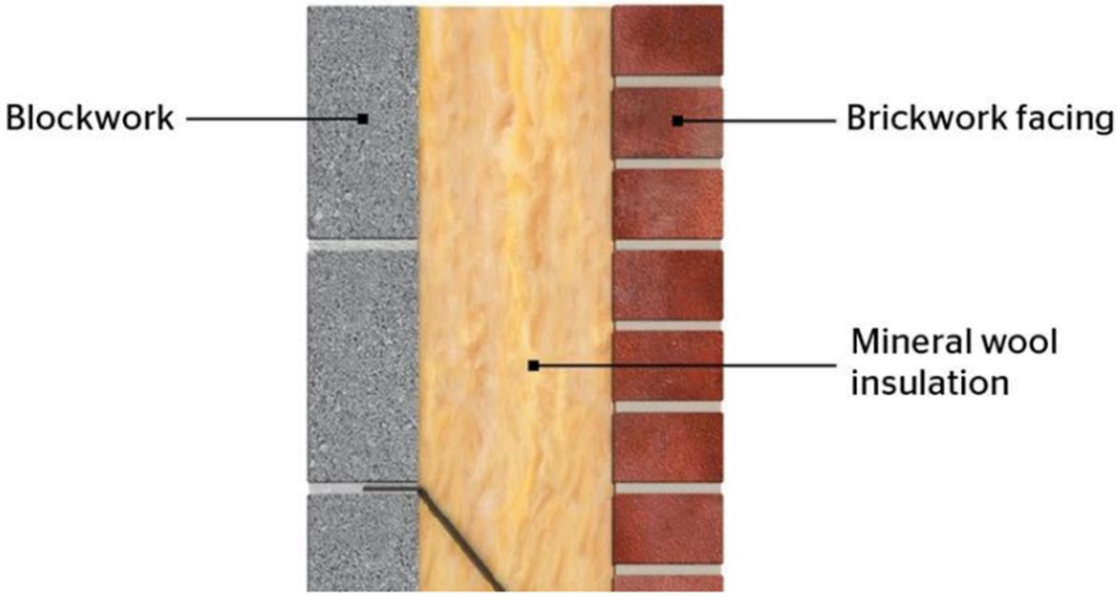
- Very important issue - no point having effective heating system if heat rapidly lost through poorly insulated structure
- Essential starting point (if it exists) is the loft
- Often assumed to be well insulated but often is not – eg glass fibre pulled back by contractor to access wiring and left
-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

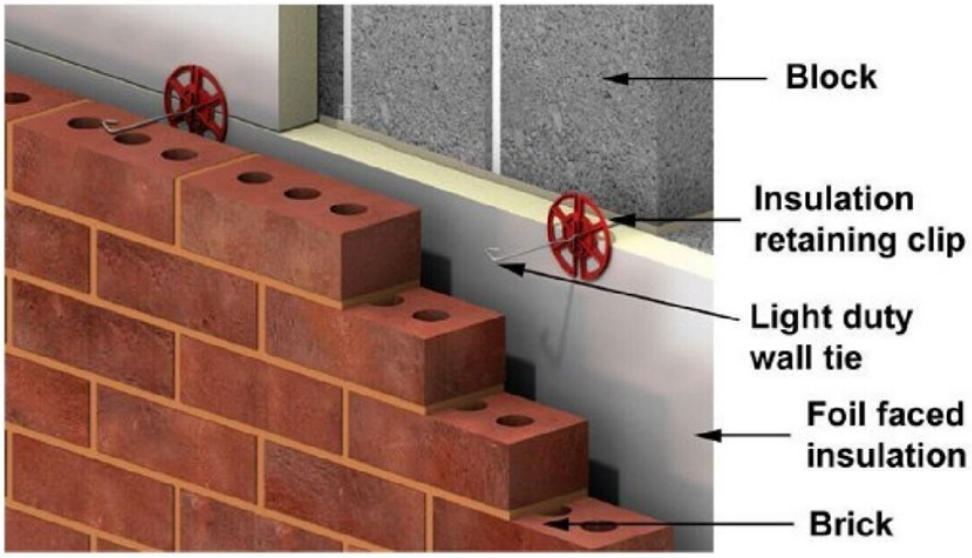




Insulation …(cont'd)

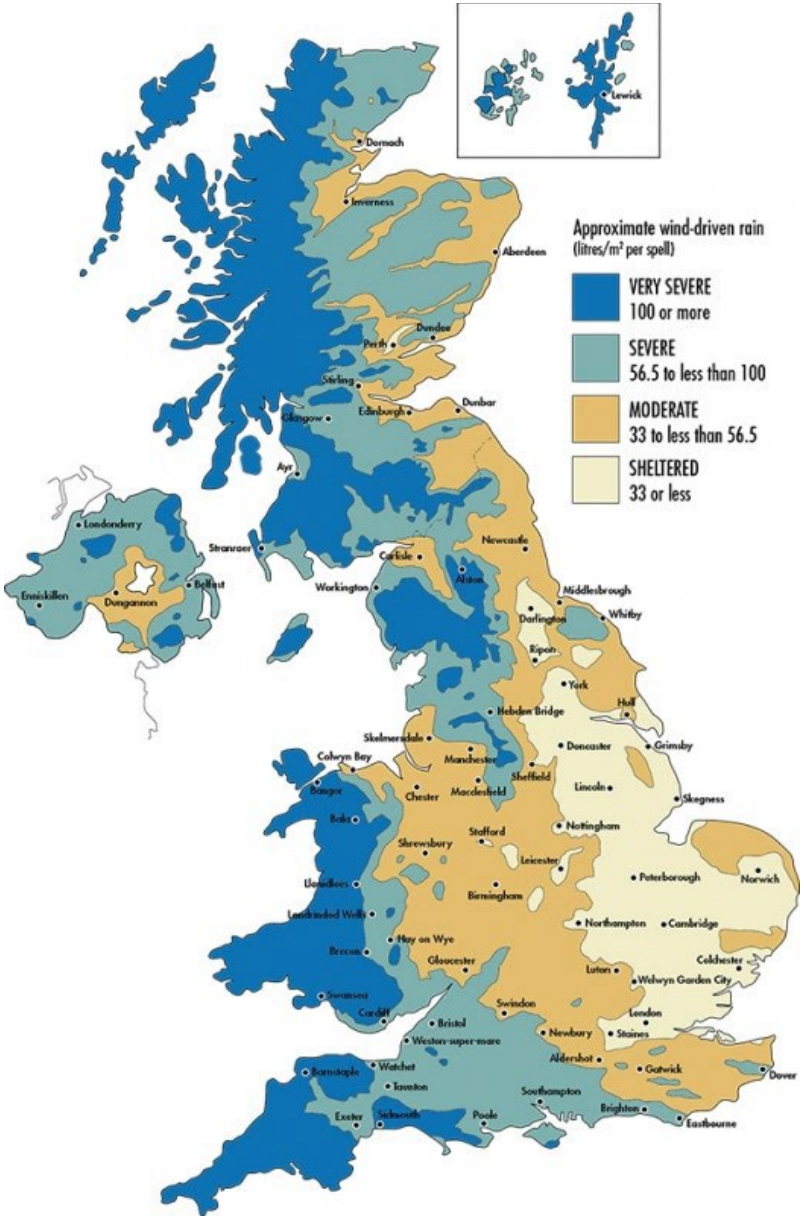
- **Walls** also very important – major potential heat loss
- Still general wisdom that **cavity walls** should be insulated and does improve thermal performance
- However, cavity wall insulation can be problematic especially in exposed locations
- NB can often settle and numerous instances of bridging
- 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 cheaper 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)





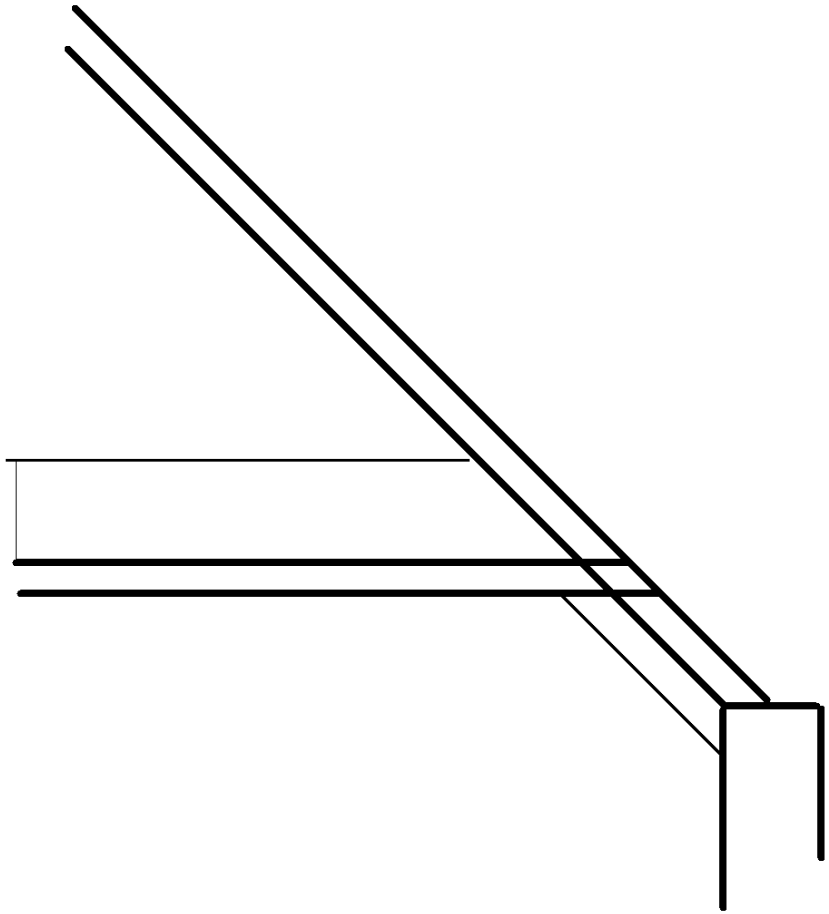














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Ventilation

- 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




XTRACT FAN



Excess Cold







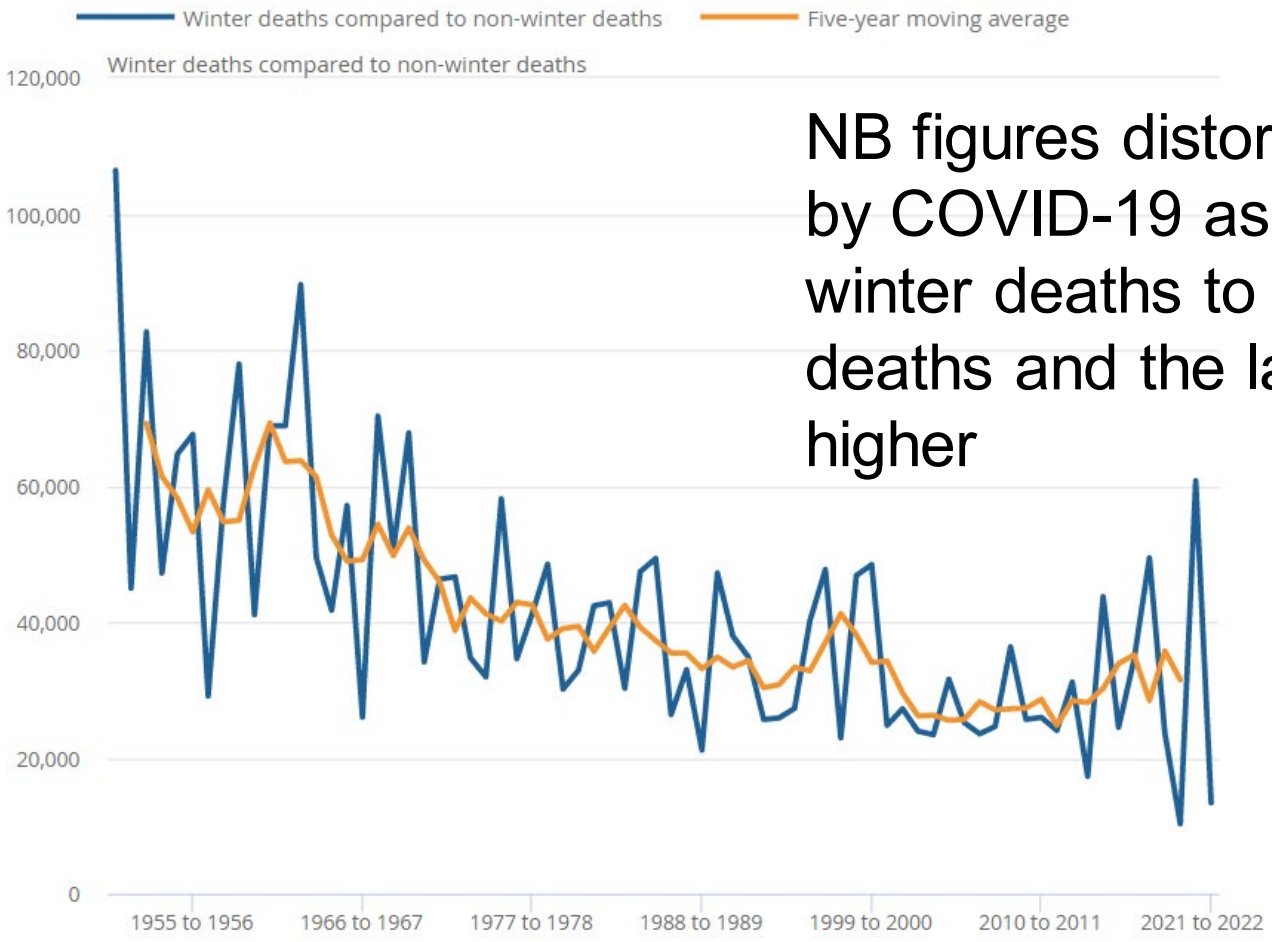








Excess Winter Deaths 1955/1956 to 2021/2022



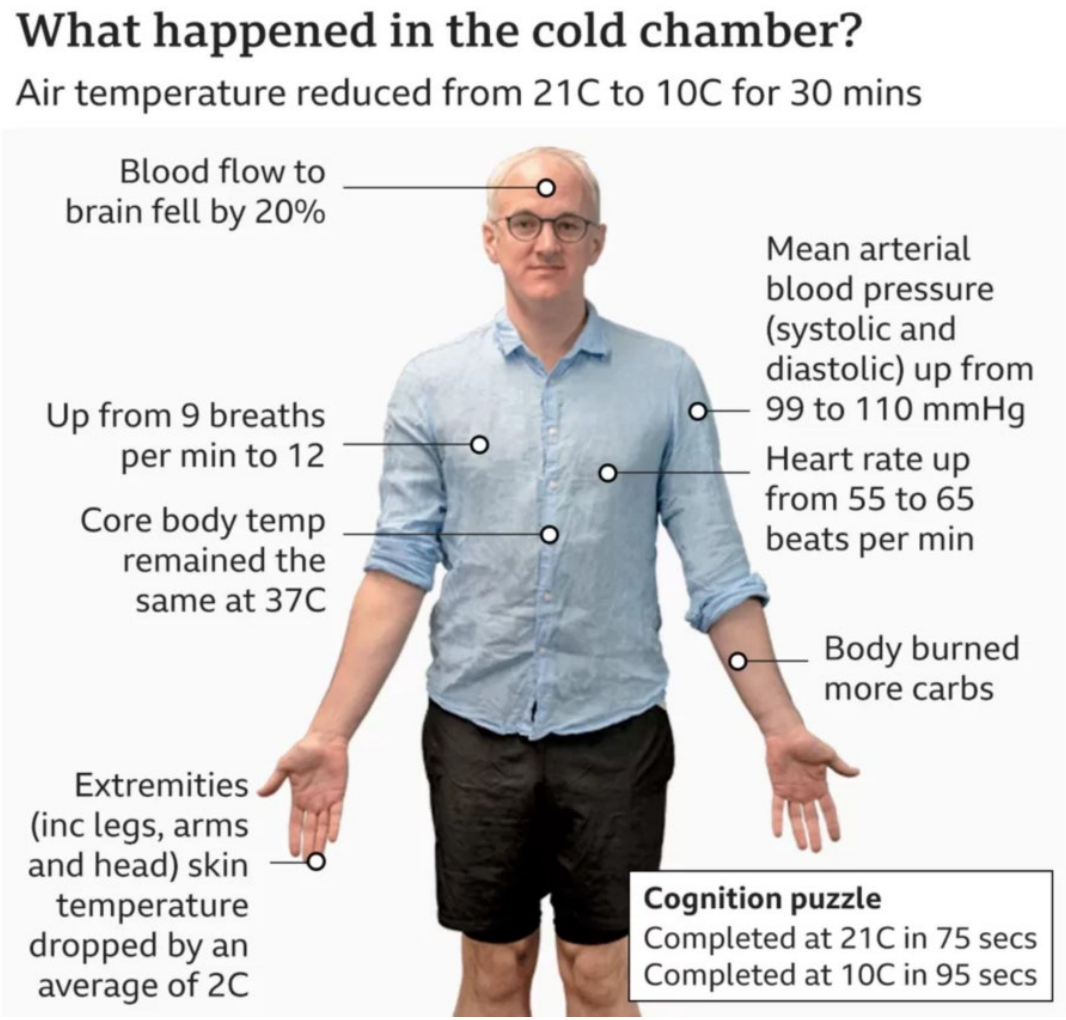
NB figures distorted recently by COVID-19 as compares winter deaths to non winter deaths and the latter now higher

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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



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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

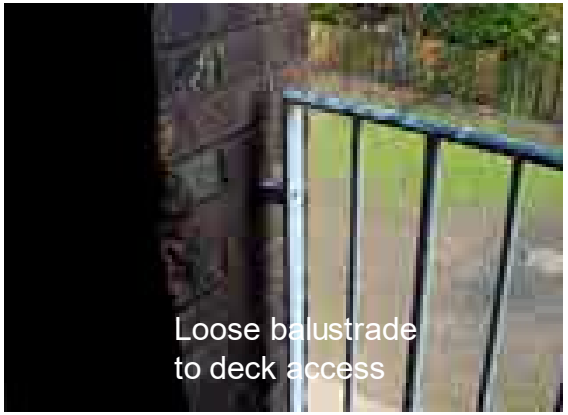


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Front elevation


Hopper head


Communal stairs


Loose balustrade to deck access

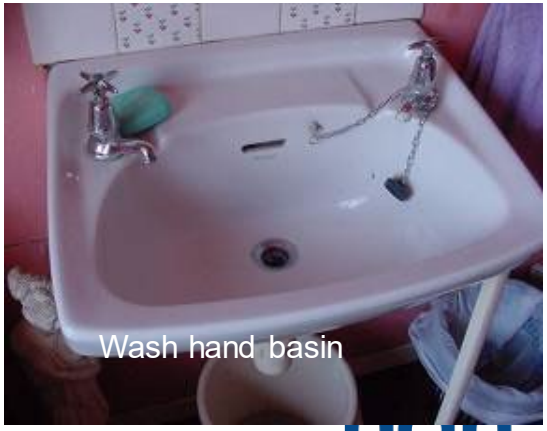

Bedroom window


Wall at base of stairwell


Bedroom wall and ceiling


Cooker


Kitchen door


Wash hand basin

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Front elevation


Rear garden


Staircase

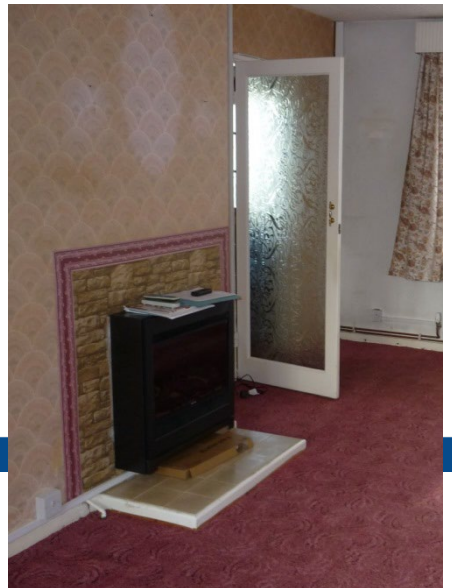

Front garden

Rear bedroom




Kitchen

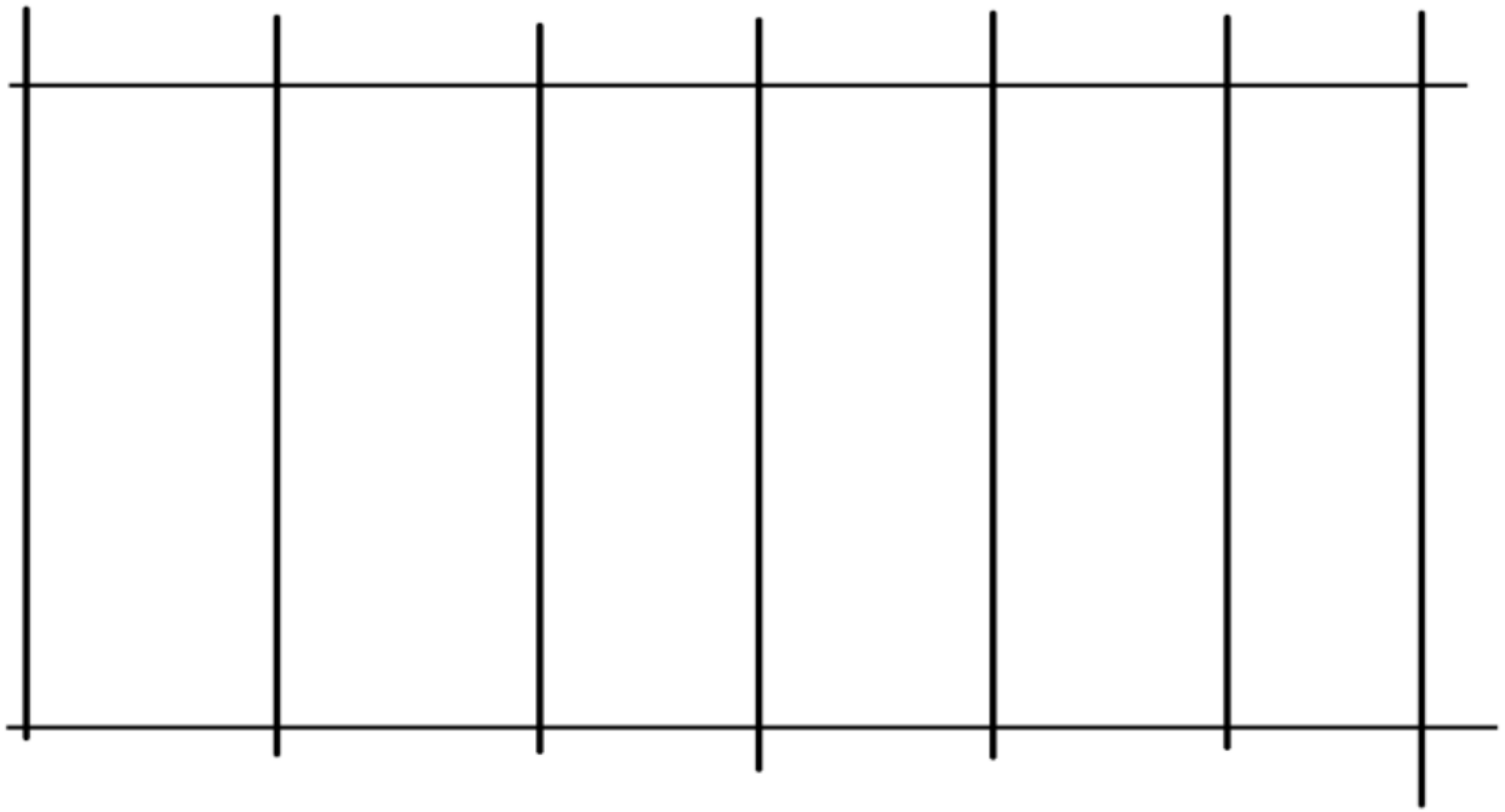
Through living/dining room



Front bedroom



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



Excess Heat









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

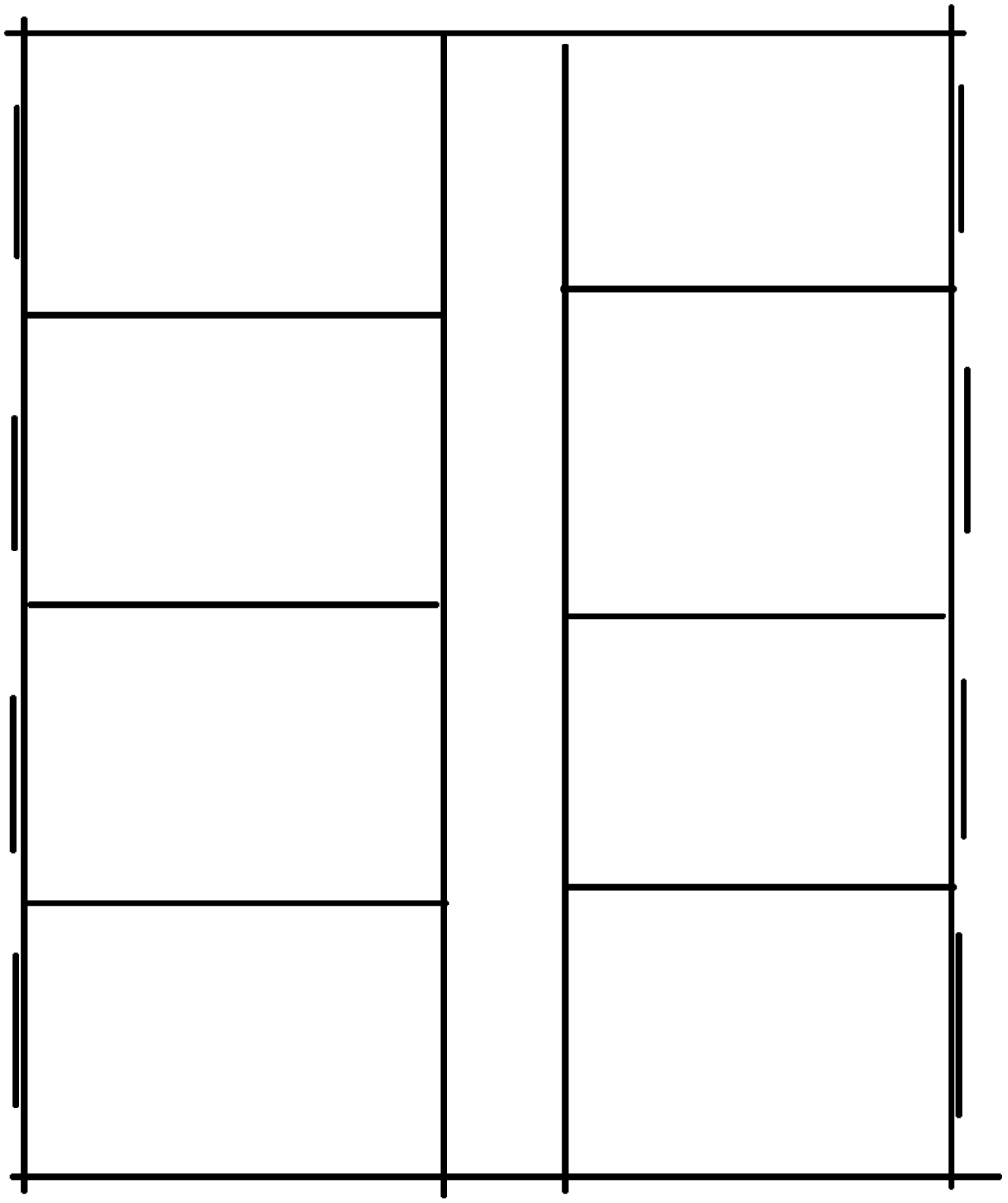
During summer 2022, there were an estimated 2,985 (2,258 to 3,712) excess deaths associated with 5 heat episodes, the highest number in any given year

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











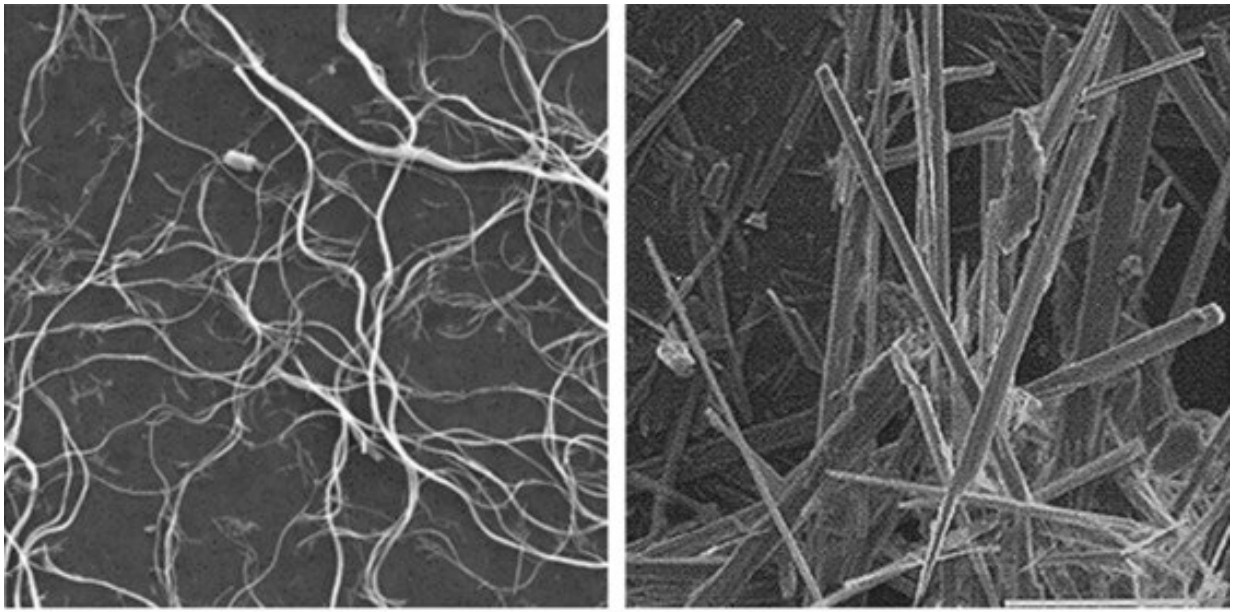




Serpentine (Chrysotile – White) & Amphibole (Amosite - Brown & Crocidolite - Blue) Fibres

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

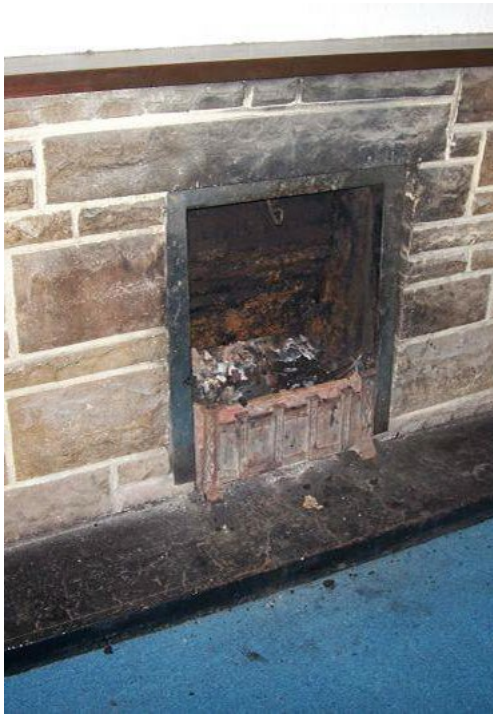
- Commonly referred to as the “silent killer” – no taste, no smell, no colour
- Has typically led up to 50 accidental deaths per year – will this reduce after the legal requirement to fit carbon monoxide detectors since October 2022?
- Harm arises because the red blood cells distribute vital oxygen around 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









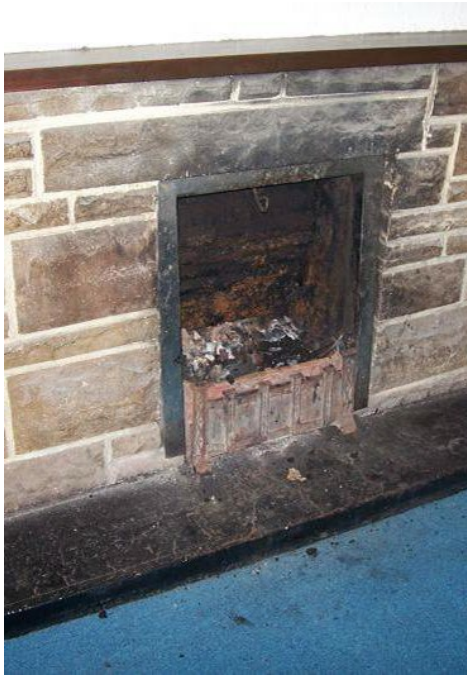




Open Flued v Room Sealed Appliances

- 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

Carbon monoxide













Carbon monoxide …(cont'd)







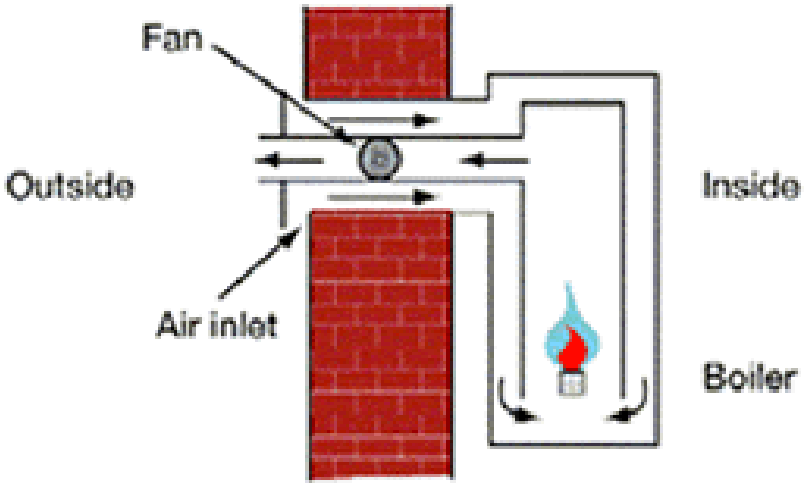


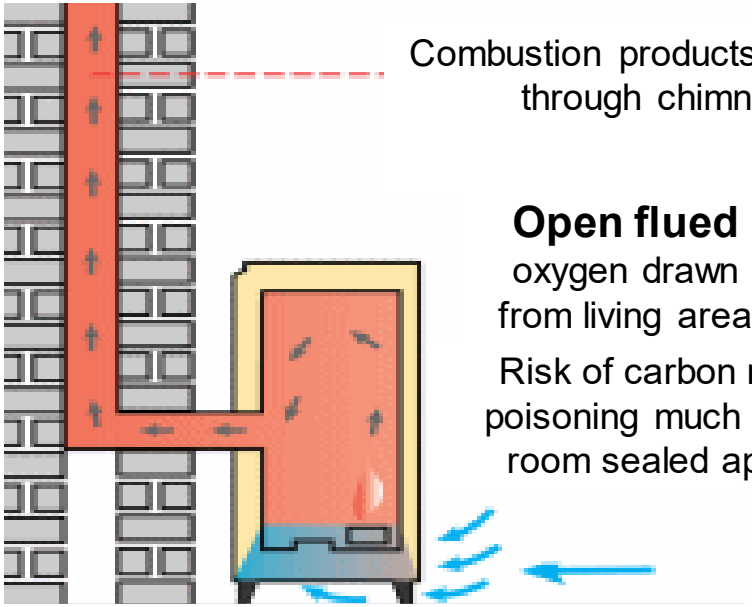


Open Flued v Room Sealed Appliances


Balanced flue


Fanned flue (wall)





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)

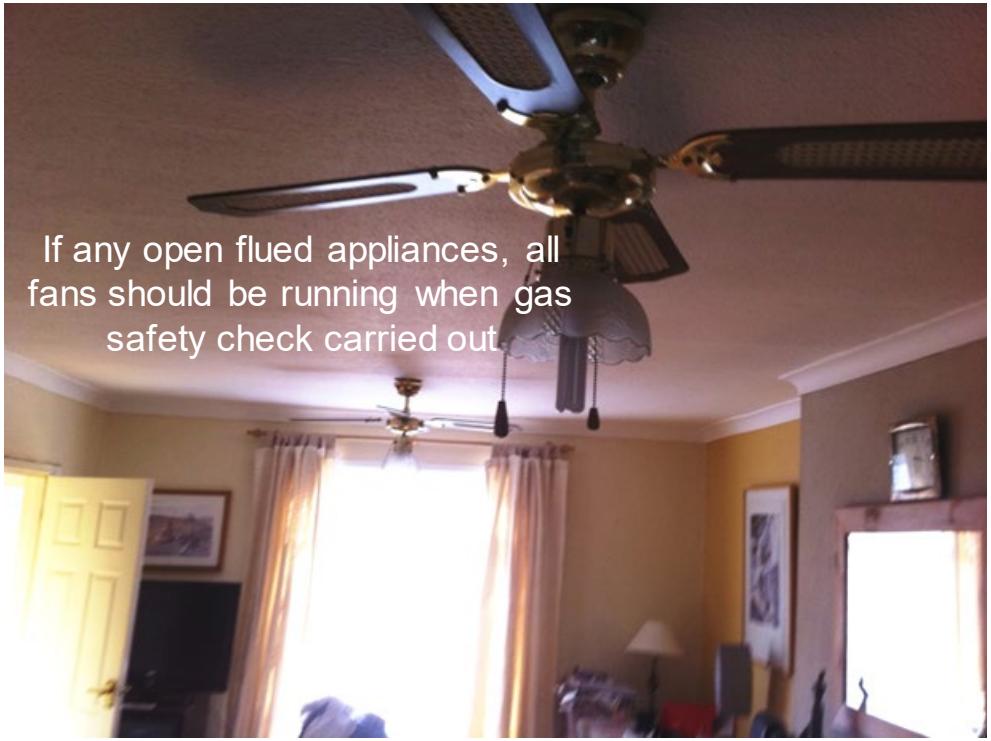
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Permanent vent required with larger appliances


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

hqn TRAINING


Canesten



Carbon Monoxide – Open Flued Gas Appliances

- There now must be a CO detector for open flued appliances (indeed for all appliances) – preferably hard wired
- 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 Appliances

- 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 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)

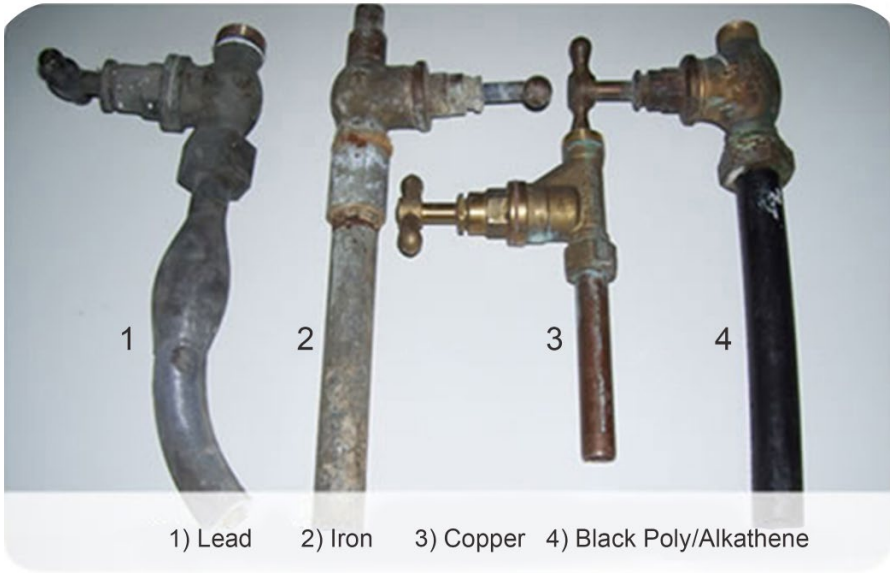
Lead

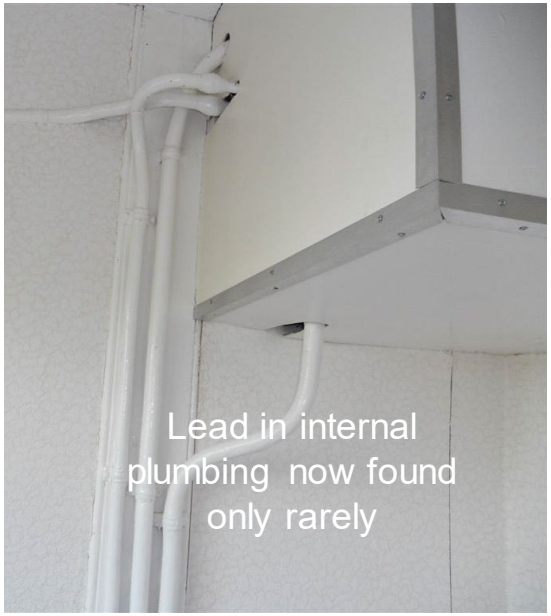
- Cumulative toxin - affects multiple body systems - distributed to the brain, liver, kidney and bones - accumulates over time in teeth and bones
- Lead is particularly harmful to young children - can affect children's brain development, resulting in reduced intelligence quotient (IQ), reduced attention 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









hqn TRAINING

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

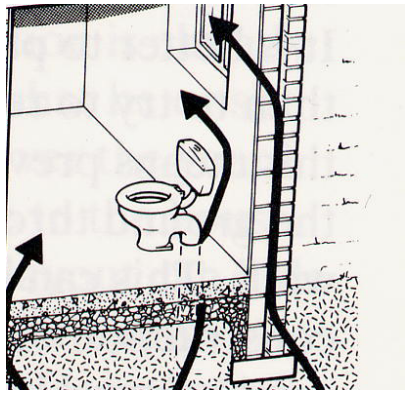
Order a workplace pack

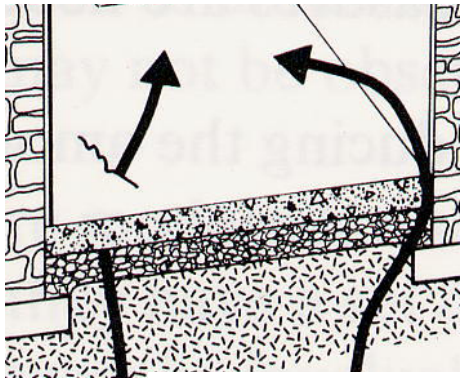
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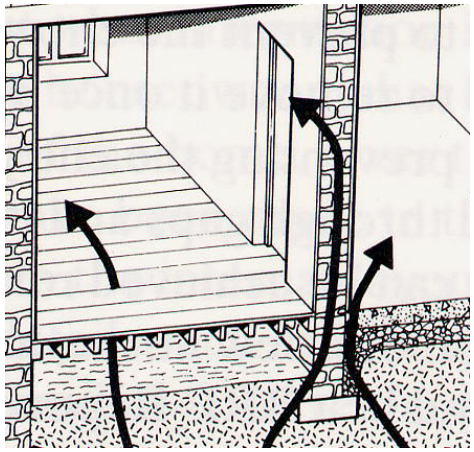
Radon

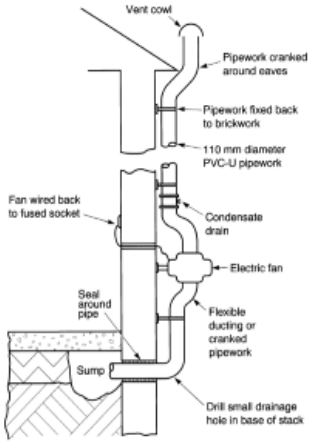
- Radon enters buildings through cracks in the floors or at floor-wall junctions, gaps around pipes or cables, small pores in hollow-block walls, cavity walls, or sumps or drains
- Radon levels are usually higher in basements, cellars and living spaces in contact with the ground - however, considerable 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)

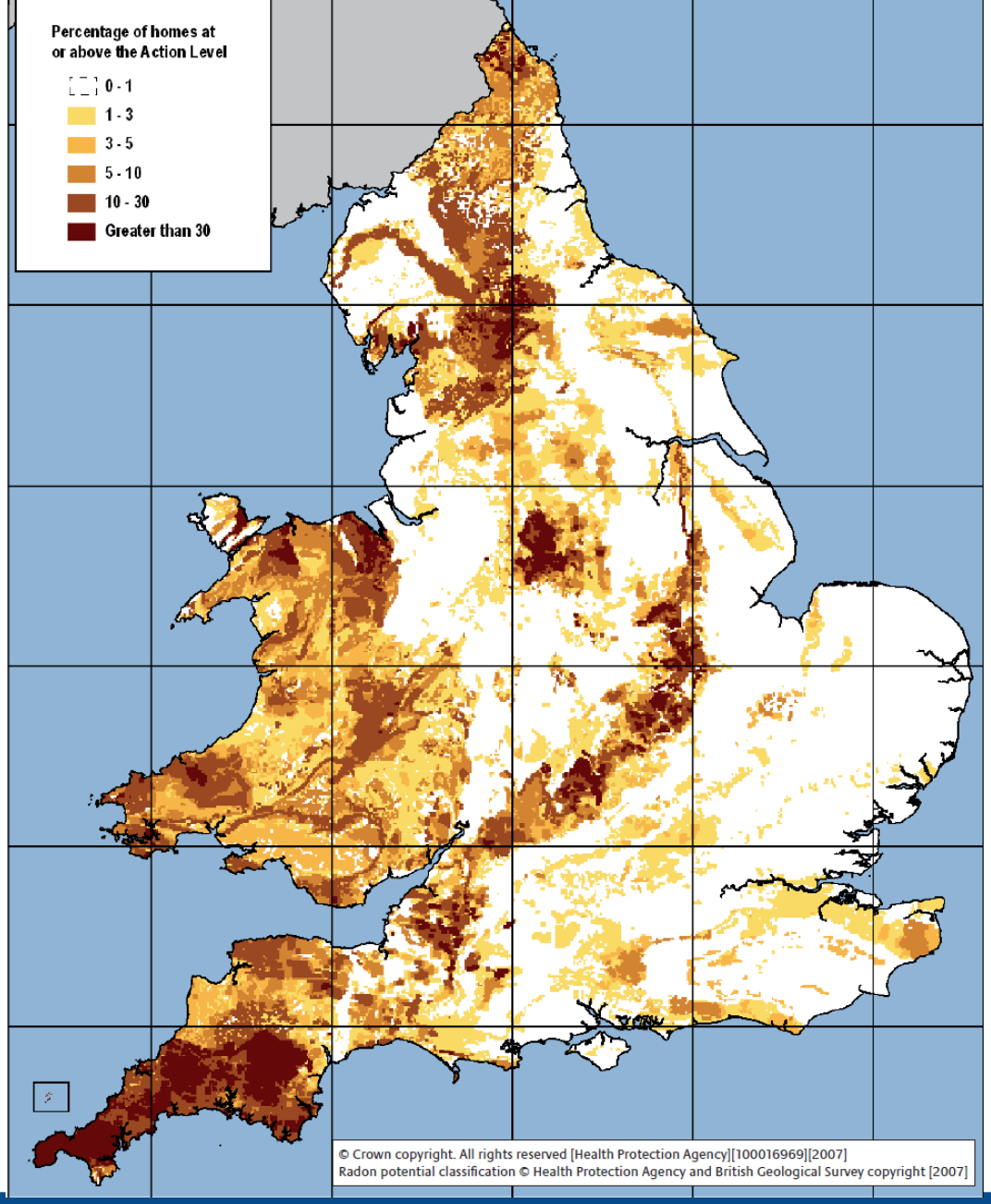


Airthings



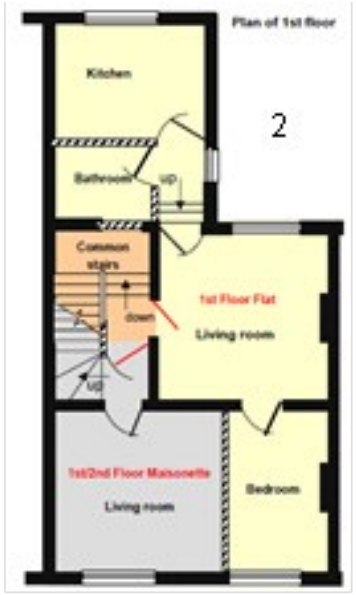




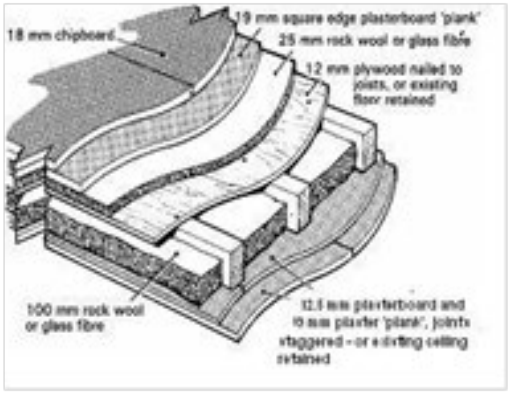

Percentage of homes at or above the Action Level
0 - 1
1 - 3
3 - 5
5 - 10
10 - 30
Greater than 30
© Crown copyright. All rights reserved [Health Protection Agency][100016969][2007]
Radon potential classification © Health Protection Agency and British Geological Survey copyright [2007]

Noise

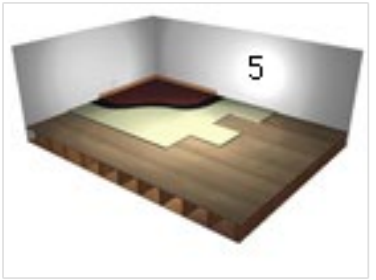


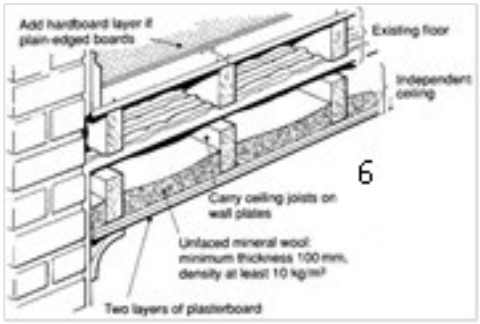


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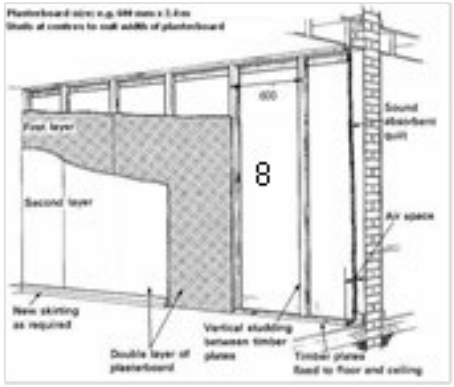


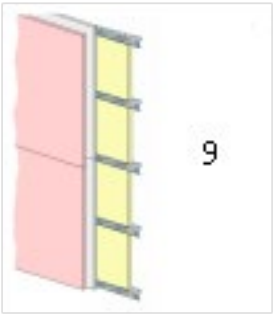












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Noise …(cont'd)

- 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

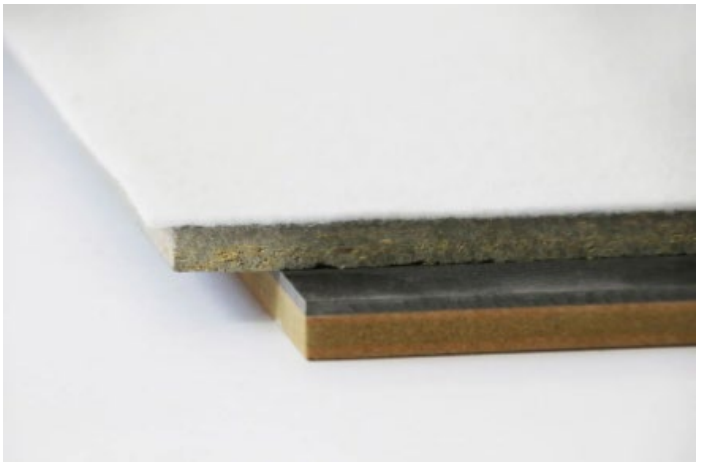
Noise



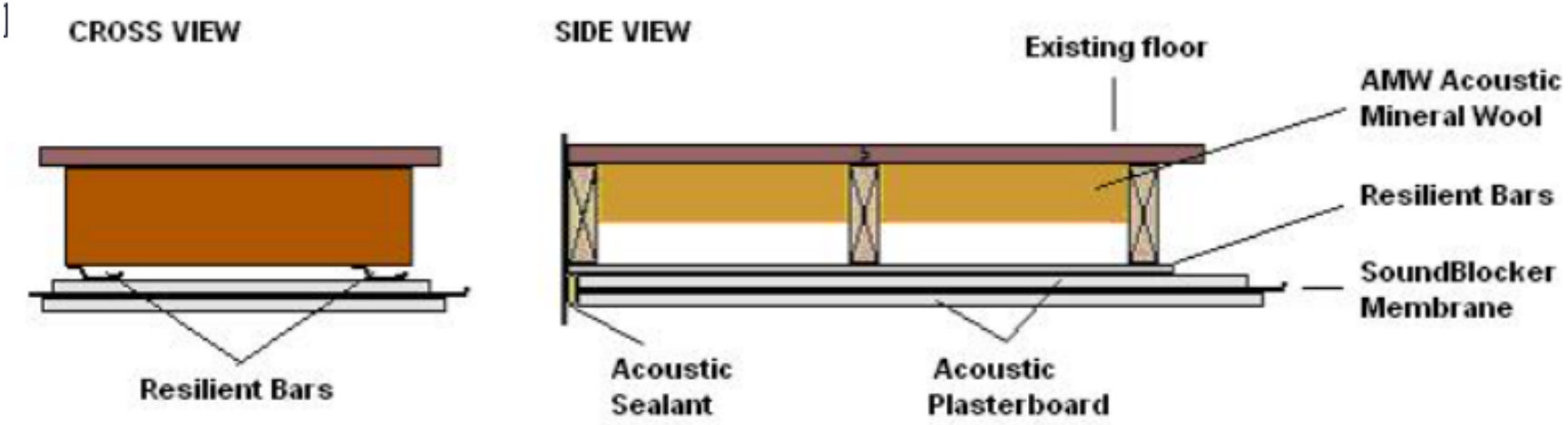
Acoustilay



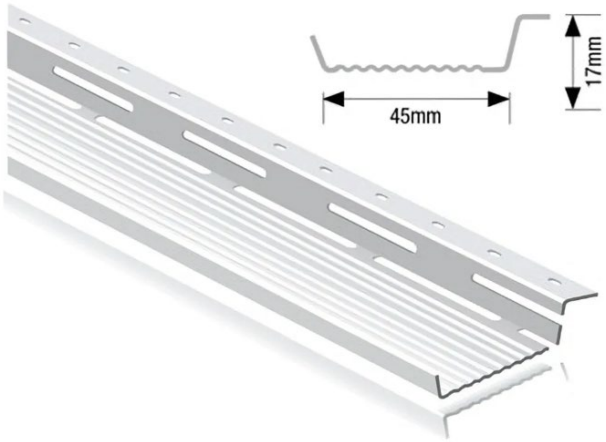
Maxideck

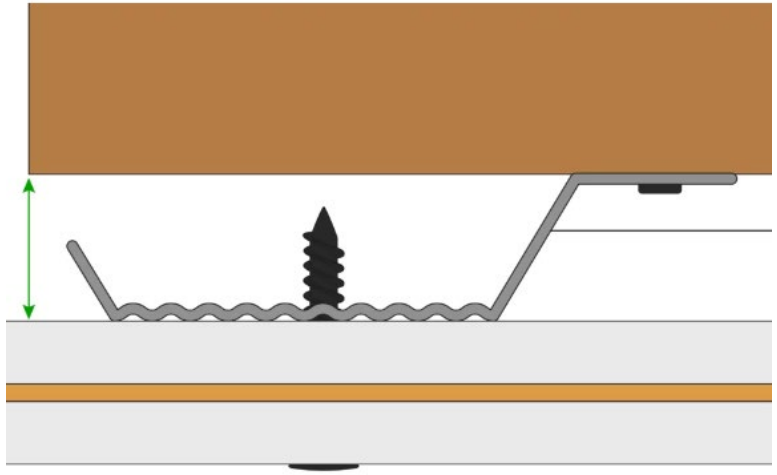


Resilient Acoustic Bars

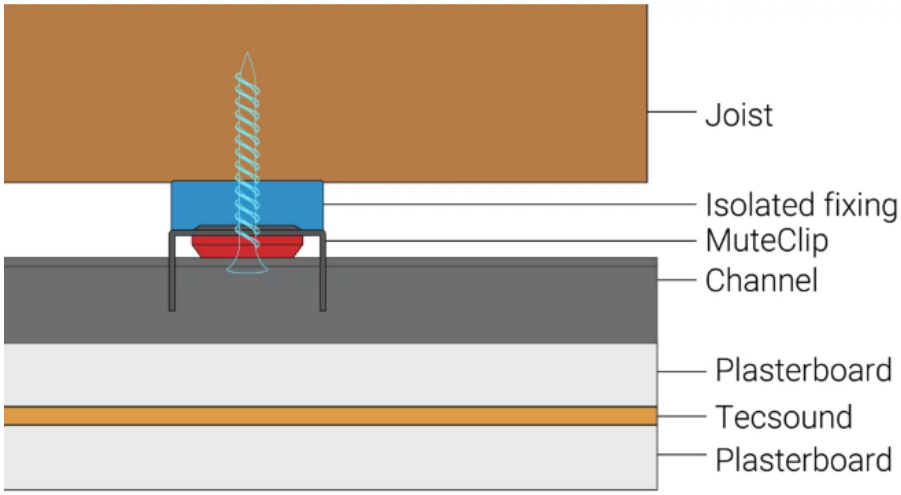


Resilient bars

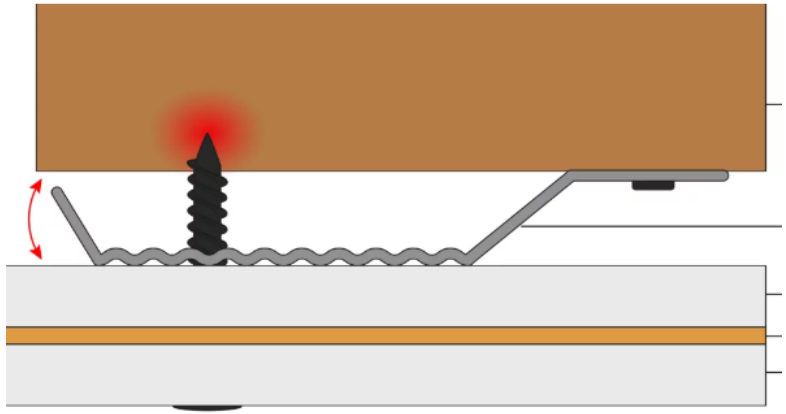




Correct installation



Alternative



Incorrect installation

Domestic Hygiene Pests and Refuse













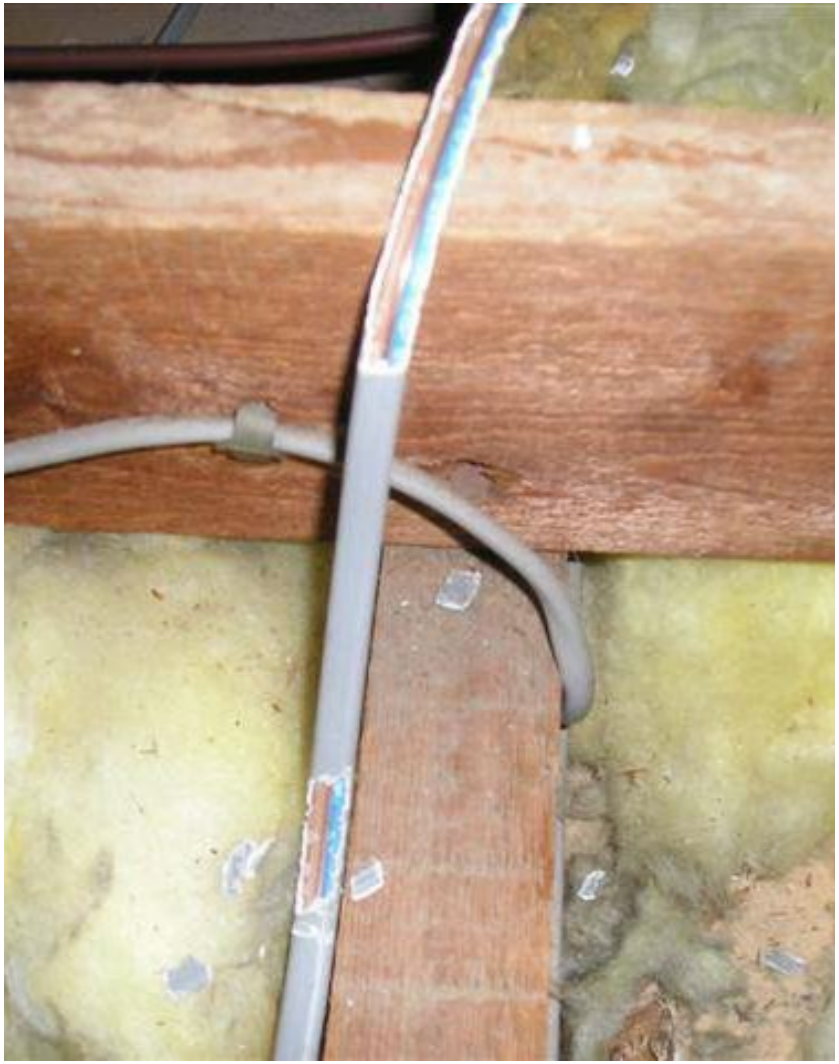


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TRAINING

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 (serious if weakened immune system or pregnant), 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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hqn TRAINING

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 community 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

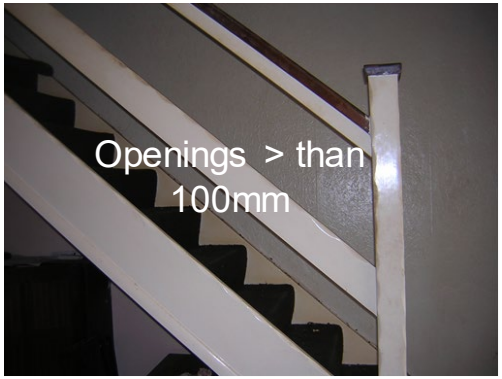
hqn TRAINING

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

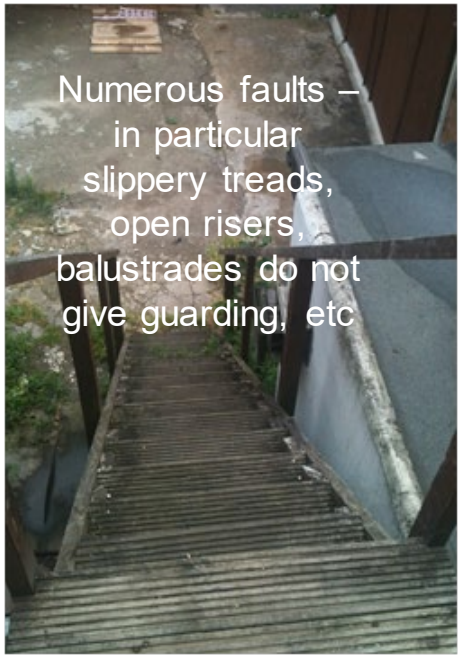
Falling on Stairs etc













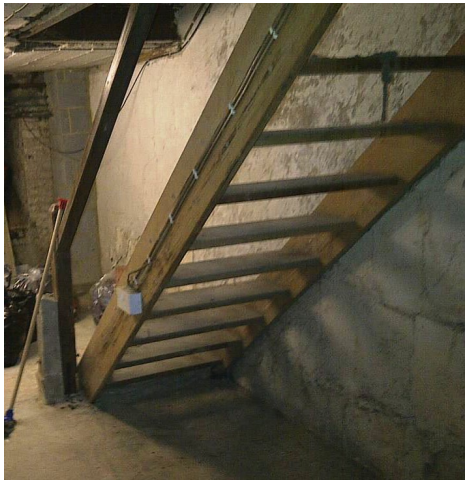
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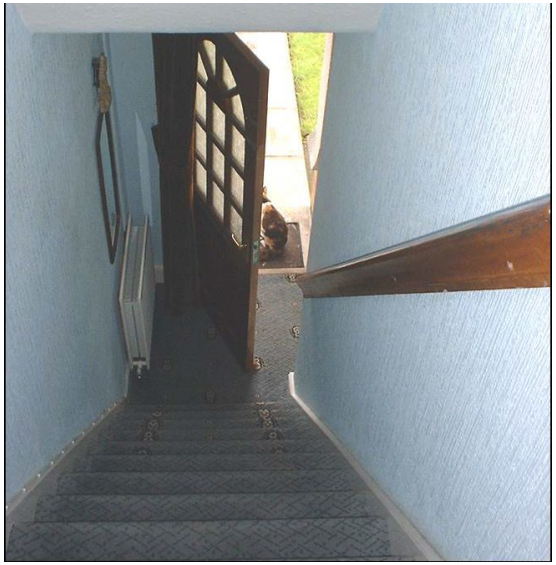
Falling on Stairs etc ...(cont'd)







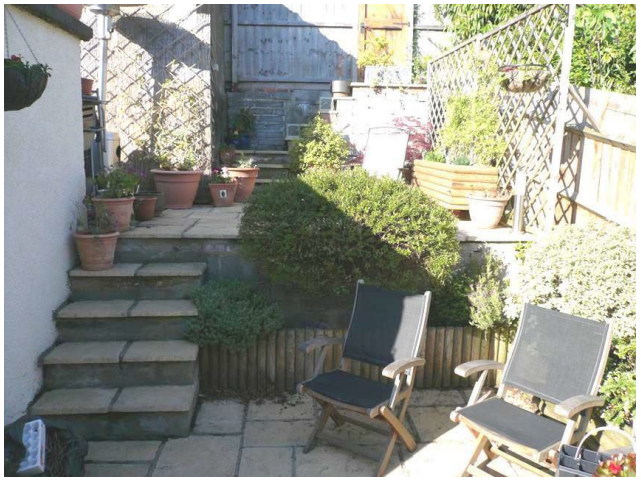


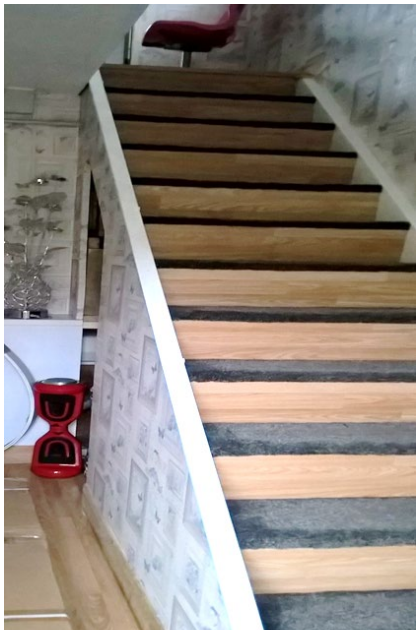




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Falling on Stairs etc







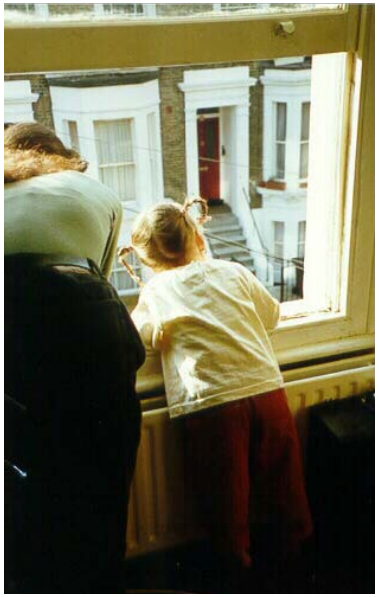


Falling Between Levels



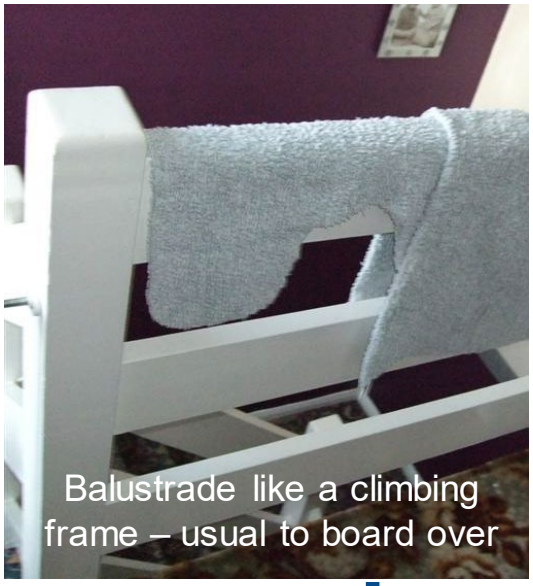


Iron guarding may corrode (and concrete may deteriorate)









Falling Between Levels















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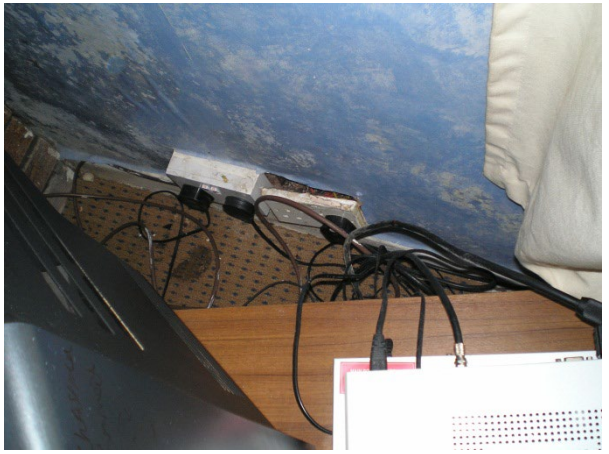
Electrical hazard

- 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











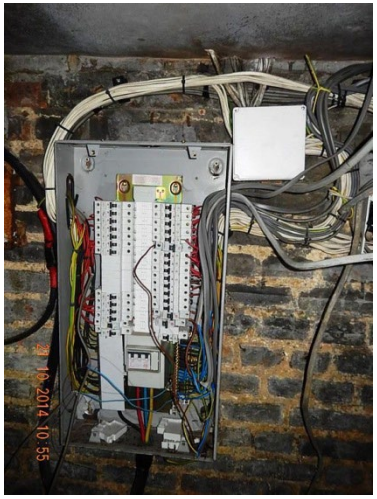




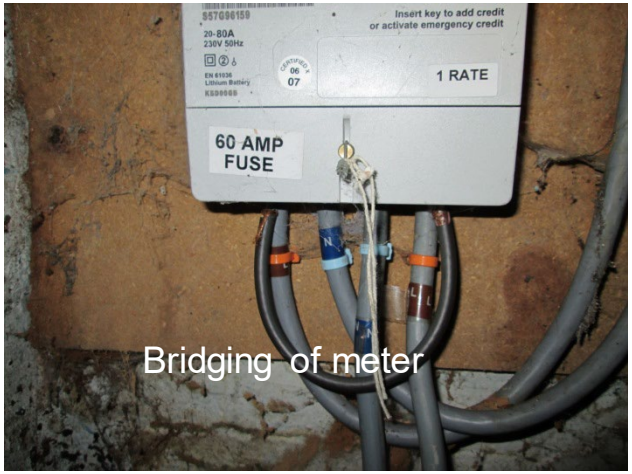


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Electrical Hazard …(cont'd)







Bridging of meter





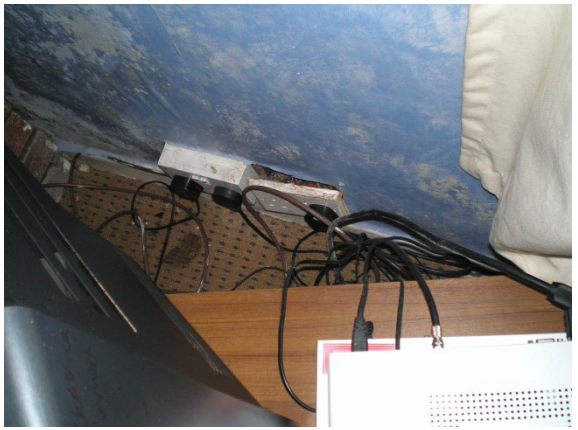
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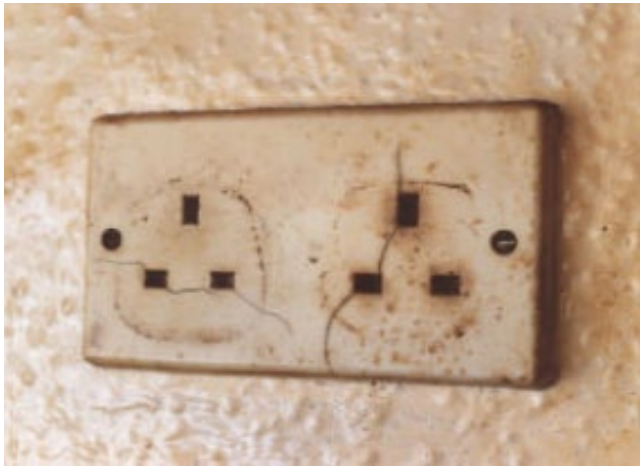


Electrical hazard & fire





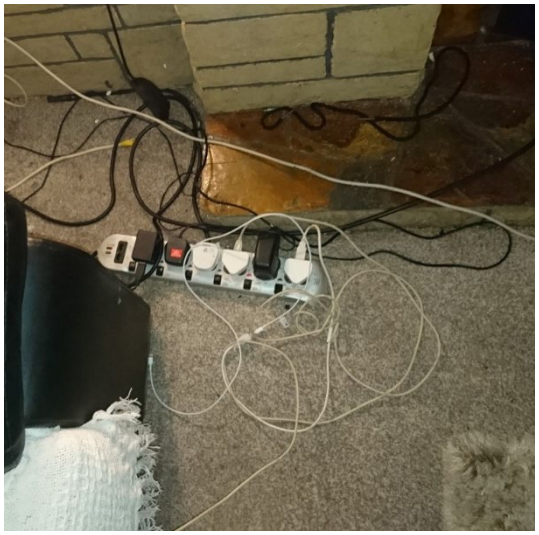


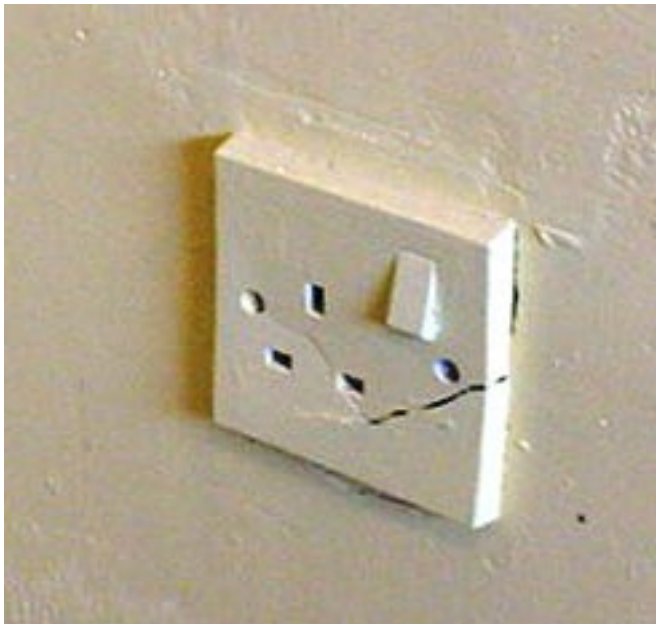


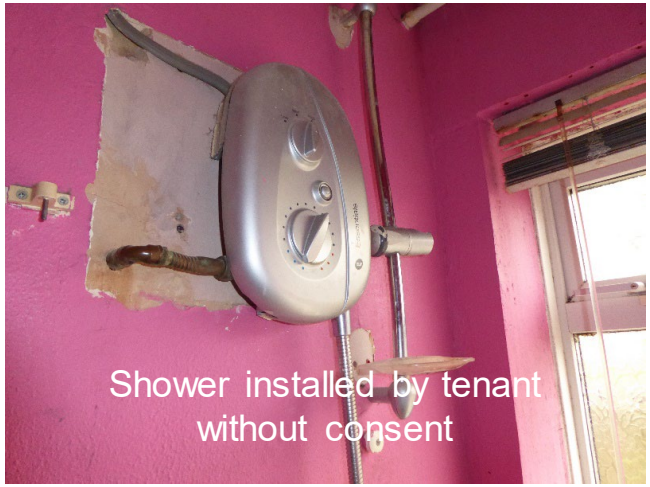


Electrical Hazard









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)







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

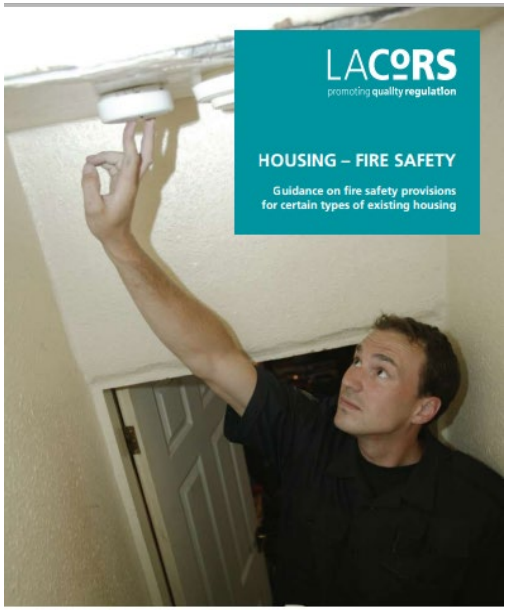
In both cases, there must be stand alone AFD in property

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



Chartered Institute of Environmental Health

THE CHIEF FIRE OFFICERS ASSOCIATION

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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 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)



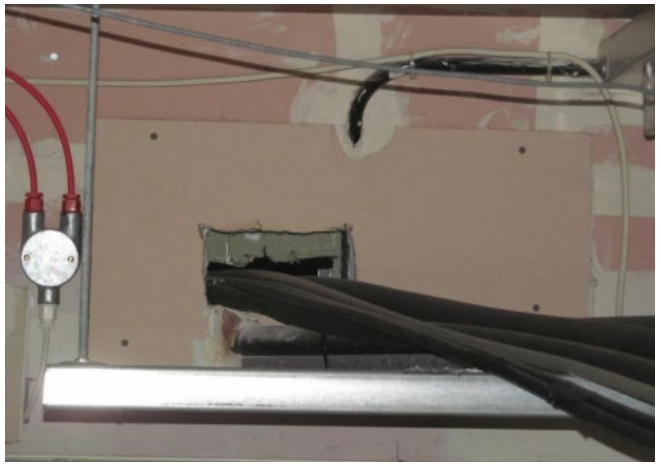


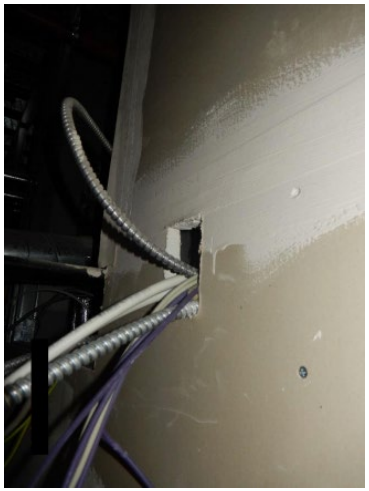
Lakanhal House Fire

- Fire 3 July 2009 – 6 people died (3 adults, 3 children) & 20 injured
- 14 storey block 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 tel residents to get out
- Many social landlords in England now starting to install emergency evacuation alarms 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









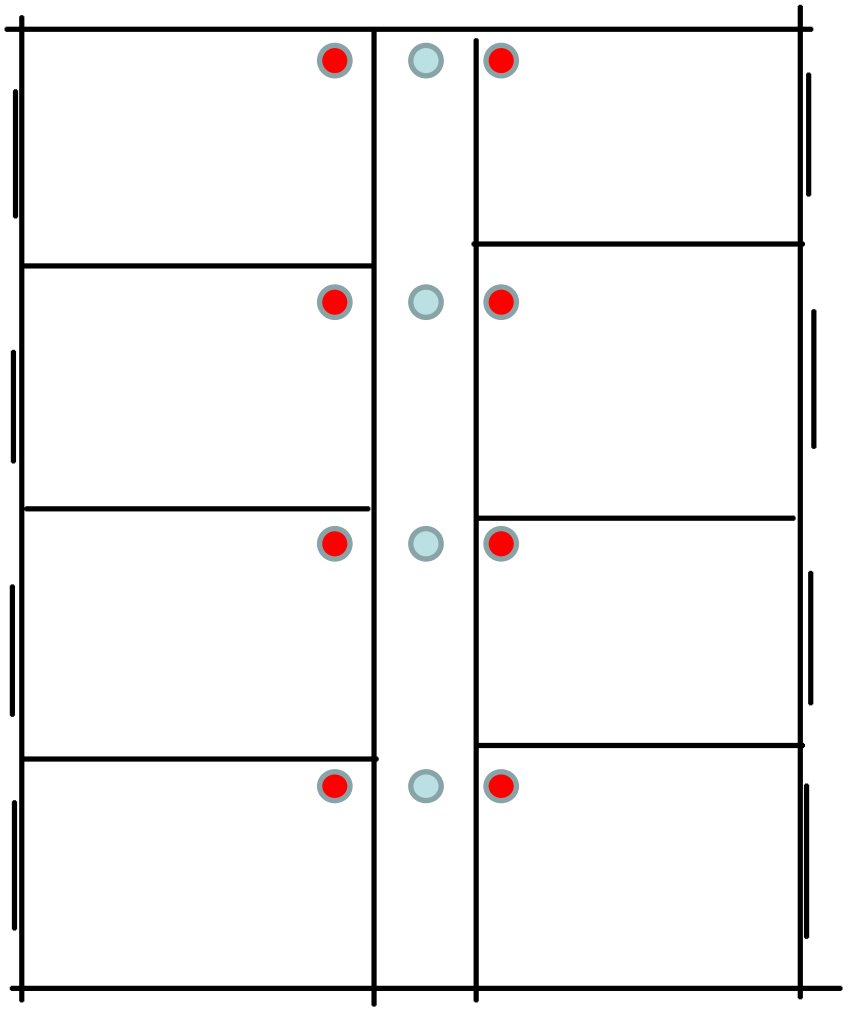
Simultaneous Evacuation

- 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



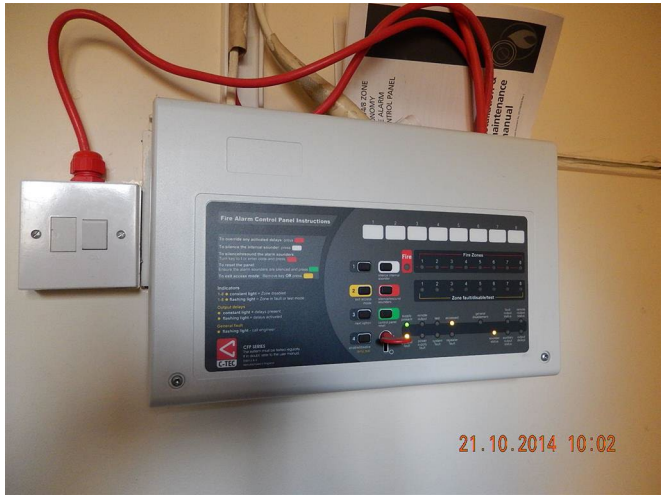
There will of course be standalone detection in each individual flat
Increasingly heat detectors located close to entrance door to each flat in addition to smoke detectors in the common parts – all interlinked




Reliable Fire Protection Services Ltd
56 Glendale Gardens, Leigh On Sea, Essex, SS9 2AS
Telephone:
01702 715226
www.reliable
.uk
BAFE
BS 5306 PART 3 PORTABLE EXTINGUISHER MAINTENANCE
BAFE
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 part 1 and future amendments
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
CAUTION


Fire action
CAR PARK

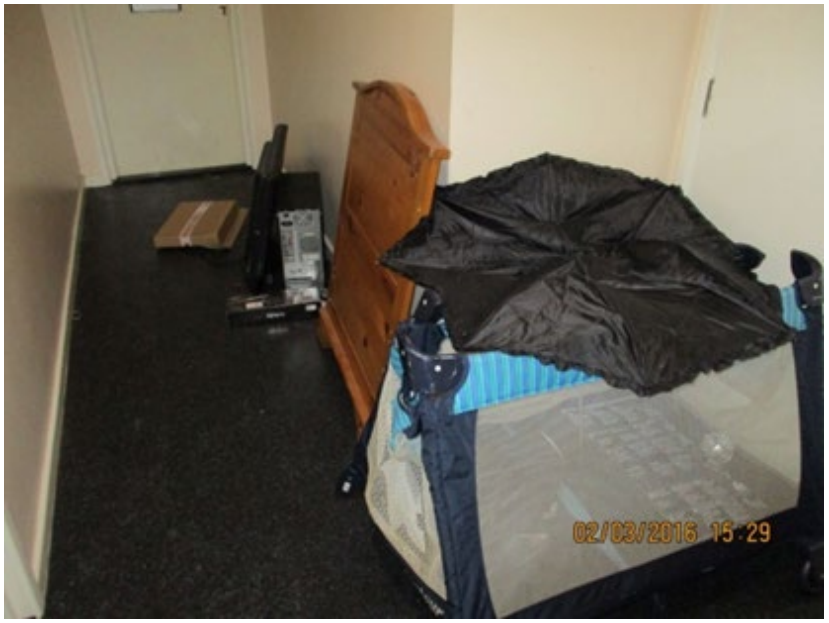

21.10.20


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

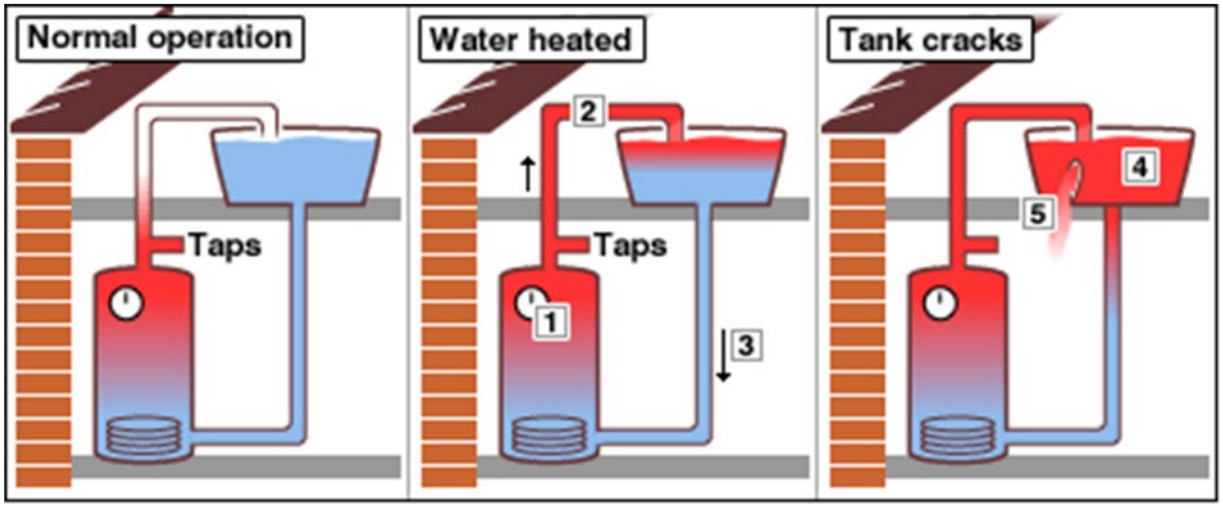
Firefighters sadly found a smoke detector with the batteries removed on a table in the hall of her flat

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

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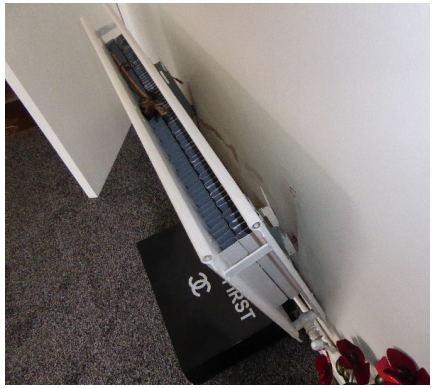
Flames Hot Surfaces etc







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:

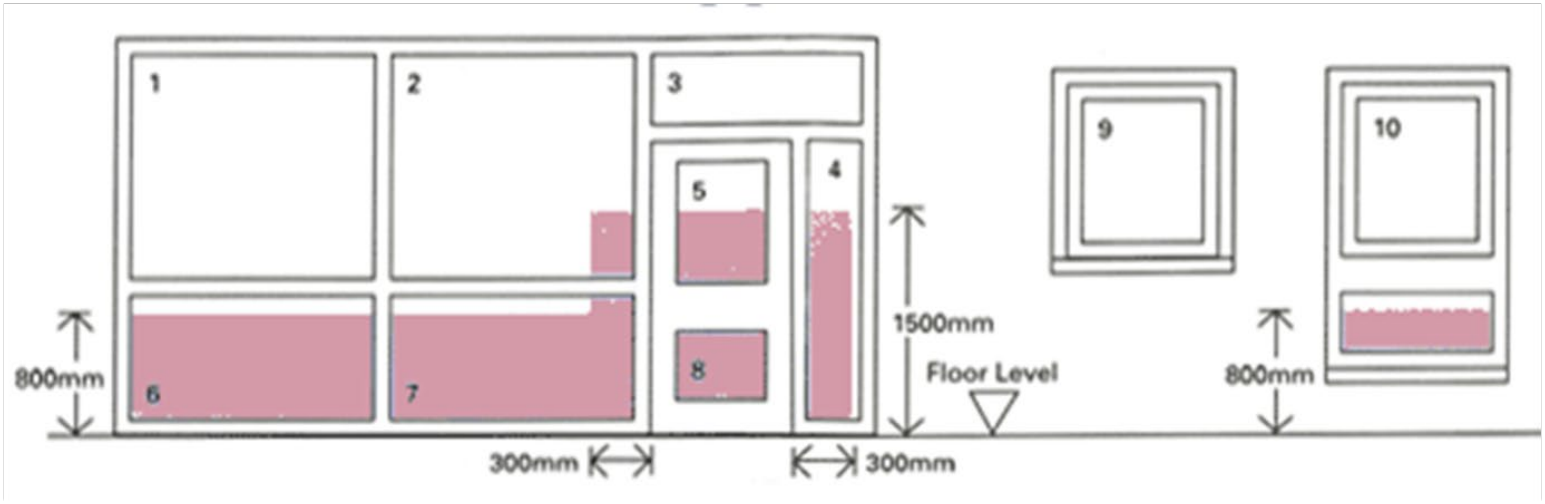
a) trapping body parts in architectural features, such as trapping limbs or fingers indoors or windows; and

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

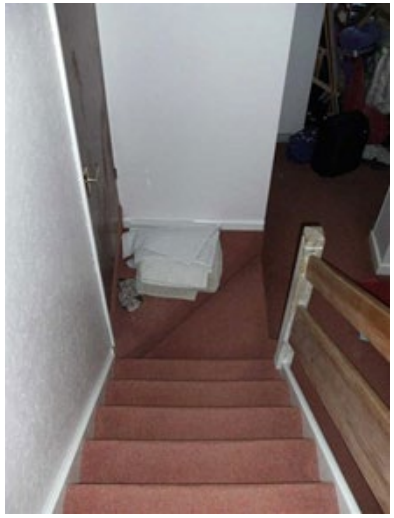


Collision and Entrapment …(cont'd)











Explosions



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 …(cont'd)







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





Structural Collapse and Falling Elements



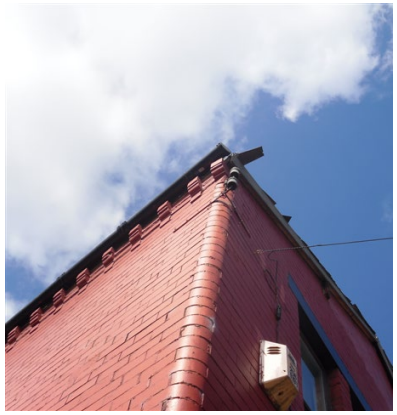




Covers threat of whole dwelling collapse, element of dwelling falling through disrepair or adverse weather, or partial internal collapse eg rotten floor









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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

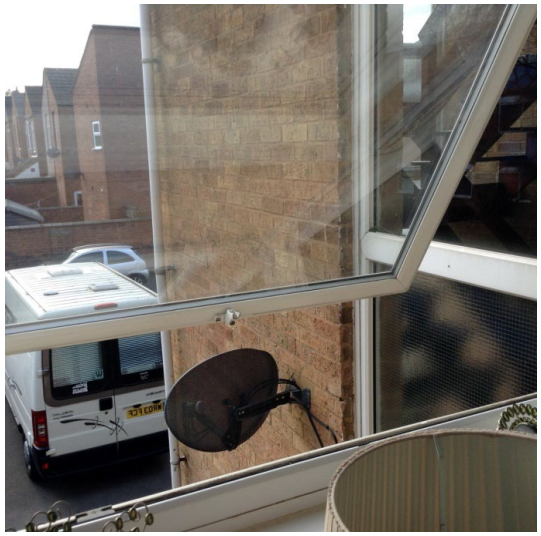
- Please look at the following sets of pictures
- They show the staircase and landing in a block refurbished in the 1970s
- What deficiencies (faults) do you see, and what hazards under the Housing Health and Safety Rating System do you think they link to?


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.

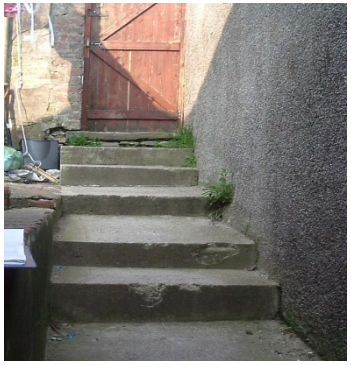






Exercise 1D








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.

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.







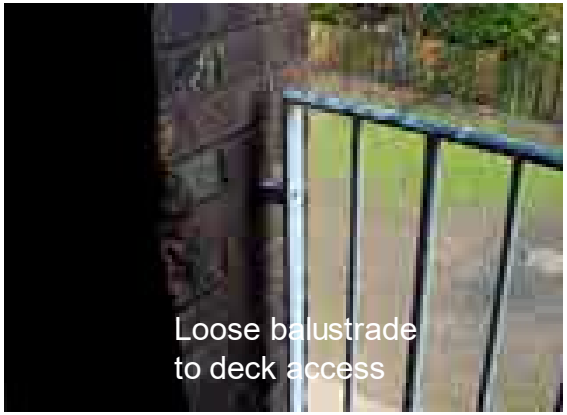
Exercise 1F

- 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 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









Exercise 1G ...(cont'd)









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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, 2 options:
  - Carry out the work in default and recharge the cost
  - Prosecute for failure to comply with the notice (or formal caution)

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
- In England '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 – neither apply in Wales
- 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

- 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

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

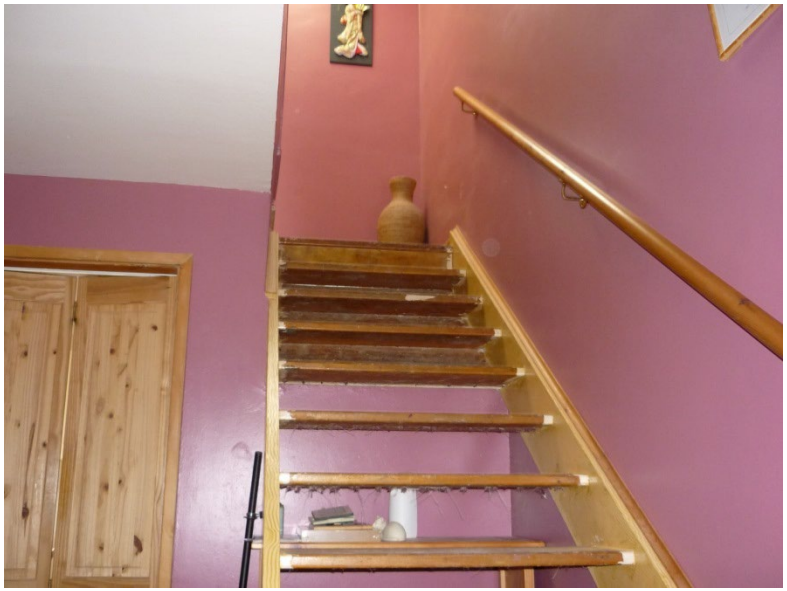
Exercise 2A

- 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


Front garden


Staircase

Rear bedroom




Kitchen

Through living/dining room



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?

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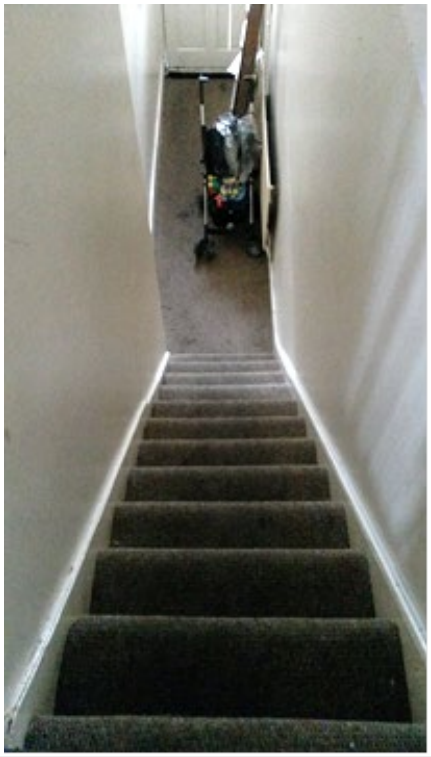









cooker
OFF
ON
socket
OFF
ON







Exercise 2C









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 non dead locking 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