

## **Appendix 5 – Evidence Base**

### **Introduction**

This document sets out the evidence gathered by the Private Housing Standards Team which supports the proposal to introduce a Selective License scheme in the London Road, Abbeydale Road and Chesterfield Road.

The evidence was gathered by the team during a programme of targeted inspection which took place from October 2015 to September 2017.

Initially only London Road and Abbeydale Road were the areas of interest but as flats above shops were the main concern targeted inspections were also carried out on Chesterfield Road to ascertain more detail on the condition of these properties.

This appendix sets out all the evidence gathered from these inspections.

### **Background**

From October 2015 to September 2017, officers visited 77 properties, 5 of the 77 properties were found to be commercial, 6 were empty and 61 were occupied. We were unable to establish the occupancy of 5 properties and work is ongoing to gain access.

Nationally the private rented sector makes up 20% of the total housing stock in England, making it the second largest tenure in England and Wales. (English House Condition Survey 2015/2016). An area is considered as high if the proportion of privately rented properties exceeds the national average of 20%.

The Sheffield Private Sector Stock Condition Survey\*, 2015 evidences that 59% of properties within the proposed designation area are in the private rented sector. This is significantly higher than the national average of 20%.

The local Land and Property Gazetteer (LLPG) suggests that there are approximately 940 buildings within the proposed designation area. The numbers are not certain and there may be buildings within the proposed area that have been converted from commercial space into a number of residential dwellings.

Should consultation go ahead then through this process we intend to identify these buildings and clarify the numbers.

We also know from Council Tax records that the main property type within the designation area is flats above shops. This has also become apparent as 78% of the 77 properties visited during the Inspection Programme were Flats above Shops. These flats are often above restaurants and takeaways and raise concerns around fire safety and means of escape.

### **What did we do?**

While reviewing the housing conditions in the area officers identified 43 properties that they considered required inspection, due to their outward appearance and visual poor maintenance of gutters, windows, roof, poor brickwork and overgrown gardens.

*\*BRE Integrated Dwelling Level Housing Stock Modelling & Database for Sheffield City Council. Published February 2016*

In addition to this officers also received 34 complaints from tenants and third party organisations such as Trading Standards, South Yorkshire Fire & Rescue Service or Immigration Service in relation to properties within the proposed designation area.

This led to the total of 77 properties being visited. 58 of these were inspected, 11 did not require inspections for various reasons such as they were being used as commercial space or were currently empty and 8 properties still require inspections.

The results of the 58 inspections are set out below.

### **What did we find?**

The following issues of concern were identified following the inspections;

- Poor property condition and visual signs of neglect
- Presence of multiple high risk hazards in the home
- Inadequate means of escape
- Illegal and dangerous conversions
- Insecure tenancies
- Subletting
- Overcrowding
- Accumulations of rubbish (commercial and residential)
- Problematic landlords and agents operating in the area

### **Households**

Of the 58 properties inspected around half were occupied by families and most of the others were Houses in Multiple Occupation (HMOs), such as shared houses / flats.

It is important that we know the makeup of households in the area as this changes the levels of risk depending on the occupants and different properties types (such as single family dwellings, HMOs etc) have different Regulations attached, for example larger shared houses may require a HMO licence.

### **General Issues**

Officers were concerned by the following general issues;

Majority of flats above shops in the area have different layouts, sizes and types of escape. This means there is no uniformity and looking at the outside of the property is not helpful when trying to establish the property type. This means that we must inspect each property individually and can't assume any property types are standard.

Ownership and management issues are frequent. There were often many different lease arrangements; for example, the owner of the ground floor (often commercial space) is not necessarily the owner of the residential space above and there are often sub-leases that make ascertaining ownership and therefore responsibility very difficult and time consuming.

There are high levels of properties that do not have separate means of entry / escape and often access to the residential accommodation is through the

commercial space downstairs. This is a major concern as many of the commercial spaces are restaurants or takeaways and should a fire breakout downstairs the tenants do not have an alternative exit route.

### **Specific Concerns**

Reactive and targeted inspections carried out in the area resulted in over 74% of properties being assessed as having multiple Category 1 or high risk Category 2 hazards exposing tenants to serious harm.

Flats above food establishments are of particular concern where fire risk was considered high. Of those inspected the provisions for protecting tenants and offering safe means of escape were found to be inadequate, presenting serious risk to all occupiers should a fire occur.

A review of inspections carried out in the area revealed -

- 43 out of the 58 properties inspected had serious health and safety hazards which could cause imminent harm to the residents
- 15 properties out of the 58 inspected did not require intervention
- 162 abortive visits were carried out
- 12 properties were identified to comprise illegal or dangerous conversions
- 21 were linked to Tenancy Relations Issues
- 14 were found to be unlicensed HMO's
- 24 properties inspected revealed management issues requiring intervention

These findings give rise to serious concerns. To inspect 58 properties and find hazards in 74% of them suggests there are inherent problems with the property type and/or bad management by the landlord. Additional external only viewings of the area suggest that the problem is indeed wide scale in that area.

### **How do we risk assess a property?**

Since the introduction of the Housing Act 2004, councils have been legally required to use a risk assessment tool called the Housing Health and Safety Rating System (HHSRS). This determines whether a property has a serious hazard, and private landlords face enforcement action if they fail to comply.

HHSRS is a list of 29 hazards, including issues such as; Excess Cold, Fire safety and Damp and Mould. The hazard is considered against the risk of harm to the occupant.

### **The serious hazards found**

Of the 43 properties found to have Category 1 or high risk Category 2 hazards, the following deficiencies were identified as shown in the table below.

<b>Hazard Type</b>	<b>No. of properties hazard identified in</b>
Damp & Mould	33
Excess Cold	34
Excess Heat	3
Crowding & Space	1
Entry by Intruders	7
Lighting	5
Domestic, Hygiene, Pests & Refuse	11
Food Safety	12
Personal Hygiene, Sanitation & Drainage	7
Falls associated with Baths	2
Falls on Levels	16
Falls on Stairs	31
Falls Between Levels	22
Electrical	20
Fire Safety	43
Flames, Hot Surfaces etc	8
Collision & Entrapment	3
Position & Operability of Amenities	2
Structural Collapse & Falling Elements	11

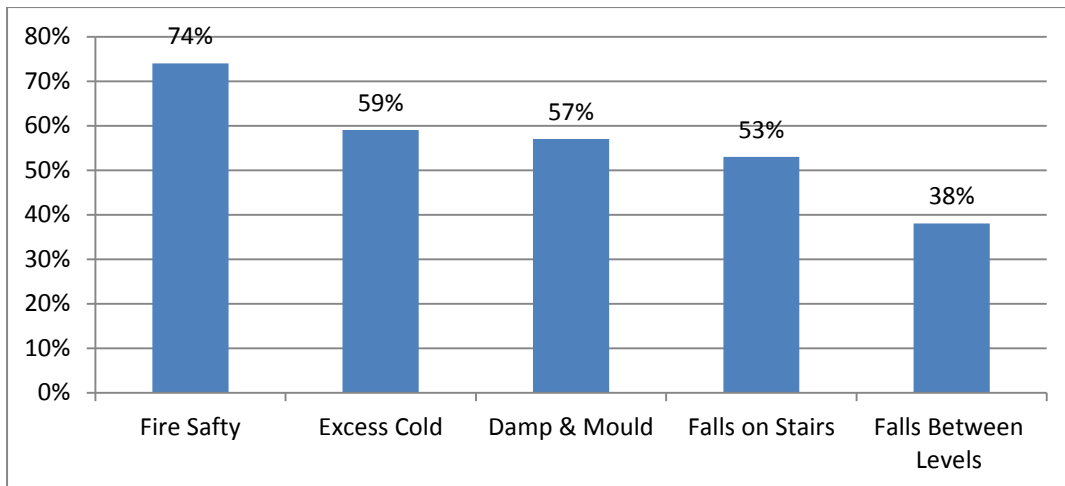
In total 271 Cat 1 and high risk Cat 2 hazards were identified following property inspections which required intervention to address dangerous living conditions.

The top 5 hazards were identified as following; Fire Safety, Excess Cold, Damp & Mould, Falls on Stairs and Falls between Levels.

The graph below shows the presence of the top 5 hazards in terms of percentages in the 58 properties inspected.

As can be seen, 74% of the properties contained fire hazards, which is worryingly high. Flats above shops are often accessed by external staircases, and these were found to be deficient in many cases, resulting in high risks of falls.

Over half contained Excess Cold, Damp & Mould and Falls on Stairs hazards with over a third found to have a Fall between Levels.



## Fire Safety

The identified deficiencies of inadequate means of escape, dangerous electrics, lack of suitable fire and smoke detection, lack of suitable fire separation, inadequate number of socket outlets resulting in overloading, present serious risk to all occupiers should a fire occur.

A common occurrence in properties with small kitchens, the photograph below shows the oven and hob directly next to the door. This is dangerous in terms of walking into the appliance as well as pans catching fire. In these cases we would expect the kitchen to be re-modelled so the appliance is moved away from the door.



Another example of a fire safety hazard is poor means of escape. The photo below shows the escape route from a flat above a café exiting in the commercial dining area.



Another common occurrence in relation to Fire Safety hazards found in the properties was defective and missing fire detection as the photo below shows.



### **Excess Cold**

Deficiencies such as draughts, broken and ill-fitting doors and windows, a lack of or insufficient heating, poor insulation and dampness, were identified. The photo below is an example of Excess Cold and shows a window where the glass had been replaced with cardboard.



### **Damp and Mould**

Such issues as defective rainwater goods, damaged and leaking pipes, leaking roofs, rotten windows, insufficient or no heating, poor ventilation and lack of insulation were identified.

Where properties do not have proper heating systems, or water coming in, they can suffer damp and mould as can be seen in the photographs below. Health problems are clearly associated with damp and mould especially vulnerable, young or elderly or those with bronchial/breathing problems.



## Falls

Deficiencies such as missing balustrades, spindles, uneven staircases, lack of handrails, poor lighting on stairwells, uneven floors and paths, broken and damaged floor boards, were identified.

The photograph below is a common occurrence – where metal fire escape staircases have guarding missing or defective, making it easy to fall through. Falls are another major cause of death and serious injury.



Another example below shows missing or rotten stair treads.



## **Electrical**

Broken plug sockets, inadequate protective sheathing, old and exposed wiring. The photo below shows an immersion heater with no cover next to the sink.



## **Why these issues concerns us**

The types of hazards identified in the proposed designation area are serious and extensive. When a property has defective electrics, no fire alarms and no safe way of escaping the property we must act as should a fire breakout it could result in the loss of life.

House fires caused 213 deaths in England in 2016/17 and we take fire safety extremely seriously. The recent tragic loss of life in the Grenfell Tower Block has highlighted the need to make sure the residents of Sheffield are protected from the effects of fire. When you also consider the number of occupants in these flats, and that many have been illegally converted, it all adds up to a very worrying situation that we must address.

## **Outcomes – Intervention Action Taken**

43 properties were identified as having a Category 1 and / or Category 2 hazard. Where possible our officers will work with landlords to encourage them to carry out the necessary works without having to take formal action. In 19 of the properties landlords addressed the issues in their properties without formal action being taken.



However, where we were not able to engage positively with the landlord / agent then officers will take the necessary formal action. The Notices served depends on the issues that need to be addressed and of the relevant legislation being used. A third of all landlords whose properties were inspected proved to be non-compliant which resulted in our officers taking formal actions. During the inspection programme 130 formal notices were served for varying reasons.

The following formal Notices were served in relation to serious hazards found in the property.

<b>Notices</b>	<b>No. in Proposed Area</b>	<b>No. Citywide</b>	<b>%</b>
Improvement Notice (Inc Suspended)	23	76	30%
Emergency Remedial Action	1	6	17%
Prohibition Notice	3	4	75%

The number of formal notices served in the proposed designation area can be compared to the general number of Notices we served across the City and highlights how serious the property conditions are.

Over the same time period 76 Improvement Notices including suspended improvement Notices were served city wide and over a quarter of these were in the proposed designation area. An Improvement Notice is served when a Category 1 hazard is identified and either;

- the owner fails to take voluntary action to remedy the hazard
- the owner has a previous history of non-compliance
- the risk relating to the hazards is so severe and management arrangements are so poor that formal action is taken
- the works required are so complex that they need to be specifically scheduled ,which is included as part of the notice.

During the inspections there was 1 property where officers were so concerned about the property condition that it was essential to pursue immediate enforcement action to ensure tenants were protected from being harmed by these hazards. 1 Emergency Remedial Action Notice was served out of 6 that were served Citywide. Emergency action is taken when there is deemed to be imminent risk of serious harm to the public.

3 out of the 4 Prohibition Notices served across the City were in the proposed area. Prohibition Notices are only served where the works required to remedy the hazard are excessive, expensive and disproportionate and therefore other available enforcement action would be insufficient to protect the occupiers from harm.

From the targeted inspections, officers found that many properties were poorly managed and a number were owned by landlords who are already known to operate

poor management practises and in some cases let properties in dangerous condition.

We discovered that a number of landlords who let properties in the area have been prosecuted for housing related offenses and considered unfit to manage licensable rented properties. 3 landlords / agents who operate in the area, in respect of other licensing schemes administered by the Council, have been found not to be Fit and Proper.

Over the last 3 years the Private Housing Standards Team have received 6000 requests for service, of which less than 5% relate to properties within the proposed designation area. As highlighted above serious and extensive property condition issues have been identified, therefore, the low number of requests for service gives us cause for concern as this alone is not a true reflection of the scale of the issues in the area.

The inspections have clearly revealed that there are serious and extensive problems with the properties in the proposed designation area. This evidence supports the proposal to begin a consultation programme with regard to a potential Selective Licensing designation in this area.