



Torfaen County Borough Council

Housing Renewal Policy

February 2019

Contents

Part 1: Introduction	3
1.1 Introduction and Purpose.....	3
1.2 The County of Torfaen	4
1.3 The Strategic Context	5
1.4 The Evidence Base	5
1.5 Neighbourhood Renewal Areas.....	7
1.6 Resources.....	7
Part 2: Guidance and Legislation.....	8
2.1 Welsh Housing Quality Standards.....	8
2.2 Standard Assessment Procedure (SAP).....	8
2.3 Energy Efficiency and Fuel Poverty.....	9
2.4 Housing Health and Safety Rating System	9
2.5 Enforcement.....	11
2.6 Empty Properties	16
2.7 Houses in Multiple Occupation	18
Part 3: Financial Assistance, Products and Services	20
3.1 Grants and Products.....	20
3.2 Other Grants and Services	24
Part 4: Monitoring the Policy.....	26
4.1 Performance Measuring.....	26
4.2 How to Complain	26

Part 1: Introduction

1.1 Introduction and Purpose

This document sets out Torfaen County Borough Council's policy in relation to private sector housing renewal, and the provision of assistance that the Council is able to offer qualifying residents. This document has been developed in response to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

The Regulatory Reform Order on Housing Renewal came into force in July 2002. This Order had important implications for Local Authorities as it repealed much of the original prescriptive legislation governing the provision of housing renewal grants, and replaced it with a revised wide-ranging power allowing Local Authorities to provide assistance for housing renewal.

The Order affords Local Authorities a much greater degree of flexibility in devising policies to deal with poor conditions within the private housing sector, both in relation to developing a range of policy tools and improving the ability to work in partnership with others.

Local Authorities wishing to make use of the flexible opportunities afforded by the Order must produce and publish a policy that details how the powers are to be used.

The Housing Renewal Policy 2018 meets this requirement and allows the Local Authority to:

- Adopt a policy that includes details of the provision of assistance under Article 4 of the Regulatory Reform Order 2002
- Give notice to the public of the adoption of the policy
- Ensure that a copy of the full policy document is available for inspection free of charge at all reasonable times at their principle office

In developing its Housing Renewal Policy, Torfaen County Borough Council is keen to ensure that it does not discriminate, directly or indirectly, against anyone. The Council aims to comply with the statutory requirements relating to the Equality Act 2010 and all other relevant equalities legislation and to promote best practice with regards to the prevention of discrimination and promotion of equality.

The AIMS OF THE HOUSING RENEWAL POLICY are to:

- Improve the quality and condition of private sector housing in Torfaen
- Reduce the health and safety risks and hazards associated with poor housing
- Promote sustainable communities through environmental, economic and social regeneration and development
- Maximise the positive impact of housing and neighbourhood renewal by working collaboratively with stakeholders and partners
- Reduce fuel poverty and energy inefficiency across households
- Contribute towards the development of other key strategies, plans and initiatives

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1.2 The County of Torfaen

Torfaen is the most easterly of the South Wales Valleys with an estimated population of 91,075, and includes the three urban centres of Pontypool, Blaenavon and Cwmbran. The development of Pontypool and Blaenavon stemmed from the presence of coal and iron deposits in the area, which enabled the communities to prosper. However, with the decline of these industries, the areas suffered social and economic downturn. The challenge for the North of the County Borough is therefore to reverse this decline by promoting its industrial heritage and environmental assets, by encouraging social inclusion and learning opportunities, and by taking proactive action in housing renewal. Recent projects to regenerate these areas are showing notable successes.

In contrast, Cwmbran, the most southerly settlement, has been the focal point of growth since its New Town status in 1949. Cwmbran is the largest of the urban settlements and is characterised by industrial and high quality commercial investors. The challenges facing Cwmbran is to diversify its economic base and to address the social decline of its communities located in the Southwest areas which contain areas of real social deprivation.

Torfaen has a housing stock of circa 40,000 dwellings, 75% of which are within the private sector (66% owner occupied, 9% privately rented). The most common housing type in Torfaen is terraced, which makes up 44% of the total housing stock.

1.3 The Strategic Context

The Housing Renewal Policy cannot be successfully implemented in Torfaen in isolation from other key strategies, policies and plans. Embedded throughout this document is the principal of adopting a partnership approach for the development and implementation of housing renewal and other regeneration initiatives. The Housing Renewal Policy pays particular attention to aligning with other local, regional and national strategies, ensuring that a more rounded and robust approach is achieved in order to maximize investment and regeneration opportunities to improve the positive outcomes for the communities and citizens of Torfaen. The policy captures the principles of sustainability whereby housing renewal must be focused on increasing societal, environmental and economic improvements across the borough.

The Housing Renewal policy has been developed in consideration of key strategies and plans. For example:

- Local Housing Strategy
- Local Development Plan
- Corporate Plan 3
- Empty Property Strategy
- Disabled Persons Service/Disabled Facilities Grant Eligibility Criteria Policy

NB - this is not an exhaustive list

1.4 The Evidence Base

To ensure that the Housing Renewal Policy assists the most deprived and disadvantaged areas in Torfaen, it is important for there to be a robust and comprehensive evidence base. This evidence base is made up of a number of sources, all of which help to create an overall picture of where there are areas of need that would most benefit from housing renewal investment in Torfaen. For salience, in this section only the main evidence bases are outlined, however it is important to note that these capture an in-depth range of information and have been developed through wide consultation.

Private Sector Stock Condition Survey

A Private Sector Stock Condition Survey was commissioned and carried out in 2017, to assist the local authority to identify the level of private sector renewal required across Torfaen. The survey found that all properties within Torfaen are currently failing the Welsh Housing Quality Standard, however, in the many cases these failures are down to the choice of décor by the resident; such as fitting non-slip flooring in the kitchen or bathroom.

The survey found that overall Planned Maintenance costs over a 30 year period, to bring all private sector properties up to Welsh Housing Quality Standard, would be

£1,135,931,714. This equates to an average figure of £35,286 per property (£1,176 per property per year).

Local Housing Market Assessment

The assessment is used to shape the Local Housing Strategies planning policies surrounding affordable housing provision within the counties. The assessment provides a vital insight into the levels of housing need and identifies issues affecting local residents. Torfaen's Housing Renewal Policy is vital to tackling the poor condition of private sector housing and the Housing Service regularly provide advice and assistance to support residents who are struggling to manage in their homes.

Neighbourhood Renewal Area (NRA) Assessments

Neighbourhood Renewal Areas (NRAs) are a key feature of the Housing Renewal Policy. A NRA is one identified as having poor housing conditions, coupled with social, economic and environmental needs. The aim is to halt the decline of an area and increase public confidence, by improving housing and environmental conditions, renovating and maintaining properties and creating attractive places in which people want to live. NRA improvements to the infrastructure and environment also bring wider benefits to an area by stimulating the local economy. A NRA is found to:

- focus activity and investment on areas that combine a need for assistance with potential regeneration
- secure improvements to private sector housing, but also to environmental, social and economic conditions
- tackle social exclusion, deprivation, crime and fear of crime
- build communities, promotes sustainability and restores confidence in an area

A NRA is declared formally by the Local Authority and runs for a 10 year period. Prior to the declaration of a new NRA, the Welsh Government requires that a full NRA assessment and consultation process is undertaken, and this requires approval from the Council.

Empty Properties

Empty properties are currently recorded and monitored by Torfaen Council and enforcement action (please see section 2) can be taken regarding any property found to be insecure or creating a nuisance. Council Tax provides much of the data on empty properties, which can then be plotted on the Corporate GIS Mapping system, providing a visual indication of the location of all the empty properties in Borough. This data along with information collated by the Housing Service through the Empty Hopes initiative acts as an important evidence base for the Housing Renewal Policy, with empty properties often being encountered in the NRAs.

1.5 Neighbourhood Renewal Areas

Following the successful completion and exit of the Blaenavon and Abersychan Neighbourhood Renewal Areas (NRA) in 2009, there are currently four NRAs in Torfaen lasting for a period of ten years (Please see page 13 for further information on NRAs).

Neighbourhood Renewal Area	Period	Status
<i>Blaenavon</i>	<i>Mar 1999 – Mar 2009</i>	<i>Complete</i>
<i>Abersychan</i>	<i>Nov 1999 – Nov 2009</i>	<i>Complete</i>
<i>Pontypool</i>	<i>Aug 2003 - Aug 2013</i>	<i>Complete</i>
Forgeside	Dec 2009 – Dec 2019	Ongoing
Varteg & Garndiffaith	Dec 2009 – Dec 2019	Ongoing
Northville & Southville	Mar 2010 – Mar 2020	Ongoing

1.6 Resources

Reducing Grant Dependency Culture

The relatively high levels of funding that were previously available for housing grants in Wales, has given rise to an increased level of grant dependency amongst private sector owners. Grant dependency develops when homeowners begin to assume that they will receive financial assistance to maintain their properties. This has been evident in Torfaen, where there are recorded instances of the same homeowners applying for grants over a period of time. There has been a widespread acknowledgement that sustainable, long-term improvements in private sector housing conditions, requires an approach that discourages a dependency on public funds. Welsh Government no longer provide explicit capital grant funding for housing renewal. Torfaen County Borough Council currently offer loans as a form of assistance to home owners for home improvements:

- Home Improvement Loan
- Pontypool Home Improvement Loan
- Empty Property Landlord Loan
- Property Appreciation Loan
- Property Improvement Loan

Part 2: Guidance and Legislation

2.1 Welsh Housing Quality Standards

It is important that the Housing Renewal Policy takes into account several pieces of legislation and guidance to ensure compliance with wider policy and statute.

The former National Housing Strategy, 'Better Homes for People in Wales' sets out the Welsh Governments vision that gives 'all households in Wales the opportunity to live in good quality homes, which are in a good state of repair; safe and secure; adequately heated, fuel efficient and well insulated; contain up-to-date kitchens and bathrooms; well managed (for rented housing); located in attractive and safe environments; and, as far as possible, suit the specific requirements of the households'.

To achieve this, social housing needs to be brought up to the Welsh Housing Quality Standard (WHQS), a standard which provides a common target and minimum standard for the physical condition that all social housing should meet by 2012. The standards stated that housing should be:

1. in a good state of repair
2. safe and secure
3. adequately heated, fuel efficient and well insulated
4. contain up-to-date kitchens and bathrooms
5. well managed (for rented housing)
6. located in attractive and safe environments
7. as far as possible suit the specific requirements of the household (e.g. specific disabilities)"

Whilst the Welsh Housing Quality Standard does not apply to private sector properties, the Housing Renewal Policy needs to take account of the WHQS, especially when undertaking work in areas that are likely to be of mixed tenure. In such situations, close partnership working with the relevant Registered Social Landlords is required to ensure a co-ordinated approach exists across tenures.

2.2 Standard Assessment Procedure (SAP)

An important part of the WHQS is to make properties more energy efficient and reduce energy consumption. Under WHQS, a properties energy rating needs to be assessed using the Standard Assessment Procedure (SAP). SAP is the recommended system for measuring the energy rating of residential dwellings and reflects the annual energy costs per unit of space, as well as the expected costs of water heating. SAP ratings range from 1 (least efficient) to 120 (most efficient) and the WHQS requirement is that all social housing properties must achieve a minimum rating of 65 out of 100. Whilst private sector properties are not bound by the conditions of the WHQS, there is increasing pressure on Local Authorities and Energy companies to improve energy efficiency in the home.

2.3 Energy Efficiency and Fuel Poverty

The National Housing Strategy for Wales, 'Improving Lives and Communities', was launched in 2010 and emphasized the vital role that housing plays in making Wales a more sustainable place to live. The strategy identifies the direct impact that running a home can have on people's incomes and their health and well being. Low incomes, rising fuel prices and poor energy efficiency in homes, has led to a significant growth in the number of people experiencing fuel poverty. The Welsh Government's Fuel Strategy 2010 recognises that fuel poverty has a major impact on the health, social and economic well-being of householders. It also highlighted it can increase the demands on resources of public sector services, such as the NHS, by increasing the need of householders to access services.

Fuel poverty is defined as having to spend more than 10 per cent of income (including housing benefit) on all household fuel use in order to maintain a satisfactory heating regime. In circumstances where expenditure on all household fuel exceeds 20 per cent of income, households are defined as being in severe fuel poverty. The Welsh Government's Warm Homes Programme provides funding for energy efficiency improvements to low income households and those living in deprived communities across Wales. There are two main schemes within the programme:

Arbed

Arbed is part of the Warm Homes Programme and through the delivery of retro-fitting measures and technologies has sought to reduce fuel poverty across Wales. Torfaen have successfully accessed Welsh Government Arbed funding on a number of occasions and delivered energy efficiency measures to homes in some of the most fuel poor parts of the borough.

Nest

The Nest scheme provides householders living in Wales with access to free advice and support to help them reduce their energy bills, whilst those meeting Nest's eligibility criteria can also access a free package of energy efficiency measures.

The Council will continue to apply for Welsh Government Arbed funding and work with partners such as Torfaen Care and Repair and the South East Wales Energy Efficiency Centre to promote energy efficiency in Torfaen and to advise residents on the availability of assistance.

2.4 Housing Health and Safety Rating System

The Housing Act 2004 introduced a new risk based system for assessing the suitability of housing, called the Housing Health and Safety Rating System (HHSRS) which came into effect in 2006. HHSRS (which replaced the Fitness Standard of the Housing Act 1985) evaluates potential risks which may result from defects identified in a property.

HHSRS is based upon a risk assessment against 29 defined hazards that may be found in a property, and which can be categorized into 4 main groups:

- Physiological (e.g. damp & mould growth, excess cold, asbestos etc.)
- Psychological (crowding and space, entry by intruders, lighting, noise)
- Protection against infection (domestic hygiene, food safety, water supply)
- Protection against accident (e.g. falls on the level, electrical hazards, fire, collision)

Investigating Officers assess the likelihood of a hazard causing harm over a 12 month period and the health outcomes, should such an incident take place. Particular regard must be given as to the effects such an incident would have on vulnerable groups. The assessment leads to a score for a particular hazard and the score is then put into a series of bands ranging from A-J. Bands A-C are termed Category 1 hazards whilst bands D-J are termed Category 2 hazards. A Local Authority is under a duty to deal with any Category 1 hazard whilst it also has a power to deal with Category 2 hazards.

Whilst largely applicable to occupied houses to protect the health and safety of residents, the HHSRS allows vacant properties to be assessed and places a duty on Local Authorities to take action where Category 1 hazards exist. The scores from different hazards are not intended to be combined, but the presence of a number of individual hazards may influence a decision to take action.

Depending on the score, a Local Authority will need to decide whether it has a duty or discretion to act and what is the most appropriate means for dealing with the hazard. Different enforcement options are available:

- Improvement Notice, requiring remedial works;
- Prohibition Order, which closes the whole or part of a dwelling or restricts the number of permitted occupants;
- Suspended Improvement Notice/Prohibition Order
- Emergency Remedial Action
- Hazard Awareness Notice
- Demolition Order
- Clearance Order

In addition, powers to act in default and prosecute for non-compliance are available.

A Local Authority cannot simultaneously take more than one of these actions, but it can take a different course of action or the same course again, if the action already taken has not proved satisfactory. Emergency measures are the exception (Emergency remedial action followed by an improvement notice or a prohibition order, is a single course of action).

HHSRS provides a flexible enforcement framework which allows Local Authorities to take action against a much broader range of housing conditions.

In practice, where housing-related complaints are received by public health they will be deemed either emergency or non-emergency. Emergency complaints would require a 24 hour response and include those matters listed below:

- a) No hot water
- b) Breakdown of a heating system
- c) Burst pipes
- d) Dangerous electrical system
- e) Structural collapse
- f) Severe water ingress
- g) Inadequate fire precautions in a HMO

For non-emergency complaints, the Public Health Team would write to the landlord/agent to make them aware of the issues and give 28 days for a meaningful response.

Where works are not completed with the 28 day period, a decision will be made on the most appropriate course of action.

2.5 Enforcement

If the HHSRS assessment identifies significant risks at a property, enforcement action will need to be considered. This action will be based on WG HHSRS Enforcement Guidance and in accordance with the Public Protection Services Enforcement and Compliance Policy.

Enforcement can take many different forms, depending on the severity of the situation and any previous action taken. Enforcement action can apply to landlords of private rented property; owner-occupiers; social landlords and; owners of empty properties. The range of enforcement approaches include:

- No action
- Compliance advice, guidance and support
- Fixed Penalty Notices (where applicable)
- Voluntary undertakings
- Statutory notices and works in default
- Simple caution
- Prosecution
- Proceeds of crime applications

By exercising its power of delegation, the Council has authorized the Public Health Team to carry out enforcement action and to progress the imposition of sanctions on its behalf. The procedures are set out in detail in the Public Protection Services Enforcement and Guidance Policy.

Work in Default

Work in default is a power given to the Council, to ensure that work is carried out to a property. If the recipient of the Notice does not do the work required by the Notice, the Council is able to employ a contractor to enter the property and carry out the work itself. If the Council has to do this, it will charge the appropriate person for the cost of the works together with the costs involved in arranging for the work to be done.

It should be noted that carrying out work in default does not exclude the Council from either issuing a formal caution or prosecuting the offender. The Council is entitled to ensure that the work is carried out and Officers will then consider if it is appropriate to take further action.

There are various methods, by which the Council can recover the costs incurred in carrying out work in default, dependent on the type of Notice that has been served.

Sundry Debtor Method

Using this method, the Council will send the appropriate person an invoice requesting payment. If this is not paid within 14 days, a reminder invoice is sent requesting payment within 7 days. If the invoice is not paid, details are passed to the Credit Protection Agency (CPA) to recover the outstanding balance. Depending on the size of the debt, action will be taken in the County Court or written off if it is not economical to recover the debt.

Charge on the Property

Whenever legislation allows, a charge will be put on the property, which means that when the property is sold, the Council will expect to be paid the amount of the debt, plus interest. This is usually a very slow method of recovering money. The Council has 6 years from the date the work was carried out in default to recover the debt.

Sequestering Rents

The Council is entitled to serve a Notice on the appropriate person to reclaim the costs of the work in default. If this Notice is not complied with (i.e. the costs are not paid) the Council can then serve a Notice on the tenant requiring him to pay the rent to the Council until such time as the costs are recovered.

Forcing Sale of the Property

The ultimate method by which the Council can reclaim its costs is to force the sale of the property. The proceeds of the sale will be given to the owner, less the amount owed for the work in default and less the amount incurred by the Council in selling the property.

Formal Caution

An alternative to prosecuting a person is the issuing of a formal caution. A formal caution is where an offender is given written details of the offence and he/she signs to say that he/she admits the offence. It is not a form of sentence.

A record of the caution is kept at the Council for a period of 3 years and it may subsequently influence a decision to instigate proceedings should the offender break the law in the future. It may also be cited if the Council takes legal action for a subsequent offence.

Prosecution

Non-compliance with any of the Notices referred to in Appendix A of this policy document is generally a criminal offence. The Council is the prosecuting authority for such offences and as they are criminal in nature, proceedings are taken in the Magistrates Court.

Shared Enforcement Responsibility

In circumstances where enforcement responsibility is shared between enforcement agencies, the Public Health Team will have regard to procedures agreed with other enforcement agencies, particularly where memoranda of understanding exists.

In some cases, enforcement powers will rest with another agency (for example, the Health and Safety Executive has enforcement of gas safety in domestic property). In these situations, the Public Health Team will act to ensure that the case is transferred to the enforcing agency promptly and in accordance with any agreed procedures.

When we will take Enforcement Action

There are occasions when the Public Health Team must take formal action because the legislation imposes a duty to do so. In particular, the service of a Notice under section 80 of the Environmental Protection Act 1990.

Where Officers are required to serve certain formal notices under the Housing Act 2004, the Council will usually charge the recipient of the notice in order to recover its reasonable administrative expenses incurred in serving the notice.

In some cases, the Council is required to consult with other bodies when taking enforcement action. An example of this is where we take action under Section 10 of the Housing Act 2004 to improve fire safety in a house in multiple occupation. We are required by law to consult with the Fire Authority.

Caution or Prosecution

The decision to either offer a formal caution or take a prosecution is one that is not taken lightly. Officers recognize that their decision is significant and could have far reaching consequences upon the alleged offender and others.

Each case that an Officer deals with is unique and must be considered on its own facts. However, there are general principles that apply to the way in which Officers decide whether a sanction should be applied and if so, which one. The decision to offer a formal caution or to take a prosecution will be made by Officers of the Public Health Team, in consultation with the Council's Legal Services Department.

In deciding whether to proceed with a caution or a prosecution, the Public Health Team's enforcement policy reflects guidance laid down in the CPS (Crown Prosecution Service) Code for Crown Prosecutors, Home Office Circulars on Cautioning Adult Offenders and advice from LACORS. There are two overarching tests within the CPS Code that must be used when determining whether to prosecute. These are the evidential test and the public interest test.

The Evidential Test

Officer must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction. This is an objective test and means that a court is more likely than not to convict the offender of the charge alleged.

In deciding whether there is a realistic prospect of conviction, consideration is given to matters such as:-

- Is the evidence admissible in court? There are certain legal rules that might mean that evidence that seems relevant might not be used at a trial.
- Is the evidence reliable? Officers have to consider whether there is evidence that may detract or support any admission by the offender. Equally, Officers have to consider the witnesses they may use and whether there are concerns about their accuracy or credibility.

The Public Interest Test

A prosecution will usually take place unless the officer is sure that there are public interest factors tending against prosecution which outweigh those tending in favour or unless the officer is satisfied that the public interest may be properly served in the first instance by offering the offender the opportunity to have the matter dealt with by an out of court disposal.

The following are examples of factors taken into account when determining public interest but the list is not exhaustive:-

- The seriousness of the offence. In housing terms this will mean Officers looking at the effects of not complying with the Notice for example.
- Whether there was violence used in the commission of the offence
- The vulnerability of the victim of the offence. Again, this is a particularly important consideration when harassment or unlawful eviction has also occurred. Although offences of this type are not acceptable regardless of the victim, it is considered even less acceptable if the victims are elderly, suffering ill health or disability or have young children
- Whether the offence was motivated by discrimination. Consideration as to the nature of the sanction imposed will be determined by whether the offender was motivated by any form of discrimination against the victim's ethnic or national origin, sex, religious beliefs, political views or sexual orientation.
- The history of the offender. In particular, Officers will have regard to whether Notices have been served in the past, the response to those Notices and any previous housing based convictions.
- The likely penalty. Consideration will be given to whether the offence is such that it would only attract a nominal penalty from the Courts.
- Reason for the offence occurring. Although there may be, on the face of it, a breach of law, there may be a statutory defence available in housing offences. For example, failure to comply with a Section 189 Housing Act Notice is only an offence if the person intentionally failed to comply with it. Other factors may be considered though. For example, if the offence results from genuine mistake or misunderstanding these may be factors against prosecution but this would be balanced against the seriousness of the offence.
- The suspect's previous convictions or the previous out of court disposals which he or she has received that are relevant to the present offence.
- A prosecution would have a significant positive impact on maintaining community confidence.
- The suspect was a ringleader or an organizer of the offence.
- The suspect was in a position of authority or trust and he or she took advantage of this.

In addition to the two tests, there are certain conditions that must exist before a caution can be administered, namely:-

- There must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction;
- The offender must admit the offence;
- The offender must understand the significance of the caution and give his informed consent to accepting the caution.

If any of the above criteria are not met, the Council will not consider the issuing of a formal caution. Above all, a caution will not be used as a substitute for a prosecution that would otherwise be unsustainable.

2.6 Empty Properties

The monitoring and management of empty properties in Torfaen is co-ordinated by the Housing and Public Health Teams. Long term empty properties are categorized and then prioritized, based on the length of time they have been empty and the long term problems that are being caused as a result. When enforcement action is required, this is dealt with by the Public Health Team, which has a range of enforcement options available.

Nuisance arising from premises

The Environmental Protection Act 1990 enables Environmental Health Officers to serve abatement notices for statutory nuisances caused by a property's structure or, as the result of any land associated with the property. Notices are served on the owner of the property and can require certain works to be undertaken within a specified timescale. If the owner fails to comply with the requirements of the notices (subject to appeal), the Council may pursue the matter through the Magistrates' Court, and/or carry out works in default.

Rodents

Under Section 4 of the Prevention of Damage by Pests Act 1949, the Public Health Team has the power to serve notices on the owner or occupier to ensure the premises are free from rodents. The notice can specify treatments to control the pests, as well as requiring structural repairs to be carried out to secure the property against further access by rodents. If the notice is not complied with, the Council may carry out the work in default and recover any expenses by placing a charge on the property.

Dangerous, insecure, dilapidated or statutory nuisance property

Several sections of the Building Act 1984 can be used to secure premises against unauthorised entry and are appropriate for use in the case of empty properties.

Section 76

Under this section, a notice can be served when the premises are in such a state as to be a nuisance or prejudicial to health. Notices served under this section of the Building Act state that the Council intend to carry out specified work to remedy the situation. Seven days are provided for the owner to make an appeal and within nine days of serving the notice, the Council can commence work in default and recover reasonable costs from the owner. This section should only be used if unreasonable delay in remedying the defective state would be occasioned by following the procedure prescribed by section 80 of the Environmental Protection Act 1990 (Abatement Notice).

Sections 77 & 78

If an empty property is in so severe a condition as to be considered dangerous, then notices can be served under section 77 or 78 of the Building Act 1985. Notices served under section 77 require the owner of the property to carry out any work necessary to remove the danger or to demolish the structure. Any expenses incurred by the Council can be recovered from the owner of the premises via the Magistrates' Court. Section 78

is only used in emergency situations and it is recommended that the Council seek to notify the owner of their intended action prior to undertaking the emergency measures.

Section 79

This allows notices to be served for ruinous and dilapidated buildings, where conditions are seriously detrimental to the neighbourhood. These powers rest with the Environmental Health Officer.

To ensure that a property is secure against unauthorized entry, the Council can undertake works on an unoccupied property under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982. Normally a period of 48 hours notice of the Council's intention to carry out works would be given to the owner. If the owner is absent or the works are needed urgently, the notice period can be waived. Reasonable costs incurred by the Council may be recovered from the owner of the property via the County Court. These powers rest with the Environmental Health Officer.

Unightly property

Where the land of a property is in such a poor condition that it is having an adverse effect on the neighbourhood, the local planning authority may serve on the owner or occupier of the land, a notice under section 215 of the Town & Country Planning Act 1990. Although this option does not culminate in a final use for the property, it is a tool that will be considered as an interim measure to make the situation more tolerable for neighbouring property owners. This power rests with Planners and Environmental Health Officers.

Property requiring demolition

In acute circumstances, Demolition Orders remain available to Local Authorities under Part 9 of the Housing Act 1985 as amended. They are a possible response to a category 1 hazard where this is the appropriate course of action. The location of adjacent buildings is a key factor in determining the viability of this option and the process involves undertaking a neighbourhood renewal assessment.

Property being used for substance misuse

If an empty property is being used for substance misuse, the Council can take action under the 2002 Police Reform Act.

Derelict or abandoned empty property

Compulsory Purchase

Compulsory Purchase Orders (CPOs) can be made under Section 17 of the Housing Act 1985. Section 17 empowers local housing authorities to compulsorily purchase a house (or houses), for the provision of housing accommodation or to make improvement to existing housing, which includes acquiring empty houses. In practice the power involves the use of procedures set out in the Acquisition of Land Act 1981. The power to sanction

a CPO rests with the Director of Service and is subject to confirmation by the National Assembly for Wales.

Enforced Sale

The Enforced Sale Procedure (ESP) can be used to bring about the sale of a privately owned property. It is used when the present owner is either unwilling or unable to deal with the house and its associated problems. To use an ESP, there must be a financial charge registered against the property in the Local Land Charges Register. This then gives a Local Authority all the powers and remedies available to a mortgagee under the Law of Property Act 1925, including a power of sale. An Order of the Court is not necessary as the legislation itself provides that power.

The Council can enforce the sale of an empty property, where it has secured a debt in excess of £500 against the property. The Council's Housing, Planning, Community Safety, Overview and Scrutiny Committee decided that a trigger for the consideration of enforced sale would be if visits occurred over the year and/or works in default had been carried out in excess of £3,000. Debts are normally the result of enforcement action to remove nuisances associated with empty properties, but information regarding all debts owed to the Council is considered. The property can then be sold at auction or tenders invited by a deadline date.

Empty Dwelling Management Orders (EDMO)

The Housing Act 2004 provides for Local Authorities to take over and manage an unoccupied dwelling from the owner, where the owner has turned down offers to bring the property back into use and can offer no good reason why the property should remain empty. These orders enable the Council to gradually increase the pressure on the owner without taking a heavy-handed approach from the outset. In many cases the Councils have not had to apply for the full order, since owners have tended to take their own action once aware of the implications. If the Council has to use the full EDMO powers, it can lease the home to meet housing need without the owner's permission.

2.7 Houses in Multiple Occupation

A House in Multiple Occupation (HMO) is a property that is occupied by more than one household with shared amenities. HMOs often represent the worse end of the private rented sector and tend to have poorer conditions than other privately rented properties. They are often the only housing option available for many of the most vulnerable people in society and for this reason, the government recognizes that it is vital that HMOs are properly regulated to ensure that tenants do not suffer unacceptable housing conditions

Under the Housing Act 2004 there are 3 types of licensing. A duty is placed on Local Authorities to implement a mandatory licensing scheme for certain categories of HMO (those with the highest risk) and a power to implement additional licensing schemes for other HMOs and rented accommodation.

Mandatory licensing

This is required for properties with the highest risks. An indication of the highest risk properties are those that are three or more storey's high, have 5 or more occupants comprising two or more households, who share amenities.

Additional licensing

Smaller HMOs that would not be subject to mandatory licensing could still be covered by the additional licensing arrangements. If considered appropriate, this discretionary power can be applied to HMOs which are badly managed and giving rise to particular problems.

Selective licensing

Properties that are not subject to HMO licensing could be covered under a selective licensing scheme. This licensing would cover all forms of private rented housing, including HMOs. This could be applied to particular areas or properties where there were concerns.

Licensing is intended to make sure that:

- Landlords of HMOs are fit and proper people, or employ managers who are
- Each HMO is suitable for occupation by the number of people allowed under the licence
- The standard of management of the HMO is adequate
- High risk HMOs can be identified and targeted for improvement
- Vulnerable tenants can be protected
- HMOs are not overcrowded
- Councils can identify and support landlords, especially with regeneration and tackling antisocial behaviour

Landlords need to comply with any licensing regime that is in place and where there is refusal to meet these criteria, authorities can intervene and manage the property.

Part 3: Financial Assistance, Products and Services

3.1 Grants and Products

This section covers the various grants, products and services that may be available for the improvement of private sector housing. It is important to note that the grants and products have different eligibility criteria and conditions, and more details are provided further on. They are also **subject to the availability of funding** (please see section 1.6 on Resources). Specifically linked to private sector housing renewal and managed through the Social Care & Housing Service are the following:

- **Home Improvement Loan**

Available to eligible homeowners or landlords who own and live in their property and wish to carry out essential repairs or to support the installation of energy efficiency measures to make their home safe, warm and secure (routine maintenance or desirable home improvements will not fall into this category).

Loans are available from a minimum of £1000 up to a maximum of £25,000 and will be dependent on the actual cost of the works. Please note that any loan offered cannot exceed 80% of the **current** property value, and it is important to note that this calculation also includes any mortgage already secured against the property. The maximum loan term for the applicants is 10 years for a homeowner and 5 years for a landlord.

Example:

Current Value £100,000

Mortgage & Loan £65,000 & £15,000 = £80,000 (Maximum 80% Loan to value)

Where the costs of the works exceed the value of the loan, then the applicant must be able to show that they have adequate funds to complete the repairs.

Loans are interest free, providing there is no default, and are repayable over a maximum period of 10 years. However, the repayment term will be calculated taking into account an individual financial assessment. You will be required to make monthly repayments which will be paid by direct debit. The amount payable per month will depend on the total amount of the loan and loan term. All loans can be repaid earlier if the applicant wishes to do so.

A small administration fee is required as a contribution towards the cost of processing an application. The Council Legal Services are required to register a first or second charge on the property being offered as security. If there is an existing mortgage on the property the Council will need the lenders consent to secure the charge. The lender will also be required to enter into a Deed of Priority with the Council and a small fee for this also applies.

All work must be carried out in accordance with any planning permissions or building regulation approvals made in respect of the property. Additionally, the property must comply with the Housing Loan Standard on completion of the works. To achieve this, a property must be renovated/converted to a reasonable standard, free from any serious hazards (as a minimum), so that it is suitable for immediate occupation.

On completion of the works, the applicant will be required to reside at the property for the duration of the term of the loan. In the event that the applicant decides to sell or transfer ownership of the property during this time, the loan must be repaid in full to the Council.

- **Pontypool Home Improvement Loan**

The Pontypool Home Improvement Loan is an interest free loan available to homeowners and landlords of properties in the Pontypool area. The loans are available for any repairs or renovations required to make a property safe, warm and secure. Loans of between £1,000 and £25,000 are available per unit of accommodation, or up to £150,000 per applicant, however, any application is subject to a financial assessment. Please note that any loan offered, taking into account any existing mortgage cannot exceed 80% of the **current** property value.

Torfaen Council must be satisfied that the loan is affordable before a loan application is approved. Where the cost of the works exceed the value of the loan, then the applicant must be able to show that they have adequate funds to complete the repairs and loan funding must be used for the purposes agreed in the loan facility agreement. The loan instalment must be paid every month as agreed in the loan facility agreement. If the property is sold during the term of the loan, the loan must be repaid in full immediately.

A small administration fee is required as a contribution towards the cost of processing an application. The Council Legal Services are required to register a first or second charge on the property being offered as security. If there is an existing mortgage on the property the Council will need the lenders consent to secure the charge. The lender will also be required to enter into a Deed of Priority with the Council and a small fee also applies. In addition to the above, a Company applying for a loan will also be required to pay a small fee to cover the costs associated with registering the charge at Companies House.

The maximum loan period is 5 years for a landlord or 10 years for an owner occupier. It will depend upon the financial assessment as to how long an applicant will have to repay the loan. If the property is sold within the loan term, the loan must be repaid immediately. All loans can be repaid sooner than the end of the term if the applicant wishes to do so.

All work must be carried out in accordance with any planning permissions or building regulation approvals made in respect of the property. Additionally the property/units must comply with the Housing Loan Standard on completion of the works. To achieve

this, a property must be renovated/converted to a reasonable standard, free from any serious hazards (as a minimum), so that it is suitable for immediate occupation.

- **Empty Property Landlord Loan**

An Empty Property Landlord Loan is available to enable private landlords to bring empty properties back into use. The maximum loan amount you can apply for is £25,000 per property or unit, up to a total maximum of £250,000 per applicant. If you are applying for a loan to convert one building into four units the maximum loan you can apply for is £100,000. If you were applying for a loan to convert a property into ten units the maximum amount of loan would be £250,000. The actual amount of loan that will be approved will be dependent on the actual cost of the works.

The length of time over which the loan can be repaid will depend on the future use of the property; whether the property is sold outright or whether the property is to be rented. Individuals and companies can apply for a loan, if they already own an empty property or are considering buying an empty property in Wales. Loans can only be made available for properties that have been empty for at least six months or more.

Please note that any loan offered, taking into account any existing mortgage cannot exceed 80% of the **current** property value. Where the cost of the works exceed the value of the loan, then the applicant must be able to show that they have adequate funds to complete the development.

You can either let the property/units or you can sell the property/units to a new owner/owners. Loans are not available for people wanting to renovate the property and live in it as their own principal home.

All work must be carried out in accordance with any planning permissions or building regulation approvals made in respect of the property. Additionally the property/units must comply with the Housing Loan Standard on completion of the works. To achieve this, a property must be renovated/converted to a reasonable standard, free from any serious hazards (as a minimum), so that it is suitable for immediate occupation.

You must carry out the conversion/repair works within an agreed time period.

- The property/units must be marketed for sale or for let within a reasonable period of time after completing the works (12 weeks). If the property/units are available for rent and are not occupied within this time period, then the loan may become repayable.
- The loan must be repaid either on or before the date as specified in your Loan Facility Agreement.
- A financial charge will be made on the property for the lifetime of the loan.
- More information about the conditions can be found in the loan information booklet or contact the Empty Property Officer for further clarification.

A small administration fee is required as a contribution towards the cost of processing an application. The Council Legal Services are required to register a first or second charge on the property being offered as security. If there is an existing mortgage on the property the Council will need the lenders consent to secure the charge. The lender will also be required to enter into a Deed of Priority with the Council and a small fee applies. In addition to the above, a Company applying for a loan will also be required to pay a small fee to cover the costs associated with registering the charge at Companies House.

If you are renovating a single property, which is to be sold, the loan must be repaid when the property is sold or up to 2 years from the date of the loan approval, whichever is the sooner.

- If you are converting a property into a number of units, which are to be sold on completion of the works, it is expected that the loan must be repaid on sale of the first unit, or two years, whichever is the sooner. However we will endeavour to arrange a mutually agreeable repayment schedule.
- If the property/units are to be made available for letting the loan must be repaid within 5 years from the date of the loan approval.
- All loans can be repaid earlier if the applicant wishes to do so.

- **Property Appreciation Loan**

The Property Appreciation Loan is only considered in exceptional circumstances whereby an applicant has been unsuccessful in their application for an Owner Occupier Loan or Pontypool Home Improvement Loan (non landlords only). A Property Appreciation Loan applicant must have no adverse credit and must not have an outstanding debt with the council.

The loan may be available to eligible homeowners who own and live in their property and wish to carry out essential repairs, or to support the installation of energy efficiency measures to make their home safe, warm and secure (routine maintenance or desirable home improvements will not fall into this category).

Loans may be available from a minimum of £1,000 up to a maximum of £25,000 and a legal charge will be placed against the property, which will be repayable upon the sale or transfer of the property. Please note that any loan offered, taking into account any existing mortgage cannot exceed 80% of the **current** property value.

No fees are charged for administering this loan, but the cost of the Property Appreciation Loan will be placed as a legal charge against the property and will be repayable upon the sale or disposal of the property, with the minimum loan value and any appreciation.

All work must be carried out in accordance with any planning permissions or building regulation approvals made in respect of the property. Additionally the property/units must comply with the Housing Loan Standard on completion of the works. To achieve

this, a property must be renovated/converted to a reasonable standard, free from any serious hazards (as a minimum), so that it is suitable for immediate occupation.

- **Property Improvement Loan**

The Property Improvement Loan (PIL) is only offered to Disabled Facilities Grant applicants where the works exceed the £36,000 limit. The PIL is offered on an interest free, repayment basis with a maximum loan available of £10,000. The maximum amount can only be loaned if there is sufficient equity in the property. The Loan to Value ratio must be no more than 80%. Repayments will be collected by direct debit on a monthly basis.

The PIL product is funded through Disabled Facilities Grant (DFG) and the maximum period over which repayments can be made is over either a 5 or 7 year period. As security there a legal charge is registered against the property for the amount of loan that is being borrowed, which will be repaid over an agreed period of time.

Exceptions to Policy

The Council's policies are specific about the circumstances in which an application will be considered, how much grant/loan aid it will provide and the conditions that will be applicable to the provision of grant aid. However each application will be considered on its individual merits.

Therefore subject to available funding, where there are exceptional circumstances and where the applicant is able to demonstrate exceptional hardship or provide a very strong justification on the basis of need, the Council is able to give consideration to those circumstances.

3.2 Other Grants and Services

Disabled Facilities Grant (DFG)

A Disabled Facilities Grant (DFG) is a means-tested grant that can help towards the cost of adapting a property, thereby enabling the occupier to continue living there. A DFG is paid when the Council considers that changes are necessary to meet a persons needs, and the work is reasonable and practical. Adaptations might include installing a stair lift and/or ramps, improving access to rooms, adding a downstairs bathing facility or a walk-in shower.

A DFG may cover the cost of a major adaptation in part or whole up to the value of £36,000. Applicants may be eligible for a grant if they have a permanent and substantial physical disability. There is no means testing if the adaptation is for a disabled child.

A full assessment of an applicant's needs and their home is carried out, to determine eligibility and what work needs to be done. Occupational therapists will assess the need for adaptations across all tenures, however for tenants, the Councils recommendations will be sent to the landlord for a decision on whether to provide the adaptation.

Disabled Facilities Grants are managed by the Disabled People's Service within the Council.

The Property Improvement Loan product may be available to top up DFG funding where works are over the £36,000 limit. They can be contacted on:

socialcarecalltorfaen@torfaen.gov.uk

Disabled People's Service

County Hall

Cwmbran

Torfaen NP44 2WN

01633 762200

Torfaen Care and Repair

Torfaen Council works with partner organisations to provide help for older and disabled people. Torfaen Care and Repair currently run by Melin Homes, is a free, comprehensive, home improvement and advisory service that aims to look after vulnerable residents and ensure that their homes are safe, secure and appropriate for their needs. Torfaen Care and Repair helps home owners and private tenants who are old or disabled, to stay in their home for longer, with increased comfort, warmth and security. This is achieved by arranging for repairs or adaptations to be carried to the property, or advising the resident on suitable works. Care & Repair works in conjunction with a number of agencies; it can make referrals on resident's behalf and can sometimes access funding from different sources towards the cost of repairs or adaptations. Torfaen Care and Repair is hosted by Melin Homes. They can be contacted on:

info@crtorfaen.co.uk

Care and Repair Torfaen

Ty Clarence

Clarence Street

Pontypool

Torfaen NP4 6LG

01495 768870

Nest

Nest can assist households in accessing energy efficiency improvements and provide advice and practical measures to those who most need it.

Nest measures are designed for individual properties so there is no standard package, but measures can include boilers, central heating, insulation and newer technologies, depending on the circumstances of the household.

As well as support in accessing energy efficiency improvements, Nest also provides callers with guidance on benefit entitlement, energy tariffs and money management, through a range of expert partners. The advantage of Nest is that it provides one central

co-ordination point that offers tailored advice and support to help people improve the energy efficiency of their homes and reduce their energy bills. The Nest scheme can be contacted on 0808 808 2244 or by visiting their website at <https://nest.gov.wales/en/>

Part 4: Monitoring the Policy

4.1 Performance Measuring

To guarantee the best use of resources it is important to monitor the works undertaken by Torfaen County Borough Council.

Performance monitoring is undertaken by the Welsh Government through periodic returns required from the Local Authority.

These returns can provide details of the number of loans, grants and enforcement works undertaken.

4.2 How to Complain

Complaints Procedure

The Council endeavours to provide a first class service and meet the needs of the public, but there may be circumstances when individuals feel aggrieved and sometimes we may not get it right. It is important that you complain to us if you feel we have let you down in any way. Your complaint will help us to:

- Put things right for you
- Make sure we don't make the mistake again
- Improve our services for everyone

If you have a complaint about the Housing Renewal Policy or any aspect of the services received, these should be addressed to:

Torfaen County Borough Council
Civic Centre
Pontypool
Torfaen NP4 6YB
01495 762200