

Appendix One

Draft Belfast City Council Response

REPLY TEMPLATE

Name of Organisation/Individual responding	Belfast City Council
Contact Details	<a href="mailto:leonards@belfastcity.gov.uk">leonards@belfastcity.gov.uk</a>

If you are responding on behalf of or representing the views of any Section 75 Category please indicate below

Yes  Section 75 Category Represented (Please indicate)

No

Religious belief; Political opinion; Racial/Ethnic group; Age; Marital status; Sexual orientation; Men & women generally; Disability

Question 1: What is your view on the inclusion of separate and specific provision in relation to thermal comfort as part of a revised standard?

It is agreed that the current Fitness Standard is deficient in dealing with issues relating to thermal comfort and it should be included as part of any new standard..

The document proposes to either augment the existing standard to include a specific criterion in relation to thermal comfort or introduce the Housing Health & Safety Rating System (HHSRS) In the case of the former the document refers to introduction of guidance that aligns to the WHO guidelines. However it does not discuss how the risk to the health of an occupier would be assessed using this standard and whether it will deal with excess heat which can also be a serious issue when it arises for vulnerable people such as the elderly.

HHSRS methodology permits a comprehensive risk based assessment of the threat from thermal comfort to an occupant by considering excess cold, dampness mould growth and excess heat hazards. In addition, HHSRS has the potential to assist in identifying vulnerable families, help prioritise cases and in delivering the governments targets on excess cold.

It is recommended that HHSRS is the most appropriate and effective system for addressing thermal comfort in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

I refer the Department to the Councils response to Question 6. This contains a more detailed outline of the reasons why the City Council supports the introduction of the HHSRS.

**Question 2: Do you consider that provision for the detection of fire and carbon monoxide should be a priority for focus within an updated Housing Fitness Standard?**

It is agreed that the current Fitness Standard is deficient in dealing with issues relating to the detection of fire and carbon monoxide and both should be included as part of a revised standard.

The discussion document does not detail how this risk to the health of an occupier would be assessed using the Enhanced/Augmented standard. Further clarification is needed as it does not appear to adequately deal with prevention of fire and carbon monoxide but rather focuses on the detection and safe emergency egress.

The HHSRS methodology comprehensively addresses both Fire and Carbon Monoxide hazards. It addresses the possible causes of fire and production of Carbon Monoxide, how they can be prevented in addition to the detection and safe egress.

It is recommended that HHSRS is the most appropriate and effective system for addressing fire and carbon monoxide in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

I refer the Department to the Councils response to Question 6. This contains a more detailed outline of the reasons why the City Council supports the introduction of the HHSRS.

**Question 3: Do you consider that electrical safety should be a priority for focus within an updated Housing Fitness Standard?**

It is agreed that the current Fitness Standard is deficient in dealing with issues relating to electrical safety and it should be included as part of a revised standard. Electrical safety is currently considered as part of disrepair along with many other items of disrepair. The protection from unsafe electrical installations is inadequate..

The discussion document does not detail how this risk to the health of an occupier would be assessed using the Enhanced/Augmented standard. Further clarification is needed as to what will be included in "relevant requirements" in relation to electrical installations. The discussion document does not discuss how the risk to the health of an occupier would be assessed using this standard.

The HHSRS methodology comprehensively addresses electrical safety. It is recommended that HHSRS is used as the most appropriate and effective system for addressing electrical safety in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

There should also be consideration to follow the direction of England and Wales where they are currently putting in place requirements for the inspection and testing of electrical installations in privately rented properties.

I refer the Department to the Councils response to Question 6. This contains a more detailed outline of the reasons why the City Council supports the introduction of the HHSRS.

**Question 4: What is your view on the provision of reasonable security measures as an appropriate element within an updated Housing Fitness Standard?**

It is agreed that the current Fitness Standard is deficient in dealing with issues relating to crime prevention and security measures. The City Council agrees that both should be included as part of a revised standard.

The discussion document does not detail how this risk to the health of an occupier would be assessed using the Enhanced/Augmented standard. The Proposed Enhanced Housing Fitness Standard Criteria as in the discussion document needs further clarification as to what will be included in 'is secure and free from disrepair which could be injurious to health and to emergency egress'. The discussion document does not discuss how the risk to health to an occupier would be assessed using this standard.

The HHSRS methodology comprehensively addresses reasonable security measures by considering entry by intruders. The HHSRS guidance on entry by intruders also looks at the neighbourhood as part of the assessment and therefore has the potential to work with Community Safety Partnerships.

It is recommended that HHSRS is the most appropriate and effective system for addressing reasonable security measures in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

I refer the Department to the Councils response to Question 6. This contains a more detailed outline of the reasons why the City Council supports the introduction of the HHSRS.

**Question 5: What is your view on the prevention of accidental falls as an area for focus within an updated Housing Fitness Standard?**

It is agreed that the current Fitness Standard is deficient in dealing with issues relating to accidental falls. It relies on elements within houses being in serious disrepair and does not consider inherently dangerous conditions that increase the risk of falls. The City Council requests that the prevention of accidental falls should be included as part of a revised standard.

The discussion document does not detail how this risk to the health of an occupier would be assessed using the Enhanced/Augmented standard. It also does not appear to deal with falls associated with baths etc. which can also be a serious issue when it arises for vulnerable people such as the elderly.

The HHSRS methodology comprehensively addresses all falls (falling on level surfaces etc, falling on stairs etc, falling between levels, and falls associated with baths etc). HHSRS does not just assess the stability and any disrepair, but considers inherent design, the lack of handrails and other measures that would prevent falls, adequacy of lighting, the fall area, retaining walls, paths, yards outside areas etc. It is much more comprehensive and all encompassing.

HHSRS has the potential to assist in identifying people vulnerable to falls particularly the elderly and young children, help prioritise cases and in delivering the Home Accident Prevention Strategy.

It is recommended that HHSRS is the most appropriate and effective system for addressing the prevention of accidental falls in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

I refer the Department to the Councils response to Question 6. This contains a more detailed outline of the reasons why the City Council supports the introduction of the HHSRS.

**Question 6: Are there any other issues currently not addressed within the Housing Fitness Standard that you believe should be included within a revised Housing Fitness Standard?**

The City Council welcomes the revision of the Fitness standard. It supports the introduction of the HHSRS and would have a number of concerns if the option of the enhanced/augmented version replaced the current standard.

The existing standard is a checklist of physical defects that can/may affect health. Unlike the HHSRS it is not risk based and does not allow for the quantification of risk or measurement of the impact of a hazard on the occupant of a dwelling and society as a whole.

Any enhanced/Augmented version would remain a checklist of defects that may affect health. It would lack an 'outcome focus' and will not take account of all the hazards faced in the home or of the person(s) occupying that home. There is also no indication given as to how risk and impact will be quantified during an inspection.

On the other hand the HHSRS is an accepted international standard. It is outcome focussed and provides a direct link with the conditions found in a home and how they impact on that individual and society. Combined with data from the NHS it provides a method that permits the quantification of the cost of poor housing. It also provides a method through which interventions can be planned to ensure they target the health inequalities associated with ill-health.

The priorities within the new Programme For Government will be addressed via an outcomes based approach. If introduced any enhanced augmented/standard will need the same outcomes focus as the HHSRS. The questions the Council would like to ask is how

will this be achieved and why would the Department consider developing another method when the HHSRS is available and already in use in England and Wales.

There are many additional issues and hazards that are currently not addressed within the Housing Fitness Standard and it is believed should be included in a revised Housing Fitness Standard. The Department's Proposed Enhanced Housing Fitness Standard Criteria also inadequately covers the range of hazards that may arise in housing and some of the criteria in this proposal are being carried through from the current Fitness Standard. It is the opinion that some of these criteria are deficient in addressing the hazards as they are and it is therefore inappropriate to simply carry them through

The issues identified include:

1. Damp and Mould Growth – the current Fitness Standard fails to adequately deal with condensation which is a form of dampness associated with mould growth affecting health. To carry through the criteria of 'Free from dampness...' and 'Ventilation' as they are in the current Fitness Standard would be inappropriate. Condensation is a complex form of dampness with multi factors influencing its presence and extent including heating, insulation, ventilation, occupancy, activity etc. Environmental Health Practitioners would therefore like to avail of the range of tools available within the HHSRS guidance.
2. Excess Heat – see response to Question 1
3. Asbestos and MMF
4. Biocides
5. Radiation – the new Radon maps for NI published by NIEA IN August 2015 reports an increase on the last estimate made in 2009 of the total number of Northern Ireland homes at risk. It is now estimated that some 155,000 homes, about 1 in 5 in Northern Ireland, are now in 'Affected Areas'. In light of this information, it is the view that Radon should be addressed within a revised standard for housing.
6. Un-combusted Fuel Gas
7. Volatile Organic Compounds
8. Crowding and Space – these issues are only given real consideration if it is an HMO and potentially will not apply across all tenures. Crowding and space are also associated with an increase in accidents. Overcrowding is listed as a statutory nuisance under the Clean Neighbourhoods and Environmental Act NI 2011 however it is the view that this is inadequate and does not provide a suitable route for intervention in houses where overcrowding and space is a problem. These views were raised to the Department of the Environment at the consultation stages.
9. Lighting – the proposed Enhanced Housing Fitness Standard Criteria seems to propose carrying through the Lighting requirements from the current Fitness Standard. The current lighting requirements under the Fitness Standard is inadequate as it allow borrowed light and does not consider obstructions, glare and the lighting of external areas. It would be inappropriate to simply carry this criterion through unchanged.

10. Noise – Noise of concern within houses can be from many sources. It was noted that there was a comment in the proposed enhanced housing fitness standard criteria that separate legislation relates to noise however this is not accurate. The main legislation deals with noise as a statutory nuisance under the Clean Neighbourhoods and Environment NI Act 2011 and covers noise from premises (unreasonable noise from neighbours, industry etc) as well as noise from entertainment premises and alarms. It does not cover noise from roads, rail, air traffic and the like. It is well accepted that noise affects health including both psychological and physiological effects. There is increasing evidence on the effects of noise with recent published research correlating various transport noise and conditions such as cardiovascular disease, stroke, diabetes etc. It is acknowledged that the DOE have a responsibility to address the worst noise from these sources under the Environmental Noise Directive and have developed action plans however, it will not provide adequate protection for individuals in their own homes. Noise attenuation of outdoor noise to the indoor environment is not addressed by the Environmental Noise Directive. Including noise as an issue in a revised housing standard will provide people with greater protection from the health impacts of noise and compliment the work by the DOE in implementing the Environmental Noise Directive. In addition, noise nuisance does not allow action to be taken where the noise from neighbouring properties is from reasonable activities or noise emanating from a person's own home. Both of these can result from the likes of poor noise insulation between and within properties. Building Control Regulations now have requirements for new homes and conversions however, they do not apply retrospectively leaving many older properties with the potential for inadequate protection from noise.
11. Personal Hygiene – the proposed Enhanced Housing Fitness Standard Criteria seems to suggest carrying through the current Fitness criteria for the provision of WHB with hot and cold water supply and a suitably located WC. There may be some privacy issues not fully addressed. There also should be links with other criteria as the provision of hot water through e.g. an immersion heater or if not separate from the central heating system may contribute to Fuel Poverty.
12. Pests and Refuse
13. Food Safety – the current Fitness Standard only addresses food safety to a limited extent and current guidance will allow a minimum of space for work surfaces for the preparation of food and the space for cooking facilities. The actual work surfaces, storage facilities and appliances for cooking do not have to be provided. This is inadequate and unacceptable. It is therefore also unacceptable to carry through this criterion as it is in the Fitness Standard to the proposed Enhanced Housing Fitness Standard.
14. Falls associated with baths – see comments in response to question 5.
15. Falling on the level, between levels and on the stairs etc whenever there is an inherent deficiency – see comments in response to question 5
16. Flames and Hot Surfaces (including scalds)– the proposed enhanced housing fitness criteria suggests that these are only applicable to kitchens. There may be

situations where these hazards will arise in other rooms within the house and adequate protection must be provided.

17. Collision and Entrapment

18. Explosions

19. Position and Operability of amenities - the proposed enhanced housing fitness criteria suggests that these are only applicable to kitchens. There may be situations where these hazards will arise in other rooms within the house and adequate protection must be provided.

It should be noted that all of these hazards are fully comprehensively considered under the HHSRS.

It is recommended that HHSRS is the most appropriate and effective system for addressing the prevention of all hazards in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

**Question 7: How, in your view, has grant assistance made a contribution to tackling unfitnes and is government intervention still required?**

The City Council would agree that government intervention is still required to tackle poor housing and the health inequalities associated with poor housing.

The City Council notes Chapter 7 of the discussion document 'Cost Implications of raising the housing fitness standard'. This estimates the cost of repairs required in order to meet either of the fitness standard options and estimates what the savings per year to the NHS would be as a result of this work.

The City Council notes that the figures provided for the augmented/enhanced standard do not include estimates for the existing elements of the current fitness standard and the figures for the HHSRS option do not include figures for all of the 29 hazards. It is difficult therefore to comment on this aspect of the document until all the information is available.

The Council accepts that considerable investment will be required to bring houses up to the new standard and welcomes the connection the document makes between investment and how this would be recovered in the form of savings to the NHS. One of the options estimating the payback on investment would occur within 12.8 years.

In our opinion this supports the argument for continued intervention in the form of grant assistance. The City Council does accept that future assistance would need to be more planned and targeted and that assistance may need to be provided in a number of different ways.

The City Council is conscious of the potential for any new standard to place an unwanted financial burden on homeowners, landlords and tenants. Continued grant assistance/intervention will be required if the new regime is to be sustainable.

Currently grant assistance is available where a house has been declared as Unfit for Human Habitation but has only had a limited contribution to tackling unfitness as only small number would have availed of grant assistance. It would have made a greater contribution if the renovation grant where Notices of Refusals had been issued had been retained. There did not appear to be any targeting or real means testing for assistance.

However, government intervention is still required to help protect the most vulnerable.

#### **Question 8: What are your views on the provision of loans as an alternative to grant to assist in tackling unfitness?**

The Council would support in principle the provision of loans but would request that it be considered as part of a range of interventions and not be introduced as an alternative to grant assistance.

Loans may provide a system where financial assistance may be made available to more people and may be more sustainable than a grant system. Loans are well established in England and Wales.

In England the Chartered Institute of Housing has called for extra tax incentives for landlords who sign up for a national accreditation scheme and commit to better standards. The Council would see merit in this approach but would request that tax incentives are linked to landlord licensing as opposed to landlord accreditation.

Tax incentives for homeowners could be another option that could be explored.

#### **Your views on the options outlined are welcome, particularly which would most effectively addresses the deficiencies of the Northern Ireland Housing Stock and the resultant impact on tenants affected by unfitness**

The Council supports the introduction of the HHSRS option and is of the opinion that this would be the most effective in addressing the deficiencies in the Northern Ireland Housing Stock and the resultant impact on occupants of dwellings.

The existing standard is a checklist of physical defects that can/may affect health. Unlike the HHSRS it is not risk based and does not allow for the quantification of risk or measurement of the impact of a hazard on the occupant of a dwelling and society as a whole.

Any enhanced/Augmented version would have these same deficiencies. It would remain a checklist of defects that may affect health. It would lack an 'outcome focus' and will not take account of all the hazards faced in the home or of the person(s) occupying that home. There is also no indication given as to how risk and impact will be quantified during an inspection.



On the other hand the HHSRS is an accepted international standard. It is outcome focussed and provides a direct link with the conditions found in a home and how they impact on that individual and society. Combined with data from the NHS it provides a method that permits the quantification of the cost of poor housing. It also provides a method through which interventions can be planned to ensure they target the health inequalities associated with ill-health.

The priorities within the new Programme For Government will be outcomes based approach. If introduced any enhanced augmented/standard will need the same outcomes focus as the HHSRS. The questions the Council would like to ask is how will this be achieved and why would the Department consider developing something else when the HHSRS is available and already in use in England and Wales.

It is recommended that HHSRS is the most appropriate and effective system for addressing the prevention of all deficiencies and hazards in a revised standard for housing and will allow people in NI to enjoy the optimum and equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

The Council would also refer to the detailed answer to Question 6.

[Views are welcome on the options available to the Department for making available assistance to address fitness in an effective and sustainable way.](#)

Local Government Reform, the existing Review of the Private Rented Sector and Community Planning provide an opportunity for Councils', Government Departments and all relevant stakeholders to work collaboratively to address health inequalities at a regional, city, local and neighbourhood level.

Councils in England and Wales already work with a range of partners including primary care trusts, Department for Health & Home Improvement Agencies to identify and make the links between poor housing and health and to target interventions and funding to address the problems in these areas.

One example is the Liverpool Healthy Homes Scheme. It was estimated that poor Housing in Liverpool led to 50 deaths per year and 5000 illnesses per year. Partners developed a Healthy Homes Index to identity priority areas and a series of advocate interventions were planned for each. The Advocate intervention considered the following areas;

- Housing Conditions
- Access to medical practitioners
- Benefits
- Employment Advice
- Support mechanism for residents with young children
- Support Mechanism for the elderly
- Energy Efficiency
- Fuel Poverty
- Access to drug and health support agencies

- Exercise and fitness regimes
- Healthy Eating and Nutrition programmes
- Other needs that arised

Under the scheme 24,000 advocate assessments were carried out which generated 19,000 referrals to partner organisations. 3,800 HHSRS assessments of properties were carried out and this identified 2,700 Category 1 hazards resulting in £4million investment generated in repairs. This scheme was funded by the Liverpool Primary Care Trust.

Community Planning in NI provides the opportunity for partners to investigate the links between poor housing and health, estimate the problem and consider what intervention(s) would be the most sustainable and an effective way of dealing with the issues found. The 'outcomes focus' of the HHSRS would lend itself perfectly to this type of initiative and is another reason why it would prefer it was introduced.

The Council would also request a review of all existing grant assistance paid to homeowners and landlords.

The City Council supports the introduction of landlord licensing across the entire private sector. Several English authorities including London Borough of Newham have demonstrated that this can play a key role in tackling Anti-Social Behaviour and Health inequalities associated with poor housing. In the opinion of the City Council licensing would support the effectiveness and sustainability of any community planning approach to improve the conditions people live in.

**Views are welcome on the proposals to:**

- Target any available assistance towards the costs of certain fitness criteria;**
- Introduce a revised standard in phases.**

I would refer to the answer to the last question. The HHSRS is a risk based approach and results in a score that indicates the seriousness of the hazard. It identifies 29 different hazards that could be present in a home. It therefore lends itself ideally to the idea of targeting assistance that deal with either particular hazards or to the most serious hazards and prioritising work.

**This section of our response includes queries/comments on a number of other points/questions raised in the consultation document.**

In paragraphs 6.6 and 6.11 there are comments on an augmented version of the existing standard that would ensure that current enforcement officers are easily made aware of additional provisions and would not require significant additional training for practitioners to implement. This comment could be seen to be somewhat unfair. Any changes to the current regime will require significant training. However, there it is the view that the training will be more easily delivered if HHSRS is introduced. It benefits from 10 years of practice in England and Wales and to the large volume of legal precedents to draw on as identified in point 6.9. The same cannot be said if an Enhanced Housing Fitness Standard Criteria is introduced. There will be no precedents to draw from and any issues that arise with uncertainty may result in undue delays in improving the housing conditions adversely affecting the people living in that property. In addition,

Environmental Health Practitioners are familiar with a risk based approach which is the approach favoured by the HHSRS. It will bring housing regulation in line with the other core areas of environmental health such as food safety, health and safety and environmental protection that all use a risk based approach to compliance and regulation. The theory and principles of HHSRS are taught in all CIEH accredited Environmental Health degree courses in the UK including Ulster University. It has been taught to all Environmental Health students since 2006 and all graduates since then will have an understanding of the principles. The issue in NI is that while the students and graduates are taught the principles, it is not practiced during placement or when in employment therefore the skills acquired are not developed and maintained. It is important to note that the CIEH offer a 2-day course on Understanding and Applying the HHSRS and completion of the course leads to a Certificate of Competence from the Environmental Health Registration Board. The delivery of an existing course will be more cost effective than a bespoke course.

Paragraph 6.10 makes reference to differences of baseline unfitnes between England and Wales and NI and that changes should reflect the exhibited and projected need, however it is argued that the principles behind a safe and healthy home are the same for any jurisdiction and crosses all borders and boundaries. The HHSRS was designed on the underlying principle that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. The introduction of this principle to NI would be welcomed.

In paragraph 6.11 there is a comment that implementing the HHSRS may require the establishment of a body similar to the Residential Properties Tribunal in England and Wales. However, this could be looked on as a favourable outcome as tribunals are often seen provide a speedier and cheaper procedure than that afforded by the courts and relieves the congestion of law courts.

Paragraph 6.12 refers to criticism of the HHSRS as too complex, but as well as the publication of a layman's guide to HHSRS to increase user understanding, the Department for Communities and Local Government noted that the current guidance on HHSRS is fundamentally sound.

There is another paragraph contained in section 6 requesting views:

"6.18 The Department is again seeking views on the most efficient and effective enforcement arrangements contained in Chapter II of the Housing (Northern Ireland) Order 1981 (as amended). The enforcement of the standard may, to some extent, be guided by the nature of the revised standard, and the views of interested parties are welcome."

It is the view that all housing powers to identify and tackle poor housing conditions should be made available together e.g. through local Councils giving a 'one stop shop'. This would make it simpler and easier to understand for all involved (owner occupiers, tenants, landlords, the public, elected representatives, government bodies etc). Area action, regeneration and clearance where areas are identified as having poor housing could be of interest and overlap with Community Planning responsibilities that are being transferred to local Councils.

The introduction of the HHSRS would require an overview of existing legislation to recognise it as the standard for fitness and to allow Councils to take action in accordance with the category of risks found. This would bring Housing Enforcement in line with all other Environmental Health disciplines and the Council would therefore be supportive of this. The Council would envisage the need to introduce similar enforcement provisions to those available to Councils in England & Wales under the Housing Act 2004.