

Appeals are heard by a Residential Property Tribunal (RPT). RPTs are informal bodies and do not operate like courts. 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.

### How do Councils decide on their enforcement policies?

All Councils are required to produce housing strategies. Most Councils in England and Wales have signed up to a voluntary agreement known as the 'Enforcement Concordat'. The Concordat 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*
- ◆ *Proportionally: ensuring that enforcement action is proportionate to the risks involved.*
- ◆ *Consistency: ensuring consistent enforcement practice*

### 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 notices or orders, subject to the powers of appeal.

### What is the agent's role?

Many agents will have the responsibility of organising works to comply with notices or orders on behalf of their clients. Most Councils will include, with a notice or order, a schedule of works required to remove or minimise a hazard. The notice must 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 Department for Communities and Local Government, which is the Government Department responsible for HHSRS. All the documents can be downloaded and hard copies of most can be ordered (details on the website). The main address is [www.dclg.gov.uk](http://www.dclg.gov.uk); search under Housing/Making homes decent/Housing Health and Safety Rating System.

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**Bedford Borough Council  
Environmental Health**

# Private Sector Housing

# Housing Health

# & Safety Rating

# System



# Housing Health & Safety Rating System

## What is the Housing Health and Safety Rating System?

The Housing Act 2004 has introduced a new way in which 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 judgments.

## How is the system applied?

Local authorities keep the housing conditions in their area under review and also respond to complaints. They then inspect properties and determine the hazards and scores. The 2004 Act also contains a package of enforcement measures for Councils to use. Councils have a duty to deal with hazards which are assessed as 'Category 1' and discretionary powers to deal with 'Category 2' hazards.

## 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 it 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.

## 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

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 category 2 hazards.

## How are inspections carried out?

Inspections are carried out by 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?

The inspection will be undertaken by qualified Environmental Health staff.

## 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?

## 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.

## How is the score calculated?

Each assessment of a hazard carried out using the HHSRS results in a score. All hazards are rated and scored individually. 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.

## How will the system be used in enforcement?

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. The Housing Act does give 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 a notice or order served on him by a Council can appeal.