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Essential Information For **Landlords and Agents**

HHSRS
(Housing Health & Safety Rating System)

Housing Act 2004 Part 1
Commencement Date 6th April 2006

The Housing Act 2004 has introduced a new way to assess the condition of homes in England and Wales.

Within the Act, the Housing Health and Safety Rating System is a risk assessment approach to assess hazards to health and safety in dwellings, and on which remedial and enforcement action can be taken if necessary.

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ARLA Association of Residential Letting Agents

BPF British Property Federation

Chartered Institute of Environmental Health

Local Government Association

NFRL National Federation of Residential Landlords

NAEA

RICS The mark of property professionalism worldwide

The Housing Health and Safety Rating System in practice

This guide has been produced in co-operation with, and with the agreement of, the Office of the Deputy Prime Minister. The Office collaborated in the production of the text. However, this document is just a guide. The only definitive reference documents are the Housing Act 2004 and government guidance and only the courts can interpret the Act.

What is the Housing Health and Safety Rating System?

The Housing Act 2004 has introduced a new way in which local authorities ("councils") assess housing conditions in England and Wales. It uses a risk assessment approach called the Housing Health and Safety Rating System (HHSRS); the aim is to provide a system (not a standard) to enable risks from hazards to health and safety in dwellings to be removed or minimised.

Why the new system?

It replaces the fitness standard which dated back to 1919. The fitness standard did not deal with many of the hazards that affected health and safety; in addition it was only a pass/fail standard with assessments giving no indication as to how unfit (or how fit) a property was. Assessments made under the fitness standard were 'property based' and did not directly consider the effect of the particular defect or omission, on the occupant or visitor.

The HHSRS on the other hand addresses all the key issues that affect health and safety, it provides an analysis of just how hazardous a property is and includes evidence and statistical information to assist inspectors in making their judgements.

Each year on average, housing conditions are implicated in up to 50,000 deaths and around 0.5 million illnesses requiring medical attention. These statistics and many others form part of the evidence base of the system and are drawn from extensive research in the UK (in this case the Home Accident Surveillance System). The fitness standard did not address many of the conditions that caused these deaths and injuries.

How is the system applied?

Local authorities have a duty to keep the housing conditions in their area under review. Either as a result of that review, or for some other reason such as a complaint from a tenant or a neighbour, they can inspect a property if they have reason to think that a health or safety hazard exists there. The scoring of hazards found during an inspection must be carried out in accordance with the method set out in the HHSRS Regulations.

As well as providing the legal basis for HHSRS, the 2004 Act contains a package of enforcement measures for local councils to use. These powers can be used to deal with poor housing in the private sector, or any housing owned by a public sector landlord such as the Ministry of Defence, the NHS, a Fire and Rescue Authority or the police, unless it has Crown exemption.

Councils have a duty to deal with hazards which are assessed as 'Category 1' under HHSRS, and discretionary powers to deal with 'Category 2' hazards - these terms are explained below. In practice, however, these powers are not used in council stock because councils cannot enforce against themselves. This is very similar to the previous situation, except that HHSRS has replaced the fitness standard and other requirements under previous Housing Acts.

The main incentive for improvements in the housing owned by councils and housing associations (also known as registered social landlords ('RSLs') is the Decent Home standard, set by the Office of the Deputy Prime Minister, which incorporates HHSRS as a hazard assessment tool. Although RSLs as private landlords are also subject to enforcement action, a local authority receiving a complaint about conditions in an RSL dwelling may first consider the RSL's existing plans for complying with the Decent Home standard. However, the council can still take enforcement action in an individual dwelling if they think that the RSL's plans will not deliver improvements quickly enough to deal with the problem affecting the tenant.

For further information about how local councils will use the HHSRS to deal with hazards, see 'How will the system be used in enforcement?'

What are the principles of the system?

The HHSRS provides a method of grading the severity of threats to health and safety in any dwelling. A dwelling can include a:

- house
- self-contained flat
- non self-contained flat
- bedsit
- a room in a university hall or similar residential building

and includes the means of access and shared or common rooms and facilities.

The key principle of the system is that a dwelling, including the structure and associated outbuildings and garden, yard and/or other amenity space, and means of access, should provide a safe and healthy environment for the occupants and, by implication, for any visitors.

The inspection process is a risk based assessment and considers the effect of any 'hazards' in the property. Hazards are rated according to how serious they are and the effect they are having, or could have, on the occupants, that is, 'the effect of the defect'. The basic principle is that the property should be safe for occupation.

The system also provides a means of comparing the risks associated with different types of hazard. Some are slow and insidious in their effect, like dampness and cold, whilst others are quick, such as falls. Some hazards are more likely to result in death (such as carbon monoxide); others are very unlikely to cause death e.g. noise or poor layout of amenities.

It should be borne in mind that all properties contain hazards, for example stairs, electrical outlets etc. and it is not possible (or desirable) to remove all hazards. The emphasis should be to minimise the risk to health and safety as far as possible either by removing the hazard altogether or minimising the effect, as appropriate. All references in this guide to removing hazards should be read with this in mind.

The numbers (scores) that are a feature of the system are used to reflect inspectors' judgements; they also allow comparison of widely differing hazards and take account of the potential frequency of occurrence and severity of outcome.

What are the hazards?

The system can deal with 29 hazards summarised as follows:

- Dampness, excess cold/heat
- Pollutants e.g. asbestos, carbon monoxide, lead
- Lack of space, security or lighting, or excessive noise
- Poor hygiene, sanitation, water supply
- Accidents – falls, electric shocks, fires, burns, scalds
- Collisions, explosions, structural collapse

More detailed information about these hazards can be found in the Operating Guidance issued by the ODPM, details of which can be found at the end of this guide.

Each hazard is assessed separately, and if judged to be ‘serious’, with a ‘high score’, is deemed to be a category 1 hazard. All other hazards are called, unsurprisingly, category 2 hazards.

The chart below sets out more information relating to every hazard.

THE EFFECT OF THE DEFECT

Housing Health and Safety Rating System hazards as defined in the 2005 Regulations

1 Damp and mould growth

Caused by dust mites, mould or fungal growths caused by dampness and/or high humidities. It includes threats to mental health and social wellbeing caused by living with damp, damp staining and/or mould growth.

Most vulnerable:
14 years or less

2 Excess cold

From sub-optimal indoor temperatures.

Most vulnerable:
65 years plus

3 Excess heat

Caused by excessively high indoor air temperatures.

Most vulnerable:
65 years plus

4 Asbestos (and MMF)

Caused by exposure to asbestos fibres and manufactured mineral fibres (MMF).

Most vulnerable:
no specific group

5 Biocides

Threats to health from those chemicals used to treat timber and mould growth in dwellings. Insecticides and rodenticides to control pest infestations (e.g. cockroaches or rats and mice), these are not considered for the purposes of the HHSRS.

Most vulnerable:
no specific group

6 Carbon monoxide and fuel combustion products

Hazards due to excess levels of carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke in the dwelling's atmosphere.

Most vulnerable:
CO, 65 years plus. NO_2, SO_2 and smoke, no specific group

7 Lead

Threats to health from the ingestion of lead.

Most vulnerable:
under 3 years

8 Radiation

This category covers the threats to health from radon gas and its daughters, primarily airborne, but also radon dissolved in water. While rare, leakage from microwave ovens might also be considered. Evidence of health risks from low-level exposure to electro-magnetic fields from phone masts have not, to date, been proven.

Most vulnerable:
all persons aged between 60 and 64 years who have had lifetime exposure to radon

9 Uncombusted fuel gas

The threat of asphyxiation due to fuel gas escaping into the atmosphere within a dwelling.

Most vulnerable:
no specific group

10 Volatile organic compounds

VOCs are a diverse group of organic chemicals which includes formaldehyde, that are gaseous at room temperature, and are found in a wide variety of materials in the home.

Most vulnerable:
no specific group

11 Crowding and space

Health hazards linked to a lack of living space for sleeping and normal family/household life.

Most vulnerable:
no specific group

12 Entry by intruders

Problems keeping a dwelling secure against unauthorised entry and the maintenance of defensible space.

Most vulnerable:
no specific group

13 Lighting

Threats to physical and mental health linked to inadequate natural and/or artificial light. It includes the psychological effect associated with the view from the dwelling through glazing.

Most vulnerable:
no specific group

14 Noise

Threats to physical and mental health caused by noise exposure inside the dwelling or within its curtilage.

Most vulnerable:
no specific group

15 Domestic hygiene, pests and refuse

Health hazards due to poor design, layout and construction to the point where the dwelling cannot be readily kept clean and hygienic; access into, and harbourage within, the dwelling for pests; and inadequate and unhygienic provision for storing and disposal of household waste.

Most vulnerable:
no specific group

16 Food safety

Threats of infection due to inadequate facilities for the storage, preparation and cooking of food.

Most vulnerable:
no specific group

17 Personal hygiene, sanitation and drainage

Threats of infection and threats to mental health associated with personal hygiene, including personal washing and clothes washing facilities, sanitation and drainage.

Most vulnerable:
children under 5

18 Water supply

The quality and adequacy of the water supply for drinking and for domestic purposes such as cooking, washing, cleaning and sanitation. Also threats to health from contamination by bacteria, protozoa, parasites, viruses, and chemical pollutants.

Most vulnerable:
no specific group

19 Falls associated with baths etc

Falls associated with a bath, shower or similar facility.

Most vulnerable:
60 years plus

20 Falling on level surfaces etc

Falls on any level surface such as floors, yards and paths. It also includes falls associated with trip steps, thresholds, or ramps, where the change in level is less than 300mm.

Most vulnerable:
60 years plus

21 Falling on stairs etc

Fall associated with stairs, steps and ramps where the change in level is greater than 300mm. It includes falls on internal stairs or ramps within the dwelling, external steps or ramps within the curtilage of the dwelling, internal common stairs or ramps within the building, access to the dwelling, and to shared facilities or means of escape in case of fire. It also includes falls over guarding (balustrading).

Most vulnerable:
60 years plus

22 Falling between levels

Falls from one level to another, inside or outside a dwelling, where the difference in levels is more than 300mm. For example, falls out of windows, falls from balconies or landings, falls from accessible roofs, into basement wells, and over garden retaining walls.

Most vulnerable:
under 5 years

23 Electrical hazards

Hazards from electric shock and electricity burns, including from lightning strikes.

Most vulnerable:
under 5 years

24 Fire

Threats from uncontrolled fire and associated smoke. It includes injuries from clothing catching alight, which appears to be common when people attempt to put out a fire. It does not include clothing catching alight from a controlled fire by reaching across a gas flame or an open fire used for space heating.

Most vulnerable:
60 years plus

25 Flames, hot surfaces etc

Burns or injuries caused by contact with a hot flame or fire, and contact with hot objects or hot non-water based liquids, and scalds – injuries caused by contact with hot liquids and vapours. It includes burns caused by clothing catching alight from a controlled fire or flame.

Most vulnerable:
under 5 years

26 Collision and entrapment

This category includes risks of physical injury from:a) trapping body parts in architectural features, such as trapping limbs or fingers in doors or windows. Most vulnerable under 5 years.b) striking (colliding with) objects such as architectural glazing, windows, doors, lowceilings and walls.

Most vulnerable:
16 years over

27 Explosions

Threat from the blast of an explosion, from debris generated by the blast, and from the partial or total collapse of a building as the result of an explosion.

Most vulnerable:
no specific group

28 Position and operability of amenities etc

Threats of physical strain associated with functional space and other features at dwellings.

Most vulnerable:
60 years plus

29 Structural collapse and falling elements

The threat of the dwelling collapsing, or of an element or a part of the fabric being displaced or falling because of inadequate fixing or disrepair, or as a result of adverse weather conditions. Structural failure may occur internally or externally.

Most vulnerable:
no specific group

How are inspections carried out?

Inspections are essentially carried out in the traditional fashion, i.e. a physical assessment of the whole property during which deficiencies (faults) are noted and recorded.

Once the inspection has been completed, the inspector judges:

a) whether there are any hazards

b) the likelihood of an occurrence and the range of possible outcomes for those hazards

Who will carry out inspections?

This depends on the purpose of the inspection and on whose behalf it is being carried out. If it is being carried out on behalf of a council, it will be undertaken by staff who previously carried out inspections to deal with unfitness and disrepair. In the majority of cases they will be Environmental Health Officers. Private surveys using the system may be carried out by anyone with building/surveying expertise who has studied or been trained in the use of the system. Assessments under the Rating System are significantly different from traditional house condition surveys (see below).

How are assessments made?

The assessment process is not just a question of spotting defects, but is all about risk assessment, outcomes and effects.

When an inspector finds a hazard, two key tests are applied – what is the likelihood of a dangerous occurrence as a result of this hazard and if there is such an occurrence, what would be the likely outcome?

For example a staircase that had a broken stair would represent a serious hazard in that an occupant could trip or fall down the stairs. However a broken stair at the top of the staircase would obviously be more dangerous than one at the bottom. If, for example, a glass door was situated near the bottom of the staircase, that would increase the potential severity of the outcome even more.

Dwellings are assessed against the average for the type and age of building. The inspector also judges whether the condition increases or lowers the likelihood of an occurrence. The system provides information about the characteristics of average dwellings, as a basis for inspectors' own assessments of the conditions they find. Inspectors will normally concentrate on hazards that are likely to be worse than the average, but they will be able to assess any of the 29 hazards on the basis of their observations or their knowledge of hazards that are specific to particular areas, such as radon.

Where a hazard is designated as particularly relevant to people in a vulnerable group, hazards are assessed according to their likely impact on

that group. 'Vulnerable' here usually means children and the elderly. For example, widely spaced balusters (spindles) on a staircase could be a hazard for a child who could squeeze through and fall down the stairs. Similarly a winding staircase with no handrail could be a hazard for an elderly person.

The action that needs to be taken to deal with a hazard will be influenced by who is occupying it (see 'How will the system be use in enforcement?' below). Once a property has been made safe for the most vulnerable, it should be safe for all.

What is the likelihood?

An inspector judges the likelihood of an occurrence (such as an accident) over the next twelve months which could result in harm to a member of a vulnerable age group. An accident in which an occupant falls down stairs is classified as an occurrence.

When assessing likelihood, inspectors are not predicting that there will definitely be an occurrence. Even a very high likelihood (such as a 1 in 10 probability) means that the likelihood of no occurrence is nine times greater than that of an occurrence.

Inspectors do not give an exact likelihood ratio, but will pick from a standard range, e.g. 1 in 24 to 1 in 42 or the range 1 in 420 to 1 in 750. For each of the ranges there is a 'representative scale point' which is used (see 'How is the score calculated?').

What are the outcomes?

There are a range of four outcomes (classes of harm) which could arise from an occurrence (such as an accident) which happens as a result of the existence of a hazard (such as a broken stair).

For example, while death may be considered unlikely from a particular fall, there may be a 10% chance of serious fractures, a 30% chance of severe concussion and a 60% chance of severe bruising. The possible outcomes from an occurrence are given as four classes of harm. The following table shows the four classes of harm together with some examples:

Class I

- Death from any cause
- Lung cancer
- Permanent loss of consciousness
- 80% burn injuries

Class II

- Asthma
- Lead poisoning

- Loss of a hand or foot
- Serious fractures

Class III

- Eye disorders
- Sleep disturbance
- Mild heart attack
- Loss of a finger
- Fractured skull and severe concussion

Class IV

- Occasional severe discomfort
- Occasional mild pneumonia
- Broken finger
- Severe bruising to body
- Regular serious coughs or colds

How is the score calculated?

Each assessment of a hazard carried out using the HHSRS results in a score. The score is a numerical representation of the degree of risk represented by a hazard. Although the calculation can be carried out on paper or using a handheld computer, most inspectors will use a computer software programme operated on a handheld computer or desktop pc back in the office to calculate the scores. All hazards are rated and scored individually. A formula is used which takes into account the nature of the hazard, the likelihood of an occurrence and the seriousness of the outcome (known as the spread of possible harms). At its simplest, the formula is:

Risk (likelihood) x Outcome = Numerical Score

The calculation includes a 'weighting' to reflect more serious outcomes, such as death (see examples below).

The inspector first assesses the likelihood of an occurrence over the next twelve months which exposes a member of the vulnerable age group to a hazard. This is expressed as a ratio e.g. 1 in 250, 1 in 18 or in 1 in 1,000. It should be noted that these ratios represent a range of likelihoods – the inspector does not have to decide on an exact likelihood. At this stage, only the likelihood of an occurrence is considered - the severity of the occurrence is considered at the next stage.

The severity of a potential hazard is then assessed in relation to a member of the age group most vulnerable to the hazard and who might typically occupy the dwelling – for some hazards, all age groups are equally vulnerable while for others, such as gaps between balusters, the hazard would be judged in terms of a young child.

The likelihood and the severity combine to generate a hazard score. Scores are divided into ten bands (A to J); band A is the most serious and J the least serious. Hazards which fall into bands A to C are category 1 hazards with those in bands D to J are category 2 hazards.

In simple terms, the greater the risk (likelihood), or more serious the outcome, the higher the overall score. An example of a high score would be a gas water heater leaking carbon monoxide – the risk is high and the outcome could be death.

How does this work in practice?

The following worked examples illustrate how the assessment process works in practice.

Example hazard rating – 1

Assessment of a fall out of a ground floor sash window with a low sill, and no safety catches. In this case, the most vulnerable category of occupant or visitor to consider would be a young child:

Likelihood – 1 in 56

Spread of harm outcomes:

Class I – 0% death judged very unlikely
Class II – 10% chance of serious fractures
Class III – 30% chance of severe concussion
Class IV – 60% chance of severe bruising

Class of Harm Weightings		**Likelihood**		**Spread**		
10,000 (Class I)	÷	56	X	0	=	0
1,000 (Class II)	÷	56	X	10	=	179
300 (Class III)	÷	56	X	30	=	161
10 (Class IV)	÷	56	X	60	=	11
				Hazard score		**351**

This hazard score equates to band E, or a category 2 hazard

Example hazard rating – 2

Assessment of a fall out of a similar window but from a fifth floor room. It is not likely that such a window would be found in practice, but the example

illustrates the effect of a more serious outcome. Again, the most vulnerable occupant to consider would be a young child.

Likelihood – 1 in 56

Spread of harm outcomes –

Class I – 50% chance of death
Class II – 30% chance of serious fractures
Class III – 20% chance of severe concussion
Class IV – 0% chance of severe bruising alone

Class of Harm Weightings		**Likelihood**		**Spread**		
10,000 (Class I)	÷	56	X	50	=	8929
1,000 (Class II)	÷	56	X	30	=	536
300 (Class III)	÷	56	X	20	=	107
10 (Class IV)	÷	56	X	0	=	0
				Hazard score		**9572**

This hazard score equates to band A or a category 1 hazard

What do the spread of harms mean?

If 100 people seek medical attention after having had a fall on the stairs:

W% will end up in the mortuary or intensive care – ***Class I***
X% will have broken several bones and will be hospitalised – ***Class II***
Y% will be patched up at A&E and referred to Out-Patients – ***Class III***
Z% will be treated by their GP and go home – ***Class IV***

W + X + Y + Z must equal 100

A number of detailed worked examples can be found on the website of the relevant government department (see “Further reading” at the end of this guide)

How will the system be used in enforcement?

As outlined above, local councils are obliged to deal with poor housing conditions in their areas – primarily in the rented sector but occasionally in the owner occupied sector.

The hazard score does not dictate the action to be taken, but councils have a duty under the Act to take action of some kind if they discover a category 1

hazard in a property, and a power to take action to deal with a category 2 hazard. Their first step should be to approach the landlord informally - this is recommended by the Government under the Enforcement Concordat (see below). However, the amount of leeway allowed to a landlord informally will be at the council's discretion. If the landlord does not respond, the council is most likely to move into formal action by serving an improvement notice on the owner (or agent as appropriate) requiring that the hazard(s) be removed or minimised within a set time – generally 28 days. In more serious cases, a council may serve a prohibition order prohibiting the use of all or part of a dwelling.

If a category 1 hazard is so serious as to represent an 'imminent risk of serious harm' to the occupants, the council can serve an emergency notice to remove the hazard (one example of such a risk would be dangerous electrical installations or wiring). Such a notice allows a council to enter the premises and take urgent action to deal with the hazard. Councils can then charge owners for the cost of this work, but owners have a right of appeal against the notice and the costs involved. Councils can also use emergency prohibition orders to close down access to all or part of a building with immediate effect if they feel that the situation is serious enough to warrant it.

Even without using emergency powers, a council can, with or without the agreement of the owner, carry out the works required in a notice (and charge accordingly). This procedure is usually used in emergency situations or where all other negotiation has failed.

Alternatively, councils can prosecute owners for failing to comply with an improvement notice or prohibition order. Such cases are heard in magistrates' courts.

It should be remembered that serious hazards are not always expensive to remove. A category 1 hazard could, for example, be removed by fitting a lock to a window or fixing a handrail to a staircase.

For minor hazards, a council could serve a hazard awareness notice which is exactly what it says. Such notices are simply advice and do not actually require owners to do anything (they are also not registerable as a land charge). There may occasionally be situations where a council will serve such a notice for a more serious hazard on, for example, an owner-occupier where no tenants occupy the property and the hazard presents a minimal risk to the current owner-occupier and does not affect anyone outside the property.

If a hazard is specific to a child or elderly person but no children or elderly people occupy the property, the council could decide to suspend the notice (or part of it) until such time as a child or elderly person moves in. If a notice, or part of it, is suspended the council is obliged to review the situation at least once a year to check if the suspension continues to be justified, or should be revoked so that the notice is activated.

The Act gives councils the power to charge to recover the costs of enforcement action; any such charge must be reasonable and can only cover the council's costs.

What are the grounds for appeal?

An owner or agent who has an improvement notice or prohibition order served on him by a local council can appeal the notice, normally within 21 days. Appeals are heard by a Residential Property Tribunal (RPT) set up under the Act; RPTs have replaced the previous role of the County Court in hearing appeals against such action.

There is no restriction on the ground of appeal but the main grounds for appeal are likely to be that :

- The deficiency referred to in the notice does not amount to a hazard;
- someone else is responsible for carrying out work at the property and the notice should be served on that person; *and/or*
- the works required in the notice are unreasonable/excessive etc and alternative works should be considered

RPT's can be flexible in allowing appeals. RPTs may also mediate where possible between local councils and owners/agents to try to resolve appeals without a formal hearing.

If a notice is not complied with within the time allowed (usually 28 days), prosecutions for non compliance are heard in magistrates courts. One defence that would be considered at this stage is that the notice was incorrectly served.

How do Residential Property Tribunals work?

RPTs operate in a similar way to Rent Assessment Panels. They are a more informal way of considering appeals against notices served under the HHSRS. Appeals panels consist of three people, a legal expert, a technical expert and a lay member. The panel is always chaired by either the legal or technical expert (the latter will often be a surveyor).

RPTs are informal bodies and do not operate like courts – they hear cases presented by each side (in the case of the HHSRS this will be the landlord or the agent and the local authority). Parties to an appeal to an RPT do not need to be represented by lawyers. RPTs will usually make site visits to properties which are the subject of an appeal but will generally not attempt to second guess scores arrived at in the course of an HHSRS assessment, unless the score itself is relevant to the appeal.

They will be primarily concerned with the suitability of measures set out in a notice for the removal of hazards (as well as appeals claiming for example that a notice should have been served on a different person). The RPT will

consider alternative proposals from an owner for removing or minimising hazards. Owners may wish to have an independent HHSRS assessment (see 'What is the landlord's role?' below) of their properties carried out if they believe that works required in an improvement notice or prohibition order are inappropriate or excessive.

Part of the first steps in considering an appeal is a case management conference between all the parties. RPTs are also prepared to mediate by facilitating informal discussions between local authorities and owners who appeal notices; this is in an effort to filter out any appeals that are routine, frivolous or misguided.

RPTs can allow an appeal (i.e. rule in favour of the owner), dismiss an appeal or vary the requirements of a notice or order.

Appeals against a decision of an RPT can, with the permission of the RPT, be made to a Lands Tribunal or, if the RPT does not give permission, an application for permission to appeal can be made direct to a Lands Tribunal.

How do local councils decide on their enforcement policies?

All local councils are required to produce housing strategies which should address all housing issues across all sectors. As outlined above, the HHSRS applies across all sectors. Whilst RSLs are required by the Decent Home standard to ensure that their properties are properly maintained, local councils can still take action against RSLs that fail to remove or minimise hazards in their properties.

Although the exact detail and approach local councils take to enforcement will vary, the vast majority of local councils in England and Wales have signed up to a voluntary agreement known as the 'Enforcement Concordat' . The Concordat, which was produced initially by the government, incorporates the following principles:

- *Standards: setting clear standards*
- *Openness: clear and open provision of information*
- *Helpfulness: helping business by advising on and assisting with compliance*
- *Complaints: having a clear complaints procedure*
- *Proportionality: ensuring that enforcement action is proportionate to the risks involved*
- *Consistency: ensuring consistent enforcement practice*

Anyone who believes that a local council is not adhering to these principles in carrying out enforcement is entitled to challenge the council and ask for an explanation or comment. Such a challenge could be made to the chief officer

of the relevant department, the chief executive of the council or to a local councillor.

What is the landlord's role?

The intention of the HHSRS is to ensure that owners maintain their properties in a safe and 'healthy' state, i.e. free from hazards that may affect the occupier's health and or safety. Owners are obliged to comply with the terms of improvement notices or prohibition orders (subject to rights of appeal).

If as a landlord you employ an agent, you must ensure the agent is able to arrange necessary work and ensure that adequate funds are available to do this.

If as a landlord you wish to have an independent survey of your property carried out under HHSRS (perhaps in preparation for an appeal against an improvement notice), most private surveyors will be able to provide such a service. It is important to ensure that the surveyor appointed to carry out the survey is fully conversant with the HHSRS as inspections under the system differ significantly from traditional structural surveys. There are a number of independent Environmental Health Officers who will also be able to carry out a survey independently of the local council for the area. To find a surveyor, consult the following:

1. Chartered Institute of Environmental Health www.cieh.org

   Search the consultants directory under 'housing'

2. Royal Institution of Chartered Surveyors www.rics.org

   Search under 'find a surveyor in your area'

3. Many other national and local surveying services can readily be found using internet searches.

What is the agent's role?

Many agents will have the responsibility of organising works to comply with notices on behalf of their clients. Most local councils will include, with the notice, a schedule of works required to remove or minimise a hazard. If a schedule of work is not included with a notice, the council could be asked to provide one but there is no legal duty on a council to do so. The notice must though include details of the nature of the hazard and the deficiency, or fault that gives rise to the hazard.

Where can I get more information?

The key sources of reference can be found on the website of the Office of the Deputy Prime Minister (ODPM), which is the government department responsible for HHSRS. All the documents can be downloaded and hard copies of most can be ordered (details are on the website). The main address

is www.odpm.gov.uk ; search under Housing/Making homes decent/Housing Health and Safety Rating System.