



## OVERVIEW & SCRUTINY COMMITTEE

<b>Report Title</b>	<b>Statutory and Social Overcrowding</b>
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<b>Meeting Date:</b>	14 January 2020
<b>Accountable Cabinet Member:</b>	Councillor Stephen Hibbert

### 1. Purpose of this Briefing

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- 1.1 During the Overview & Scrutiny Review of Food Poverty, members of the Scrutiny Panel requested information about Statutory and Social Overcrowding and how overcrowded households are assessed under the Housing Allocations Scheme.
- 1.2 The purpose of this Briefing is to provide the Overview & Scrutiny Panel with the definition of Statutory Overcrowding (as set out in Part 10 of the Housing Act 1985) and an understanding of what is meant by 'Social Overcrowding'.
- 1.3 This Briefing also explains how overcrowded households are currently assessed under Northampton's Housing Allocations Scheme and describes the changes that will be recommended during the development of West Northamptonshire's Scheme.

### 2. Definition of Statutory Overcrowding

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- 2.1 Two standards – the '**room standard**' and the '**space standard**' – are used to assess whether a home is 'statutorily overcrowded' under Part 10 of the Housing Act 1985.
- 2.2 If either or both of these standards are breached, the home will be deemed to be statutorily overcrowded.

#### The Room Standard

- 2.3 Section 325 of the Housing Act 1985 specifies that there is overcrowding wherever there are so many people in a house that any two or more of those persons, being ten or more years old and of opposite sexes (and who are not living together as a couple) have to sleep in the same room.

- 2.4 For these purposes, children under the age of ten may be disregarded and a room means any room normally used as either a bedroom or a living room. A kitchen can be considered to be a living room provided it is big enough to accommodate a bed.
- 2.5 When interpreting this definition, a local authority looks at how the sleeping arrangements within the premises could be organised, rather than how they are actually organised.
- 2.6 This means, for example, that a man and a woman living as a couple with two children of opposite sexes and aged ten years or more who have two living rooms (for example, bedrooms) may not be statutorily overcrowded because each member of the couple could occupy a separate room with one of the children (of the appropriate sex).
- 2.7 Under Section 325 of the Housing Act 1985, there is no limit on the number of people of the same sex who can live in the same room. However, there may be a contravention of the space standard (see below).

### The Space Standard

- 2.8 The space standard involves the calculation (undertaken in two ways) of the number of people permitted for the dwelling. The lower number (of the two calculations) is the permitted number for the dwelling.
- 2.9 The **first test** is based on the number of living rooms in the dwelling (disregarding rooms of less than 50 square feet) and the following levels of occupancy:
- One room = two persons
  - Two rooms = three persons
  - Three rooms = five persons
  - Four rooms = seven and a half persons
  - Five rooms or more = ten persons plus two persons for each room in excess of five rooms
- 2.10 For the purpose of this test, a child below the age of one does not count and a child between one and ten counts as a half person.
- 2.11 The **second test** is based on floor areas of each room:
- Less than 50 square feet = no-one
  - 50 square feet to less than 70 square feet = half a person
  - 70 square feet to less than 90 square feet = one person
  - 90 square feet to less than 110 square feet = one and a half persons
  - 110 square feet or larger = two persons.
- 2.12 Northampton Partnership Homes' website contains advice on how housing applicants can establish whether or not they are statutorily overcrowded (see **Appendix 1**).

### **3. Meaning of Social Overcrowding**

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- 3.1 Although the term 'social overcrowding' is often used in Northampton, it is not a term that has any legal basis or definition.

- 3.2 It is understood that the term was first used many years ago to distinguish between statutory overcrowding and situations in which a household has fewer bedrooms than specified in the Housing Allocations Scheme Lettings Criteria (see **Appendix 2**).
- 3.3 'Social overcrowding' is not a term that is used by other local authorities. Many use the term 'overcrowding' to describe a situation in which a household has one bedroom less than they need, and 'severe overcrowding' to describe a situation in which a household has at least two bedrooms less than they need.

#### **4. Assessment of Overcrowded Households on Northampton's Housing Register**

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- 4.1 At present, households that are overcrowded but not statutorily overcrowded will only be able to join Northampton's Housing Register if they have other housing needs or their accommodation is having a serious impact on their health or wellbeing.
- 4.2 Housing applicants who are statutorily overcrowded and eligible to join the Housing Register and will be placed in the Emergency Band of the Housing Register.

#### **5. Development of West Northamptonshire's Housing Allocations Scheme**

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- 5.1 Work is underway to develop a new Housing Allocations Scheme for West Northamptonshire. This needs to be in place by 1 April 2021.
- 5.2 Officers from Northampton Borough Council and Northampton Partnership Homes have agreed that the new Housing Allocations Scheme should enable all overcrowded households to join the Housing Register if they are eligible.
- 5.3 Although consideration will need to be given to the merits of these and other changes, Officers are recommending that:
- Tenants of West Northamptonshire Council or partner Registered Providers who are living in West Northamptonshire, are severely overcrowded and have at least two bedrooms less than the number of bedrooms to which they would be entitled to under the Housing Allocations Scheme will be placed in **Band A** of the Register. This will take into account all rooms that can reasonably be used as bedrooms;
  - Tenants of non-partner Registered Providers who are living in West Northamptonshire, are severely overcrowded and have at least two bedrooms less than the number of bedrooms to which they would be entitled to under the Housing Allocations Scheme will be placed in **Band B** of the Register. This will take into account all rooms that can reasonably be used as bedrooms; and
  - Tenants of West Northamptonshire Council or partner Registered Providers who are living in West Northamptonshire, are overcrowded and have one bedroom less than the number of bedrooms to which they would be entitled to under the Housing Allocations Scheme will be placed in **Band B** of the Register. This will take into account all rooms that can reasonably be used as bedrooms; and

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### Information taken from Northampton Partnership Homes website [www.nph.org.uk/overcrowding](http://www.nph.org.uk/overcrowding)

## Overcrowding

It can be very stressful living in accommodation which is overcrowded.

There are many households across the town which have a lot of people living in them. Unless the overcrowding exceeds the government's standards, or you have other housing needs, you are unlikely to be accepted on to the Housing Register.

To check if your accommodation is overcrowded, NPH follows the same room standards and space standards defined by the Government's 1985 Housing Act.

If your household exceeds either the room standard or the space standard then you are likely to be overcrowded by law (statutory overcrowded).

## How to check for overcrowding

If you think you are overcrowded:

### 1. Calculate the number of rooms

All bedrooms and living rooms are counted as rooms you can sleep in. It does not matter which rooms you actually sleep in.

Your home should have a separate room to sleep in for each:

- couple
- single adult 21 or older
- two people of the opposite sex aged 10 or over

The government's room standard says your home is legally overcrowded if it does not have this.

Children under 10 years are not counted.

Under the room standard, a couple with a boy and a girl aged under the age of 10 in a one bedroom flat are not overcrowded.

### 2. Calculate the amount of space

This calculation gives the number of rooms that are enough for you and your family.

There are two ways you can work this calculation out:

- look at the number of rooms you have
- look at the floor area in your home.

The answer to each calculation will give you the number of rooms that are sufficient for you and your family.

If the answer is different for each, the lower number is used.

To count the number of people:

- don't include children under 1 year old
- children aged 1 to 9 years count as a half
- anyone aged 10 or over counts as one person

Count the number of rooms:

- include bedrooms and living rooms but don't include any rooms under 50 square feet.

Number of rooms

The number of rooms considered enough for your family is:

- 1 room for 2 people
- 2 rooms for 3 people
- 3 rooms for 5 people
- 4 rooms for 7.5 people
- 5 or more rooms for 2 people per room

Floor area

The minimum floor area considered enough for your family is:

- 50 - 69 square feet (4.6 - 6.4 square metres) for 0.5 people
- 70 - 89 square feet (6.5 - 8.3 square metres) for 1 person
- 90 - 109 square feet (8.4 - 10.1 square metres) for 1.5 people
- 110 square feet (10.2 square metres) for 2 people

**PROPERTY LETTINGS CRITERIA**

Accommodation will be let in accordance with the following criteria

<b>Household Makeup</b>	<b>Bedroom Assessment</b>
A single person	Bedsit/studio flat or 1 bedroom flat
A couple or an applicant who is pregnant	1 bedroom flat
A single pensioner or applicant who requires ground floor accommodation	1 bedroom flat or bungalow
Pensioners above the Pension Credit age who require ground floor accommodation due to support and proven medical reasons	1-2 bedroom flat or bungalow
A one child family	2 bedroom flat, maisonette or house
A two child family of the same sex or opposite sex if the child is under 10 years of age	2 bedroom flat, maisonette or house
A two child family of the same sex under 16	2 Bedroom flat, maisonette or house
A two child family with children of opposite sex and over the age of 10	3 bedroom flat, maisonette or house
A three child family	3 bedroom flat, maisonette or house
A four child family depending on the family make up	3 bedroom flat, maisonette or house 4 bedroom house
A five child family	4, 5 or 6 bedroom house
A six plus child family	4, 5 or 6 bedroom house

For the purpose of this lettings criteria, a child is someone who is under the age of 16 and therefore will be considered eligible for family accommodation.

Applicants with children aged 16 or over will only be considered for flats or maisonettes.

Applicants with children under the age of 16 can place bids for flats on any floor.