



**Joint Operational Protocol**

**Between**

**Environment Protection Team**

**And**

**Housing Regeneration Team**

**Concerning**

**Improving Housing Standards in the  
Private Housing Sector**

## Purpose

The purpose of this joint protocol is to create an effective system for the administration, evaluation and appropriate regulation or enforcement of a range of duties given to Durham County Council as they relate to private sector housing.

## What is a joint protocol?

This joint protocol is an agreement that establishes the roles and responsibilities of Environmental Protection (EP) and the Housing Regeneration (HR) Teams to facilitate the achievement of the specific objective of providing good quality accommodation across the private rented sector.

It is an internal document intended to be used by housing professionals across both teams. It describes the practical joint working arrangements between the two teams that can assist with:

- improving housing standards in the owner occupied and private rented sector
- creating clean, attractive and sustainable environments
- bringing empty homes back into use

It is the responsibility of each respective team to keep the other properly informed of outcomes in a timely manner. The key outcome response times will be agreed within detailed officer operational guidance.

## Why implement a joint protocol?

The joint protocol provides an effective and efficient means for using available resources to improve private housing conditions throughout the County. It will ensure that officers across both services have clear guidelines, and through the use of a consistent and innovative approach provide the best possible outcome for home owners, landlords and tenants.

The protocol assists in the delivery of the Private Sector Housing Strategy for County Durham (2011-2015) and provides a tool for monitoring the Public Health and Housing Enforcement Policy 2010.

The protocol will be subject to continual review and a performance report will be produced every quarter.

## What are the benefits of having a joint protocol?

The joint protocol will lead to:

- Clear understanding of roles and responsibilities for staff;
- A mechanism for collating all available, relevant information;
- Better working relationships and communications between teams, including the use of Civica by both teams, that will allow access to shared information on progress and outcome of individual cases;
- Better use of limited resources and time; and
- Improved service to residents and owners.

## Explanation of Terms

Throughout the protocol, the following definitions apply:

**'HHSRS cases'** mean housing health and safety rating system cases under Part 1 of the Housing Act 2004, where either 'Category 1' or enforceable 'Category 2' hazards exist. It also applies where other EP legislation exists to deal with a particular issue e.g. drainage or public health related.

'Category 1' hazards are those where the Council has a legal duty to act.

'Category 2' hazards are those where the Council has a power to act, and 'enforceable Category 2' hazards are those where formal action may be considered appropriate.

**'Other cases'** mean:

Where no formal HHSRS action against the landlord is appropriate (e.g. leaking taps or other very minor disrepair); or

Where the issue relates to management standards, such as rent deposits, property inventories, tenant vetting, tenancy agreement disputes or other landlord and tenant matters

**HMO** (house in multiple occupation) means a single dwelling occupied by 3 or more persons comprising 2 or more households. It must also pass the various rules and exemptions as laid down in the Housing Act 2004.

**Licensable HMO** means a single dwelling, comprising of or within a building on 3 or more storeys, occupied by 5 or more persons comprising 2 or more households.

**Selective Licensing Area** relates to properties situated within a declared area. In these areas, owners of all privately rented properties must possess a valid licence, whether the property is in multiple or single occupation.

**Area Based Regeneration Scheme** means one of the Council's 8 designated areas, where area based regeneration works are being carried out.

**RSL** (Registered Social Landlord) means government funded not-for-profit organisations. They include housing associations, trusts and co-operatives. For the purpose of this joint protocol, it also means Council owned housing and landlords managing former Council owned stock.

**HHSRS Un-scored Inspection** means a property inspection carried out by an officer from the HR Team, within one of the Area Based Regeneration Schemes. The inspection will identify health and safety hazards that need to be addressed and include the informal follow up action. However, where the use informal action alone is insufficient, such cases are passed to the EP Team to carry out a scored inspection and take all follow up formal action.

## Process

Environment Protection Team	Housing Regeneration Team
<b>Chapter 1. Housing Standards</b>	<b>Chapter 1. Housing Standards</b>
<ul style="list-style-type: none"> <li>• Receive complaint or request for service</li> <li>• Seek to establish tenure and type of dwelling</li> <li>• Refer RSL and former Council property issues to relevant organisation</li> <li>• Monitor and, if necessary, consider further action in respect of RSL or former Council properties</li> <li>• Confirm status of any relevant licence or application for properties within selective licensing areas and liaise with HR team for any action under terms of licence</li> <li>• Inspect '<b>HHSRS cases</b>' in line with HHSRS inspection procedure and / or other relevant EP legislation</li> <li>• Refer '<b>other cases</b>' to HR team for action</li> <li>• Take all appropriate enforcement action including recovery of costs where appropriate</li> <li>• Record all relevant notes on Civica</li> <li>• Inform HR team on outcome of cases</li> </ul>	<ul style="list-style-type: none"> <li>• Receive complaint; establish tenants concerns and condition of property, advice given where appropriate, seek permission to contact landlord</li> <li>• Inform landlord of tenants concern; agree course of action and timescale where necessary</li> <li>• Refer '<b>HHSRS cases</b>' to EP</li> <li>• Refer within one working day to EP all cases where emergency action may be required</li> <li>• Deal with '<b>other cases</b>' in accordance with EP &amp; HR procedures</li> <li>• Record all relevant notes on Civica</li> <li>• Inform EP on outcome of cases</li> </ul>

<p><b>Chapter 2. Empty Homes</b></p>	<p><b>Chapter 2. Empty Homes</b></p>
<ul style="list-style-type: none"> <li>• Receive complaint or request for service</li> <li>• Check if risk assessment is needed / has been carried out by Arson Reduction Team</li> <li>• Record all relevant notes on Civica</li> <li>• Visit and assess defects under EP legislation</li> <li>• Inform owner or agent of condition of property</li> <li>• Decide on the appropriate course of action</li> <li>• Issue relevant work schedules or notices</li> <li>• Check compliance with notices on expiry</li> <li>• Arrange any default works or enforcement action as necessary</li> <li>• Seek repayment of any costs</li> <li>• Update outcomes of case on Civica</li> <li>• Inform HR Team on the outcome of cases</li> </ul>	<ul style="list-style-type: none"> <li>• Receive complaint or request for service</li> <li>• Record all relevant notes on Civica</li> <li>• Inform EP team if open to access or public health nuisance present</li> <li>• Liaise with owner on future intentions for property where necessary</li> <li>• Follow EP&amp;HR procedure to bring property back into use</li> <li>• Arrange, if necessary, a case conference to decide upon the appropriate course of action</li> <li>• Set up and administer Empty Dwelling Management Orders</li> <li>• Update outcomes of case on Civica</li> <li>• Inform EP Team on the outcome of cases</li> </ul>
<p><b>Chapter 3. Houses in Multiple Occupation</b></p>	<p><b>Chapter 3. Houses in Multiple Occupation</b></p>
<ul style="list-style-type: none"> <li>• Deal with all HMO licence issues</li> <li>• Deal with all HMO enforcement and advisory issues</li> <li>• Make representations in respect of new (or substantially altered) HMO's at the Planning stage</li> <li>• Receive complaint or request for service</li> <li>• Confirm status of any relevant licence or application for HMO</li> <li>• Carry out property inspection in line with chapter 1 above.</li> <li>• Consideration given to prosecution or revoking licence in cases where HMO licence is in force</li> <li>• Update outcomes of case on Civica</li> </ul>	<ul style="list-style-type: none"> <li>• Enquiries relating to HMO's refer to the EP Team within one working day</li> </ul>

Chapter 4. Properties within Area Based Regeneration Schemes	Chapter 4. Properties within Area Based Regeneration Schemes
<ul style="list-style-type: none"> <li>• Enquiries relating to selective licensing refer to HR Team</li> <li>• Inspect properties referred by HR Team where probable and unresolved HHSRS hazards identified in line with chapter 1 above, where action can not be progressed further by HR Team</li> <li>• Apply for and execute Warrant of Entry as appropriate</li> <li>• Liaise with HR team when Cat 1 or enforceable Cat 2 hazards exist.</li> <li>• Take most appropriate course of action</li> <li>• Record all relevant notes on Civica</li> <li>• Update HR team on outcome of cases</li> </ul>	<ul style="list-style-type: none"> <li>• Deal with all selective licensing issues relating to private rented properties in designated areas</li> <li>• Confirm status of any relevant licence or application where property is located in selective licensing area and take all appropriate action as necessary</li> <li>• Carry out initial property compliance inspection on selective licence application to assess compliance with selective licensing matters, including an HHSRS un-scored inspection</li> <li>• Carry out property compliance inspection in all priority area based regeneration schemes, including an HHSRS un-scored inspection</li> <li>• Resolve, by agreement with the landlord, any issues raised following the initial property compliance inspection</li> <li>• Refer immediately to EP all cases where emergency action may be required</li> <li>• Refer any properties with probable and unresolved '<b>HHSRS hazards</b>' to EP in line with chapter 1 above, complete with details of property inspection and case information / correspondence</li> <li>• Refer properties to EP where entry is refused, including details of all correspondence required for a Warrant of Entry</li> <li>• Deal with '<b>other cases</b>' in line with chapter 1 above</li> <li>• Deal with all selective licensing enforcement and advisory issues</li> <li>• Deal with all area based scheme contract matters</li> <li>• Record all relevant notes on Civica</li> <li>• Update EP Team on outcome of cases</li> </ul>

## Information Sharing

Both Teams will comply with the requirements of the Human Rights Act 1998 and Data Protection Act 1998 in accordance with Durham County Council policy.

Disclosure of personal data must be relevant and the minimum required for the purpose. No secondary use or other use of the data may be made unless the consent of the disclosing party to that secondary or other use is sought and granted.

## Implementation

On implementation of the protocol all staff will receive training to ensure they are aware of their role and responsibilities agreed within the protocol. Both the initial and any refresher training will be recorded. Officer competencies will be reviewed via the annual staff appraisal process.

## Review and monitoring

Lead officers will be assigned to the joint protocol by the Housing Regeneration Manager and Environment Protection Manager. The lead officers will meet monthly to discuss any issues that have arisen affecting the effective delivery of the protocol. An annual meeting will also be arranged to include all staff working under the protocol to ensure its continued effectiveness.

Lead officers will provide performance information and data relating to the protocol to the Housing Regeneration Manager and Environment Protection Manager at a quarterly meeting. The proposed content of the performance information reported to this meeting is contained in Appendix 3.

This protocol will be subject to an initial review after six months and thereafter annually or as agreed by all parties subject of this protocol.

Signed (Authorised signatory)

Name: Joanne Waller  
Position: Head of Environmental Health and Consumer Protection

Date

Signed (Authorised signatory)

Name: Sarah Robson  
Position: Head of Economic Development and Housing

Date

## Appendix 3

### Joint Operational Protocol between Environment Protection Team and Housing Regeneration Team concerning improving Housing Standards in the Private Housing Sector

#### Quarterly performance information

Indicator	Informal action	Formal action	Total
The number of properties improved as a direct consequence of local authority intervention in <b>regeneration</b> areas (private rented sector)			
The number of properties improved as a direct consequence of local authority intervention in <b>licensed</b> areas (private rented sector)			
The number of properties improved as a direct consequence of local authority intervention in <b>non-regeneration</b> areas (private rented sector)			
The number of properties improved as a direct consequence of local authority intervention in <b>regeneration</b> areas (owner occupied sector)			
The number of properties improved as a direct consequence of local authority intervention in <b>licensed</b> areas (owner occupied sector)			
The number of properties improved as a direct consequence of local authority intervention in <b>non-regeneration</b> areas (owner occupied sector)			
Sub total (total number of private rented sector properties improved)			
The number of private rented sector properties where poor management practice has been rectified as a direct consequence of local authority intervention in <b>regeneration</b> areas			
The number of private rented sector properties where poor management practice has been rectified as a direct consequence of local authority intervention in <b>licensed</b> areas			
The number of private rented sector properties where poor management practice has been rectified as a direct consequence			



of local authority intervention in <b>non-regeneration</b> areas			
Sub total (total number of owner occupied properties improved)			
The number of empty properties brought back into use as a result of local authority intervention in <b>regeneration</b> areas			
The number of empty properties brought back into use as a result of local authority intervention in <b>licensed</b> areas			
The number of empty properties brought back into use as a result of local authority intervention in <b>non-regeneration</b> areas			
Sub total (total number of empty properties brought back into use)			
Number of licences issued within selective licensing areas			
Percentage of licensable properties in selective licensing areas that are licensed			
Number of HMO licences issued			
Percentage of licensable HMOs that are licensed			