



# Private Sector Housing Renewal Policy

# 2018-23

**Adopted September 2018**

# Forward

# Executive Summary

## **Housing and Health**

It has now been well established with the support of published research that poor housing conditions, overcrowding and unaffordability will all have an adverse effect on public health and wellbeing and exacerbate health inequalities.

Deficiencies found in a home can lead to health problems, which in turn can influence community stability, crime, environmental issues and increase costs for health care providers. Improved health brings wider benefits for everyone; increased productivity and tax revenue and reductions in welfare payments. Improving energy efficiency in the home will help to prevent excess winter deaths each year by helping to ensure homes are adequately heated, through reduced heat loss and improved heating systems. In 2016 the BRE published their update report *The Full Cost of Poor Housing* which quantifies the cost to not only health but the wider social costs of poor housing.

## **The Private Rented Sector**

Whilst the private rented sector will always be the housing option of choice for some, it is becoming the only option for a large number of people. The private rented sector in England is increasing rapidly due mainly to the lack of other affordable housing options available. The lack of new build properties coming onto the market has fuelled an increase in house prices which means that many people, especially those in their twenties who would aspire to home ownership can no longer afford to do so. Given that the poorest property is to be found in the privately rented sector and the lack of security of tenure it is worrying that increasingly young families have to make this their housing option.

Government has recognised that there are issues affecting the most vulnerable in society in occupying this sector and has introduced several policy changes in recent years aimed at increasing the quality of accommodation available.

## **The 2018-23 Private Sector Housing Renewal Policy**

The Policy details the assistance made available by the council for housing renewal in the private sector. This includes assistance for homeowners and tenants living in the private rented sector including registered social landlords but does not apply to tenants living in council owned housing stock. Information is provided on current interventions available to improve housing that make a positive difference to public health and reduce health inequalities. An overview of relevant national policy demonstrates why housing must sit on the public health agenda and the condition of private sector housing within the district is set

out. Finally, details on policy implementation are provided and potential sources of assistance, both financial and non financial are given.

Assistance can be in the form of grants, loans, advice, materials or to directly carry out work for the repairing, improving, extending, converting or adapting housing accommodation. This policy reflects the national trend with reducing resources away from a direct grant to fund work, to affordable loans to enable resources to be recycled over a period of years.

In the Stroud District there are 47,110 private sector dwellings (MHCLG, 2016); these include dwellings that are owner occupied, dwellings that are owned by private landlords and dwellings owned by Registered Providers (RP). Of these dwellings, 25% were built before 1919 with 36.5% of private rented dwellings built before 1919. A significant part of the stock is classified as 'Hard to Treat' where occupiers are likely to be in fuel poverty with 32% of solid wall construction and 16% in off gas areas. 26% of private sector dwellings in the district have category 1 hazards present. This is higher than the national average of 22%.

### **Policy Aim**

The council will help to improve the health, safety, and wellbeing of residents in private sector housing within the district that are affected by poor housing standards or disadvantaged through social deprivation, disability, age, vulnerability or infirmity. With particular emphasis on those living in the rapidly increasing private rented sector where national policy changes are to be introduced within the local context.

### **Policy Objectives**

To help achieve the policy's aim a number of key objectives have been identified:

1. Remove category 1 hazards in the home
2. Improve housing conditions in the private rented sector
3. Promote and improve energy efficiency in the home
4. Mandatory Licensing of Houses In Multiple Occupation (HMO)
5. Licensing of mobile homes and caravan sites
6. Adapt accommodation to meet disability needs
7. Tackle empty homes

### **Assistance**

In order to meet these objectives and achieve the policy's aim, the council will work in partnership with other local authorities, agencies and charities. A range of policy tools will be used to meet the needs of Stroud district residents, in the private housing sector, such as:

- Advice and Signposting

- Financial assistance
- Enforcement

Free advice is offered to both owner occupiers and tenants on housing repairs, making adaptations, improving home energy efficiency, letting accommodation, accessing private rented properties, mobile homes and caravan sites and reusing empty properties. Where appropriate the council will continue to signpost clients to relevant partner agencies. A number of loan schemes are available to assist property owners with housing repairs, energy efficiency improvements and reusing empty properties. Currently, only one means tested mandatory grant is available which is for adaptations for the disabled. The council has the discretion to decide on rates and conditions for any loan.

During times of limited resources, the council will continue to carry out mandatory functions, for example, dealing with category 1 hazards and assessing disabled facilities grants and will only carry out discretionary functions where possible. Disabled Facilities Grants will continue to receive priority in the allocation of resources both financial and officer time.

All enforcement action taken by the council will comply with the council's enforcement policy which encompasses the principles of openness, proportionality, consistency, accountability, transparency and helpfulness. The policy reflects the Cabinet Office enforcement concordat and the DTI good practice guide. Where there is an imminent risk to health and safety the council will take action immediately as appropriate.

### **Monitoring and Review**

This policy will be monitored against the council's corporate aims. Monitoring will be carried out through the council's performance management system and customer satisfaction surveys. Consultation will help to evaluate if the policy is meeting its key priorities. This will also help to identify customer needs and expectations for future services that could be provided as the policy is reviewed. The policy will be reviewed in 2023 or before if significant changes in legislation or budget occur.

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# Introduction

## 1.1 Background

Health inequalities arise from differences in the social and economic conditions in which people are born and live. These in turn influence a person's behaviour and lifestyle choices and their risk of illness. This inequality is driven by a complex range of factors in which housing is a major component. Poor housing conditions, overcrowding and unaffordability will all have an adverse affect on public health and well-being and exacerbate health inequalities. Making modifications to improve home safety, can lead to enhanced health that not only benefits the individual but also brings wider social and economic benefits.

This policy document will detail any assistance made available by the council under Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 for housing renewal in the private sector. This includes assistance for homeowners and tenants living in the private rented sector and affordable housing. This policy does not provide any detail on assistance for tenants living in council owned housing stock. Current interventions to improve housing that make a positive difference to public health and reduce health inequalities are explained. The relationship between health and housing is examined. A brief overview of relevant national policy demonstrates why housing must sit on the public health agenda and the condition of private sector housing within the district is set out. Finally, details on policy implementation are provided and potential sources of assistance, both financial and non financial are given.

### 1.1.1 Stroud District Profile

Stroud district is located in the county of Gloucestershire in the west of England (part of the South West region), covering an area of approximately 46,065 hectares. Much of the eastern half of the district falls into the Cotswold Area of Outstanding Natural Beauty (AONB). The western half of the district, characterised by the low lying landscape of the Severn Vale, is bounded by the Severn Estuary. The district is predominately rural with several market towns, each with their own distinct characteristics, assets and issues. According to 2016 mid year Census estimates, Stroud has a population of 117,472 with a total number of 52,230 dwellings. There are 47,110 **private sector** dwellings in the district (MHCLG, 2016), these include dwellings that are owner occupied, dwellings that are owned by private landlords and dwellings owned by registered providers (RPs)<sup>1</sup>.

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<sup>1</sup> Registered providers (RPs) or housing associations are private, non-profit making organisations that provide low-cost affordable housing for people in need of a home.

# Policy Aims and Objectives

There has been a significant reduction in funding from central government for local authority housing renewal programmes. It is government's view that the responsibility to maintain privately owned homes rest first and foremost with their owners but that some limited targeted assistance may still be required from local authorities for those who are most vulnerable. In comparison, nationally the private rented sector has been rising exponentially in recent years and central government has introduced several new legislative changes to address a corresponding increase in problems faced by the often vulnerable people occupying this sector.

This policy is designed to reflect these national trends as they affect the Stroud District so as to target and make the best use of the limited resources we have.

## 2.1 Policy Aim

Through this policy, the council will help to improve the health, safety, and well being of residents in private sector housing within the Stroud district that are affected by poor housing standards or disadvantaged through social deprivation, disability, age, vulnerability or infirmity.

## 2.2 Policy Objectives

In order to help achieve the policy's aim of promoting and improving health, safety and wellbeing a number of key objectives have been identified:

1. Remove category 1 hazards in the home
2. Improve housing conditions in the private rented sector
3. Promote and Improve energy efficiency in the home
4. Mandatory Licensing of Houses In Multiple Occupation (HMOs)
5. Licensing of Mobile Homes and Caravan sites
6. Assist in adapting accommodation to meet disability needs.
7. Tackle empty homes

These key objectives will target those in most need with particular emphasis on the private rented sector. Assistance will be targeted at the elderly, low income households, disabled people, households in fuel poverty, households threatened with homelessness and those requiring urgent assistance to prevent risks to their health and safety.

### **2.3 Partnership Working**

In order to successfully carry out these objectives and achieve the policy's aim, the council will work in partnership with other local authorities, agencies and charities. Strategic partnerships are necessary in order to develop a common vision between key stakeholders and to secure commitment of resources from the principal delivery agencies. The council will continue to work in partnership with the local Gloucestershire authorities on current interventions and when developing new policy tools. This enables resources, costs and good practice to be shared amongst the six local authorities and to make best use of the limited resources available.

Partnership working is essential for the marketing of the services to those in need and also for delivering assistance. The provision of disabled facilities grants is an important area of partnership working particularly with health and social services. For example, the council will cooperate by fast tracking adaptation applications to help facilitate hospital discharge and prevent bed blocking.

The successful Warm & Well Partnership with all 5 Gloucestershire District Councils, Gloucestershire County Council, Gloucestershire CCG and South Gloucestershire Council has recently been revamped to reflect changing priorities and resources available to continue delivery of the Warm & Well Scheme. Local charity Severn Wye Energy Agency (Severn Wye) have been commissioned by the partnership to provide energy advice to the general public through an Energy Advice Line and also administer individual projects through any additional funding that may be secured from central government and the European Union. The partnership has recently been successful in bidding for £4.8 million funding from National Grids Warm Homes Fund delivered by Affordable Warmth Solutions to install first time central heating to those in fuel poverty.

Within the council there is important partnership working across all services that are involved in the housing agenda in some way. The Housing Strategy Group meets quarterly to review upcoming changes and decide on how to inform both tenants and landlords of those changes and how they will affect them.

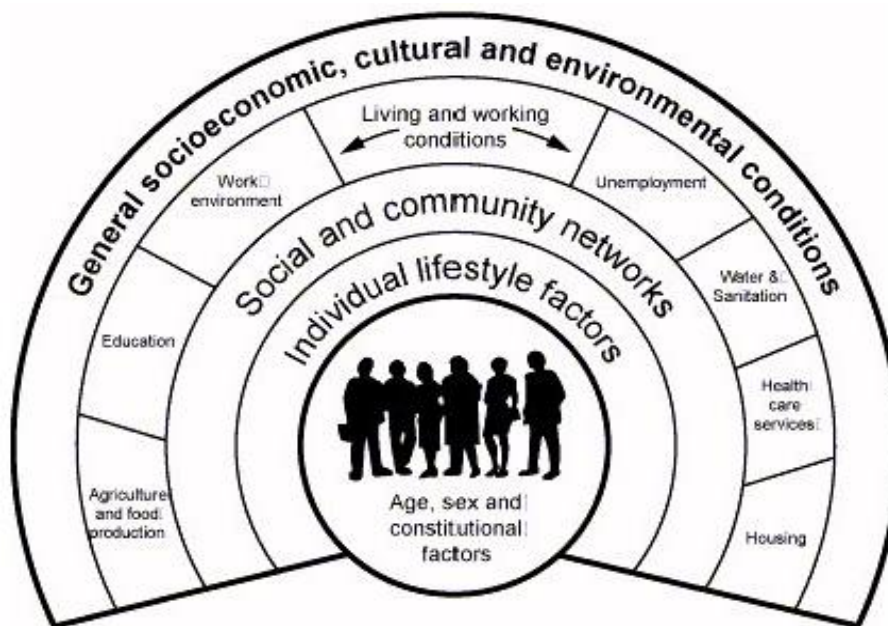
The council, where possible will build upon successful partnerships that already exist and seek to work with other organisations to advance the principles of housing renewal.

# Housing and Health

## 3.1 The Determinants of Health

The World Health Organisation (1948) defines health as “a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity”. When considering policies to promote and improve health and wellbeing in the district, housing renewal is fundamental. This is explained through the Determinants of Health (Figure 1), which demonstrates all aspects of an individual’s life that can affect their health. An individual (the inner circle) is surrounded by different influences that can all potentially be improved. This not only includes individuals’ lifestyles but also social and community networks, and the general socioeconomic, cultural and environmental conditions, of which housing is a significant factor. Housing conditions can be **influenced** and **changed** for the better. Each section provides an opportunity for an intervention to take place in order to improve an individual’s health outcome.

Figure 1: Dahlgren and Whitehead (1991)

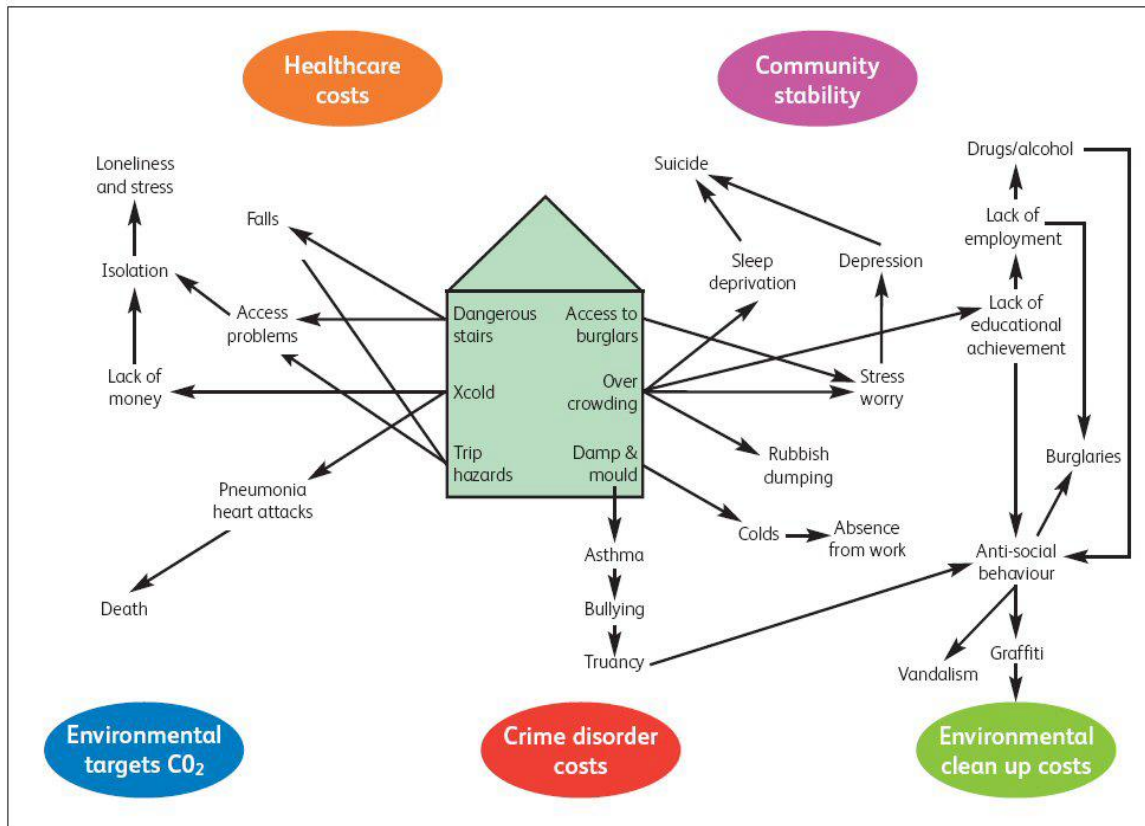


## 3.2 Health and Housing

It is well established that the poor condition of a person’s home can have a negative impact on their health. Under the Housing Act 2004, 29 potential hazards have been identified that can present a risk to an occupier or visitor to a dwelling. This not only affects the occupant but also the wider society. This is demonstrated in Figure 2, which shows how deficiencies found in a home can lead to health problems, which in turn can influence community stability, crime, environmental issues and increase costs for health care providers. Improved

health brings wider social and economic benefits for everyone; increased productivity and tax revenue and reductions in welfare payments.

**Figure 2: The Links between Public Health and Housing (CIEH, 2008)**



### 3.3 The Housing Act 2004 and Housing Health and Safety Rating System (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is used by Private Sector Housing Officers (PSHOs) to assess the risk to the health and safety of occupants, visitors or future occupants from deficiencies found in dwellings over a 12 month period. Defects in the dwelling are identified and any potential hazards that might be caused by them. There are 29 hazards, which fall under four categories; physiological requirements (which includes excess cold), psychological requirements, protection against infection and protection against accidents (which includes falls and slips and trips). Once a hazard is identified it is assessed by an PSHO to enable a distinction between a minor and a major hazard. Consideration is given to the potential harm the hazard may pose. This allows the hazard to be rated, either as category 1 (bands A, B, or C) or category 2 (bands E – J). If a category 1 hazard is identified in a private sector property the council has a duty to take action under the Housing Act 2004. The most common hazards found are excess cold and falls.

### 3.3.1 Excess Cold

Excess cold<sup>2</sup> can be caused by poor housing conditions or simply because an occupier cannot afford to adequately heat their home (fuel poverty<sup>3</sup>). It is estimated that there are some 1.325 million homes in England that suffer from a serious excess cold hazard (BRE The Full Cost of Poor Housing 2016) The indoor temperature of a home can affect an occupant's physical, mental and social health and wellbeing. Living in sub-optimal indoor temperatures may substantially increase the risk of respiratory (influenza, pneumonia and bronchitis) and cardiovascular (heart attacks and strokes) conditions. Damp and mould is more likely to occur in cold, poorly insulated homes. Properties with damp and mould put occupants at risk, for example, children under the age of 14 are the most vulnerable to developing asthma.

The excess winter death rate is defined as the average number of deaths between December and March compared with the average for the rest of the year. In England and Wales the number of excess winter deaths was estimated to be 24,580 in 2015/16 (ONS, 2017). The majority of deaths occurred among those aged 75 and over; there were 18,300 excess winter deaths in this age group in 2015/16 compared with 6,200 in the under 75-year-olds (ONS, 2017). Given the prolonged periods of time occupants over the age of 85 spend in active in their homes, it should be no surprise that the elderly are most at risk to excess cold as reflected in these figures

The indirect health impacts of cold housing are also widely documented. Dexterity can be negatively affected resulting in an increased risk of injury through falls. Although children are not classed as the 'most' vulnerable to excess cold, the link between poor housing and children's physical and mental health is well established (Shelter, 2006). This includes educational attainment, emotional wellbeing and resilience, which can have dramatic effects on a child's life chances. The Marmot Review Team (2011) suggested '*children living in cold homes are more than twice as likely to suffer from a variety of respiratory problems as children living in warm homes.*'

Living in a cold home can affect an occupant's mental health. For example, the anticipation of a high fuel bill can increase stress, not only for the bill payer, but for all members of a household who 'go without' in order to maintain energy payments. The phrase developed in the media, 'heat or eat' explains the reality for many households. The Marmot Review Team (2011) explains the level of a home's energy efficiency can affect a person's life chances,

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<sup>2</sup> Excess cold is a potential hazard that covers the threats to health from sub-optimal indoor temperatures. An indoor temperature at 21°C is considered healthy.

<sup>3</sup> In England, a household is considered fuel poor if they have above average fuel costs and if they were to spend that amount, would be left with a residual income below the official poverty line (BEIS, 2017)



children's motivation and educational attainment. Having to choose to spend the family budget on heating or food has an effect on nutrition and maintaining a healthy diet. Occupants not able to afford to heat their homes adequately are less likely to invite friends to their house, increasing their risk of social isolation. This has wider social impacts, potentially putting a family at risk of social exclusion.

#### **Excess Cold Case Study**

Miss D was renting a small two bedroom property with her partner and their young child. The property was previously lived in by their landlord who found it to be very warm as it benefitted from cavity wall insulation, loft insulation, double glazing and electric storage heaters. To try and maximise space in the property, the electric storage heaters had been removed. Shortly after moving in, the new tenants began to experience a lot of problems with condensation and mould as they only had a small electric heater to keep them warm. An Environmental Health Officer (EHO) visited Miss D who expressed concerns for her young child living in such a poorly heated property during the approaching winter months. A Category 1 hazard for Excess Cold was found due to the insufficient heating in the property which was causing condensation to build up in the property and in turn, allowing mould growth to form further impacting on the occupant's health. The Landlord was required to carry out remedial works to remove the Category 1 hazard and was informed by the EHO of the Warm Homes Fund which may be able to help install a full central heating system. As a result, the Landlord contacted the Warm and Well team and the tenants were able to make an application for central heating to be provided under the new scheme. The central heating was fully funded and successfully installed free of charge and now the tenants can look forward to a warmer home this winter.

### **3.3.2 Falls**

There are numerous hazards found in the home that can cause accidents, such as a fall on the stairs or slips and trips that can result in physical injury including fractures. Fall hazards include; a fall from a bath or shower, falls on a level surface such as a floor, or path, falls between levels and falls associated with stairs. Falls on stairs account for 25% of all falls in the home (both fatal and non fatal). These hazards can be linked to excess cold. Cold will impair movement and sensation. A lower body temperature affects mental functioning such that falls are more likely in the cold.

Typically, the harm suffered from a fall is a physical impact type of injury. However, the health of an elderly person can deteriorate generally following a fall which can result in death within months of the initial fall injury. The cause of death can be cardio respiratory illness, including heart attack and pneumonia. Once an older person has had a fall it can impact on their self confidence and can result in social isolation, an increased fear of falling again, depression and a reduced quality of life. After the age of 40 men are much more likely to die from a fall on stairs or steps in the home than women. In the age bands 40 to 64 and 75+, a man is almost twice as likely to die from a fall on stairs or steps at home than a woman.

The causes can often be prevented, for example, the construction, evenness, slip resistance and maintenance of a floor all affect the likelihood and the severity of a person falling over. Prevention measures often are not expensive, installing a hand or grab rail, improving lighting to the area or laying a non slip floor covering can be done for a few hundred pounds.



# The National Context

## 4.1 Public Health Agenda

The Public Health Outcomes Framework for England 2016 - 2019 contains two overarching outcomes that have been identified by the Department of Health to improve the health and wellbeing of the population:

1. **Increased healthy life expectancy by taking account of the health quality as well as the length of life.**
2. **Reduced differences in life expectancy and healthy life expectancy between communities.**

Officers working in private sector housing will directly assist with achieving the frameworks overall vision *'to improve and protect the nation's health while improving the health of the poorest fastest'*. The framework contains public health indicators (PHI) grouped into four domains. The council has identified areas where this private sector housing renewal policy could contribute to improving the public health outcomes through a range of housing renewal actions (Table 1).

**Table 1: Public Health Indicators (PHI) 2016-19**

Domain	Public Health Indicator	Housing Renewal Actions
<b>Domain 1 Improving the Wider Determinants of Health</b>	<b>1.1</b> Children in low income families <b>1.6</b> People with mental illness or disability in settled accommodation <b>1.15</b> Statutory homelessness <b>1.17</b> Fuel poverty	Fit to Rent Healthy Homes Loans Disabled Facilities Grants Deposit Bond Empty Homes HMO Licensing Warm and Well
<b>Domain 2 Health Improvement</b>	<b>2.7</b> Hospital admissions caused by unintentional and deliberate injuries in under 18s <b>2.24</b> Falls and injuries in the over 65s	Healthy Homes Loans Disabled Facilities Grants Fit to Rent
<b>Domain 4 Healthcare Public Health &amp; Preventing Premature Mortality</b>	<b>4.3</b> Mortality from causes considered preventable <b>4.4</b> Mortality from all cardiovascular diseases (including heart disease and stroke) <b>4.7</b> Mortality from respiratory diseases <b>4.13</b> Health-related quality of life for older people <b>4.14</b> Hip fractures in over 65s <b>4.15</b> Excess winter deaths	Healthy Homes Loans Disabled Facilities Grants Warm and Well Fit to Rent

It is estimated that leaving vulnerable people living in poor housing is costing the NHS £1.4 billion each year in first year treatment costs (BRE The Full Cost of Poor Housing (2016)). This policy can contribute to reducing these costs

## **4.2 The Private Rented Sector**

Whilst the private rented sector will always be the housing option of choice for some, it is rapidly becoming the only option for a large number of people. The private rented sector in England is increasing rapidly due mainly to the lack of other affordable housing options available. The lack of new build properties coming onto the market has fuelled an increase in house prices which means that many people, especially those in their twenties who would aspire to home ownership can no longer afford to do so. Given that the poorest property is to be found in the privately rented sector and the lack of security of tenure it is worrying that increasingly young families have to make this their housing option.

Government has recognised that there are issues affecting the most vulnerable in society in occupying this sector and has introduced several policy changes in recent years aimed at increasing the quality of accommodation available.

### **4.2.2 Civil Penalty Notice**

The Housing & Planning Act 2016 introduced Civil Penalty powers to compliment the existing enforcement tools that the Council has under the Housing Act 2004, to prosecute, issue simple cautions and/or carry out works in default of landlords who fail to comply. Civil Penalties of up to £30,000 are available as an alternative to prosecution for certain specified housing offences under the Housing Act 2004. Under regulation 4 of the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017, a local housing authority may apply any financial penalty to meet the costs and expenses of enforcement functions. Any amount not applied as such is to be paid into the consolidated fund.

### **4.2.3 Retaliatory Eviction**

The Deregulation Act 2015 introduced rules to protect tenants from unfair eviction (known as retaliatory eviction) following a complaint to the landlord concerning the condition of the property. A tenant must put their complaint in writing to their landlord who must respond within 14 days. If the response is not appropriate then the tenant can ask the Council to carry out an investigation. If the Council finds an issue which needs to be addressed and

they serve an improvement notice or Emergency Remedial Action Notice, then the landlord cannot evict the tenant for 6 months using the no fault procedure.

#### **4.2.4 Letting Agents Redress Scheme**

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirements to belong to a Scheme etc) (England) Order 2014, introduced the legal requirement for all lettings agents and property managers in England to belong to one of three government redress schemes. An agent is required to display on the premises the contact details for which of the three schemes they belong to. This then enables tenants (and in some cases landlords) in the private rented sector to have an identified independent body to which they can complain about the service they have received.

Where an agent or property manager has not joined a scheme the Council can issue a £5,000 fixed penalty fine.

#### **4.2.5 Smoke and Carbon Monoxide**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 place a duty on landlords to ensure that a smoke alarm is installed on each storey and a carbon monoxide alarm in any room where there is a solid fuel burning appliance.

Failure by a landlord to adequately respond to a remedial notice issued by the Council may result in the Council issuing a fine up to a maximum of £5,000.

### **4.3 The Welfare Reform Act 2012**

#### **4.3.1. Universal Credit**

The government has introduced legislation to reform the welfare system by creating a Universal Credit. A package of measures intended to reduce the increasing cost of Housing Benefit, combat worklessness and poverty. The introduction of Universal Credit has been phased and in this district was introduced in October 2017. Most of the changes are aimed at reducing the benefit bill; however, effects are expected to be seen in the private rented sector. For example, there may be a higher demand for Houses in Multiple Occupation (HMOs) as Local Housing Allowance rates were reduced for those less than 35 years old, forcing occupants out of one bed flats into shared accommodation. As the demand for HMOs increase, the council must ensure those properties eligible for licensing are inspected and regulated.

There is concern that if welfare reform forces landlords to charge a lower rent, property standards may slip, resulting in the most vulnerable tenants living in the worst accommodation conditions and overcrowded properties. Therefore, the council must

continue to inspect properties in the private rented sector and prioritise inspections of properties housing the most vulnerable tenants.

#### **4.4 Climate Change and Energy Efficiency**

Climate change is the greatest long term challenge society faces. Evidence demonstrates that global temperatures and atmospheric carbon dioxide concentrations are rising. Most housing in England was built before the links between energy use and carbon emission reduction were understood, and thermal expectations were low. Energy use in the home accounts for more than a quarter of energy used and carbon dioxide emissions in Great Britain; more energy is used in housing than in road transport or in industry (Palmer and Cooper, 2013). The type, condition and heating system will all influence a property's energy efficiency standard and the occupant's ability to afford adequate heating. Improving energy efficiency in the home will help to prevent excess winter deaths each year by helping to ensure homes are adequately heated, through reduced heat loss and improved heating systems.

##### **4.4.1. The Home Energy Conservation Act 1995 (HECA)**

The Home Energy Conservation Act 1995 (HECA) requires the council to set out measures which will lead to a significant improvement in the energy efficiency of residential accommodation in the district. The Act does not provide mandatory targets but authorities are encouraged to set their own in line with national government targets (the Climate Change Act and the National Fuel Poverty Strategy). Progress reports must be submitted every two years to the Department for Business, Energy and Industrial Strategy (BEIS). The council supports the government's view that improving the energy efficiency of residential accommodation is important for sustainability reasons, to help combat global warming and to help ensure that every household has access to affordable warmth.

There is no doubt that sustained energy efficiency improvements to the housing stock will reduce carbon emissions and improve the health and wellbeing of occupants, as well as reducing winter deaths and costs to the NHS. By improving the energy efficiency of a rented property, both current and future tenants will be protected from the risk of fuel poverty and excess cold.

##### **4.4.1. The Energy Act 2011**

The Energy Act 2011 has been developed to improve home energy efficiency and target fuel poverty in the private sector.

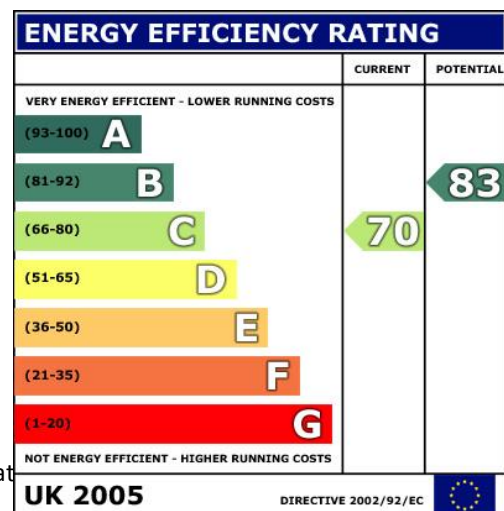
The Act introduced the Energy Company Obligation (ECO) which is now in the extended transition phase of the second obligation (known as ECO2t) which runs from 1<sup>st</sup> April 2017 to 30<sup>th</sup> September 2018. The Government is currently consulting on the next phase of ECO, which is expected to be implemented between 2018 and 2022. The programme was introduced to deliver energy efficiency measures across the UK in order to assist low income and vulnerable customers to comfortably heat their homes and to help reduce carbon emissions (BEIS, 2017). Under the current transition phase, local authorities have been able to determine eligible homes under the new ‘flexible eligibility’ scheme, details of which can be found in [Gloucestershire’s Statement of Intent](#). The government expects energy companies to fund this subsidy providing £1.3 billion a year for the scheme and an element of this funding will be allocated for affordable warmth<sup>4</sup>, assisting those in fuel poverty.

The government has recognised that tenants in the private rented sector have not had the same opportunities and assistance to make energy efficiency improvements as those in other tenures. The private rented sector has the highest proportion of thermally inefficient G rated homes of any tenure (DECC, 2011b). In 2016, around 6% of private rented sector dwellings in England had an energy efficiency rating of band F or G which is now of similar proportions to owner occupiers. Social rented properties are much lower, with only around 1% of properties having an energy efficiency rating of F or G (MHCLG, 2018). It is expected that these figures will continue to fall with the introduction of the Minimum Energy Efficiency standards in private rented dwellings in 2018.

#### 4.4.2 Energy Efficiency (Private Rented Property) Regulations 2015

On April 1<sup>st</sup> 2018, a minimum energy efficiency standard in private rented dwellings of Band E was introduced. This ensures the landlord is responsible for energy efficiency improvements to bring the property up to a minimum band E otherwise it cannot be let. The regulations will only apply to new tenancies from April 2018 but it is expected that this will come into effect for existing tenancies from April 2020 (BEIS, 2017b). Around one third of fuel poor households in England live in the private rented sector (BEIS, 2017b) so it is hoped that the introduction of this

<sup>4</sup> Affordable warmth is where a household can achieve temperature for expenditure of less than 10% of income.



Picture 2: Energy Efficiency Rating from an EPC

minimum requirement will provide warmer, more comfortable standards for those tenants living in inefficient dwellings.



# The Local Context

## 5.1 Local Policy

Gloucestershire's Health and Wellbeing strategy mirrors the government's aim to ensure a systemic approach to promote the health and wellbeing of Gloucestershire's residents. The strategy 'Fit for the Future 2012 - 2032' uses the four significant stages of a person's life course of which safe, appropriate and accessible housing is fundamental:

- ✓ **Starting Well**
- ✓ **Developing Well**
- ✓ **Living and Working Well**
- ✓ **Ageing Well**

This strategy, developed by the Gloucestershire Health and Wellbeing Board (GHWB) brings together key partners from health and social care. The Board's aim is '*to improve the health of all Gloucestershire residents and protect the most vulnerable by working with communities to co-produce health and wellbeing resilience*'. The Board identified five priority areas; the three priorities highlighted in bold relate to areas of work within this policy:

- ✓ Reducing obesity
- ✓ Reducing the harm caused by alcohol
- ✓ **Improving mental health**
- ✓ **Improving health and wellbeing into older age**
- ✓ **Tackling health inequalities**

The Fit for the Future strategy promotes working in partnership between public sector organisations, private business and the voluntary and community sector. Hip fractures in older people have been identified as a key issue for improvement as well as excess winter deaths. These areas are important considering the number of older people in Gloucestershire is predicted to increase by over 70% by 2035 and the risk of all major causes of early death and serious illness increases with age. This policy outlines interventions to prevent accidents in the home and help those in fuel poverty through partnership work with local organisations.

## 5.2 Stroud District Council Corporate Priorities

The current Corporate Delivery Plan 2017-2021 for Stroud District Council seeks to demonstrate how the council's vision will be achieved around five key priorities. Residents

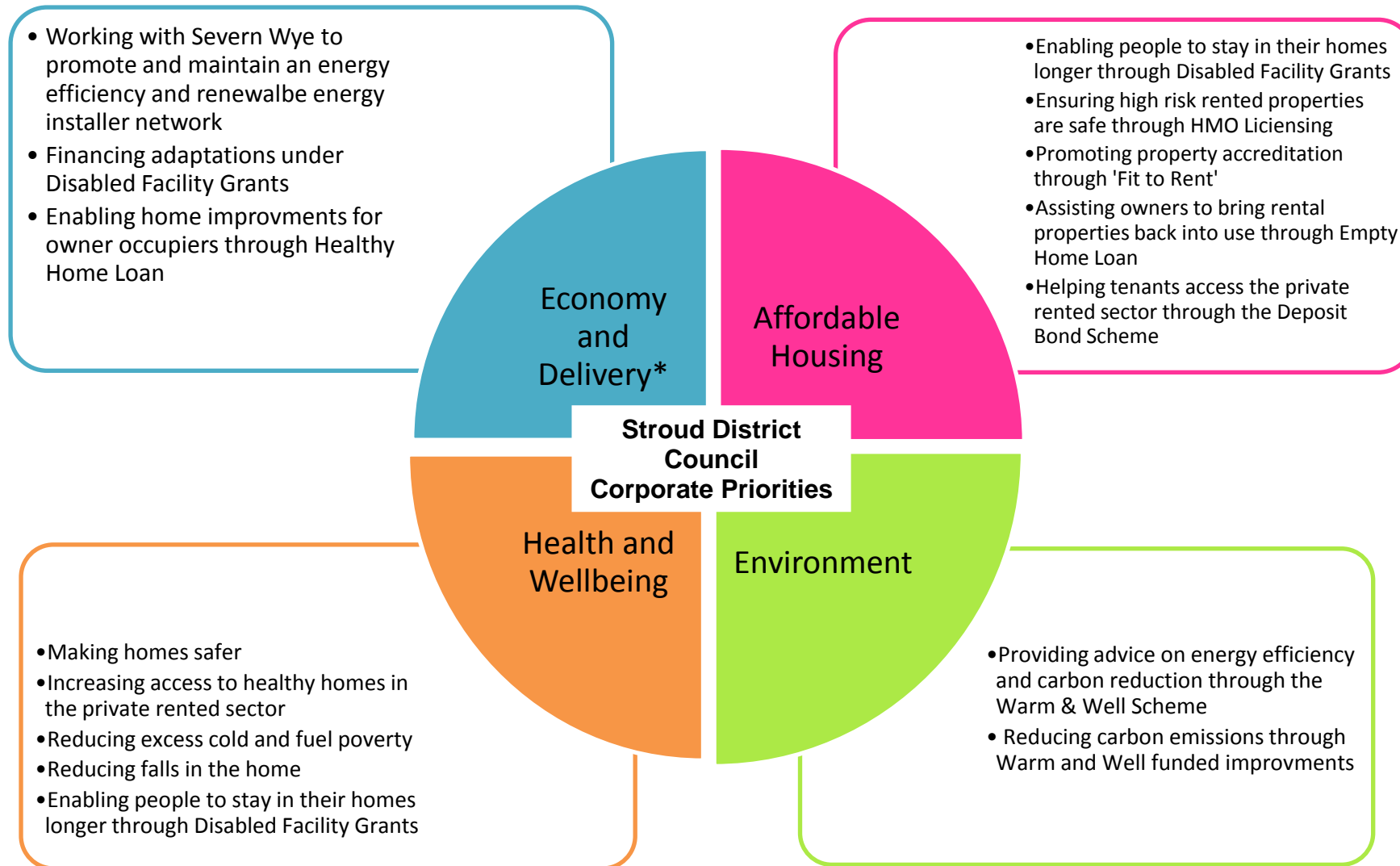
and businesses are asked through the Annual Budget Consultation to evaluate each of the council's five priorities. This ensures each priority remains focused on the needs of both the residential communities and local business.

**Stroud District Council Corporate Priorities 2017-2021**

- **Economy** - Help create a sustainable and vibrant economy that works for all
- **Affordable Housing** - Provide affordable, energy efficient homes for our diverse and changing population
- **Environment** - Help the community minimise its carbon footprint, adapt to climate change, recycle more and send as little waste to landfill as possible
- **Health and Well Being** – Promote the health and well being of our communities and work with others to deliver the public health agenda
- **Delivery** – Provide value for money to our taxpayers and high quality services to our customers

This policy will assist in achieving all of the five corporate key priorities by providing a number of intervention measures and means of assistance as shown in figure 3.

Figure 3: How Housing Renewal Helps to Address the Council’s Corporate Priorities of 2017 - 2021



\* For the purpose of this illustration the corporate priorities Economy and Delivery have been combined.

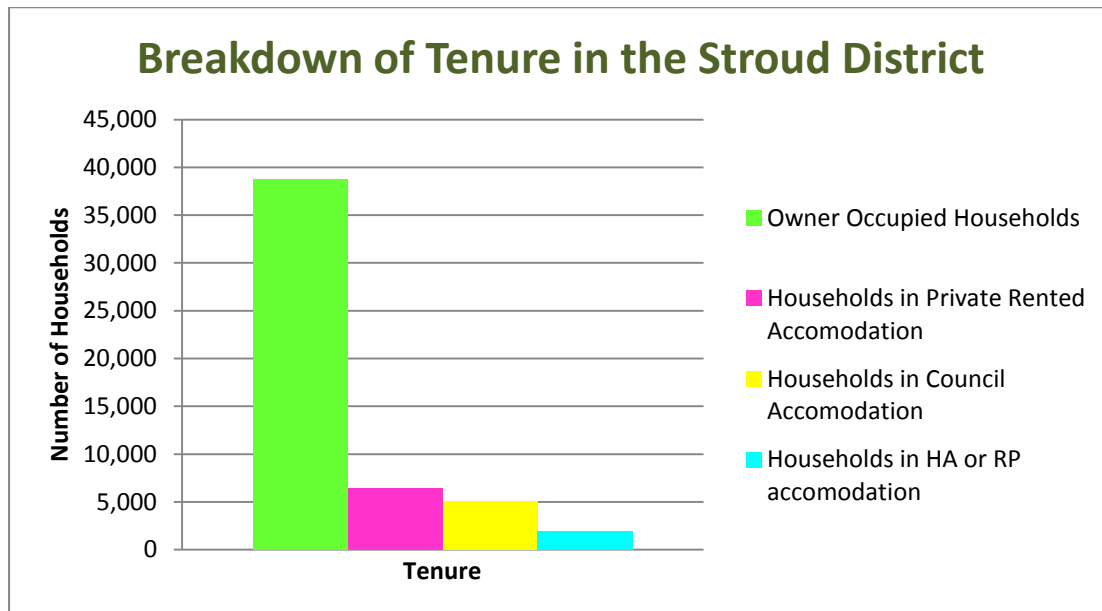
# Private Sector Housing in the District

## 6.1 Stock Condition

Private sector housing is all housing which is not owned by the council. This includes leasehold properties, privately rented accommodation and registered provider (RP) properties and those which are owner occupied.

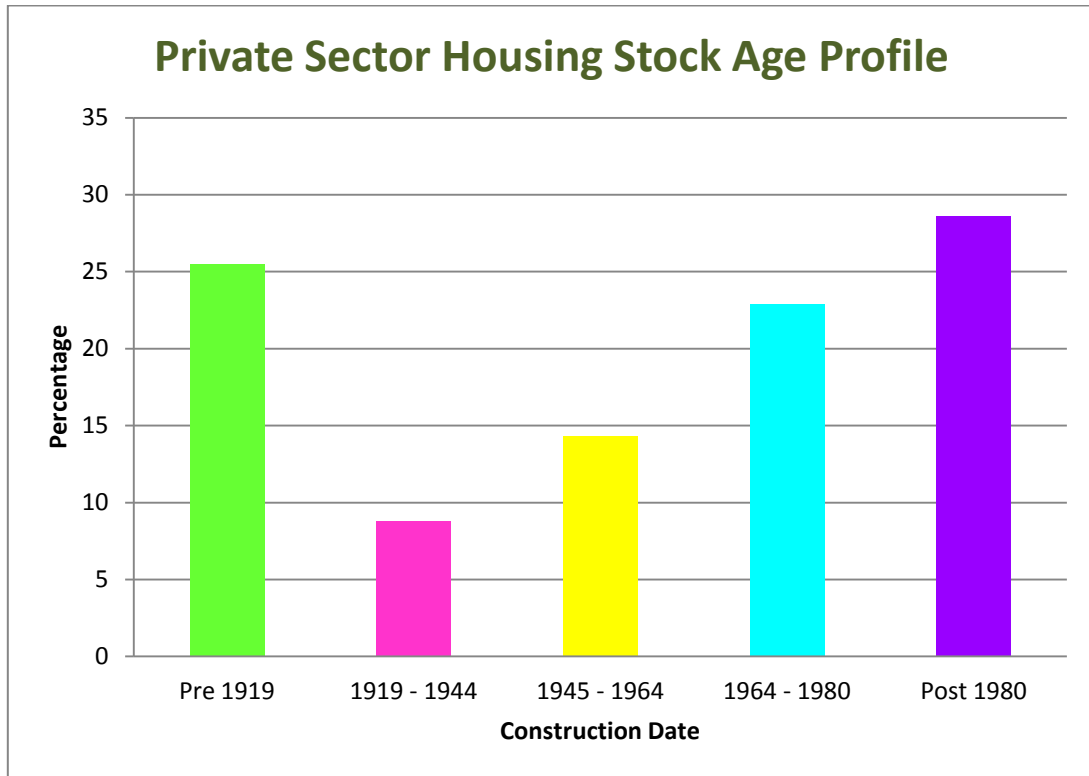
Stroud district has a population of 117,472 making up a total of 52,230 households (GCC, 2018). 74% of the households own the property that they live in, whereas 16% of households live in property rented from either a private sector landlord or RPs and the remaining 10% of households live in property owned by the council..

**Figure 4: Breakdown of Tenure in the District (Census, Update 2015)**



### 6.1.1 Age

In the Stroud district, 25.5% of dwellings were built before 1919, which is slightly above the national figure of 22%. Stroud differs from the national average with a smaller proportion of stock built between 1919 and 1964 and significantly more built post 1980. Nationally, the average number of properties built post 1980 is only 18.5% compared to Stroud's 28.6%. In Stroud, the private rented sector has a much higher proportion of pre 1919 dwellings with 36.5% of private rented dwellings built before 1919.

**Figure 5: Private Sector Housing Stock Age Profile**

### 6.1.2 'Hard to Treat' Properties

Properties of a solid wall construction and properties which are not connected to the gas network are known as 'hard to treat' when considering ways to improve their condition. In the Stroud district 16% of properties are off the gas network and 32% of properties are of solid wall construction. It is useful to identify those parishes with 'hard to treat' properties as occupants may be at risk of fuel poverty. This can help the council to target resources.

### 6.1.3 Energy Efficiency and Fuel Poverty

The energy efficiency of a property can be illustrated by a calculation known as the Standard Assessment Procedure (SAP). SAP is a calculation of how much heat, hot water and light is gained from a building per pound spent on fuel bills. A score is given to the property; 100 represents a highly efficient property and 1 a highly inefficient property. This will be influenced by the level of insulation, fuel type and heating & ventilation systems. The level of insulation, if any, is important to prevent heat loss from floors, walls and the roof. The CIEH (2011) state insulation is a key element of remedial measures to address excess cold hazards. For homes with cavity walls and loft spaces, insulation can be relatively easily and cheaply installed compared to 'hard to treat' properties.

In Stroud, the average SAP rating is 61 which is similar to the national average of 62. Both figures lie in Energy Efficiency Rating Band D.

**Table 2: Stroud average SAP rating compared to national figure (MHCLG, 2016)**

	<b>Stroud</b>	<b>England</b>
<b>Average SAP Rating</b>	61 (BAND D)	62 (BAND D)

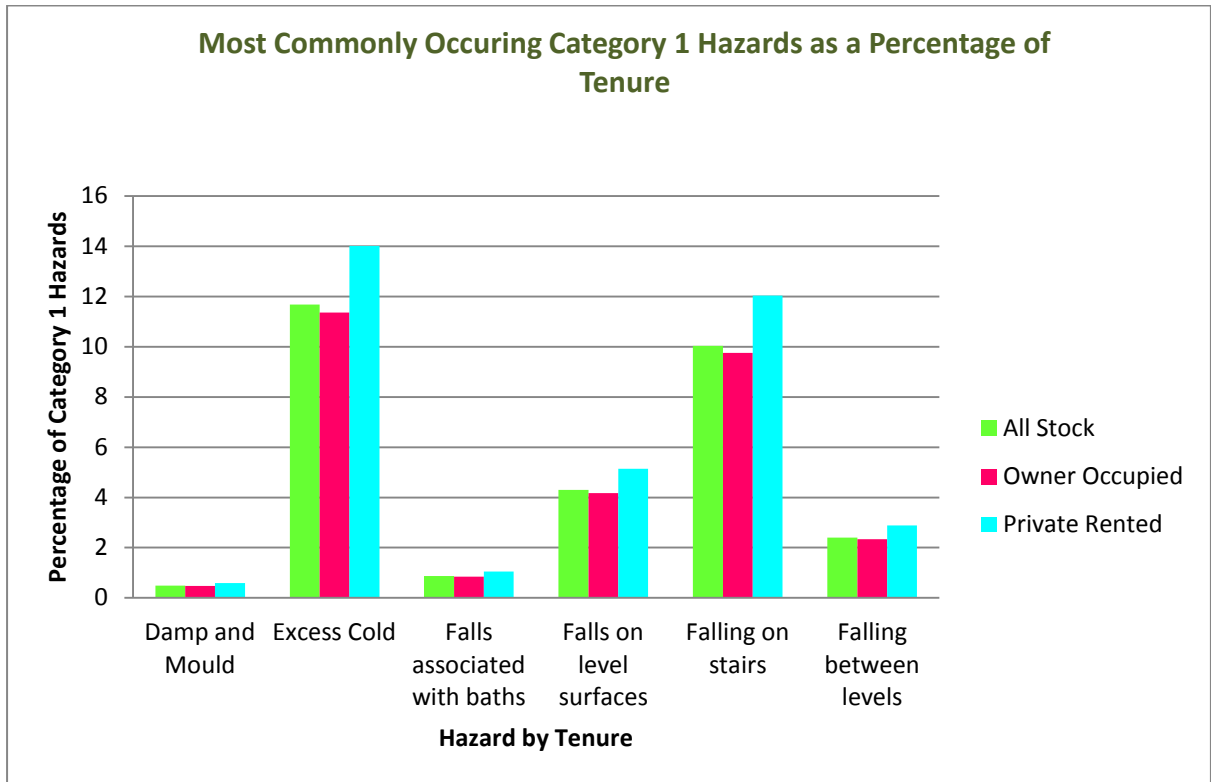
The energy efficiency of a property is a contributing factor to excess cold and damp and mould hazards and therefore cold related illness. Evidence shows the percentage rise in deaths in winter is greater in dwellings with low energy efficiency ratings. This is also linked to fuel poverty. Regardless of income, households face very different costs to achieve the same level of warmth, which is largely due to the varying energy efficiency of their homes. Occupants who cannot afford to adequately heat their homes are at greater risk of excess cold and as a result, ill health.

Currently, 10.4% of households in the district are living in fuel poverty; this is lower than the figure for Gloucestershire at 10.7% and 11.4% for the South West (BEIS, 2017a). In 2015, an estimated 2.5 million (11%) households in England were in fuel poverty (BEIS, 2017a) of which 1.9 million were classed as 'vulnerable fuel poor'. Vulnerable households are those containing someone who is aged 60 or over, under 16, disabled or has a long term illness.

#### **6.1.4 Category 1 Hazards**

An indication of the condition of the housing stock can be gained by the number of category 1 hazards estimated to be in the district. Based on the modelled data from BRE in 2011 there are 11,577 dwellings with category 1 hazards estimated to be present in the district which equates to 26% of the private sector housing stock. This is higher than the national average of 22%. In Stroud the number of category 1 hazards estimated to be in the owner occupier sector is 33% compared to 42% estimated to be in the private rented sector. By reviewing the most common hazards identified in the HIA (Figure 7), it is clear that the private rented sector has a higher prevalence of category 1 hazards than the owner occupier sector.

Figure 6: Category 1 Hazards as a Percentage of Tenure

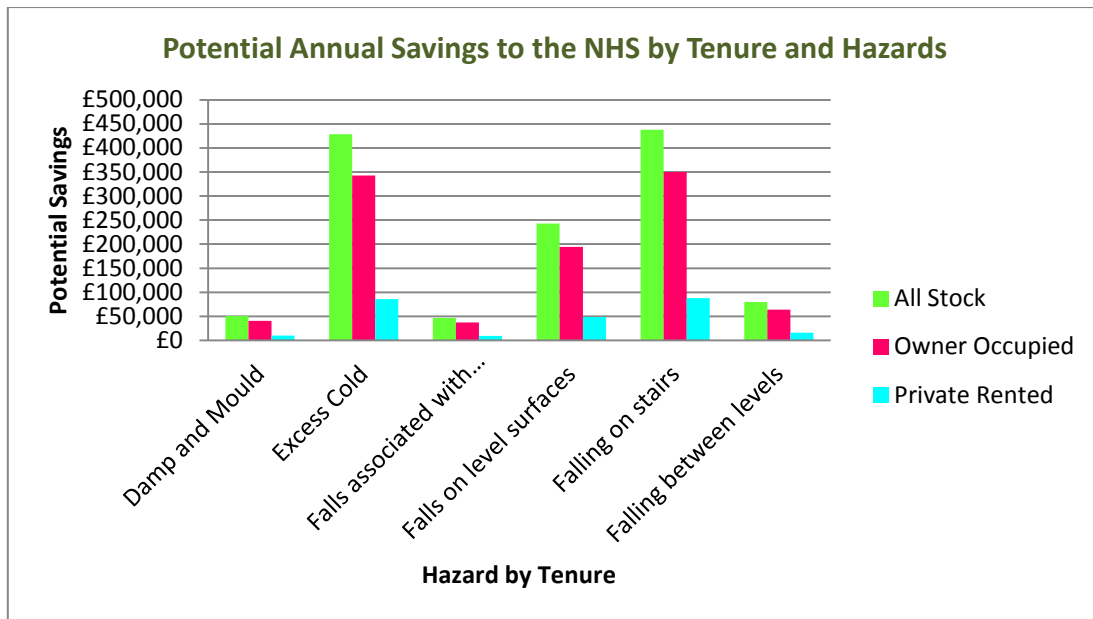


## 6.2 Health Impact Assessment (HIA)

The HIA includes a cost benefit analysis of the costs associated with improving private sector housing alongside the cost to both the health service and to society. The HIA was developed in line with the Audit Commission’s report Building Better Lives (2009) which recommends maximizing the use of existing housing stock, stating that *‘well targeted spending on the existing housing stock can also yield financial benefits for example, every £1 spent on providing housing support for vulnerable people can save nearly £2 in reduced costs of health services, tenancy failure, crime and residential care’*.

In the district, the potential estimated savings to the NHS if all category 1 hazards were mitigated is £1.6 million per annum based on being able to ‘fix’ all the problems contributing to category 1 hazards within the housing stock. Figure 8 shows these savings for the six most commonly occurring hazards. The potential annual savings are based on all dwellings with category 1 hazards being occupied by a person ‘vulnerable’ to the hazard. The estimated cost to the NHS of treating accidents and ill-health, caused by category 1 hazards in Stroud, during the next 10 years, is £16 million. If the wider costs to society are also considered, the potential costs are even greater at £40 million, as costs to the NHS are estimated to account for only 40% of the whole cost of the effect of category 1 hazards on society.

Figure 7: Potential Annual Savings to the NHS in Stroud



There are approximately 5,020 dwellings with category 1 excess cold hazards in the district. The average cost of mitigating the hazard per dwelling is £8,000. The number of category 1 excess cold hazards estimated to be present in the owner occupier sector is 4,016 and within the private rented sector 1,004. The potential annual savings to the NHS is estimated at £429,000, this is over £1 million to society per year.

### 6.3 Housing Need in Stroud District

The latest Strategic Housing Market Assessment (SHMA) 2015 shows that 1,227 households in the Stroud District are lacking their own home or are living in unsuitable housing. These are the number of households that have been identified as not being able to afford a suitable solution in the housing market without some form of subsidy, and are therefore considered to be in current housing need. The SHMA identifies that there is a need for an additional 446 affordable housing units per annum with the greatest need being for two bedroom accommodation, followed by three bedroom and one bedroom homes. Affordable Housing policy suggests that affordability is expected to worsen over the next 20 years increasing the impetus for a greater supply of affordable housing within the District.

This policy can help to address housing need and access to affordable housing (which is one of the council's corporate priorities) through schemes such as the Deposit Bond. This scheme enables tenants to access private rented properties



when tenants do not have the upfront finance to pay for a deposit. In addition, the council's empty homes initiative offers advice and incentives to owners of empty properties to help them bring empty properties back into use. Conditions on the loans are such that an affordable rent must be charged during the loan period, therefore, increasing the number of affordable homes available for rent.

### 6.4 Empty Homes

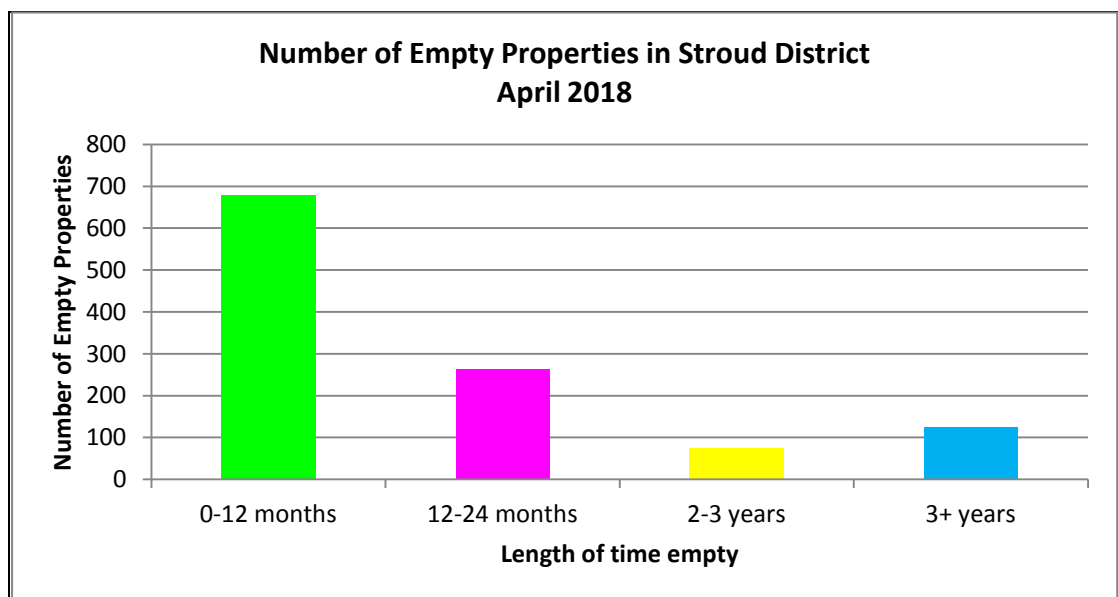
There are approximately 1,500 privately owned properties categorised as empty on the Council Tax Register. This figure offers a snapshot of the total number of empty properties in the district at any one time and includes those empty for less than 6 months, reflecting the constant turnover in the market. Approximately a third of these are classed as 'long term empty' which is defined as properties that have been empty over 6 months. The housing

renewal team are currently embarking on a programme of targeting these properties with an aim to bring as many as possible back into residential use. The project will aim to encourage, enable and assist owners in the first



instance by offering advice and an interest free loan, repayable when the property is sold. If they continue to remain empty despite intervention from officers then there are enforcement powers available.

**Figure 8: Length of time properties are left empty**



## **6.5 Population**

The council has opted for a client based approach to housing renewal in the district. This means focusing on the needs of the residents. In order to do this it is useful to consider the number of elderly residents, those affected by disability and those claiming benefits. Poor housing can be a barrier to older and disabled people, contributing to immobility, social exclusion, ill health and depression. In the Stroud district, around 22% of residents are aged over 65. This is higher than the figure for England which is 18% (ONS, 2018).

It is predicted that around 7,500 18-64 year olds in Stroud district have a moderate or serious physical disability (GCC, 2018). Similarly, approximately 4,700 over 65 year olds are unable to manage at least one activity on their own.

Poor housing conditions can be associated with households in social and economic disadvantage. This affects the ability of households to repair and improve their home. Households in receipt of low income related benefits are considered to be low income households. In the district 8% of households live in the most deprived national quintile areas (GCC 2015).

As of January 2018 there were 11 gypsy, traveller and travelling showman sites in the Stroud district. These sites are owned by the occupants and have planning permission to operate. There are no Transit Sites in the district and currently only one privately owned gypsy site that offers temporary pitches. There are no publicly owned sites in the district.

# Achieving Our Objectives

In order to meet the policy's objectives the council will use a range of policy tools to meet the needs of Stroud district residents, across all tenures, such as:

- Advice and Signposting
- Assistance
- Enforcement

Please note not all policy tools are applied to each objective.

## **7.1 Objective 1: Remove Category 1 Hazards in the Home**

### **7.1.1 Advice and Signposting**

The council offers free advice to both owner occupiers and tenants on housing repairs. Members of the Housing Renewal Team visit properties and offer advice on any potential hazards and provide assistance where necessary. Officers can discuss any financial assistance that may be available to the resident either through council schemes or partnership organisations.

The Council's website offers information and advice for homeowners on how to obtain reliable builders to repair and maintain their homes, which includes a database of local builders, architects and surveyors. [Help with the repair and adaptation of homes in Gloucestershire.](#)

### **7.1.2 Assistance**

#### **7.1.2.1 Healthy Home Loan (Appendix 2)**

Owner occupiers are entitled to apply for a Healthy Homes Loan of up to a maximum of £15,000 for essential repair works to their homes. This is an interest free loan. Eligible works are those that the council deem necessary to reduce any category 1 hazards under the HHSRS. The application for a loan will include a test of resources to assess the applicant's income and savings. Loans are secured against the property via a local land charge. If the property is sold or transferred the loan must be repaid in full. This enables the loan funding to be recycled and reused to help those in most need.

### **7.1.3 Enforcement**

Part 1 of the Housing Act 2004, provides legislation for local authorities to enforce improvements to dwellings, placing a duty on local authorities to take action if a category 1 hazard is identified. This legislation aims to protect the health, safety and

welfare of tenants, home owners and the general public. Where a category 1 hazard has been identified in a private rented property, the council will ensure the category 1 hazard is removed firstly by taking informal action unless there is an imminent risk to health and safety. If an informal approach does not encourage the landlord to take action, enforcement powers such as an Improvement Notice will be used to ensure the category 1 hazard is removed. In an owner occupier property, if a category 1 hazard is identified, the council will issue a Hazard Awareness Notice to notify the owner occupier of the hazard and the dangers of not removing the hazard.

## **7.2 Objective 2: Improve Housing Conditions in the Private Rented Sector**

### **7.2.1 Advice and Signposting**

The council will continue to work with private sector landlords and agents who require advice to help them meet the requirements of letting a property. Private Sector Housing Officers (PSHOs) visit properties to offer advice on the condition of the property and overcrowding. PSHOs can also provide advice on what certification is required before letting.

Tenants will be given help and advice on accessing safe quality accommodation in the private rented sector and the schemes available to assist them. Tenants in need of additional Housing Advice will be directed to the relevant council teams and partner organisations for assistance.



Often advice is sought from owners of Houses in Multiple Occupations (HMO)<sup>5</sup>. They are considered high risk due to high tenant turn over, a lack of head of households, and an increased risk from fire. Tenants are often vulnerable. The council will proactively target HMOs to ensure property standards are high, identify any licensable HMOs and ensure all necessary fire precautions and amenities are in place. A memorandum of understanding with the Gloucestershire Fire Authority has also been established with regard to the national protocol for fire risk in HMOs. Certain HMOS require licensing; please see section 7.3 for further information.

<sup>5</sup> Generic types of HMOs include; bedsits, shared houses, halls of residence, hostels, bed and breakfasts, care homes and houses converted to self contained flats (Housing Act, 2004)

## **7.2.2 Assistance**

### **7.2.2.1 Fit to Rent Property Accreditation Scheme (Appendix 3 )**

The council encourages landlords to join the countywide 'Fit to Rent' property accreditation scheme. All the Gloucestershire authorities work with the Gloucestershire branch of the National Landlords Association to ensure landlords in the County are kept up to date with legislative requirements and changes that will affect them. There is a countywide website hosted by Cotswold District Council at [www.cotswold.gov.uk/go/landlord](http://www.cotswold.gov.uk/go/landlord). The council has also produced a Landlord Handbook which is free to all Fit to Rent landlords.



### **7.2.2.2 Deposit Bond Scheme (Appendix 4)**

The Deposit Bond Scheme enables people in receipt of housing benefit to gain access to accredited accommodation within the private rented sector. Most landlords require an up front payment to secure a tenancy, for some tenants this is unachievable.

It is a non cash guarantee made to the landlord instead of the tenant paying the normal cash deposit. This is valid for 12 months after the start of the tenancy and is renewable thereafter. The landlord is able to claim against the deposit bond for any damages to the property and its contents at the end of the tenancy up to a maximum value of one months rent. The council assesses the claim and if it is deemed reasonable the money is paid out and recovered from the tenant over a period of time where necessary.

To be eligible for the scheme, the resident needs to be a single person over 35, a person over 18 with dependant children or a couple over 18. The applicant must be in receipt of housing benefit. In order to ensure the suitability of the property the landlord must gain or already have a Fit to Rent certificate.

## **7.2.3 Enforcement**

### **7.2.3.1 Housing Health & Safety Rating System Category 1 Hazards**

The council will continue to actively respond to complaints from tenants about poor housing conditions. Once identified, landlords will be encouraged to carry out works where necessary. Ultimately, the council can utilise enforcement powers under the Housing Act 2004 to ensure essential works are carried out and category 1 hazards are removed. Where private sector landlords fail to manage their rental properties effectively a Management Order may be considered.

### **Damp and Mould Case Study**

Mrs B lived in a 1960's ground floor privately rented flat with her two young children both of whom suffered with severe asthma. Although there was gas central heating and double glazing throughout the flat, there still appeared to be a problem with damp and condensation which was exacerbating the young children's asthma. An Environmental Health Officer (EHO) visited the property and found there to be penetrating damp in the kitchen and hallway which appeared to be coming from a leak from an overflow pipe in the flat above. A Category 1 hazard for Damp and Mould was observed to which Stroud District Council has a duty to act upon. In the first instance, the landlord was contacted to discuss repair works needed informally in order to remove this hazard.



As a result, the landlord hired a damp specialist to investigate works and carry out works required. The Category 1 hazard was removed and in this instance, formal enforcement action was not necessary. The tenants can now live in a safer and healthier property.

### **7.2.3.2 Civil Penalty Notice**

The Housing & Planning Act 2016 introduced Civil Penalty powers to compliment the existing enforcement tools that the Council has under the Housing Act 2004, to prosecute, issue simple cautions and/or carry out works in default of landlords who fail to comply. Civil Penalties of up to £30,000 are available as an alternative to prosecution for certain specified housing offences under the Housing Act 2004.

The Council has in partnership with the other Gloucestershire district Councils adopted a Civil Penalties Policy which sets out a matrix for calculating the appropriate level of fine for various circumstances. This policy is available to view on the Council's website.

### **7.2.3.3 Retaliatory Eviction**

The Deregulation Act 2015 introduced rules to protect tenants from unfair eviction (known as retaliatory eviction) following a complaint to the landlord concerning the condition of the property. A tenant must put their complaint in writing to their landlord who must respond within 14 days. If the response is not appropriate then the tenant can ask the Council to carry out an investigation. If the Council finds an issue which needs to be addressed and they serve an improvement notice or Emergency Remedial Action Notice, then the landlord cannot evict the tenant for 6 months using the no fault procedure.

The Council will support tenants subject to retaliatory eviction with the appropriate advice and information they need to fight their case.

### **7.2.3.4 Letting Agents Redress Scheme**

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirements to belong to a Scheme etc) (England) Order 2014, introduced the legal requirement for all lettings agents and property managers in England to belong to one of three government redress schemes. An agent is required to display on the premises the contact details for which of the three schemes they belong to. This then enables tenants (and in some cases landlords) in the private rented sector to have an identified independent body to whom they can complain about the service they have received.

Where an agent or property manager has not joined a scheme the Council will issue a £5,000 fixed penalty fine in accordance with the adopted policy.

### **7.2.3.5 Smoke and Carbon Monoxide**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 place a duty on landlords to ensure that a smoke alarm is installed on each storey and a carbon monoxide alarm in any room where there is a solid fuel burning appliance.

In accordance with the regulations and in partnership with all Gloucestershire district councils, the Council has published on its website a 'statement of principles for determining financial penalties'. Failure by a landlord to adequately respond to a remedial notice issued by the Council may result in the Council issuing a fine of up to a maximum of £5,000.



## 7.3 Objective 3: Promote and Improve Energy Efficiency in the home

### 7.3.1 Advice and Signposting

All queries regarding energy efficiency advice and improvements are referred to the jointly funded Warm and Well advice line, which provides free and impartial energy efficiency advice to residents in Gloucestershire. Advice is given on a range of areas

from simply ‘top tips’ for saving energy in the home to complicated renewable energy systems. This is free, impartial advice to households seeking to make energy efficiency improvements on the range of finance options. Warm and Well also have officers in place to offer home visits to owner occupiers



and private tenants which will offer further advice and guidance about what measures would help improve the energy efficiency of the property.

Severn Wye Energy Agency the current delivery partner for Warm & Well, also promotes and provides advice on the use of micro renewable technologies such as photovoltaic (PV), biomass, heat pumps and wind power through the advice line and renewable technology installer list.

The Warm and Well Partnership began in 2001, which included all the Gloucestershire local authorities and South Gloucestershire. The Partnership was refreshed in 2017 and now includes the Gloucestershire CCG recognising the wider working being undertaken to tackle housing issues affecting health. It aims to encourage the uptake of standard loft and cavity wall insulation and other energy efficiency measures. Warm and Well is a recognised local brand which continues to refer householders to the best possible finance options whether this be through ECO, local health funding or the recently awarded Warm Homes Fund for first time central heating systems.

### 7.3.2 Assistance

#### 7.3.2.1 Warm Homes Fund

In conjunction with Gloucestershire authorities and South Gloucestershire, Stroud District Council has successfully led a bid for £5million of funding to pay for the



installation of affordable central heating systems for households in fuel poverty. Administered and managed by Severn Wye Energy Agency (SWEA), funding is available for residents of all tenures and covers first time central heating systems. It is hoped that funding will provide more affordable heating solutions for those experiencing fuel poverty in the district or who are unable to upgrade their off-gas heating system.

### **7.3.3. Enforcement**

The Council will enforce the Energy Efficiency (Privately Rented Property) (England and Wales) Regulations 2015 introduced to improve the energy efficiency of privately rented property. Living in private rented accommodation significantly increases the likelihood of a household being fuel poor. The regulations set out a minimum level of energy efficiency for any privately rented property which is required to have an Energy Performance Certificate (EPC)

From the 1<sup>st</sup> April 2018 a landlord cannot grant a tenancy to new or existing tenants if the property has an EPC rating of F or G. This will apply to all tenancies from the 1<sup>st</sup> April 2020.

The works which have to be carried out should be at no cost to the landlord, so must make use of third party funds available such as Energy Company Obligation (ECO) funding, however, this is currently being reviewed by Central Government.

Where funding is available and a landlord fails to carry out the necessary works the Council can serve a Financial Penalty Notice of up to a Maximum of £5,000 on the landlord.

## **7.4 Objective 4: Mandatory licensing of Houses In Multiple Occupation (HMO)**

From October 2018, powers under the Housing Act 2004 require Mandatory Licensing of HMOs that comprise of 5 or more people in two or more separate households. This is an extension of previous licensing which only applied to larger HMO's of three or more storeys. This extension also sees the introduction of minimum room sizes whereby minimum useable floor area for a single room will be 6.5m<sup>2</sup> with no discretion to go below this. Certain circumstances also provide for Discretionary Selective and Additional licensing



schemes to be introduced. In light of the extension to Mandatory licensing, the council has reviewed its procedures and the appropriate licensing fee which at time of adoption has been set at £830 for a 5 year licence. This may change during the lifetime of this policy so as to reflect any changes in costs involved. Please visit the Councils website [www.stroud.gov.uk](http://www.stroud.gov.uk) for an up to date figure.

#### **7.4.1. Advice and Signposting**

The council offers advice to owners and managing agents of HMOs who are unsure if they require licensing and also responds to tenant enquiries. Advice on compliance with the HMO management regulations is given to ensure a satisfactory standard of health, safety and wellbeing for the tenants.

#### **7.4.2. Enforcement**

Currently, there are 20 licensed HMOs in Stroud. It is expected that there will be an additional 100-200 properties in the district that will meet the new requirements for Mandatory HMO licensing. The council will continue to work to ensure those HMOs that require licensing are licensed through a range of both proactive and reactive measures.

Where properties are found to be unlicensed the Council will either issue a Civil Penalty Notice or prosecute in accordance with the adopted Civil Penalties Enforcement Policy

### **7.5 Objective 5: Licensing of Mobile Homes and Caravan Sites**

Mobile homes and caravans are defined as any structure designed or adapted for human habitation which is capable of being moved from one place to another and any motor vehicles. Under The Caravan Sites and Control of Development Act 1960 caravan sites must be licensed. This is to ensure sanitary and other facilities, fire precautions, services and equipment are supplied and maintained. A site license must be issued to the caravan site owner.

To protect public health, conditions may be attached to a license to cover any of the following:

- restricting the number of caravans that can be on the site at any one time
- controlling the types of caravans on the site
- controlling the positioning of the caravans or regulating the use of other structures and vehicles including tents
- fire safety and fire fighting controls

- restricting when caravans can be occupied on the site

The Mobile Homes Act 2013 introduced further provisions to safeguard mobile home owners on residential mobile sites. The act requires the Local Authority to maintain a public register of the site rules for each site and to carry out an annual inspection for which a fee can be charged. The Council has adopted a fee policy which can be found on the website. There are currently 10 sites within the district that fall under the provisions of the act.

Currently, there are 38 licensed sites in the district.

#### **7.5.1. Advice and Signposting**

The council responds to any complaints regarding the condition of sites and offers advice to owners who are unsure if a license is required. Advice on compliance with license conditions is given to ensure a satisfactory standard of health, safety and wellbeing for the occupants..

#### **7.5.2 Enforcement**

Each caravan site is risk assessed; this enables more priority to be placed on high risk sites to ensure they are inspected regularly. Owners of caravan sites that fail to correctly license their premises will face formal action and ultimately prosecution

### **7.6 Objective 6: Adapt Accommodation to Meet Disability Needs**

#### **7.6.1 Advice and Signposting**

The Council offers a range of information and advice on its website to assist those wishing to adapt their home to make it more suitable to meet their needs. This includes a database of local builders, architects and surveyors. [Help with the repair and adaptation of homes in Gloucestershire](#)

#### **7.6.2 Assistance**

Assistance with the costs of making adaptations will help vulnerable occupiers remain in their own homes as their circumstances change. The BRE report *The Full Cost of Poor Housing (2016)* estimates that '*leaving vulnerable people living in the poorest 15% of England's Housing is costing the nhs £1.4 billion per annum in first year treatment costs.*' Assistance is provided in accordance with the Housing Grants, Construction and Regeneration Act 1996 and funding is provided by Central Government through the Better Care Fund. The Better Care Fund is a pooled funding

budget overseen by the Gloucestershire Clinical Commissioning Group and the Gloucestershire County Council. This pooled funding is enabling the CCG and County to work more effectively with the districts to tackle the poor housing issues which are leading to increased health and social care costs.

For 2018/19 a total of £330,000 is available for Disabled Facilities Grants (DFG) in the district from the fund.

#### **7.6.2.1 Mandatory Disabled Facilities Grants (DFG) (See Appendix 5)**

A mandatory grant is available up to £30,000 to provide financial assistance to make essential adaptations to a disabled person's accommodation. This grant is subject to a means test and the receipt of a certificate stating that the applicant is either an owner, a tenant (as defined), or an occupier of a houseboat or park home. Eligibility for a DFG is determined by an assessment of need by an Occupational Therapist



and a test of resources by an Environmental Health Officer. There is a mandatory requirement for the council to grant aid necessary and appropriate works, where reasonable and practicable, to adapt accommodation to allow disabled persons to remain in their own homes whilst having regard to the age and condition of the dwelling or building. In cases where an assessment confirms the DFG application does not meet the requirements, the council, in partnership with other supporting agencies, will consider all alternatives to meet the client's needs. In order to discuss such cases and monitor performance the council meets together with

Occupational Therapists at a bi-monthly DFG Forum.

The Mandatory DFG system is currently undergoing a review by Central Government and this policy will be amended as necessary to reflect the outcome of that review.

#### **7.6.2.2 Discretionary Disabled Facilities Grants (DDFG) (Appendix 6 and 7)**

Discretionary grants and loans may be available for works not eligible for Mandatory DFG such as;

- Relocation costs to a more suitable property
- Top up funding where costs are above the Mandatory maximum
- Works considered necessary to meet need but are outside of the Mandatory scheme.

Availability will depend upon the resources available at any given time and will be subject to applicable limits.

## **7.7 Objective 7: Tackle Empty Homes**

In accordance with the Empty Homes Action Plan adopted in February 2013 by the Executive Board, the council will take appropriate action to bring empty dwellings back in to use.

### **7.7.1 Advice and Signposting**

Officers will continue to give owners of empty properties advice on a variety of issues ranging from VAT relief for renovation works, private sector leasing schemes available to landlords, and areas of the district with the most housing need. In addition Private Sector Housing Officers (PSHOs) are able to visit empty properties to provide advice on any works required to bring the property up to Fit to Rent standard in order for the property to be occupied once more.



### **7.7.2 Assistance**

#### **7.7.2.1 Empty Homes Loans (Appendix 8)**

An Empty Homes loan of up to £15,000 may be offered to assist the owner of the property with renovation costs to bring the property back into use for affordable private rented housing. To be eligible the property must have been registered as empty for over 6 months on the Council Tax Register. The loan is interest free and available for any works that are required to produce residential units and essential repair to the property. An assessment is made by a PSHO to identify any works necessary to make the property habitable and meet the Fit to Rent Standard. Applicants must also agree to apply for a Fit to Rent certificate and accept the council's Deposit Bond scheme.

Loans are secured against the property via a Land Charge. There is no set repayment period for this loan, however, if the property is sold, transferred or no longer available to let the loan must be repaid in full. This enables funding to be recycled and reused to help bring more empty homes back into use. If the applicant wishes to repay the loan in monthly instalments, this can be arranged.

### **7.7.3 Enforcement**

Following any complaints made to the council, the owner (if known) is contacted to seek their cooperation in bringing them back into use for housing. If it is not possible, through negotiation, to persuade an owner to deal with a property, the council has the option of implementing a number of statutory powers at its disposal. In addition to this the Council are targeting empty properties as part of their proactive work implementing the empty property procedure.

#### **7.7.3.1 Housing Act 2004 – Empty Dwelling Management Orders**

A council with housing responsibilities can use an Empty Dwelling Management Order (EDMO) to take over the management of a residential property that has been empty for more than six months. They can only be used after all other voluntary options have been offered to the owner and been refused. Any renovation costs, management costs and insurance costs must be recoverable from the rent over a period of 7 years unless the local authority are prepared to proceed without being able to recover all of its expenses. For many owners, the threat of an EDMO is sufficient to prompt action. This is the only legislation that guarantees the property is occupied.

#### **7.7.3.2 Law of Property Act 1925 – Enforced Sale**

This Act allows the council to force the sale of a property where there is a Local Land Charge debt owed to the Council outstanding on it. This would usually relate to action the Council has taken in default in relation to the property, for example such as under the Environmental Protection Act 1990 or the Building Act 1984. It can be used for debts that are up to 12 years old. However, if known, the owner has to be given the opportunity to repay the debt rather than forcing the sale. The council does not acquire the property; it is sold to a third party. Any outstanding charges against the property, including any mortgage, are paid following the sale and the money remaining (if any) is put into an account for the owner to claim.

#### **7.7.3.3 Compulsory Purchase Orders**

Compulsory Purchase Orders are a last resort after attempts have been made to encourage the owner to take responsibility for maintaining the property. They can be pursued under various pieces of legislation but are costly, time consuming and lengthy. However once this course of action has been commenced, many owners will bring the properties back into use voluntarily.

#### **7.7.3.4 Other legislation**

There is a variety of legislation which can be used to address particular problems which are being caused by an empty property. Partnership working with Development Services will continue to help officers persuade owners to carry out works to buildings classed as a dangerous structure or those listed buildings in need of work to prevent further deterioration.



# Policy Implementation

## 8.1 Resource Implications

During times of limited resources, the council will continue to carry out mandatory functions, for example, dealing with category 1 hazards and disabled facilities grants and will only carry out discretionary functions where possible. Disabled Facilities Grants will continue to receive priority in the allocation of resources both financial and officer time. Where necessary the council will work with other partnership organisations to ensure cases are effectively prioritised and dealt with according to need.

In order for the council to discharge its duty under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and utilise provisions made in Article 3, a number of generic requirements will be applied to any loans or grants offered by the council.

The council has the discretion to decide on rates and conditions for any loan. Please see appendix 1 for further details.

## 8.2 Enforcement

The council is responsible for the enforcement of various areas of law. These include parts of:

- Housing Act 2004
- Housing Grants, Construction and Regeneration Act 1996
- Environmental Protection Act 1990
- Housing Act 1985
- Housing and Planning Act 2016
- Building Act 1984
- Local Government (Miscellaneous Provisions) Act 1982
- Prevention of Damage by Pests Act 1949
- The Redress Schemes for Lettings Agency Work and Property Management Work (Requirements to belong to a Scheme etc) (England) Order 2014,
- Deregulation Act 2015
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- Mobile Homes Act 2013

The council intervenes in the private sector where it considers an intervention to be in the public interest. All enforcement action taken by the council will comply with the council's enforcement policy which encompasses the principles of openness,



proportionality, consistency, accountability, transparency and helpfulness. The policy reflects the Cabinet Office enforcement concordat and the DTI good practice guide. Where there is an imminent risk to health and safety the council will take action immediately as appropriate.

### **8.3 Consultation**

Policy consultation will take place before the policy is adopted. The council will consult with the following:

- Elected Members
- Parish and Town Councils
- Neighbouring Local Authorities
- Director of Public Health
- Gloucestershire Care Services NHS Trust
- Gloucestershire Clinical Commissioning Group
- Age UK
- Gloucestershire Association for Voluntary and Community Action
- Members of the public through the Stroud District Council website
- Other Partner Organisations and Agencies

The council will advise members of the public that a private sector housing renewal policy has been adopted. Notifications will be placed in two of the local newspapers and also an article uploaded on the council's website. A full copy of the policy will be available at the council offices for public inspection, free of charge. A full copy of the policy will be sent to all partner organisations involved in policy delivery. A summary of the policy will be available to members of the public on request.

### **8.4 Monitoring and Reviewing**

The policy will be monitored against the council's corporate aims. Monitoring will be carried out through customer satisfaction surveys. Consultation will help to evaluate if the policy is meeting its key priorities. This will also help to identify customer needs and expectations for future services that could be provided as the policy is reviewed. Ongoing research into the circumstances of local housing markets, demographic trends and socio-economic factors, will be made to effectively monitor policy implementation. The policy will be reviewed in 2023 or before if significant changes in legislation or budget occur.

## **8.5 Equality and Diversity**

The council will meet all legal duties in respect of the Equality Act 2010. This Act protects people from discrimination on the basis of the following nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex (gender) and sexual orientation. The Act contains an integrated Public Sector Equality Duty, which requires all public bodies that deliver a public function, to consider the needs of protected groups when designing and delivering services. Under the Act, the council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

Please see the Corporate Equality and Diversity Policy for further information and the associated Equality and Diversity Risk Assessment for this policy.

## **8.6 Appeals and Complaints**

In the event of a dispute regarding the allocation of a grant or loan, the client can make a representation in writing to the Head of Health and Wellbeing at:

STROUD DISTRICT COUNCIL  
Environmental Health Services  
Council Offices  
Ebley Mill  
Ebley Wharf  
Stroud  
GL5 4UB

Email: [environmental.healtht@stroud.gov.uk](mailto:environmental.healtht@stroud.gov.uk)

Evidence must be supplied to illustrate why the option preferred by the applicant is reasonable and practicable and meets the criteria of the grant or loan. The Head of Health and Wellbeing will examine all of the evidence and make a decision in consultation with the Chair of Housing Services Committee.

If the client feels the problem has not been addressed to their satisfaction they are able to escalate the complaint. In this instance the client must write to 'The Complaints Officer' at Ebley Mill or complete an online complaints form. Alternatively an email can be sent to [complain@stroud.gov.uk](mailto:complain@stroud.gov.uk) or the client can visit the council

offices where an officer can talk to them personally. When a complaint is received an acknowledgment letter will be sent within three working days. Unless otherwise agreed, a full written response to the complaint will be given within ten working days. If the council will take longer to respond, the complainant will be notified in writing. Complaints at this level will be passed to the respective Strategic Head for investigation and reply. The Complaints Officer will notify the relevant ward councillor(s) of any complaint from within their ward at the time when it is received and will also ensure that they are sent a copy of the full written response. As part of the written response, the complainant will be automatically informed of their right to take their complaint to a Commissioner for Local Administration (Ombudsman) and of the procedure by which they can do this if they are dissatisfied with the council's response.

### **8.7 Further Information**

Enquiries regarding the Private Sector Housing Renewal Policy should be directed to:

Maria Hickman

Housing Renewal Manager

STROUD DISTRICT COUNCIL

Environmental Health Services

Ebley Mill

Ebley Wharf

Stroud

Gloucestershire

GL5 4UB

Tel: 01453 754454

Email: [maria.hickman@stroud.gov.uk](mailto:maria.hickman@stroud.gov.uk)

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## Appendix 1: Generic Requirements for all Loan and Grant Applications

Unless otherwise stated the following requirements will apply to all loans and grants provided.

- ✓ The local authority must be satisfied that the owner of the living accommodation concerned has consented to the carrying out of the assisted work.
- ✓ All applicants for grants and loans will have a Test of Resources to assess their income and savings to ensure that grants and loans are paid to those who would not be able to afford the cost of the works themselves.
- ✓ Credit references will be taken up by the council for all loan applications and the council reserves the right to refuse applications for loans from people with a record of bad debt.
- ✓ In the case of joint ownership, all parties need to apply for the loan and the loan application will be assessed jointly.
- ✓ All eligible works must be agreed with the applicant prior to their application and confirmed in writing by the council.

### Means Testing

Unless otherwise stated the Test of Resources applied will be that laid out in the Housing Renewal Grant Regulations 1996 as amended 'The Means Test'. The means test is calculated by following these four steps:

#### 1. AVERAGE WEEKLY INCOME IS CALCULATED

This is done by looking at household income over the past twelve months including interest on savings of more than £6,000, and deducting Income Tax, National Insurance, Pension Scheme Payments and eligible child-care costs (but no account is taken of mortgage payments).

#### 2. PERSONAL ALLOWANCES ARE SUBTRACTED FROM HOUSEHOLD INCOME

Fixed allowances are set for certain personal circumstances including:

- Number of dependant children
- Special Disabilities
- Retired persons
- Single parents etc

#### 3. THE AMOUNT WHICH IS LEFT IS USED TO ESTIMATE THE MAXIMUM THAT THE GOVERNMENT SAYS A HOUSEHOLD CAN BORROW

The proportion of income in excess of personal allowances is used to calculate the maximum loan that could, in theory be borrowed to finance the works. This loan would be expected to be obtained through the private sector.

#### 4. AMOUNT OF GRANT AVAILABLE

The loan the household is considered to be able to afford is then deducted from the cost of the eligible works and what is left will be the amount of grant or loan entitlement, subject to the appropriate maximum grant or loan limit.

Recipients of certain means tested benefits will not have to undergo a full means test, means tested passporting benefits include:

- ✓ Income Support
- ✓ Income Based Job Seekers Allowance
- ✓ Income Based Employment and Support Allowance
- ✓ Pension Guarantee Credit
- ✓ Working/ Child Tax Credit

### **Under Occupation**

A property shall be considered under occupied where the property contains more than 3 habitable rooms that could be used as bedrooms, where the basic plan of the house allows for Kitchen, Bathroom, 2 reception rooms and sufficient bedrooms for the residents to occupy without statutory overcrowding.

### **Fraud**

- a) Information supplied as part of the means test process must be original, copies will not be accepted.
- b) Information supplied as part of the means test will be checked against other records held by the council and could be shared with other organisations handling public funds.
- c) Knowingly providing false information or withholding information could lead to prosecution for fraud.
- d) Self employed applicants will be required to supply audited accounts for the 12 months prior to application.
- e) All estimates supplied whether for building works or fees must be originals. They must be on headed paper of the company, must be signed and dated by the person responsible. Where a company is VAT registered the registration number must be given, the validity of registration may be checked. Information received from companies carrying out grant work will be periodically reviewed by Customs and Excise and Inland Revenue.
- f) The council reserves the rights to make post completion checks. It is a condition of the grant or loan that the owner or occupier must facilitate this.

### **Making an Application**

Unless otherwise stated an initial informal enquiry should be made to the Housing Renewal Team on 01453 754478.

### **Making Payments**

- a) Grant and loan approval will be based on the lower of two competitive estimates.
- b) Any personal contribution must be paid prior to monies being released.
- c) The council will notify the applicant as soon as is reasonably practical or within six months of receipt of a completed application of the approval or refusal of their application.
- d) The council reserves the right to approve an application but defer payment for up to twelve months if payment would present a serious resource problem for the authority.
- e) Payment is on condition on inspection of the work and receipt of bona fide invoices.
- f) Works must be completed within 12 months of approval of the application.
- g) Payments can be made in instalments at the council's discretion via the BACs system.

### **Contractor Issues**

- a) Works undertaken are to be insured, builder to provide a recognised warranty.
- b) All building works to be completed in accordance with the relevant planning/listed building/ building regulation permission.
- c) Building works to be completed in accordance with industry good practice.
- d) The council reserves the right to refuse a grant or loan application if it involves either a builder or architect found to have behaved fraudulently or contrary to good practice, provided that they have previously notified those parties that their work would not be considered acceptable for grant or loan work.
- e) The council does not supervise the work but monitors it for the purpose of ensuring that public monies are spent appropriately.

## Appendix 2: Healthy Homes Loan

### Description

A discretionary interest free loan for works of repair or improvement deemed necessary to remove category 1 hazards from an owner-occupied home to improve the health and wellbeing of those on low incomes.

### Eligibility

- ✓ The applicant must be an owner occupier and aged over 18 years old.
- ✓ The property must have been built or converted more than 10 years ago and be in Council Tax band A, B, C or D.
- ✓ The property must not be under occupied.
- ✓ The works for which a loan is required must be essential to remove a Category 1 hazard at the property as determined by the council's Environmental Health Officer.
- ✓ The applicant must have lived at the property as their main home.
- ✓ The applicant must have current building insurance.

### Amount

The minimum loan amount is £500 up to a maximum limit of £15,000 subject to the outcome of the Means Test. There is no interest applied to this loan.

### Process

An initial preliminary enquiry should be made to arrange an inspection of the property for an assessment of the works for which a loan is requested. A Test of Resources will be carried out for those applicants not in receipt of a passporting means tested benefit.

A formal application will consist of:

- ✓ Application Form as prescribed by Stroud District Council.
- ✓ Means Test form.
- ✓ Certificate of Future Occupation.
- ✓ Two competitive estimates.
- ✓ Details of Professional and Ancillary Fees.
- ✓ Proof of Planning Permission/Listed Building Consent/Building Regulation Permission/ Party Wall Act consent as applicable.
- ✓ Consent of other owners to carry out works.

### Conditions

- a) The loan must be repaid when the property is sold or transferred.
- b) The applicant must own and occupy the property as his/he main home or the loan must be repaid.
- c) The applicant must maintain Buildings Insurance cover on the property for the duration of the loan.

### Promotion of policy

Policy will be promoted to all partnership health and social care organisations.



### Appendix 3: Fit to Rent Accreditation Scheme

#### Description

A free voluntary certification scheme which aims to promote the provision of good quality private rented accommodation.

#### Eligible Applicant

Any one who owns or manages private rented accommodation.

#### Eligible Property

The property must:-

- a) Be in good repair and decorated to a reasonable standard.
- b) Be free from any dampness problems including condensation.
- c) Have adequate artificial lights and power points.
- d) Have at least a fixed form of heating in the main living room.
- e) Have satisfactory provision for natural lighting and ventilation.
- f) Be provided with a proper fitted kitchen.
- g) Have a proper bathroom with wash basin, bath/shower and a WC.
- h) If the property has a gas supply and gas appliances, you are legally required to have an annual Inspection by a Gas Safe registered installer. You must supply a current certificate to show that it has been inspected and passed as safe.
- i) It must have a current certificate to show that the electrical installation has been inspected and passed as safe (but not necessarily complying with the latest edition of the IEE wiring regulations) by a suitably qualified electrician. A new certificate will be required every three years
- j) Houses let to a single household must at least have single battery operated smoke detectors located in each hallway and landing. Landlords are however encouraged to install smoke detectors which are interlinked and mains operated with a battery back up to comply with current Building Regulations.
- k) For Houses in Multiple Occupation must have installed and maintained a smoke detection & alarm system, and escape lighting. The house and its escape routes must be properly constructed to prevent the spread of smoke & fire.
- l) Any Furniture or Furnishings must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988. These regulations set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. Contact Trading Standards for more information.
- m) The property must be properly managed
- n) The landlord shall take responsibility for the behaviour of the tenants and take action as appropriate to address anti-social behaviour.
- o) Formal legally bound tenancy agreements, which must preferably be assured or assured short-hold, are offered.

#### Process

A formal application will consist of:

- ✓ Application Form as prescribed by Stroud District Council.
- ✓ Copy of gas safety certificate.
- ✓ Copy of electrical safety certificate.
- ✓ Copy of fire systems safety certificate (where applicable).

#### Condition Period

Award is operative for 3 years.

#### Promotion of policy

The policy will be promoted on the Council's website

## Appendix 4: Deposit Bond

### Description

A deposit guarantee scheme which sets out to assist those on Housing Benefit to access good quality affordable housing in the private rented sector.

### Eligible Applicant

- ✓ Single persons over 35 years.
- ✓ Couples over 18 years.
- ✓ Persons over 18 years with dependant children.
- ✓ Applicant must qualify for Housing Benefit.
- ✓ Private rented accommodation must be within the Stroud District Council area.

### Eligible Property

- ✓ The landlord must have a current Fit to Rent award for the property or be willing to obtain one, whereby the council has certified that it meets certain basic criteria for the provision of amenities, safety, management and fire prevention.
- ✓ The landlord must provide and sign a tenancy agreement preferably assured or assured short-hold.

### Level of Deposit Bond available

A non-cash guarantee made with the landlord instead of the normal cash deposit, equivalent to one months rent.

### Process

Initial preliminary contact should be made to discuss eligibility for scheme prior to occupation, Rent in Advance cannot be considered retrospectively. Checks will be made with the Housing Benefit department regarding benefit entitlement. Checks will be made with the prospective landlord regarding the property.

A formal application will consist of

- ✓ Application Form as prescribed by Stroud District Council
- ✓ Signed inventory
- ✓ Signed tenancy agreement

### Condition Period

- a) Valid for 12 months from the start of the tenancy (renewable).
- b) Can be renewed for the length of the tenancy.
- c) Redeemable by the landlord against damages to the property and its contents at the end of the tenancy up to a maximum value of one months rent.
- d) In the event that a landlord does make a claim which the council deems reasonable the money paid out will be recovered from the applicant.

### Promotion of policy

The policy will be promoted on the Council's website

## Appendix 5: Mandatory Disabled Facilities Grants (DFGs)

### Description

Mandatory Disabled Facilities Grants (DFG) are available for essential adaptations to give disabled occupiers better freedom of movement into and around their home and access to facilities within it.

### Eligibility

- ✓ The applicant must be disabled and referred for assistance by Gloucestershire County Council's Occupation Therapy Team or an Occupational Therapist working for the PCT or other suitably qualified professional approved by the GCC OT team.
- ✓ The applicant must be an owner-occupier or tenant of a private landlord or Registered Provider.
- ✓ The works must be deemed mandatory in accordance with the Housing Grants, Construction and Regeneration Act 1996.

### Eligible Applicant

Those eligible for grant assistance are, all owner-occupiers and tenants, licensees or occupiers who satisfy the criteria in sections 19-22 of the Housing Grants, Construction and Regeneration Act 1996 ("the 1996 Act") defined as:

- His/her sight, hearing or speech is substantially impaired;
- S/he has a mental disorder or impairment of any kind; or
- S/he is physically disabled by illness, injury or impairment present since birth, or otherwise.

All applicants must be assessed by an Occupational Therapist before being referred to the Housing Renewal Team.

### Eligible Property

Adaptation will be considered for any type of 'living accommodation' as defined by the 1996 Act as amended by the Regulatory Reform (Housing Assistance) (England and Wales Order) 2002 ("the Order")

- a) a building or part of a building
- b) a qualifying park home<sup>6</sup> a caravan within the meaning of Part 1 of Caravan Sites and Control of Development Act 1960 disregarding the amendment made by section 13 (2) of the Caravan Sites Act 1968 (d); and
- c) a qualifying houseboat<sup>7</sup>

### Eligible Works

Eligible works are those set out in section 23(11) of the 1996 Act, they fall into the following categories:

<sup>6</sup> Qualifying park home means a caravan within the meaning of Part 1 of Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13 (2) of the Caravan Sites Act 1968) and which-

- Is stationed on land forming part of a protected site within the meaning of the Mobile Homes Act 1983;
- Is occupied under an agreement to which that Act applies or under a gratuitous licence; and
- Is a dwelling for the purposes of Part 1 of the Local Government Finance Act 1992 (council tax) And includes any yard, garden and appurtenances belonging to it or usually enjoyed with it

<sup>7</sup> Qualifying house boat means a boat or similar structure designed or adapted for use as a place of permanent habitation which-

- Has its only or main mooring within the area of a single local housing authority;
- Is moored in pursuance of a right to that mooring; and
- Is a dwelling for the purposes of Part 1 of the Local Government Finance Act 1992 (council tax) And includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it.

- a) Facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated.
- b) Making the dwelling or building safe for the disabled occupant and other persons residing with him/her.
- c) Facilitating access by the disabled occupant to a room used or useable as the principal family room.
- d) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room useable for sleeping.
- e) Facilitating access by the disabled occupant to, or providing the disabled occupant, a room in which there is a bath or shower (or both), a wash basin, and a lavatory or facilitating the use by the disabled occupant of such facilities.
- f) Facilitating the preparation and cooking of food by the disabled occupant.
- g) Improving any heating system in the dwelling to meet the needs of the disabled occupant or if there is no existing heating system in the dwelling or any such system is unsuitable for the use by the disabled occupant, providing a heating system suitable to meet his needs.
- h) Facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control.
- i) Facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and in need of such care.
- j) Facilitating access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant.

### **Amount of Grant**

Maximum amount of grant available for mandatory DFG is currently subject to limit of £30,000 as set out in the Disabled Facilities Grants (Maximum Amounts & Additional Purposes) (England) Order 2008. The calculation of the level of grant available is subject to the Test of Resources as set out in the Housing Renewal Grants Regulations 1996 (SI 1996/2890, as amended).

### **Process**

A formal referral must first be received from Gloucestershire County Council Occupational Therapy Services. A request for assessment should be made through the Adult Helpdesk on 01452 426868 or the Children's and Families Helpdesk on 01452 426565.

A formal application will consist of:

- ✓ Application Form as prescribed by Stroud District Council.
- ✓ Certificate of Future Occupation.
- ✓ Two competitive estimates.
- ✓ Details of Professional and Ancillary Fees.
- ✓ Proof of Planning Permission/Listed Building Consent/Building Regulation Permission/ Party Wall Act consent as applicable.
- ✓ Consent of other owners to carry out works.

### **Conditions attached to approvals**

As set out in the 1996 Act as amended:

- a) In accordance with section 51 of the 1996 Act the council impose a condition requiring the applicant to take reasonable steps to pursue a legal claim for damages in which the cost of the works to premises forms part of the claim. Where insurance claims have been made and payment received in respect of grant-aided works the grant must be paid back as far as is appropriate.
- b) It is a condition of the approval of the grant that the council retain the right to reclaim any specialist equipment once it is no longer needed.

- c) Conditions are set out on the relevant occupation certificates apply to grants approved under this scheme.
- d) It is a condition of the grant that the council may by written notice require the owner to provide within 21 days a statement showing how the property is owned-occupied.
- e) For grants of more than £5,000 a Restriction will be placed on the property requiring the repayment of any grant above this amount up to a maximum repayment of £10,000.
- f) The adapted property must be occupied by the disabled person following the completion of the work.
- g) During periods of high demand a waiting list may be introduced and cases will be dealt with according to the priority awarded by the occupational therapist.

### **Successive applications**

There are no restrictions on successive applications for adaptations on the same property where adaptations are required to meet the changing needs of the disabled occupant. Where successive applications are made the contribution made to previous applications that are still within the condition period will be taken into consideration.

### **Promotion of policy**

Policy will be promoted to all partnership health and social care organisations.

## Appendix 6: Disabled Facilities Relocation Grant (DFRG)

### Description

A discretionary grant of up to £5,000 for current residents in the Stroud District to aid relocation to an alternative property within the Stroud District.

### Eligibility

- ✓ The applicant must be disabled and referred for assistance by Gloucestershire County Council's Occupation Therapy Team or an Occupational Therapist working for the PCT.
- ✓ The applicant must be an owner-occupier who satisfies the criteria in sections 19-22 of the Housing, Grants, Construction and Regeneration Act 1996.
- ✓ The works must be deemed mandatory in accordance with the Housing Grants, Construction and Regeneration Act 1996.

### Eligible Applicant

Those eligible for grant assistance are, all owner-occupiers who satisfy the criteria in sections 19-22 of the Housing Grants, Construction and Regeneration Act 1996 ("the 1996 Act") defined as:

- His/her sight, hearing or speech is substantially impaired;
- S/he has a mental disorder or impairment of any kind; or
- S/he is physically disabled by illness, injury or impairment present since birth, or otherwise.

All applicants must be assessed by an Occupational Therapist before being referred to the Housing Renewal Team.

### Eligible Property

The grant will be considered for any type of 'living accommodation' as defined by the 1996 Act as amended by the Regulatory Reform (Housing Assistance) (England and Wales Order) 2002 ("the Order")

- a building or part of a building
- a qualifying park home<sup>6</sup> a caravan within the meaning of Part 1 of Caravan Sites and Control of Development Act 1960 disregarding the amendment made by section 13 (2) of the Caravan Sites Act 1968 (d); and
- a qualifying houseboat<sup>7</sup>

### Eligible Works

Where it is not reasonable or practical to adapt a property to meet the disabled occupants needs and the means test contribution is less than £10,000 the grant would cover costs relating to the relocation such as;

- Estate Agents Fees
- Solicitors Fees
- Land Search Fees,
- Removals Company Costs

### Amount of Grant

Maximum amount of grant available for Relocation is subject to limit of £5,000 The calculation of the level of grant available is subject to the Test of Resources as set out in the Housing Renewal Grants Regulations 1996 (SI 1996/2890, as amended).

### Process

A formal referral must first be received from Gloucestershire County Council Occupational Therapy Services. A request for assessment should be made through the Adult Helpdesk on 01452 426868 or the Children's and Families Helpdesk on 01452 426565.

A formal application will consist of:

- ✓ Application Form as prescribed by Stroud District Council.
- ✓ Certificate of Future Occupation.
- ✓ Competitive estimates.

**Conditions attached to approvals**

- a) Conditions are set out on the relevant occupation certificates apply to grants approved under this scheme.
- b) It is a condition of the grant that the council may by written notice require the owner to provide within 21 days a statement showing how the property is owned-occupied.
- c) The adapted property must be occupied by the disabled person following the completion of the work.

**Successive applications**

Only one grant application of this type will be accepted for any disabled person.

**Promotion of policy**

Policy will be promoted to all partnership health and social care organisations.



## Appendix 7: Discretionary Disabled Facilities Grants (DDFGs)

### Description

Discretionary Disabled Facilities Grants (DFG) may be available for essential adaptations to give disabled occupiers better freedom of movement into and around their home and access to facilities within it where the cost of those works is in excess of the Mandatory DFG limit.

### Eligibility

- ✓ The applicant must be disabled and referred for assistance by Gloucestershire County Council's Occupation Therapy Team or an Occupational Therapist working for the PCT or other suitably qualified professional approved by the GCC OT Team.
- ✓ The applicant must be an owner-occupier or tenant of a private landlord or Registered Provider.

### Eligible Applicant

Those eligible for grant assistance are, all owner-occupiers and tenants, licensees or occupiers who satisfy the criteria in sections 19-22 of the Housing Grants, Construction and Regeneration Act 1996 ("the 1996 Act") defined as:

- His/her sight, hearing or speech is substantially impaired;
- S/he has a mental disorder or impairment of any kind; or
- S/he is physically disabled by illness, injury or impairment present since birth, or otherwise.

All applicants must be assessed by an Occupational Therapist before being referred to the Housing Renewal Team.

### Eligible Property

Adaptation will be considered for any type of 'living accommodation' as defined by the 1996 Act as amended by the Regulatory Reform (Housing Assistance) (England and Wales Order) 2002 ("the Order")

- a. a building or part of a building
- b. a qualifying park home<sup>6</sup> a caravan within the meaning of Part 1 of Caravan Sites and Control of Development Act 1960 disregarding the amendment made by section 13 (2) of the Caravan Sites Act 1968 (d); and
- c. a qualifying houseboat<sup>7</sup>

### Eligible Works

1. Those set out in section 23(11) of the 1996 Act, they fall into the following categories:
  - a) Facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated.
  - b) Making the dwelling or building safe for the disabled occupant and other persons residing with him/her.
  - c) Facilitating access by the disabled occupant to a room used or useable as the principal family room.
  - d) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room useable for sleeping.
  - e) Facilitating access by the disabled occupant to, or providing the disabled occupant, a room in which there is a bath or shower (or both), a wash basin, and a lavatory or facilitating the use by the disabled occupant of such facilities.
  - f) Facilitating the preparation and cooking of food by the disabled occupant.
  - g) Improving any heating system in the dwelling to meet the needs of the disabled occupant or if there is no existing heating system in the dwelling or



any such system is unsuitable for the use by the disabled occupant, providing a heating system suitable to meet his needs.

- h) Facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control.
  - i) Facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and in need of such care.
  - j) Facilitating access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant.
2. Works considered necessary to meet need by the OT service but outside the scope of the mandatory scheme.

### **Amount of Grant**

Maximum amount of grant available for Discretionary DFG is currently set at £20,000 but may vary during the lifetime of this policy. The calculation of the level of grant available is subject to the Test of Resources as set out in the Housing Renewal Grants Regulations 1996 (SI 1996/2890, as amended).

### **Process**

A formal referral must first be received from Gloucestershire County Council Occupational Therapy Services. A request for assessment should be made through the Adult Helpdesk on 01452 426868 or the Children's and Families Helpdesk on 01452 426565.

A formal application will consist of:

- ✓ Application Form as prescribed by Stroud District Council.
- ✓ Certificate of Future Occupation.
- ✓ Two competitive estimates.
- ✓ Details of Professional and Ancillary Fees.
- ✓ Proof of Planning Permission/Listed Building Consent/Building Regulation Permission/ Party Wall Act consent as applicable.
- ✓ Consent of other owners to carry out works.

### **Conditions attached to approvals**

As set out in the 1996 Act as amended:

- a) In accordance with section 51 of the 1996 Act the council impose a condition requiring the applicant to take reasonable steps to pursue a legal claim for damages in which the cost of the works to premises forms part of the claim. Where insurance claims have been made and payment received in respect of grant-aided works the grant must be paid back as far as is appropriate.
- b) It is a condition of the approval of the grant that the council retain the right to reclaim any specialist equipment once it is no longer needed.
- c) Conditions are set out on the relevant occupation certificates apply to grants approved under this scheme.
- d) It is a condition of the grant that the council may by written notice require the owner to provide within 21 days a statement showing how the property is owned-occupied.
- e) The adapted property must be occupied by the disabled person following the completion of the work.
- f) During periods of high demand a waiting list may be introduced and cases will be dealt with according to the priority awarded by the occupational therapist.

### **Successive applications**

There are no restrictions on successive applications for adaptations on the same property where adaptations are required to meet the changing needs of the disabled occupant. Where successive applications are made the contribution made to previous applications that are still within the condition period will be taken into consideration.

**Promotion of policy**

Policy will be promoted to all partnership health and social care organisations.

## Appendix 8: Empty Homes Loan

### Description

A discretionary interest free loan to assist the owner of property that has been empty for more than 12 months put it back into use for affordable rental housing. The loan is secured against the empty property and will be registered as a Land Charge. A fee is payable to register the charge at the Land Registry and this can be included in the loan amount. On completion of the works the Landlord must apply for and maintain the property up to the council's Fit to Rent Standard. The landlord must be willing to accept the council's Rent in advance and Deposit Bond schemes, and agree to keep rent to the Local Housing Allowance level.

If the owner does not wish to manage the property, a letting agent must be used or the owner can agree to lease the property to a Registered Provider on a full repairing lease basis. This can be applied to any of the RPs currently working in partnership with the council.

### Eligible Applicant

Anyone who owns a property within the Stroud district that has been registered on the Council Tax Register as empty/unused for more than 12 months and has the legal right to carry out the eligible works and who is resident in the United Kingdom.

### Eligible Property

- ✓ A building that is a dwelling for the purposes of Part 1 of the Local Government Finance Act 1992 (council tax).
- ✓ That does not currently meet the decent homes standard as set out in the Housing Act 1985
- ✓ Is in an area identified priority housing need.
- ✓ Has had a commercial use for which there is no longer a need and it is situated in an area identified as priority for regeneration or where there is priority housing need.
- ✓ Has not been built or provided by conversion less than 10 years before date of application.
- ✓ Has been empty for a minimum period of 12 months.

### Eligible Works

- ✓ Those works needed to produce residential units that upon completion meet the decent homes standard.
- ✓ Where a scheme is proposed that will result in the production of a number of residential units, a loan will not be considered for more than 50% of the resulting units.

### Amount

An interest free loan of up to a maximum of £15,000. The minimum amount available to borrow is £1,000.

### Process

Initial preliminary contact should be made to discuss the property and the likely assistance available.

A formal application will consist of:

- ✓ Application Form as prescribed by Stroud District Council.
- ✓ Proof of Title.
- ✓ Certificate of Intended Letting.
- ✓ Two competitive estimates.
- ✓ Details of Professional and Ancillary Fees.

- ✓ Proof of Planning Permission/Listed Building Consent/Building Regulation Permission/ Party Wall Act consent as applicable.
- ✓ Consent of other owners to carry out works.
- ✓ Written confirmation from any existing charge holder confirming their agreement to a further charge being placed on the property.

### **Conditions**

There is no formal time period for repayment of the loan, however, the loan will become repayable in full:

- a) On sale of the property.
- b) On failure to comply with any of the following conditions at any time:
  - i. If the property is no longer let on an assured or assured shorthold tenancy basis
  - ii. If the property is left empty for more than 3 consecutive months
  - iii. If the landlord fails to maintain Fit to Rent status
  - iv. If the landlord refuses to accept the council's Rent in Advance or Deposit Bond Scheme
  - v. If the landlord increases the rent to above the Local Housing Allowance.

### **Promotion of policy**

The policy will be promoted on the Council's website and through regular letters to the owners of empty properties.

## Appendix 9: Table Summary of Achieving the Policy Objectives

Objective	Policy Tools	Target Area	Resources	Lead	Key Partners
1. Remove Category 1 hazards in the home	<b>Advice and Signposting</b> Free home surveys to identify potential hazards in the home, advice on financial assistance and signposting to partner organisations that offer services	Private Sector Housing Tenants Council Tenants Owner Occupiers	Officer Time	Officers within the Housing Renewal Team	Warm and Well
	<b>Assistance</b> Healthy Home Loans up to a maximum of £15,000 for essential repairs	Owner Occupiers	Officer Time SDC Capital Programme	Officers within the Housing Renewal Team	
	<b>Enforcement</b> Action can be taken under the Housing Act 2004 to remove any category 1 hazards found in a home	Private Sector Housing Tenants Owner Occupiers	Officer Time	Environmental Health Officers within the Housing Renewal Team	
2. Improve Housing Conditions in the Private Rented Sector	<b>Advice and Signposting</b> Free advice to private sector landlords, tenants and agents on property letting standards especially overcrowding and housing conditions and fire safety. Tenants are given advice on accessing safe quality housing, they are referred to SDC Housing Advice Team to discuss housing options and Fit to Rent landlords for quality accommodation	Private Sector Tenants, Landlords and Agents Registered Providers	Officer Time	Officers within the Housing Renewal Team	National Landlord Association 6 District Authorities in Gloucestershire
	<b>Assistance</b> Fit to Rent Property Accreditation Scheme certifying private sector rental properties are free from any category 1 hazards and have the required certification in place to be let. Deposit Bond schemes are offered to tenants in receipt of housing benefit to assist access into the private rental market. Only those who are single and over 35 or single and over 18 with dependant children or a couple over 18 are eligible for assistance.	Private Sector Landlords and Agents Private Sector Tenants	Officer Time	Officers within the Housing Renewal Team	6 District Authorities in Gloucestershire
	<b>Enforcement</b> Tenant complaints regarding poor housing conditions are investigated and where necessary action is taken under the Housing Act 2004 to ensure landlords carry out essential works to remove any category 1 hazards that are identified.	Private Sector Landlords and Agents	Officer Time	Environmental Health Officers within the Housing Renewal Team	

3. Promote and Improve Energy Efficiency in the Home	<p><b>Advice and Signposting</b> Advice on saving energy, renewable technologies and financial assistance via the Severn Wye energy advice line</p>	Private Sector Housing Tenants Owner Occupiers	Officer Time	Officers within the Housing Renewal Team	Gloucestershire Warm and Well Partnership Severn Wye Gloucestershire Clinical Commissioning Group
4. Mandatory Licensing HMO	<p><b>Advice and Signposting</b> Advice is given to owners of licensable Houses in Multiple Occupation (HMOs) and mobile homes and caravan site owners. License applications are reviewed, conditions applied and monitored.</p>	HMO Property Owners and Tenants	Officer Time	Officers within the Housing Renewal Team	
	<p><b>Enforcement</b> Appropriate enforcement Action will be taken if owners of HMOs fail to comply with the conditions of their licence.</p>	HMO Property Owners	Officer Time	Officers within the Housing Renewal Team	
5. Licensing of Mobile Homes and caravans	<p><b>Advice and Signposting</b> Advice is given to mobile homes and caravan site owners. License applications are reviewed, conditions applied and monitored.</p>	Caravan Site Owners and Tenants	Officer Time	Officers within the Housing Renewal Team	
	<p><b>Enforcement</b> Appropriate enforcement Action will be taken if owners of caravan sites fail to comply with the conditions of their licence</p>	Caravan Site Owners and Tenants	Officer Time	Officers within the Housing Renewal Team	
6. Adapt Accommodation to Meet Disability Needs	<p><b>Assistance</b> Mandatory Disabled Facilities Grants (DFG) is available up to a maximum of £30,000 subject to an applicant's means test and Occupational Therapists referral.</p>	Registered Disabled person who is either a home owner or private sector tenant	Officer Time Central Government through Better Care Fund	Officers within the Housing Renewal Team	Occupational Therapists
7. Tackle Empty Homes	<p><b>Advice and Signposting</b> Advice is offer to owners of empty properties to help them bring them back into use.</p>	Empty Property Owners	Officer Time		

	<p><b>Assistance</b>                      Empty Home Loans are available up to a maximum of £15,000 to assist owners in bringing their empty properties back in to use for affordable housing in the district. Properties that have been left empty for over 6 months are eligible. This is an interest free loan available for works required to make the property habitable and meet the Fit to Rent standard.</p>	Empty Property Owners Empty properties in areas of high affordable housing need	SDC Capital Programme Officer Time	Officers within the Housing Renewal Team	
	<p><b>Enforcement</b>                      Following complaints made to the Council regarding an empty private property, the owner (if known) is contacted and encouraged to bring their property back into use. The Council has the option of implementing a number of different statutory powers at its disposal for example, under the Housing Act 2004 and the Law of Property Act 1925.</p>	Empty Property Owners	Officer Time	Officers within the Housing Renewal Team	

