

HHSRS minefield for noise

Few councils seem to be making use of the admittedly complex legislation that enables noise issues to be tackled as a hazard to health. Lisa Russell reports.

Noise is one of 29 hazards identified in the Housing Health & Safety Rating System (HHSRS), which applies to all homes in England and Wales and can be used to enforce remedial work. Yet HHSRS rarely seems to be used to tackle noise issues.

HHSRS is a risk-based evaluation tool introduced to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It has been applied since 2006 and was introduced as part of the major changes to legislation brought in by the Housing Act 2004.

A chapter in a recent publication on housing looked at whether greater use could be made of the noise element of HHSRS as a toolkit for improving people's well-being and reducing the hazard to mental health. The section by Sanctum Consultants environmental health practitioner Nargis Kayani is published in *Effective strategies and interventions – environmental health and the private housing sector*, compiled by Dr Jill Stewart of the University of Greenwich for the Chartered Institute of Environmental Health (CIEH).

Kayani pointed out that all councils in England and Wales have had a duty under HHSRS to assess potential risks to the physical and mental health of occupants from exposure to noise inside a dwelling or within its curtilage. Yet inspections to identify hazards from noise remain low, as does council enforcement action. She considers that a different and more robust approach by councils could help minimise noise-related impacts to mental health and encourage well-being.

"The principle behind it is great – it is exactly what was needed," says Kayani. "I think it is a really innovative piece of legislation." But in practice, it isn't being widely used for noise. "I would say that more than 50% of environmental health professionals don't understand HHSRS and how it works," she says. Housing teams would be more familiar with it – though not necessarily with dealing with noise hazards.

The system adopts a health and safety approach, incorporating hazards that were already being taken into account in the workplace, such as the potential for falls if a staircase has no handrail.

Uses of the legislation for noise can include requiring improvements in places where poor insulation between dwellings gives rise to noise intrusion that is due to the construction of the property rather than any unreasonableness on the part of residents.

HHSRS assesses 29 categories of housing hazard and councils have the power to serve hazard awareness notices and improvement notices under the Housing Act 2004.

The system sets a statutory minimum standard for all dwellings in England and Wales regardless of who owns the property or lives there. All dwellings must comply with the requirement to be free from the most severe 'category 1' hazards. In practice, the main use tends to be in getting landlords to improve property for their tenants, and there tends to be a focus on private sector landlords.

Councils can invoke a range of enforcement options to reduce or eliminate hazards that are identified. This applies to noise just as much as the other 28 areas, which include cold, damp and mould, radiation, entry by intruders, food safety, water supply, falls, electrical hazards and structural collapse.

In her chapter in the *Effective strategies and interventions* publication, Kayani points out that as early as 2008 a study by the CIEH questioned whether HHSRS was being used effectively by councils. And a study in 2011 by Dr Stephen Battersby (Are private sector tenants being protected adequately?) noted that less than 10% of dwellings with category 1 hazards were dealt with in any year.

Kayani also cited an independent study based on Freedom of Information requests to 98 councils in London and the South East, which received responses from 89 and found that 81% did not conduct any inspections for hazards from noise. One council even responded that no inspections were conducted, as there are no hazards from noise within its area. Overall 95% did not take any enforcement action and only four notices were served.

HHSRS takes the line that noise can lead to psychological disturbance and physiological changes, resulting from annoyance and loss of sleep.

The 29 hazards are arranged into four sub-groups, with noise's psychological group also including space, security and light. In the context of HHSRS, noise covers threats to physical and mental health resulting from exposure to noise inside the dwelling or within its curtilage. Unlike some of the other hazards, such as damp or excess cold, no age group is seen as more vulnerable to noise than others. The government's operating guidance to HHSRS charts the average likelihood and health outcomes across people of all ages for noise in different ages of property. Overall, it says that there is 1 in 900

likelihood of harm, with none in the most severe class, 1% in the second most severe class, 9% in the third class and 90% in the least harmful class.

The guidance discusses the difficulties in assessing the true risks of noise. It also describes the causes of noise in the home and the differences in individual sensitivity and tolerance to different types of noise. It also talks about preventative measures, such as double or triple glazing, insulation of the roof space where aircraft noise is likely and issues relating to noise from plumbing.

Many factors are relevant to the likelihood of an occurrence and the severity of the outcomes. The guidance identifies the location of the dwelling, internal and external insulation, disrepair of windows or doors and the siting of plumbing, any noisy equipment or overly powerful door-closing mechanisms that result in banging.

While considerable attention is paid to damp and mould issues under HHSRS, this is not the case for noise, finds Kayani.

Yet HHSRS identifies both types of issue as resulting in similar classes of harm and for both the factors to take into account are similar. Equally, both are likely to arise in similar properties – a house with poor thermal insulation is likely to have poor sound insulation too. "I think that the reason why you have the discrepancy is that there has been a lot more research on damp and cold in terms of health effects," she says. Noise judgments end up being much more subjective.

The Housing Health Cost Calculator – which can be accessed via the BRE website – is a tool for calculating the health costs of hazards in homes, and the savings made where these have been mitigated or significantly reduced. The calculator was developed in partnership with RHE.

A lack of a strong evidence base for noise could perhaps make it difficult to prove health links scientifically if a case got to a tribunal, despite robust anecdotal evidence of lives blighted by the noise.

HHSRS features on both Sanctum's Noisedirect website and its sister site, HouseLet Direct. As the HouseLet Direct website points out, HHSRS is not a simple procedure and even council officers can struggle to understand the assessment process.

The Housing Act is very complex and the HHSRS process is very difficult to use, with a lot of work involved in getting to the point where a notice can be produced.

But this is no reason for ignoring it, says Kayani.

Environmental health officers dealing

with housing work may not have expertise in the technical side of acoustics; equally those in the noise team may lack confidence in using HHSRS. Some councils may choose to adopt a joint approach.

HHSRS looks at the likelihood of harm occurring and the severity of the outcome. Some age groups are deemed particularly vulnerable to certain hazards – the elderly to cold, for instance. For noise, no one group is considered more vulnerable than others. The underlying basis of the HHSRS is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. This means that a hazard to children, for instance, cannot be ignored simply because no children live there at present.

The system has detailed scoring that takes into account the age of the building and classes of harm. Essentially, a judgement has to be made about whether the property is better or worse than an average dwelling. HHSRS compares a property to the national average. This means, for instance, that consideration of noise levels under a flight path can't be dismissed as something that is to be expected.

HHSRS uses a formula to generate a numerical score. This is designed to allow the comparison of highly likely minor hazards and very unlikely major ones. Inspectors are required to make two judgments for each hazard. One is an assessment of the likelihood over the next 12 months of an occurrence that could result in harm to a member of the vulnerable group. The second is the range of potential outcomes from such an occurrence.

There are several stages in generating a

hazard score, beginning with inspection to identify defects or unacceptable conditions. Next comes the identification of which of the 29 HHSRS hazards the defect relates to, followed by how likely it is for the hazard to occur based on the severity of the conditions or defect. There are four classes of harm, from I (extreme) to IV (moderate), reflected in weightings from 10,000 to 10 that contribute to the final score.

The hazard score is then calculated, highlighting where action is needed. The higher the score, the greater the risk. HHSRS identifies 10 bands, from A to J, with hazard score ranges of 5,000+ down to 9 or less. A hazard assessed with a score of more than 1,000 comes into one of the top three bands – A, B or C – and councils have a duty to take action. There is more council discretion in dealing with the lower-scoring category 2 hazards.

One of the cases where HHSRS was applied was in dealing with a man's eight-year struggle to get respite from noisy neighbours. *Nelson's story* was published last year by the UK Noise Association (*Noise Bulletin April 2012 p8*). Sanctum undertook an HHSRS assessment relating to the psychological hazards from noise. The inspection and acoustic monitoring of conditions within the dwelling identified the existence of at least one category 1 hazard, requiring remedial action and/or statutory enforcement action.

It is hard to find much by way of specific noise-related HHSRS information from local authorities online, though there are many passing references. Bristol and Kensington & Chelsea are among the limited number of councils to have published any details about use of HHSRS in relation to noise.

It has long been made clear in Bristol City Council's private housing enforcement policy that the HHSRS under the Housing Act covers hazards from noise. The pollution control teams and private housing agreed a noise protocol between the two services for dealing with complaints about noise.

Bristol's website includes a training exercise that gives a good introduction to the kinds of things an assessment looks at. The training emphasises that HHSRS represents a shift from considering deficiencies for their own sakes to a consideration of the harm to health and safety they could cause. It takes the form of a series of rooms where you are invited to spot potential hazards, drawn from 10 of the 29. One relates to noise that could be propagated through a hole in the kitchen ceiling. The risk here is judged to be only slightly above the national average for a pre-1920 house in a typical condition even given the size of the hole and the fact there is no internal kitchen door. Any noise from this room is unlikely to be significant or of long duration and will not adversely or directly interfere with sleep, as neither of the first-floor bedrooms are vertically above the kitchen.

The government guidance also gives examples. For instance, it distinguishes between two windows a child could fall through – one on the ground floor, the other on the second. The likelihood of the child falling through is the same – but the outcomes would be greatly different, reflected in a hazard score of 7 (band J) for the ground floor and 1,016 (band C) for the other.

A presentation on HHSRS and noise by the Royal Borough of Kensington & Chelsea's Barry Ewing is available on the CIEH website. It emphasises that noise, as one of the 29 HHSRS hazards, covers both noise intrusion between dwellings and the intrusion of traffic noise, whether road, rail or air. It applies where the building is not capable of protecting the occupier against ordinary reasonable noise from neighbouring dwellings or the environment. Subjective sound insulation assessment provides information on which to base the HHSRS rating. The noise as described by the occupant can be simulated in the 'source' flat so that any intrusion to the property in question can then be assessed. Members of staff can swap roles and repeat the test, before writing it up and feeding it into the HHSRS assessment.

● Have you any experience of using HHSRS for noise? If so let us know email jackpease@empublishing.co.uk



There are several stages in generating a hazard score (HouseLet Direct)