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Energy Efficiency, Fuel Poverty and Environmental Health

**Information and advice for
private sector landlords**



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Private Sector Housing Team

Environmental Health

Royal Borough of Kensington and Chelsea

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Introduction

It is a well known fact that living in a cold home poses a significant risk to health. With the number of households living in fuel poverty at its highest since the mid 90s the Energy Act 2011 is focussed on improving the energy efficiency of the private rented sector.

The latest Housing Stock Condition Survey (2006) suggested that over 25 per cent of the Royal Borough of Kensington and Chelsea's population live in privately rented accommodation, equating to over 40,000 people (2001 Census). It is the role of the Private Sector Housing Team, based within the Environmental Health Department, to monitor and improve the housing conditions found within these properties.

The most recent English Housing Survey confirmed that the private rented sector has the highest proportion of dwellings that would benefit from the installation of low cost energy efficiency measures. This is mirrored in the Department of Energy & Climate Change's Annual Report on Fuel Poverty (2011) which reports that 21 per cent of households in England's private rented sector were in fuel poverty in 2009 compared with 17 per cent of Registered Social Landlord households. However as energy prices have risen so dramatically since 2009 current estimates by National Energy Action predict that these numbers are now significantly higher.

The Royal Borough is famous for its period architecture, with over 70 per cent of the borough's private sector dwellings (owner occupied and privately rented) built before 1919. As expected, the majority (97 per cent) of these dwellings are of solid wall construction making them notoriously hard to heat due to their poor energy efficiency ratings.

This pack has been produced by the Private Sector Housing Team to provide information and advice to landlords on how and why they should try to improve the conditions of their properties. The pack aims to answer the following questions:

- Why is the Environmental Health Department interested in housing conditions?
- What is energy efficiency?
- What is fuel poverty?
- What can I do to improve the energy efficiency of my property(ies)?
- Are there any schemes that provide free or discounted measures?

The Housing Team is always looking to work with landlords with the aim of improving the housing stock in the borough. If you are unsure whether your property complies or you would like some general advice please contact the team via the Environmental Healthline on **020 7361 3002** or environmentalhealth@rbkc.gov.uk.

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Energy efficiency

What is energy efficiency?

As the name suggests, energy efficiency is the efficient use of energy. Improving the energy efficiency of a dwelling can reduce the amount of energy required to keep it warm.

What can I do to improve the energy efficiency of my property?

There are numerous energy efficiency measures for use within the home, many of which are available free of charge or at a reduced cost through Government funded schemes, for example:

- loft insulation
- cavity wall insulation
- solid wall insulation (internal or external)
- heating system upgrade (boiler, thermostat and thermostatic radiator valves)
- draught proofing (door and windows)
- low energy light bulbs
- power off switches (for use with electrical equipment with standby mode)

Why should I improve the energy efficiency of my property?

Improving the energy efficiency of your property is likely to result in:

- reduced carbon emissions
- improved energy efficiency rating on the Energy Performance Certificate
- reduced fuel bills resulting in a reduction to the risk of tenants falling into fuel poverty and/or rent arrears
- reduced complaints from tenants
- reduced repairs and maintenance costs
- increased appeal of properties and renewal of tenancy agreements, resulting in reduced void periods
- improved risk ratings under the Housing Health and Safety Rating System (HHSRS)

By 2018, it will be illegal to let domestic or commercial premises that fall below a specified level of energy efficiency (Energy Act 2011). This level is currently proposed to be an EPC rating of Band E, therefore prohibiting the letting of premises with SAP ratings falling within Bands F and G. Section 74(1) of the Act provides the Secretary of State with power to make regulations authorising the disclosure of EPC registers making them publicly available.

For further information on EPCs please visit: www.gov.uk or www.communities.gov.uk.

New look Energy Performance Certificate at www.communities.gov.uk/documents/planningandbuilding/pdf/2116821.pdf

Government schemes and incentives

Carbon Emission Reduction Target (CERT) Schemes

The Electricity and Gas (Carbon Emissions Reduction) Order 2008 set the Carbon Emission Reduction Target (CERT) which requires all energy suppliers with a customer base of over 50,000 to reduce household greenhouse gas emissions. The CERT was set with the view to help the UK reach its legally binding target under the Kyoto Protocol to reduce greenhouse gas emissions by 12.5 per cent in comparison to 1990 levels between 2008 and 2012. CERT also contributes to the requirement under the Climate Change Act 2008 to reduce greenhouse gas emissions by 80 per cent of the 1990 level by the year 2050.

The majority of CERT funded schemes focus on providing the most cost effective measures such as cavity wall and loft insulation. However some schemes have progressed to providing other measures such as solid wall insulation.

For example, in August 2011 British Gas announced an increase in CERT funding for external wall insulation in the private sector. To be eligible, the household has to be in receipt of certain benefits or allowances. The amount of funding available is dependent upon the size of the property and the current heating fuel (mains gas, LPG, electric, oil or coal). All installations must be complete by the end of CERT (31 December 2012).

To find out more about the measures available for your property please contact your energy supplier. The CERT scheme is due to be replaced by the Energy Company Obligation “ECO” at the end of 2012 (see page 17).

Sustain-SmartHeat

Sustain's SmartHeat programme is CERT (Carbon Emissions Reduction Target) registered and due to run until at least the end of 2012.

The programme provides a free service to private sector landlords of properties with communal boilers. The service consists of a boiler room survey, the production of a detailed energy saving report and installation of custom made flange and valve insulation. Such measures can save up to £2,000 a year, and there is no obligation to change energy provider.

For further information please visit Sustain's website at: www.sustain.co.uk

Community Energy Saving Programme (CESP)

CESPs seek to improve energy efficiency standards and reduce fuel bills in low income areas. The programmes promote a whole house approach and are part funded by the current energy supplier obligation.

Programmes are developed by partnerships between local authorities, community groups and energy companies allowing them to be area specific.

Although parts of the Royal Borough have been declared as CESP eligible areas, lack of match funding has meant that no works have been undertaken in the public or private sector. The CESP scheme is due to be replaced by the Energy Company Obligation "ECO" at the end of 2012.

Feed in Tariffs (FITs)

Feed in tariffs were introduced under the Energy Act 2008 and became active in 2010. They allow you to generate renewable or low carbon electricity which can be sold to your electricity supplier for a set rate.

The technologies which qualify include the following, up to an installation size of five megawatts:

- wind turbines
- solar electricity panels (photovoltaic)
- hydroelectricity
- domestic non-renewable micro combined heat and power (CHP) systems (for instance the Baxi Ecogen boiler)

To qualify for full FIT payments the technology must be installed and certified by the Microgeneration Certification Scheme (MCS).

For more information visit either the Energy Saving Trust website: www.energysavingtrust.org.uk or Department of Energy & Climate Change website at: www.decc.gov.uk.

Reduced VAT on energy efficiency measures (HM Revenue & Customs)

Certain energy saving materials have a reduced rate of VAT (currently five per cent). This applies to both the purchase price and installation cost when bought and installed by the same individual. You will also get charged the reduced rate for any additional work which is required specifically in relation to the installation.

The materials covered include:

- controls for central heating and hot water systems
- draught insulation
- insulation on walls, floors, ceilings, lofts, etc
- solar panels
- wind turbines
- water turbines
- ground-source heat pumps
- air-source heat pumps
- micro combined heat and power units

For further information about this please visit the HM Revenue & Customs website at: www.hmrc.gov.uk

Landlord Energy Saving Allowance (LESA) (HM Revenue & Customs)

LESA is a tax allowance for landlords when they buy and install certain energy saving measures in their rented accommodation. Both individual and corporate landlords can claim up to £1,500 per year per house, flat or bedsit. The LESA is available until the end of March 2015. The allowance applies to rented accommodation both in the UK and abroad, however not those being rented as furnished holiday lets.

LESA can be claimed for the following:

- Cavity wall and loft insulation (installed from 6 April 2004)
- Solid wall insulation (from 7 April 2005)
- Draught proofing and hot water insulation (from 6 April 2006)
- Floor insulation (from 6 April 2007)

Claims cannot be made for labour when the landlord carries out the work him/herself. Claims cannot be made in conjunction with the 'Rent a Room' Scheme. Where there is shared ownership of a property a share of the LESA can be claimed. LESA is claimed when filling out your annual tax return.

For further information please see the website www.gov.uk or contact your local HM Revenue & Customs Tax Office.

Enhanced Capital Allowance (ECA) (HM Revenue & Customs)

The ECA scheme provides businesses with a tax incentive to invest in certain energy saving technologies which meet the published energy saving criteria. The scheme provides businesses with 100 per cent first year tax relief on their qualifying capital expenditure.

For further information please visit either the Department of Energy & Climate Change website at: www.decc.gov.uk, or HM Revenue & Customs website at: www.hmrc.gov.uk.



Fuel poverty

What is fuel poverty?

A household is considered to be in fuel poverty when it spends more than 10 per cent of its income on fuel to maintain an adequate standard of warmth in the home.

The World Health Organisation (WHO) defines the adequate standard of warmth in England as:

- 21°C in the living rooms
- 18°C in all other rooms including bedrooms

The Department of Energy & Climate Change's latest figures estimate that 11.7 per cent of the borough's households are in fuel poverty. This is above the London average of 10.8 per cent.

To identify whether or not a household is considered to be in fuel poverty we calculate the fuel poverty ratio as shown below. If the ratio is greater than 0.1 the household is considered fuel poor.

$$\text{Fuel poverty ratio} = \frac{\text{Fuel costs (usage x price)}}{\text{Income}}$$

The households most likely to suffer with fuel poverty are those with:

- low incomes
- high fuel prices
- high levels of fuel consumption, for example:
 - ▶ homes with poor energy efficiency ratings
 - ▶ households with a member of a vulnerable group (for example, young children, older and/or disabled people)
- a low occupancy for the size of the dwelling

Healthy Homes Hotline

The Healthy Homes initiative was set up by the Council, NHS Kensington and Chelsea and third sector groups in the borough. The main objective is to provide a single point of contact for help and advice on fuel poverty issues within the borough.

Residents can either self-refer by contacting the Healthy Homes Team directly on free phone **0808 202 6204**, or referrals can be made on their behalf. All referrals will be followed with a tailored package of advice and assistance, depending upon the level of support required.



Services available include:

- advice on energy efficiency
- advice on income maximisation
- referral to heating and insulation schemes

For more information please visit the Council's website: www.rbkc.gov.uk or call the hotline **0808 202 6204**.

Government payment schemes

Winter Fuel Payment Scheme

The Winter Fuel Payment is a one off yearly tax free payment intended to help older people in the UK keep warm during the winter months. The payment is made by Government to those who were born on or before 5 January 1951. The scheme is not means-tested (it does not take into account a person's income); however the amount received varies according to the individual's personal situation.

To find out more please visit the website www.gov.uk

Cold Weather Payments

These are payments made to people in receipt of certain benefits whenever the temperature is either forecast or recorded as averaging at 0 degrees Celsius or below for a seven day period between 1 November and 31 March each year. Those that are eligible will receive their payments automatically so there is no need to register. Payments are usually received within 14 days of the qualifying cold weather period.

To find out more about cold weather payments including the eligibility criteria please visit the website www.gov.uk

Warm Homes Discount

The Warm Homes Discount scheme provides a one off rebate of £130 on electricity bills for winter 2012-13, rising to £140 by 2015.

Individuals in receipt of only the Guarantee Credit element of Pension Credit are automatically considered if their or their partner's name was on their electricity bill on 11 September 2011.

Energy suppliers are also providing the rebate to a broader group, however the eligibility criteria for this varies between suppliers. To find out whether you or your tenants may be eligible please contact your electricity supplier.

More information can be found on the website www.gov.uk.

Heating and insulation schemes

Warm Front Scheme

The Warm Front Scheme provides central heating and/or insulation improvements to households in receipt of certain income related benefits and living in poorly insulated homes or without a fully functioning central heating system. The scheme is available to owner occupiers and tenants renting from a private landlord until late 2012. Qualifying households can get improvements worth up to £3,500.

Improvements can include:

- loft and/or cavity wall insulation
- draught proofing
- hot water tank insulation
- central heating (gas, electric, LP gas or oil)
- repairs to existing central heating systems

For further information about the Scheme, including the eligibility criteria, visit the Warm Front website: www.warmfront.co.uk or call **0800 316 2805**.

Royal Borough's Keep Warm Grant

The Council's Keep Warm Grant provides central heating and/or insulation improvements to households that are either owner occupiers or private tenants with repairing obligations (and the landlord's permission). To be eligible the property must be the applicant's main residence and the applicant must be on a low income (less than £20,000 per year gross). Qualifying households can get improvements worth up to £7,500.

For further information please contact the Royal Borough's Home Improvement Agency, Staying First on **020 8996 8890** or at: sf.info@sbhg.co.uk.

Royal Borough's housing stock

The Royal Borough of Kensington and Chelsea is famous for its Georgian and Victorian terraces; however dwellings built before 1919 are known to have the lowest average SAP ratings and the highest CO₂ emissions of all property types.

In Kensington and Chelsea 28 per cent of households live in privately rented accommodation, 32 per cent in social or Council accommodation and 40 per cent in properties they own (ONS Annual Population Survey, 2009).

The most recent English Housing Survey shows that pre-1919 dwellings make up 40 per cent of England's private sector. However in Kensington and Chelsea pre-1919 dwellings account for over 70 per cent of the private sector, 30 per cent higher than the average for England. Of these 97 per cent are of solid wall construction and therefore unable to benefit from cavity wall insulation. In turn with conservation areas covering 70 per cent of the borough, the opportunity to use external wall insulation is limited.

Private sector dwellings in England have an average SAP rating of 52 (Band E) which is lower than registered provider and local authority properties, which have an average rating of 62 and 60 (Band D). The English Housing Survey also confirms that the private rented sector has the highest proportion of dwellings which would benefit from the installation of low cost energy efficiency measures.

The average SAP rating for Kensington and Chelsea's private sector however is 54 (Band E), four points above both the London and national average. This relates to the high proportion of purpose built flats (41.3 per cent) which tend to have SAP ratings 10 points above the stock average. Converted flats on the other hand, which make up 44.7 per cent of the borough's private sector stock, tend to have lower SAP ratings due to poor insulation and less efficient heating systems.

Worryingly however it is predicted that over seven per cent of Kensington and Chelsea's private sector stock have SAP ratings of less than 30 (Bands F or G). It is these dwellings which the Energy Bill 2011 proposes to prohibit the use of from 2018.

The Energy Act 2011

The Energy Act 2011 came into force on 18 October 2011. Landlords and Environmental Health Departments alike will be most interested in Part 1 of the Act, 'Energy Efficiency'. This Part contains Chapter 1 'Green Deal' and Chapter 2 'Private rented sector (England and Wales)'.

Green Deal

The Green Deal looks to encourage energy efficiency improvements in both residential and commercial properties. It enables the installation of a package of energy efficiency measures with no upfront cost to the owner or occupier of the property. Instead the Green Deal Provider retrieves the cost of the improvement over time via the occupier's electricity bills.

The Green Deal is based on the core principle of the 'Golden Rule'; whereby the total cost of installing the suggested measures should not exceed the predicted associated fuel bill savings for the duration of the Green Deal finance agreement. The agreement could be in place for up to 25 years.

There is no definitive list of the measures included in the Green Deal as the packages will be property specific, based on a physical assessment of the property conducted by an authorised Green Deal Assessor. However as the Green Deal finance is attached to the electricity meter(s) of the property the measures should not be easily removable.

Energy Company Obligation (ECO)

Where the Golden Rule cannot be met, or the household is not sufficiently benefiting, the Energy Company Obligation is introduced alongside the Green Deal to help fund the installation of measures. The ECO replaces the existing obligations on energy companies to reduce carbon emissions, such as the Carbon Emissions Reduction Target (CERT) and Community Energy Saving Programme (CESP), which expire at the end of 2012.

An Affordable Warmth Obligation will ensure that the ECO offers a wider range of measures to low income and vulnerable households. The main objective in such cases is to help the household have a warmer home without increasing its bills, rather than reducing its fuel bills.

In turn a Carbon Saving Obligation will ensure that households with hard to treat properties which do not meet the Golden Rule will also benefit. This is likely to include households living in solid wall properties where the next most cost effective measure available is solid wall insulation. It is hoped however that as the demand for solid wall insulation increases, so will the supply, resulting in a reduction in cost to meet the Golden Rule.

Private rented sector

From April 2016, landlords will be unable to refuse a request for reasonable energy efficiency improvements made by their tenants, where a finance package, such as a Green Deal or ECO, is available.

By 2018 regulations will be in place prohibiting the letting of both domestic and commercial premises which do not meet a minimum level of energy efficiency. The minimum level currently proposed is an EPC rating of Band E, therefore prohibiting the letting of premises which fall into Bands F and G. Furthermore to help local authorities and other organisations monitor compliance, the Act includes the power to make EPC registers publicly available.

For further information about the Energy Act 2011, Green Deal and ECO please visit the Department of Energy & Climate Change's website at: www.decc.gov.uk.

Environmental Health

The role of Environmental Health

The Council's Environmental Health Department is responsible for the monitoring and enforcement of health and safety matters in a range of properties, including privately rented dwellings.

The department's Housing Team can provide advice, and where necessary, take action, either formally or informally, requiring landlords to carry out repairs. The Housing Team uses the Housing Health and Safety Rating System (Housing Act 2004) to assess hazards found within the home.

Housing Health and Safety Rating System (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is a risk-based approach used by environmental health officers to assess the 29 identifiable hazards which can be found within the home. These hazards are categorised into four groups:

<p>Physiological requirements</p> <ul style="list-style-type: none"> • Damp and mould growth • Excess cold • Excess heat • Asbestos (and MMF) • Biocides (chemicals used to treat mould and timber) • Carbon Monoxide and fuel combustion products • Lead • Radiation • Uncombusted fuel gas • Volatile Organic Compounds (chemicals which include formaldehyde) 	<p>Protection against accidents</p> <ul style="list-style-type: none"> • Falls associated with baths etc • Falling on level surfaces etc • Falling on stairs etc • Falling between levels • Electrical hazards • Fire • Flames, hot surfaces etc • Collision and entrapment • Explosions • Position and operability of amenities etc • Structural collapse and falling elements
<p>Psychological requirements</p> <ul style="list-style-type: none"> • Crowding and space • Entry by intruders • Lighting • Noise 	<p>Protection against infection</p> <ul style="list-style-type: none"> • Domestic hygiene, pests and refuse • Food safety • Personal hygiene, sanitation and drainage • Water supply

The most common hazards the Housing Team encounters are:

- Damp and mould growth
- Excess cold
- Fire
- Domestic hygiene, pests and refuse
- Entry by intruders
- Noise

When a hazard is identified, a hazard score is calculated based upon:

- the likelihood that the hazard will result in human harm within a 12 month period, and
- the severity of harm should it occur.

The hazard score in turn identifies whether the hazard is considered to be category 1 or 2.

HHSRS Hazard Categories:

- Category 1 - The Council has a duty to take appropriate enforcement action.
- Category 2 - The Council has a power to take particular enforcement action.

For information about enforcement action please see page 29.

Excess cold

Excess cold is the most prevalent hazard in the borough due to the age profile of the housing stock. Living in a cold home is known to increase the risk of respiratory diseases (for example, influenza, pneumonia and bronchitis) and cardiovascular (for example, heart attacks and strokes) conditions. The risk of such illnesses relates directly to the average indoor temperature of a dwelling.

It is well documented that there is an increase in the number of deaths from heart attacks two days after a cold spell. In turn there is a rise in the number of deaths from strokes on the fifth day and from respiratory illnesses on the 12th day following the onset of a cold period.

It is estimated that there were 25,000 more deaths in England and Wales in the winter months (December to March) of 2009-10 than the non-winter months (ONS, 2011). Data published by the Public Health Observatories estimated that there were 40 excess winter deaths in the borough in the same year.

The West Midlands Public Health Authority recently published an Excess Winter Death Atlas for England. The atlas provides an Excess Winter Death Index for each local authority. This index shows the percentage of deaths in winter months (December to March) which are considered to be excess winter deaths. The Royal Borough had an average excess winter death index of 21.5 per cent between 2006-09, higher than the index for both England (18.1 per cent) and London (18.2 per cent).

The Marmot Review Team, which specialises in health inequalities, has stated that there is a significant relationship between the number of excess winter deaths and the age and energy efficiency of properties.

Factors increasing the likelihood of excess cold include:

- poor structural thermal insulation (loft, walls and windows)
- inefficient heating system and appliances (size and age)
- poor heating controls (boiler controls, thermostat, thermostatic radiator valves)
- ill-fitting and draughty windows/doors (excessive ventilation)
- dampness

Case Study – Heating provision must be affordable

A decision by the President of the Upper Tribunal (Lands Chamber) (UTLC) means that heating systems provided in private rented properties should be economical to run, if occupiers are to be adequately protected from the harmful effects of cold.

The case arose following a previous hearing at a Residential Property Tribunal (RPT) where that tribunal had found that a heating system provided by a private landlord in Liverpool was satisfactory despite the fact that it is expensive compared to other heating systems.

The RPT concluded that the running cost of the heating system was not a matter that the council's environmental health officers should consider when requesting heating systems to be installed in private rented properties.

Landlord Anwar Hadi Kassim had ignored the advice of environmental health officers and installed electric panel heaters on standard tariff electricity at his pre-1920, poorly insulated property in Liverpool. He appealed against the action taken by the council to the RPT, which found in his favour.

The council appealed to the UTLC. It pointed out that for a two bedroom house, heating and hot water via electric panel heaters on standard tariff would cost on average £1826 per year. With modern fan assisted storage radiators on Economy 7 tariff, the cost would be £896 per year and with a modern gas central heating system the cost would be £623.

The UTLC concluded that the RPT were in error in their determination that the running costs of a heating system is an irrelevant factor in assessing "excess cold" under the Housing Act 2004. The UTLC has ordered the case back to the RPT for them to reconsider.

Unlike the decision of the RPT, the decision of the UTLC is legally binding and sets a national precedent.

Liverpool City Council and Anwar Hadi Kassim 2011 UKUT 169 (LC)

Damp and mould growth

Damp and mould growth is the most common complaint received and dealt with by the Private Sector Housing Team. Damp and humid conditions are known to lead to an increased prevalence of house dust mites and the growth of mould and fungi. The detritus (dead remains and faecal matter) of dust mites, and mould and fungi spores, are allergens which when exposed to in high concentrations can lead to sensitisation. Once sensitised, individuals may suffer the following symptoms whenever exposed to low concentrations of the allergens:

- Rhinitis - runny nose
- Conjunctivitis - inflamed eyes
- Eczema
- Coughing and wheezing



Prolonged and/or repeated exposure to these allergens can result in the development of asthma.

Furthermore the presence of damp and mould growth in the home is also known to negatively impact residents' mental health and social well-being.

Factors increasing the likelihood of damp and mould growth include:

- poor structural thermal insulation
- poor energy efficiency of dwelling, including the heating system
- poor mechanical (controllable) ventilation
- poor installation and/or maintenance of water using appliances, plumbing, and gutters
- disrepair to floors, walls and roofs
- inadequate frost protection of exposed water tanks and exposed pipe work

Fire

The health effects of fire include smoke inhalation, carbon monoxide poisoning, burns and death.

Under the Regulatory Reform (Fire Safety) Order 2005, enforced by the London Fire and Emergency Planning Authority, the owner or manager of a property has a duty to conduct a suitable and sufficient Fire Risk Assessment and produce an emergency plan.

For further information on fire risk assessments, emergency plans and the fire safety requirements please contact your local Fire Safety Officer. The following guidance may also be of interest: *LACORS Housing- Fire Safety: Guidance of fire safety provisions for certain types of existing housing (2008)* available at: www.lacors.gov.uk

Factors which increase the risk of a fire hazard include missing, inadequate or defective:

- fire risk assessments
- means of escape
- smoke/heat detectors
- emergency lighting
- fire doors
- fire fighting equipment

And:

- defective electrical installations
- defective heating systems
- inappropriate positioning of heaters/cookers
- combustible furnishings

To contact the Fire Safety Officer call **020 8555 1200 x 54800** or email firesafetyregulationSW@london-fire.gov.uk

Domestic hygiene, pests and refuse

Poor domestic hygiene and pest infestations can impact both physical and mental health. The physical effects include asthma and other allergies, gastrointestinal diseases and an increase in infections. The mental health effects include emotional distress and anxiety.

Factors increasing the likelihood of a domestic hygiene, pests and refuse hazard include:

- uneven or cracked surfaces (floors, walls, ceilings and roofs)
- ill-fitting and draughty windows and doors and their frames
- inadequate refuse areas
- disrepair to drains, vent pipes and air bricks
- inadequately sealed service entry points

Entry by intruders

The health effects of the hazard of entry by intruders can be both physical and psychological. The physical impacts can consist of injuries suffered by victims of aggravated burglary, whereas the psychological impacts relate to the fear of burglary. This includes emotional stress and anxiety, as well as the severe anguish caused by burglary.



Factors increasing the likelihood of entry by intruders include:

- insubstantial construction and/or disrepair to doors, windows and locks
- lack of door viewers and chains in external doors
- poorly lit entrances
- lack of or defective burglar alarms
- high local crime levels

The Royal Borough's Community Safety Team (CST) has funding for security grants for properties that have been targeted or are located in burglary "hotspots". Private sector landlords and tenants irrespective of tenure may be eligible. Over 80 per cent of burglaries in the borough are in houses in multiple occupation and the service is keen to engage further with private landlords.

Working in partnership with the Environmental Health department the CST also provides crime prevention grants for those living in fear of crime, those affected by antisocial behaviour and victims of hate crime.

To contact the Community Safety Team please call **020 7795 6660** or email **commsafe@rbkc.gov.uk**

Noise

Noise can have numerous health effects, both physical and psychological.

The physical impacts can include hearing loss or impairment, cardiovascular disease relating to sleep disturbance, headaches, increased blood pressure relating to stress and anxiety. In extreme circumstances noise can lead to physical assault and suicide.

The psychological impacts include the inability to concentrate, irritability and stress and anxiety disorders.

Factors increasing the likelihood of the presence of a noise hazard include:

- poor internal and external insulation of the dwelling
- location of dwelling in a noisy environment (for example, a trunk road)
- disrepair to windows and doors

The Stock Condition Survey (2006) also identified that nearly 45 per cent of the private sector dwellings are converted flats. It is from such flats that the Council receives the majority of complaints regarding poor sound insulation.

Noise caused by pubs/clubs, alarms, construction work or neighbours playing loud music or doing DIY are dealt with by the Environmental Health's Noise and Nuisance Team. They can be contacted on **020 7361 3002** or environmentalhealth@rbkc.gov.uk.

For more information on the HHSRS please see Guidance for Landlords and Property Related Professionals (2006) at: www.communities.gov.uk

Houses in Multiple Occupation (HMOs)

In broad terms a HMO can be described as a building or part of building which:

- is occupied by more than one household (defined as occupiers which are of the same family and includes spouses, co-habitees, same sex couples and any blood relatives); and
- at least one of the households shares or lacks access to a basic amenity (such as a bathroom, toilet or cooking facilities) or;
- the building has been converted into self-contained flats where conversion work does not fully comply with the building standard of the 1991 Building Regulations and more than one third of the flats are rented.

The full definition of a House in Multiple Occupation (HMO) can be found in sections 254 to 260 of the Housing Act 2004.

Mandatory licensing

Since 6 April 2006 certain HMOs are required to be licensed under the Housing Act 2004. Mandatory licensing applies to all HMOs which are:

- comprised of three or more storeys
- occupied by five or more people, and
- formed of two or more households.

Mandatory licensing was introduced as it was recognised that such properties are harder to manage and have an increased risk of certain hazards, such as fire, than single household properties.

It is an offence not to have a licence, so if you believe your property to be licensable please contact the Environmental Health Department for an application form.

HMO Standards

The Royal Borough has a set of minimum standards for HMOs which are available on the website (www.rbkc.gov.uk/housing/environmentalhealth/homesinmultipleoccupancy/hmostandards.aspx). The Council refers to these when working with landlords to improve standards, both on an informal basis and when taking enforcement action. They cover areas such as:

- space standards
- WC and bath/shower facilities
- heating and hot water
- facilities for the storage, preparation and cooking of food
- laundry facilities
- security
- fire safety
- refuse storage
- HMO management

In addition to the Council's HMO standards, landlords should be aware of the Management of Houses in Multiple Occupation (England) Regulations 2007 which apply to all HMOs, not just those that are licensable.

For further information on licensing please contact the Environmental Healthline on **020 7361 3002** or environmentalhealth@rbkc.gov.uk.

Empty properties

The role of the Empty Property Initiatives Officer is to bring long-term empty properties back into use.

If a property has been empty for more than two years the landlord can claim a VAT reduction on the cost of the refurbishment. If the property has been empty for more than two years but less than ten years the VAT paid will be five per cent as opposed to 20 per cent. Where a property has been empty for over ten years there will be zero per cent rate on the cost of the refurbishment.

HM Customs and Excise is willing to accept a letter from the local Empty Property Initiatives Officer as confirmation of the period for which the property has been empty.

For further information on the schemes available please contact the Environmental Healthline on **020 7361 3002** or environmentalhealth@rbkc.gov.uk.

For more information on the wider issues surrounding empty properties please visit the Empty Homes Agency's website on www.emptyhomes.com.

Enforcement options

The Housing Team will always try to resolve complaints of poor housing conditions informally. However, where this is unsuccessful or the situation is very serious, the team can take enforcement action in the form of:

Hazard Awareness Notices

Hazard Awareness Notices are used to inform landlords that a hazard has been identified and advise them of the works that would be needed to make the property safe. They can be served in relation to either category 1 or category 2 hazards, but are primarily used for category 2 hazards. The notice advises on any works required to remedy the defects. There is no charge attached to the service of a Hazard Awareness Notice and no appeals procedure.



Improvement notices

Improvement notices can be served for category 1 and/or category 2 hazards. Improvement notices require the recipient to take remedial action to minimise the risk associated with the hazard(s). The remedial action must be completed within a specified time frame.

The recipient of an improvement notice has the right of appeal to the Residential Property Tribunal (RPT) if he or she does not agree with it. If the recipient of the notice chooses not to appeal, the notice becomes legally binding after 21 days.

If appropriate, improvement notices can be suspended until a set date or event, for example the end of a tenancy.

It is an offence not to comply with an improvement notice. If an improvement notice is not complied with the Council may prosecute the recipient in the Magistrates Court. More commonly, the authority may choose to carry out the works itself and can afterwards recover the costs from the recipient of the notice.

Prohibition orders

Prohibition orders are made in relation to both category 1 and category 2 hazards. An order prohibits the use of all or part of a building for reasons specified within the order.

For example an order may be made when:

- housing conditions are considered a serious threat to the health and safety of occupiers and cannot be remedied at a reasonable expense
- a limit on the maximum number of occupants is required due to lack of space or inadequate facilities
- a particular vulnerable group is at increased risk of harm until repairs are undertaken.

As with an improvement notice, the recipient has the right to appeal to the RPT.

Similarly, prohibition orders can be suspended until a set date or event. It is an offence for an owner, occupier or a letting agent, for example, to breach a prohibition order.

Emergency action

Where there is an imminent risk of serious harm to the occupier the Council has the power to take emergency action.

This can either be in the form of emergency remedial action whereby the Council immediately carries out necessary works, or emergency prohibition which will require the property to be vacated with immediate effect.

Again, there are rights of appeal against emergency action; however the appeal is most likely to be heard after the action has been taken.

Charges for enforcement action

The Council will usually issue a charge if it has to take enforcement action under Housing legislation. The charge is calculated on a case by case basis taking into consideration the officer time involved in investigating and preparing the enforcement document, along with any administrative costs incurred.

Licensing of Houses in Multiple Occupation

It is a legal requirement for certain houses in multiple occupation (HMOs) to be licensed by the local authority, namely properties that are three or more storeys in height, have five or more occupiers and where amenities are shared. This type of rented accommodation tends to have the worst housing conditions and accommodates the most vulnerable people in society and for this reason is subject to greater regulation than other kinds of property.

A licence will impose limits on the numbers of people permitted to occupy the property and may include conditions requiring certain improvements to be made, for example, to improve the number of shared amenities in line with local standards. An HMO licence is usually (but not always) granted for a term of five years and a fee is payable to the local authority in advance. A person who operates such an HMO without a licence is committing a criminal offence.

HMO Management Regulations

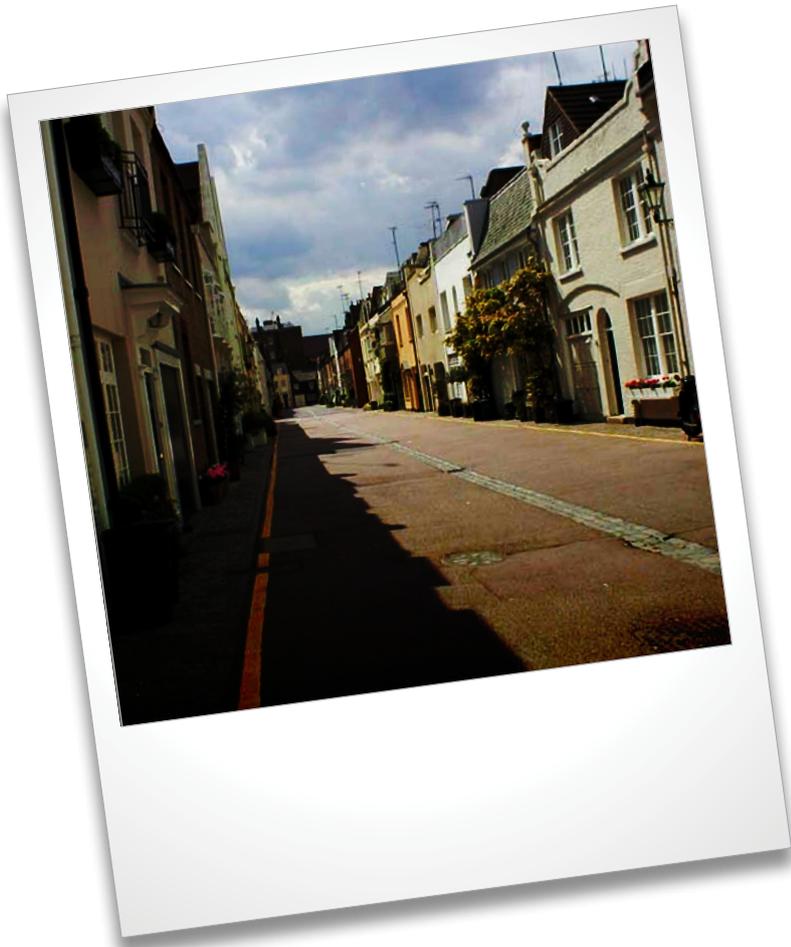
There are two sets of broadly similar regulations that cover the various kinds of HMOs. These impose requirements on HMO managers to keep the living accommodation, communal areas, facilities and installations clean and in good repair. They also allow the local authority to require a manager to produce gas and electrical safety certificates within seven days. Failure to comply with HMO management regulations is an offence.

Management Orders (Interim and Final)

These powers enable the local authority to take over the management of houses in multiple occupation in circumstances where the properties cannot be granted an HMO licence or pose health and safety risks to the occupiers. These draconian powers are rarely used, and are reserved for the most serious situations.

Empty Dwelling Management Orders (Interim and Final)

An Interim Empty Dwelling Management Order (EDMO) allows the local authority to take over the management of an empty property, with a view to bringing the property back into use as living accommodation. Again, these powers tend to be used rarely and only where the local authority has not been able to successfully engage with the property owner. At the end of the process the local authority can make a “Final EDMO” which can last for up to seven years and restricts the owner’s influence on the management of the property.



Other options

Other enforcement options are available under the following Acts:

- Environmental Protection Act 1990
- Public Health Act 1936
- Building Act 1984
- Prevention of Damage by Pests Act 1949
- Town and Country Planning Act 1990
- Local Government (Miscellaneous Provisions) Act 1976

The Housing Team works in line with the Department of Environmental Health and Trading Standards Enforcement Policy, available on the Council website:

www.rbkc.gov.uk

Landlord and tenant law

Landlords should be aware of their repairing obligations for short leases under the Landlord and Tenant Act 1985.

Section 11 states that there is an implied covenant by the lessor to:

- (a) keep in repair the structure and exterior of the dwelling (including drains, gutters and external pipes)
- (b) keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences, but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and
- (c) keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.

Tenancy Relations Service

The Council's Tenancy Relations Service provides general advice on all aspects of Housing law to private sector landlords, tenants and leaseholders. The service aims to promote good relations and promote good practice.

The Service has the power to prosecute, however is more likely to offer help and advice to avoid the need for legal action being taken in the first place. The service specialises in harassment, illegal eviction and rent book offences.

If you would like further information or advice about the service please contact the Housingline on: **020 7361 3008** or housing@rbkc.gov.uk.

London Landlord Accreditation Scheme

The scheme is run as part of the UK Landlord Accreditation Partnership (UKLAP) and provides private landlords with the necessary skills and information to run a successful business.

The benefits of becoming an accredited landlord include:

- up to date knowledge on key issues such as property management and landlord and tenant legislation
- information about discount and preferential consideration opportunities with:
 - ▶ insurance companies
 - ▶ banks and building societies
 - ▶ building material suppliers
 - ▶ HMO licensing
- improved access to local authority services for help and advice
- improved confidence
- relevant reference material

Further information can be found on the scheme's website:

www.londonlandlords.org.uk, or by contacting the scheme's administrators at Camden Council on **020 7974 1970** or at LLAS@camden.gov.uk.



Useful contacts

Carbon Trust

-  0800 085 2005
-  customercentre@carbontrust.co.uk
-  www.carbontrust.co.uk

Department of Communities and Local Government

-  0303 444 0000
-  contactus@communities.gov.uk
-  www.communities.gov.uk

Department of Energy & Climate Change

-  0300 060 4000
-  correspondence@decc.gsi.gov.uk
-  www.decc.gov.uk

Empty Homes Agency

-  020 7921 4450
-  info@emptyhomes.co.uk
-  www.emptyhomes.com

Energy Saving Trust

-  0300 123 1234
-  [Online Enquiry Form](#)
-  www.energysavingtrust.org.uk

Fire Safety Officer

-  020 8555 1200 x54800
-  firesafetyregulationSW@london-fire.gov.uk
-  www.london-fire.gov.uk/environmentalhealth

Home Heat Helpline

-  0800 33 66 99
-  Online Enquiry Form
-  www.homeheathelpline.org.uk

Home Improvement Agency - Staying First

-  020 8996 8890
-  sf.info@sbhg.co.uk
-  www.sbhg.co.uk

London Landlord Accreditation Scheme

-  020 7974 1970
-  LLAS@camden.gov.uk
-  www.londonlandlords.org.uk

National Landlords Association

-  020 7840 8900
-  info@landlords.org.uk
-  www.landlords.org.uk

The Royal Borough's Environmental Health Department

-  020 7361 3002
-  environmentalhealth@rbkc.gov.uk
-  www.rbkc.gov.uk/environmentalhealth

The Royal Borough's Healthy Homes Hotline

-  0808 202 6204
-  environmentalhealth@rbkc.gov.uk
-  www.rbkc.gov.uk

The Royal Borough's Housing Department

-  020 7361 3008
-  housing@rbkc.gov.uk
-  www.rbkc.gov.uk/housing

Sustain (SmartHeat Scheme)

 01934 864 232

 Lindsey.sage@sustain.co.uk

 www.sustain.co.uk/smartheat.asp

Warm Front

 0800 316 2805

 enquiry@carillionplc.com

 www.warmfront.co.uk

**Private Sector Housing Team
Environmental Health
Royal Borough of Kensington and Chelsea**

 020 7361 3002



THE ROYAL BOROUGH OF
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AND CHELSEA