



Chartered  
Institute of  
Environmental  
Health

# Tackling Overcrowding in England

Response to discussion paper published by Department  
for Communities and Local Government

September 2006

# The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

Any enquiries about this response should be directed in the first instance to:

Andrew Griffiths  
Principal Policy Officer  
Chartered Institute of Environmental Health  
Chadwick Court  
15 Hatfields  
London  
SE1 8DJ

Telephone 020 7827 5838  
Email [a.griffiths@cieh.org](mailto:a.griffiths@cieh.org)

## 1. Introduction

- 1.1 The CIEH supports the case for a re-evaluation of the overcrowding standard and welcomes the recognition in the Consultation Paper of the significant adverse effects of overcrowding.
- 1.2 The key issue for the CIEH is the effect of overcrowding on the health and welfare of those who suffer from it. Measures to tackle it must be proportionate to the adverse health effects caused by it.
- 1.3 For this reason, the CIEH starts from a position of support for the principles of the Housing Health and Safety Rating System (HHSRS) – viz. the analysis and rating of the risk caused by the hazard of overcrowding (and the outcomes caused thereby) and the consequent prioritisation for action (i.e. dealing with the worst examples first).
- 1.4 Notwithstanding para 1.3 above, the CIEH believes that the Bedroom Standard is appropriate and should be used to inform judgments under the HHSRS (i.e. the standard should be afforded consequent legal status). However, one aspect of the standard is considered inappropriate viz. the fact that, under the standard, a young adult could share with a child of the same sex under 10.
- 1.5 A key outcome of this review should be clear statutory guidance from government to local authorities (LAs) and related agencies as to the value judgements which LAs may have to make as part of a prescriptive approach in deciding priorities for action.

## 2. General comments

- 2.1. A distinction has been drawn between overcrowding and density and this distinction should inform decision making about any future standard. An appropriate definition of density (which could be amended whenever necessary) is highly desirable.
- 2.2. The HHSRS is regarded by the CIEH as an appropriate tool to tackle overcrowding for a number of reasons:
  - 2.2.1. Use of the system will ensure there are no conflicting standards as other existing space standards would automatically be taken into account within the assessment.
  - 2.2.2. Assessment will give a rating to clearly show which households are in the most hazardous situations.
  - 2.2.3. The breadth of assessments will allow additional items to be taken into account that could never be allowed for within a standard. i.e. condition of the property, access to gardens, ceiling heights etc.
  - 2.2.4. The HHSRS would allow the introduction of a progressive approach to the application of standards e.g. re-housing duties could be triggered at say Band A initially but in time this could be revised to Band B and then C etc.
- 2.3. The CIEH believes that removing living rooms from the definition of sleeping accommodation is both desirable and appropriate.

- 2.4. Any quantitative standard that is introduced should apply equally to all housing regardless of tenure or ownership.
- 2.5. The CIEH regards the current situation in Part X of the Housing Act 1985 whereby those who overcrowd a dwelling are criminalised, as unacceptable and inappropriate, notwithstanding the defence of natural increase. The application of the HHSRS is a significant improvement in addressing this issue.
- 2.6. In the case of houses in multiple occupation (HMOs) we consider that it is appropriate to have specific and separate overcrowding powers. Bedsits and hostels are very different from single occupation dwelling houses and need powers that reflect this use. Any changes to the current statutory overcrowding standard are unlikely to be flexible enough to address the sleeping and living arrangements that are found in HMOs. It is inconsistent that national standards/guidance exist in respect of accommodation occupied by families whereas there are no such standards or guidance in respect of HMOs
- 2.7. A new definition of overcrowding
  - 2.7.1. The CIEH favours the principles of the bedroom standard (subject to the caveat in para 1.4 above) and believes that the proposals in para 3.4 (a) represent a logical and appropriate way forward.
  - 2.7.2. Any new definition of overcrowding should be aligned with the ideal set out in the HHSRS Operating Guidance. This should, however, be accompanied by specific revisions to the HHSRS Enforcement Guidance to give LAs unambiguous guidance as to how the HHSRS should be used to reduce overcrowding in line with the aspirations set out in the Discussion Paper and the proposed incremental implementation in para 3.4 (a). The incremental approach could be addressed by way of Circulars from the DCLG.
- 2.8. Increasing supply
  - 2.8.1. Increasing standards will place pressures on supply. The CIEH supports the Government's desire to reduce the use of temporary accommodation. However, it recognises that much of this accommodation is of good quality and that it houses many households for a significant number of years. With appropriate definitional changes to what is considered as 'settled' accommodation for the purpose of homelessness legislation, local authorities would be encouraged to purchase such accommodation for letting at market rents, initially, with a view to conversion to affordable rents when the majority of the debt is repaid. The CIEH urges the Government to introduce definitional changes to homelessness legislation to allow local authorities to easily pursue such schemes providing that suitable safeguards are built-in to ensure that economically active households are not placed in a 'poverty trap' through reliance on Housing Benefit.
  - 2.8.2. Various LA initiatives such as those which encouraged residents with spare rooms to rent them out have much to commend them. Government guidance should include reference to such examples of good practice and innovation which contribute to the increase of supply and thereby have the potential to reduce overcrowding.

- 2.8.3. More action is needed to enable first time buyers to purchase property, particularly in London. Young people often have no choice but to remain living with parents in overcrowded conditions. Shared equity schemes are a good method of addressing this situation but they need to be attractive and affordable.

## 2.9. Decent Homes Standard

- 2.9.1. The CIEH sees no merit in an overcrowding standard being part of the Decent Homes standard as is currently the case. The government's target that social landlords should achieve 100% compliance with the standard renders its inclusion illogical, for no social landlord can ever be sure that not one of its units is overcrowded. Keeping the Decent Homes standard focussed on property condition rather than occupation ensures that social landlords have an achievable target which they can be expected to meet.

## 2.10. Better use of the housing stock

- 2.10.1. The Government has introduced new measures in the form of Empty Dwelling Management Orders (EDMOs) to help reduce the number of long-term private sector vacant dwellings in England. The CIEH welcomed this initiative. The CIEH is concerned that the provisions place a significant financial risk on local housing authorities. The CIEH would like to see changes to the procedure to ensure that before a local authority embarked on a final EDMO that the 'management scheme' was approved by the Residential Property Tribunal and that accordance with this plan would preclude any legal challenge.
- 2.10.2. The CIEH believes that such a change, coupled with the use of existing powers of compulsory purchase, enforced sales etc, local authorities would have the powers to make a significant impact and should be specifically required to do so.
- 2.10.3. Larger families which are often found in black and minority ethnic (BME) communities often live in overcrowded conditions and are unable to move to larger accommodation. LAs should be encouraged and resourced to offer grants, loans or low cost equity release schemes to enable loft conversion or extensions to provide extra bedroom space.
- 2.10.4. Under occupation in the private sector is often caused by children leaving the family home. Older people are often reluctant to give up their home and all its memories even when it becomes too much for them. A combination of a reluctance to move, low income and small savings creates barriers and tends to result in owner occupiers staying put despite considerable equity in the property. More should be done to provide help and support to enable downsizing, including cash incentives or interest free equity release schemes. "Move-on" schemes developed by some home improvement agencies have contributed positively to addressing this issue.