



Chartered
Institute of
Environmental
Health

CIEH evidence to CLG Select Committee

Response to the Beyond the Decent Homes Standard

August 2009

The Chartered Institute of Environmental Health

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1.0 Summary

- The original purpose of the DHS was to better direct public investment essentially in social housing (the private sector was something of a somewhat inadequate afterthought). Now so far as the CIEH is concerned the key purpose for any standard beyond the DHS should be to help address inequalities in health and the raise standards of public health generally
- The new standard should help to establish and maintain sustainable communities
- The incorporation of the Housing Health and Safety Rating System (HHSRS) raises the question as to whether it alone should form the basis of the DHS
- Any new “Decent Homes Standard” could require not only that a dwelling is free from Category 1 hazards but the line could be drawn in the range of what are currently Category 2 hazards with the addition of environmental criteria linked to the code for sustainable homes
- Several of the issues raised by the CIEH in its evidence on the DHS to an earlier Select Committee inquiry remain relevant today.

2.0 Introduction

- 2.1 The CIEH gave evidence to the (then) ODPM Housing, Planning, Local Government and the Regions Committee in 2002. There is an inevitable sense of déjà vu as we read the Committee’s report as many of the points made by the CIEH to the previous Committee (and which were subsequently endorsed by the Committee) were either not accepted by the government or if accepted were not acted upon.
- 2.2 The key issues for the CIEH are that, beyond the Decent Homes Standard (DHS), a system needs to be established which ensures that the health, safety and welfare of occupiers is properly protected, which adequately reflects the needs of the private sector and which acknowledges the effect that adverse environmental conditions have on occupiers. The new system should ensure the establishment and maintenance of communities that are truly sustainable.
- 2.3 The CEIH believes that the proposals set out in this evidence to the Select Committee represent good value for the government and focuses resources to best effect.

3.0 Issues revisited

- 3.1 The ODPM Select Committee Fifth Report of Session 2003-04 on Decent Homes made a series of recommendations and observations many of which remain valid in 2009 (and which should be taken account of in the development of a post DHS regime) as detailed below.
- 3.2 The introduction of the HHSRS has increased the number of non-decent homes, or would if applied correctly. It is likely that many social landlords and some consultants employed to carry out stock condition surveys do not understand the system adequately so that their assessment of “non-decency” must be questionable.

Funding was found to address the issue of training of officers charged with enforcing Part 1 of the Housing Act 2004 and the CIEH played (and continues to play) its part in the nationwide training programme based on the original training package. However the Committee's recommendation that more resources were (and still are) needed to recognise the changes, has not been acted on by Government and similar training was not provided for social landlords, although the Government did publish a simplified guide to the HHSRS for landlords and housing related professionals.

- 3.3 The inflexibility of the DHS in respect of kitchens and bathrooms remains, as age in itself is not necessarily a reflection of condition. It is not necessary to replace satisfactory facilities which are older than the prescribed limit (and with which occupiers are happy) nor is it acceptable for inadequate facilities which are newer to remain in place.
- 3.4 The CIEH remains of the view that the thermal comfort criterion in the DHS is too low and endorses the Committee's view in 2003 that "the required levels of thermal comfort should be in line with the building standards in force at the time when such a target were to be set". Indeed it is possible for a home to meet the "thermal comfort criterion" and still have a Category 1 hazard for excess cold under the HHSRS.
- 3.5 Like the Committee in 2003, the CIEH believes that every household has the right to a decent home – but this approach should be tenure neutral. The primary focus on social landlords and public housing can only be a reflection of the impact of policies over the past 30 years which have led to the residualisation of such estates and public housing tainted by associated worklessness¹. The government has singularly failed to set effective targets for the private sector and the target for the social rented sector is unlikely to be met. The issue of "vulnerability" should not figure in the target as this can be as much a reflection of changing economic circumstances as changes in housing condition. In theory the private sector target could be met by reducing the numbers in receipt of one of the benefits without any improvements in the homes they occupy, which could remain unsafe or unhealthy.
- 3.6 It will not be possible to achieve a significant improvement in the number of decent homes (or whatever descriptor is to be used) in the private sector unless there is more positive leadership and involvement of communities (e.g. linked to the proposed registration of all private landlords) and local housing authorities take a more proactive and strategic approach. The CIEH supports the view that tenants should have a statutory right to a decent home and this right should be enforceable through the courts.

4.0 Housing Health and Safety Rating System (HHSRS)

- 4.1 Any new "Decent Home" scheme should be more weighted towards the needs of the private sector where there is the greatest number and proportion of "non-decent

¹ James Gregory, *In the Mix – narrowing the gap between public and private housing*, Fabian Society, Policy Report 62, 2009.

homes as currently defined.² The CIEH therefore sees the strategic use and application of the Housing Health and Safety Rating System (HHSRS) as a key element of the new standard.

- 4.2 At the time of the first inquiry by the ODPM Committee a number of concerns were raised about the subjective nature of judgements made using the HHSRS. In fact the HHSRS is less subjective (although professional judgment is required) than the fitness standard that it replaced and has been used by local housing authorities since April 2006 when it replaced the fitness standard. The universal application and use of the system have served to significantly increase the consistency of judgements and this has been further assisted by lessons learned from decisions of Residential Property Tribunals considering appeals against requirements of notices served under part 1 of the Housing Act 2004.
- 4.3 A crucial weakness referred to above is the lack of awareness amongst Registered Social Landlords (RSLs) of the HHSRS. Anecdotal evidence abounds of RSLs having inadequate plans and procedures for the use of the system in monitoring performance and standards. However only a few employees of RSLs have benefited from such training and there is no coherent programme of training, which has been a matter for individual social landlords and local housing authorities. It is known that approaches to the National Housing Federation by Warwick University Law School (the original developers of the HHSRS and the associated training materials) to provide such a programme proved unsuccessful.
- 4.4 As an example of the ad hoc approach but also what can happen, is in Sandwell MBC where Environmental Health Practitioners in the Council's private sector housing service are engaged in a programme of training for surveyors working for the local Arms Length Management Company responsible for the social rented housing stock. They have instituted a practical based programme of training for a wide range of personnel, including supervisory staff as well as maintenance operatives. It dealt with basic risk assessment theory and the relevant matters as it relates to the more common elements of disrepair. It also examined the connection surrounding certain repair issues where Category 1 hazards may have gone unrecognised in the past.
- 4.5 The application of the HHSRS to the DHS has highlighted several anomalies. Reference to thermal comfort and excess cold is made above, but where lack of adequate sound insulation would not have made a dwelling non-decent previously if all other amenities are modern, now if noise is assessed as a Category 1 hazard then the home becomes non-decent. Also a "modern kitchen" could be dangerous by virtue of its design leading to a potential hazard of flames, hot surfaces etc, or operability of amenities. Other serious or potentially serious hazards could be present in a dwelling which in themselves do not form part of the DHS.

² CLG, English House Condition Survey 2007 Headline Report – <http://www.communities.gov.uk/documents/statistics/pdf/1133548.pdf>.

5.0 Raising standards of public health

- 5.1 One of the benefits of the use of the HHSRS is that it addresses the effect of hazards in dwellings on the health (and safety) of occupiers. The system requires the identification of all deficiencies and an assessment of hazards arising from these deficiencies with subsequent remediation in order to prevent ill health or injury. It sets priorities for investment on the basis of risks to health and safety. It is not easy to quantify the benefits of such preventative action; however the CIEH in its publication "Good Housing leads to Better Health"³ identified such benefits as well as examples of good practice. The CIEH has made available a cost calculator⁴ which is designed to provide a robust estimate of cost savings to the NHS of a range of housing interventions using the HHSRS.
- 5.2 The calculator is being widely used not only by CIEH members in local authorities but also by Primary Care Trusts – for example the Joint Annual Public Health Report for Kingston 2008⁵ (page 58).
- 5.3 The CIEH also refers the Committee to the report "Decent Homes Better Health"⁶ (Sheffield Decent Homes Health Impact Assessment).

6.0 A strategic approach

- 6.1 It is clear in the CIEH view that local housing authorities (LHAs) should first and foremost take a strategic approach in dealing with the private rented sector (PRS). A crucial part of this is to ensure that LHAs undertake their statutory duties under Section 3 of the Housing Act 2004. Such an approach should be based on local evidence with a combination of enforcement and incentive with effective consultation through accreditation schemes. CLG should give statutory guidance on what full meeting of these duties comprises, and give direction on what records should be kept and reported.
- 6.2 Reactive services (i.e. responding primarily to tenants' complaints) do not address priorities. Complaints are generally not made by transient or vulnerable tenants (who

³ Chartered Institute of Environmental Health - *Better Housing leads to Better Health* – http://www.cieh.org/library/Policy/Publications_and_information_services/Policy_publications/Good_Housing_Leads_to_Good_Health_2008.pdf

⁴ Chartered Institute of Environmental Health cost calculator – http://www.cieh.org/library/Knowledge/Housing/HHSRS_cost_calculator.xls

⁵ "Health begins at Home" - Joint Annual Public Health Report for Kingston 2008 - [http://www.kingstonpct.nhs.uk/assets/documents/Public%20Health%20Annual%20Report08FINAL%20\(2\).pdf](http://www.kingstonpct.nhs.uk/assets/documents/Public%20Health%20Annual%20Report08FINAL%20(2).pdf)

⁶ "Decent Homes Better Health" (Sheffield Decent Homes Health Impact Assessment) - http://www2.warwick.ac.uk/fac/soc/law/research/centres/whocc/sdh_hia_report.pdf

frequently occupy high risk properties in multiple occupation) and from tenants who, justifiably or not, fear retaliatory eviction.⁷

- 6.3 However it is clear that too few LHAs meet fully their statutory obligations under Section 3 of the Housing Act 2004.

7.0 Beyond the Decent Home Standard

- 7.1 The vision of the CIEH for a standard beyond the DHS can be summarised as “HHSRS plus” adding environmental criteria namely: access to green space, freedom from antisocial behaviour and adequate sound insulation.
- 7.2 Targets should not be set relating to vulnerability of occupants.

8.0 Sound insulation⁸

- 8.1 Though more households may be affected by ambient noise sources, many more complaints are generated by neighbour noise. Numbers of these continue to run at historically high levels and they appear to come disproportionately from the social housing stock. A substantial proportion of those affected attribute the problem, at least in part, to poor sound insulation between dwellings and there is some objective evidence to support them.
- 8.2 Acknowledging this, changes have recently been made to the standards of constructions between dwellings in the Building Regulations and an new DH standard could reasonably be expected to match that so far as is practicable. (However as there is still no requirement under these Regulations for “end-testing”, it is unclear how often the right level of sound attenuation is actually achieved, as even minor construction defects can undermine this.) Given some evidence that occupiers value peace above other improvements, currently the Decent Homes approach runs the risk of continuing, and even increasing, dissatisfaction with dwellings made nominally decent while continuing to expose landlords to liability.

9.0 Fire Safety

- 9.1 The interim report on the fire in the block in Camberwell questions the relationship with fire requirements and the DHS. It is acknowledged that this can be addressed under part A but a separate section for fire safety (or its incorporation into part C) would serve to highlight more effectively the importance of the issue.

⁷ Chartered Institute of Environmental Health *Survey of Local Authority Regulatory Activity under the Housing Act 2004, 2008* – <http://www.cieh.org/library/Knowledge/Housing/Housing%20survey.pdf>

⁸ Under the HHSRS, if a neighbour noise is the result of inadequate sound insulation, the noise is rateable under the HHSRS i.e. if normal domestic noise can be heard because of a lack of sound insulation it could be a Category 1 hazard.