

Public Document Pack

Mid Devon District Council

Homes Policy Development Group

Wednesday, 28 September 2022 at 2.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next meeting
Tuesday, 15 November 2022 at 2.15 pm

PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Zoom. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

Membership

Cllr G Barnell
Cllr J Bartlett
Cllr J Cairney
Cllr S Clist
Cllr D Coren
Cllr R Dolley (Chairman)
Cllr P Heal
Cllr S Pugh
Cllr R F Radford

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Meeting ID: 882 2347 3042

Passcode: 505750

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **Apologies and Substitute Members**
To receive any apologies for absence and notice of appointment of substitutes.
- 2 **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 3 **Declaration of Interests under the Code of Conduct**
To record any interests on agenda matters.
- 4 **Minutes** (*Pages 5 - 12*)
To consider whether to approve the minutes as a correct record of the meeting held on 26 July 2022.
- 5 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.
- 6 **Mid Devon Housing Service Delivery Report** (*Pages 13 - 30*)
To receive a report from the Corporate Manager for Public Health, Regulation and Housing providing an update to Members on enforcement and other activity undertaken by Mid Devon Housing.
- 7 **Briefing on the Social Housing (Regulation) Bill and changes to Social Housing Regulatory Regime** (*Pages 31 - 40*)
To receive a report from the Corporate Manager for Public Health, Regulation and Housing provide an update to Members of the PDG on the Social Housing (Regulation) Bill which will reform the regulation of social housing; and which will set out the terms of approved schemes for the investigation of housing-related complaints. This paper also provides some information on the subsequent report of the Levelling Up, Housing and Communities Committee report, published on 20 July 2022 alongside an informal presentation by the Social Housing Regulator in August 2022.
- 8 **Homes for Ukraine Scheme - update**
To receive a verbal update from the Corporate Manager for Public Health, Regulation and Housing on the Homes for Ukraine Scheme.
- 9 **Identification of items for the next meeting**
Members are asked to note that the following items are already

identified in the work programme for the next meeting:

- Public Sector Housing Fees and Charges
- Housing Assistance Policy
- Neighbourhood & Community Standard Policy
- Draft budget for 2023/2024
- HRA Service Delivery Report
- Briefing on Tenure
- Strategic Allocations Policy & Strategic Tenancy Strategy
- Empty Homes Plan
- Housing Strategy update and annual review (tbc)

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

Stephen Walford

Chief Executive

Tuesday, 20 September 2022

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Zoom.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on:

E-Mail: slees@middevon.gov.uk

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 26 July 2022 at 2.15 pm

Present

Councillors

R J Dolley (Chairman)
G Barnell, J Bartlett, J Cairney, S J Clist,
D R Coren, S Pugh and R F Radford

Apologies

Councillor

P J Heal

Also Present

Councillors

Mrs C P Daw, R M Deed, R Evans and B G J Warren

Also Present

Officers

Jill May (Director of Business Improvement and Operations), Matthew Page (Corporate Manager for People, Governance and Waste), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Claire Fry (Housing Services Operations Manager), Mike Lowman (Building Services Operations Manager), Tanya Wenham (Operations Manager for Public Health and Housing Options), Arron Beecham (Principal Housing Enabling & Forward Planning Officer), Tristan Peat (Forward Planning Team Leader), Michael Parker (Housing Options Manager), Siann Sandy (Housing Policy Officer), Sarah Lees (Member Services Officer) and Jessica Watts (Member Services Apprentice)

15 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr P Heal.

It was noted that Cllr G Barnell attended the meeting via Zoom and therefore did not take part in any voting.

16 PUBLIC QUESTION TIME

No questions were received from members of the public.

17 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

18 MINUTES

The minutes of the meeting held on 31 May 2022 were approved as a correct record of the meeting and signed by the Chairman.

19 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

20 PERFORMANCE AND RISK OUTTURN REPORT FOR 2021/2022 (00:05:00)

The Group had before it, and **NOTED**, a report * from the Interim Corporate Performance and Improvement Manager providing Members with an annual review of the Council's performance against the Corporate Plan, service objectives and targets for 2021/2022.

Discussion took place regarding:

- Junction 27 and why it was still being referred to as the 'Eden Project'? Government funding had been provided towards the site. There had never been any question of a Compulsory Purchase Order. A new planning application was being prepared.
- Officers should be congratulated for the exceptionally good rates of Business Rate collection.
- The Performance report was missing targets in relation to social and affordable rented housing. These had links to the Housing Strategy and needed to be reflected.

Note: * Report previously circulated and attached to the signed minutes.

21 TENANCY STANDARD POLICY FRAMEWORK (00:20:00)

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing. It was explained that all the policies falling under the umbrella of the Framework had been brought before the PDG previously and had been approved by the Cabinet. The Telecare Policy was a General Fund Policy and so was not included here.

Consideration was given as to whether there was a separate fund available in relation to the Decant Policy so that tenants did not incur any additional expense. It was confirmed that there was a budget set aside within the HRA.

RECOMMENDED to the Cabinet that:

The updated policies within the overarching Tenancy Standard Policy Framework as set out in Annex 1 be adopted.

(Proposed by Cllr S Clist and seconded by Cllr J Cairney)

Reason for the decision:

MDH is a social landlord and is registered with the Regulator for Social Housing (RSH), meaning that it is a Registered Provider (RP). The RSH sets consumer standards and the Tenancy Standard is one of these. The role of the regulator is to intervene where failure to meet the standards has caused, or could have caused, harm to tenants. Agreed housing policy provides a framework for decision making which ensures that customer-facing teams deliver consistency in the discharge of

duties to support good housing management. This ensures that both properties and tenancies are managed effectively and reduces reputational risk.

Note: * Report previously circulated, copy attached to the minutes.

22 HOUSING STRATEGY 2021-25 PROGRESS UPDATE (00:25:00)

The Group received, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing providing an update on the Housing Strategy 2021-25.

The following was highlighted within the report:

- The Strategy had now been approved and it had been agreed that regular updates would be supplied to the PDG.
- There would be an all Member Briefing on the Mid Devon Housing Development Plan in early September. A working group with multidisciplinary leads had been established to bring the plan forwards.
- 90% of the objectives within the Strategy were on track.
- A full update report would be brought to the November meeting of the PDG.

Discussion followed with regard to:

- Disappointment that the St. Andrews estate development, despite being given planning approval, had not progressed. Shapland Place also remained derelict. Conversations had been had with Homes England regarding funding previously and a lot of work had taken place to try to progress this but it appeared that no progress had been made. The following questions were asked in relation to this and answers provided:

a) Question: Why had there been no progress on the two applications?

Answer: All the units were being built in a factory elsewhere and were 50% complete. Delivery was expected by December 2022.

b) Question: Why had there been no additional planning applications in the last 4 month period despite funding being available?

Answer: More information would be provided at the all Member briefing on the Mid Devon Housing Development programme in early September.

c) Question: What progress had been made with Homes England?

Answer: The previous contact with Homes England had left, however, a new submission for funding would take place by the end of the week. The Council would need to wait 3 or 4 weeks for the result.

- Whether the target in relation to 'The supply of new market homes in Mid Devon' should be adjusted since current results were not on track to meet this? It was explained that the target of 393 homes had been derived from the adopted Local Plan and included all new homes across the district, not just the

local authority. Investigations were being undertaken so as to establish the reason for this which might include factors such as shortage of labour, materials, Community Land Trusts and self builds. Benchmarking exercises were being undertaken to help understand the situation further. It was confirmed a considerable number of builds were in the pipeline.

- The need for this report to be cross referenced with the performance report since information in relation to affordable housing and social rented housing didn't quite match up. An explanation from the Cabinet Member for Housing and the Corporate Manager for Public Health, Regulation and Housing needed to be given to the PDG.
- The report was also missing information on the Homes for Ukraine Scheme and the housing of refugees.
- The importance of the Local Housing Needs Assessment (LHNA). Members had received a presentation on this but the report did not provide any detail on what was planned. It was explained that the LHNA was almost complete and would inform the Mid Devon Housing Strategy. It would be a valuable document providing an evidenced set of data and it would provide an opportunity for Members to discuss how it affected future policy.
- The need for more Gypsy and Traveller sites.

Note: * Report previously circulated, copy attached to the minutes.

23 HOMES FOR UKRAINE SCHEME UPDATE (01:11:00)

The Group received, and **NOTED**, a verbal update on the Homes for Ukraine Scheme from the Operations Manager for Public Health and Housing Options. This included the following update:

Numbers and re-matching

- Numbers of hosts/properties matched to Ukrainian guests continues to rise – weekly DCC updates via national portal
- 97 hosts/properties matched to 195 guests as of 25 July – Not all have arrived yet.
- Guests have arrived at 66 properties so we have 155 guests hosted in Mid Devon at present.
- 96 of 97 properties inspected. The team have been working very hard to achieve this on top of the normal day job.
- Re-matching demand is relatively low (host/guest arrangements ending early) and single figures but we are starting to see an increase due to the rural location of some hosts. People want to be closer to employment, services and schools and on a bus route so they don't have to rely on the host to drive them or find the money for a car.
- All unmatched hosts registered locally have been contacted as potential expressions of interest for-re-matching but responses have been low. Those that have responded are being reviewed in terms of the location of the property and the type of accommodation. Those in the most sustainable

locations are being inspected first and we are trying to avoid the need for further rematches.

Commissioned support locally – external and internal

- Welcome visits and support/case management is in full swing via commissioned voluntary support - as previously reported CHAT are working with the Devon Ukraine Assoc. The number of guests needing a visit means we have expanded the contract to include additional resource for initial visits and follow-up visits
- Specialist CAB support is in place for benefits claims especially Universal Credit and housing law
- Reviewing additional, money management (Money Maze) support and training via the charity Navigate
- Pressure on internal teams has meant inspections and scheme administration has been impacting on other statutory service delivery – now utilising HfU scheme funding to recruit temporary business admin and technical housing posts

Finance

- Funding for Q1 of the scheme has been received from DCC under agreed financial arrangement based on numbers and payments out. Further Q2-Q4 returns and payments in due course
 - 60% of £10.5k per refugee (DCC 25%, 15% contingency for all) which includes £200 subsistence payment per head
 - 100% of monthly £350 host 'thank you' payments
 - Q1 payment of £640K banked
 - Committed spend to date inc. some Q2 expenditure and existing staff time is around one-third of funding received so far @ £235k

Team Devon

- The Corporate Manager for Public Health, Regulation and Housing continues to lead and provide support into Team Devon level work (DCC and all Districts):
 - Fortnightly meetings to review delivery/risks and ensure consistent Devon approach – link back into MDDC delivery team
 - Reviewing a Devon-wide exit strategy around pending housing/accommodation pressures once hosting ends – joint solutions (work in progress)
 - Bus travel for HfU negotiated with all major and some local operators across County – packs on 10 day rider return tickets per person, ideally for use for essential visits e.g. DWP/interviews but flexible
 - Negotiated strong offer with Petroc for summer holidays and longer-term programme inc. Tiverton campus. Activities include:

- Summer programme (get to know - family cookery, arts and crafts, physical activity, trips to local attractions)
- 1:1 support from Adult Success Coaches
- ESOL (English language) support ranging from basic English for beginners to more advanced
- Employment and subject specific English language
- Online resources
- Identifying qualifications and professional certification – how to gain equivalency in UK
- Careers fair plus self-employment & entrepreneurship taster sessions
- Supervised age-appropriate play, sports, forest school and outdoor learning sessions
- Prep for school
- Advice and triage for longer-term needs
- Access to other funding streams and support
- Participant travel costs
- The Petroc offer and the various informal network events will help support transition to sustainable residency (employment, language, skills, accommodation, schools etc) and help during summer holiday period – likely to be testing for some host/guest relationships
- Continue to engage with DLUHC, LGA and DCN on scheme roll-out, pressures and risks and updated national guidance etc

Consideration was given to:

- Any support and help that elected Members could provide especially through Petroc.
- What next? Currently there was no end in sight to the war, therefore there was a need to begin to plan for the housing needs of a significant number of refugees on a potentially long term basis. Team Devon needed to treat this as a priority.
- How hard the Mid Devon team had worked and continue to work to support this scheme whilst still doing the 'day job'.
- The importance of employment for the refugees.

It was **AGREED** an all Member briefing was needed on this subject as soon as possible.

Note: Cllr G Barnell declared a personal interest in that he was himself a matched 'host'. He also provided some training to Ukrainian refugees.

24 **HOUSING INITIATIVES PROJECT - PURCHASE OF HOUSES IN MULTIPLE OCCUPATION (HMO'S) FOR TEMPORARY ACCOMMODATION (01:43:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing seeking agreement to purchase either one or two houses in multiple occupation, currently in the private rented sector, for use as temporary accommodation and for rough sleepers.

It was agreed that discussion with regard to the report should take place in private session and it was therefore:

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and Part 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

Returning to open session it was:

RECOMMENDED to the Cabinet that:

- a) Option 2 – to purchase one property – Scheme 1 - be approved as the preferred option in terms of size, location and ongoing maintenance.
- b) That full funding is utilised from Earmarked reserves (EMRs) as set out in Section 3.3 of the report.

(Proposed by the Chairman)

Reason for the decision:

The project and its outcomes are supported by the current Housing Strategy 2021-25. In particular the aim of the project is to reduce the current spend on B&B as temporary accommodation and to provide accommodation with support for rough sleepers and those at risk of rough sleeping. The project will be supported utilising external grant funding and earmarked reserves.

Notes:

- (i) * Report previously circulated; copy attached to the minutes.
- (ii) Cllr S Clist declared a pecuniary interest as he owned a rented property and had business dealings with the agent who had valued the properties in question. He therefore left the meeting for the duration of the discussion and did not take part in the vote.
- (iii) Councillors R J Dolley, S Pugh and R F Radford declared personal interests in that they also owned property that was rented out, either currently or in the past.

25 **COUNCIL TAX SECOND HOMES AND LONG TERM EMPTY BRIEFING PAPER (02:45:00)**

The Group had before it, and **NOTED**, a briefing paper * from the Corporate Manager for Revenues, Benefits and Recovery providing information in relation to Council Tax and Second Homes and Long Term Empty Homes.

An updated paper had been provided and this would be attached to the minutes.

Consideration was given to:

- Whether Air B&B's would be included as part of this.
- The number of holiday lets and the threshold for Business Rate relief meaning a potential loss of income to the Council.
- The difficulties involving in 'policing' this area.
- The current efforts being made to collate and track the data.

Note: * Briefing paper previously circulated; copy attached to the minutes.

26 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:58:00)

In addition to the items already listed in the work programme for the next meeting the Group requested that it receive an update in relation to:

- The Home Share Scheme

(The meeting ended at 5.15 pm)

CHAIRMAN

HOMES POLICY DEVELOPMENT GROUP 20 SEPTEMBER 2022

MID DEVON HOUSING SERVICE DELIVERY REPORT

Cabinet Member(s): Councillor Stuart Penny
Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Reason for Report & Recommendation: To provide an update to Members on enforcement and other activity undertaken by Mid Devon Housing.

Recommendation: That Members note the report

Financial Implications: The activity of the landlord service, known as Mid Devon Housing (MDH) is accounted for with the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls.

Budget and Policy Framework: Policies agreed by the Homes Policy Development Group govern the work of the landlord service. The HRA is funded in large part by rental income and therefore maintaining the revenue stream must be a key priority for the Housing Service. Nonetheless, this report makes no budget or policy recommendations.

Legal Implications: The Housing Act 1985 applies with regard to the management of Council housing. The relationship with tenants is set out in our Tenancy Agreement. This details the rights and responsibilities of both parties including those obligations relating to repairs. The tenancy agreement also takes account of other relevant legislation including that which amended the original Housing Act, the Localism Act 2011 and the Anti-Social Behaviour, Crime and Policing Act 2014.

Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Bill is currently on its way through Parliament and, once implemented, this will impact the regulatory framework for social housing with the aim of giving tenants a greater say in service delivery.

Risk Assessment: The Council has approximately 3,000 homes in management which represents a huge investment. Failure to provide an effective housing management service has the potential to result in failure to meet legal and statutory obligations including those relating to health and safety issues, repairs obligations tenancy fraud, and reputational issues which could result in our tenants feeling stigmatised. Failure to collect rental income could impact the ability to fund necessary management and maintenance activities.

Equality Impact Assessment: There is a suite of housing related policies. The use of these helps to ensure that Service delivery is consistent and fair. These are subject to ongoing review with the aim of more closely aligning them with the regulatory standards as set out in the Regulatory Framework for Social Housing. There is a regulatory requirement for registered providers of social housing to tailor their service to meet the needs of the tenants and the diversity data is requested from tenants at sign up to enable compliance to be monitored

Relationship to Corporate Plan: Homes and the environment are a priority for the Council and this includes increasing the supply of affordable homes in the District and also supporting and growing active tenant engagement

Impact on Climate Change: We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework, the Council offers a menu of involvement which provides opportunities for tenants to get involved in Service delivery. We will be reviewing our offer to tenants with regard to their involvement in the running of the Housing Service and as part of this we will be looking at ways to allow people to get involved online thereby reducing travelling expenses. We use social media to promote sustainability and publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

With regard to the homes in our management, our repairs and improvements strategies are informed by the need to reduce carbon emissions with a decarbonisation programme; and the need to reduce fuel poverty is also a key consideration.

1. Introduction

- 1.1 Mid Devon Housing (MDH) has approximately 3,000 homes in its management. Responsibility for repairs and maintenance lies with the Operations Manager for Building Services. The Operations Manager for Housing Management oversees work relating to income recovery, tenant engagement, and tenancy and estate management.
- 1.2 Annexes 1 to 3 in this report show performance against certain indicators during Q4 of 2021/22 (that is, during the three months starting on 1 January 2022) and also the position at the end of the year, that is, at the end of March 2022.
- 1.2 Annexes 4 to 6 show a range of different activities during Q1, that is, the period from 1 April 2022 until 30 June 2022.

2. Regulatory changes and impacts and focus

- 2.1 As highlighted in the previous service delivery report (Homes PDG March 2022), the regulation of social housing providers is going through a period of unparalleled change leading to the implementation of a much more proactive regulatory regime that firmly places the tenant at the very heart of what we do. In doing so it places an even greater emphasis on engagement / transparency alongside performance and the provision of information.
- 2.2 Within the particular context of service delivery and performance, further influencing how we measure core service delivery in the future are the new Tenant Satisfaction Measures (TSMs). These TSMs will provide data about social housing landlords' performance and the quality of their services. As such, they will be national benchmarks that are intended to help tenants hold their landlord to account and help RSH in its future proactive consumer

regulation role, as part of implementing the package of changes to consumer regulation set out originally in the Social Housing White Paper.

2.3 TSMs will be mandatory and apply to all social housing landlords, including local authorities, housing associations and other registered social housing providers over a certain size and will therefore apply to Mid Devon Housing. The Government have now closed its recent consultation on the draft TSMs which put forward some 22 proposed measures across the five themes within the Social Housing White Paper:

- keeping properties in good repairs
- maintaining building safety
- effective complaints handling
- respectful and helpful tenant engagement, and
- responsible neighbourhood management.

2.4 In setting out some early feedback on this consultation, the RSH has been clear that it's focus will be consumer-led and place the greatest emphasis on tenant satisfaction and communication, property safety, decent homes and stock management/sustainability, repairs performance and complaints management rather than on the more traditional measures such as void times, debt recovery or high profile projects such as new build development programmes. Landlords will be expected to move their own focus to work consistency with this.

2.5 Furthermore, the RSH has indicated it will be looking closely at how social landlords develop their staff and sector professionalism alongside how they understand their tenants as well as their stock in order ensure the voice of the silent majority of tenants including the most vulnerable is heard.

2.5 Legislation is in place to implement the TSMs with the RSH anticipating publishing a definitive statement in Q3 of this year. The regulator has confirmed that data collection under the TSMs must commence from April 2023 for the year 2023/24 with first reporting from April 2024.

2.6 As result of the above, a new format for reporting our overarching performance in the future will be informed by the consultation outcomes and further guidance from the RSH and therefore remains in development presently. Nonetheless, the RSH have indicated they expect social housing providers to develop a public facing, tenant friendly performance dashboard incorporating the TSMs as well as any other local performance metrics that will be useful for tenants to hold it account. This dashboard will therefore need to be developed in direct consultation with our tenants as well as members whilst taking into account the regulators formal requirements.

2.7 Over time, given the changes being implemented by the new regulatory regime, the TSMs and wider requirements of the RSH there will be an opportunity to use the emerging dashboard and updated Annual reports to bring routine performance reporting into one place under a shared platform. We can use this platform to communicate coherently and consistently to tenants, members and the regulator how well we are performing in way we've not done so before. As part of this we are exploring the use of 'infographics' to present information in an accessible and user-friendly way.

- 2.8 It should be also noted that the statutory Decent Homes Standard is also currently under review and is likely to be expanded to include decarbonisation and further safety measures under the provisions of the Social Housing White Paper and subsequent Bill.
- 2.9 All of these changes set out above will combine to set out an unprecedented level of change. This change represents a fundamental rethink of what is important within social housing that both staff and members will need to embrace in order to provide effective assurance to tenants and continue to improve service delivery.
- 2.10 In the meantime, following on from the previous report, Members are asked to note the following performance information which shows how the different teams are performing generally in relation to core areas of work that will always have a level of relevance around managing tenancies, income and keeping the homes in our management safe and well maintained.

2021/22 out-turn including Q4 data:

- Annex 1 – Tenancy enforcement activities
- Annex 2 – Tenancy safeguarding activities
- Annex 3 – Building repairs and maintenance

2022/23 Q1 to date:

- Annex 4 – Tenancy enforcement activities
- Annex 5 – Tenancy safeguarding activities
- Annex 6 – Building repairs and maintenance

- 2.11 In addition to providing PDG members with this regular quarterly service report, more in-depth information is available in our month-by-month service performance report as well as our Annual Report which are published on our website at <https://www.middevon.gov.uk/residents/mid-devon-housing/your-community/our-performance/>. These reports also contain data that cross-references to the indicators and performance information reported here.

3. Performance activity, priorities and challenges

3.1 Tenancy teams

- 3.1.1 The Neighbourhood team is divided in to two. Those Neighbourhood Officers working within the team responsible for tenancy and estate management are largely required to deliver performance associated with the responsibilities set out in the Neighbourhood and Community Standard.
- 3.1.2 Those employed to manage income are bound to maximise income, as much as possible. The existing Rent Standard applies to rent setting, and the work of the Neighbourhood Officers who are tasked with rent collection is governed by housing-related law and the provisions of the tenancy agreement. They report to the same Neighbourhood Team Leader as the Allocations Officers.

This results in the better management of risk as the team can flag any particular issues associated with affordability which may impact new tenants.

- 3.1.3 The Allocations Officers are expected to allocate and let homes in such a way as to minimise void loss, whilst at the same time ensuring that any risks associated with new tenants are mitigated. These will include those associated providing quality accommodation that can be treated with respect through to challenging behaviour as well as issues arising from a potential inability to sustain a tenancy. In such cases, the team can identify any support needs, as required.
- 3.1.4 Devon Home Choice (DHC) is the system through which homes in our management are allocated and let. It provides a needs assessment framework and enables housing applicants to bid for homes suitable for their needs, and in their areas of preference. The aim of DHC is to deliver sustainable communities where people want to live. The policies contained within our Tenancy Standard Framework relate to this area of work; these include the MDH allocations policy, which must be read alongside the DHC policy, the tenancy management policy and the decant policy. It should be noted that there are provisions within the policy framework to enable Officers to effectively tackle tenancy-related fraud, which is a key requirement as stated within the Regulator of Social Housing's (RSH's) Tenancy Standard.
- 3.1.5 During the latter part of 2021/22, there were challenges in terms of resourcing the Neighbourhood teams. To a large extent these mirrored challenges being faced across the Council and the Public Sector more broadly around recruitment and retention, however the impact was disproportionately high in specific teams within Mid Devon Housing and continued during Q1 of 2022/23.
- 3.1.6 In particular, those team members required to manage tenancy and estate issues were affected although staffing is finally more stable following the addition of a new Neighbourhood Officer role to the establishment for 2022/23 and the recruitment to that role and a further 3 roles within the team.
- 3.1.7 During Q1 of 2022/23, the headcount in the teams managed by the Operations Manager for Housing Management was 24 and the turnover rate was 8.33% compared to a turnover rate of 4.09% across the whole of the Council. Some of this can be attributed to the positive changes seen within the service over the last 12 months following the restructure which is designed to prepare the landlord service for a new, proactive regulatory regime (under the Social Housing Bill) and to bring both sides of the business together to work more closely. Officers in the tenancy teams did not take a lot of annual leave during Q1 highlighting a commitment to ensuring service delivery continued during a turbulent period, as far as resourcing was concerned.
- 3.1.8 Officers in the Estates team, that are dedicated to work associated with tenancy and estate management, continued to work in a very reactive way during Q4 of 2021/22 and Q1 of 2022/23. This saw the team need to continue to prioritise work relating to safeguarding, issues arising from serious anti-social behaviour and health and safety concerns. This is reflected by the lack of activity reported in Annexes 1 and 4, 2 and 5. Sometimes, the work

involved in managing delicate and sensitive cases cannot be measured by performance indicators alone. Attendance at Early Help triage meetings, Team around the Family meetings (TAFs), multi-agency meetings, including MARAC, and a regular Police liaison meeting is hugely time-consuming whilst at the same time supporting inter-agency working relationships. Furthermore, such activity mostly delivers good outcomes for service users; however, it is difficult to reflect that time where Officers are actively engaged with other partners in support of problem-solving by figures in statistical information.

3.1.9 With regard to income recovery, our tenants continue to try to work collaboratively with our tenants in an effort to support them to sustain their tenancies and to deliver more cohesive communities. The Neighbourhood Officers in the income team work closely with other partners including the Department of Work and Pensions (DWP), local advice agencies in the District and more widely, as well as colleagues in our Revenues and Benefits Service.

3.1.10 The income stream is being impacted by cost of living rises and also by the continued migration of those in receipt of benefits onto Universal Credit. Rent debt is increasing; at the end of Q4 (2021/22), it stood at 2.04% of annual rent debit, and at the end of Q1 (2022/23), it stood at 2.42% of annual rent debit.

3.1.11 The Courts are now working through their backlogs and it is beginning to get easier to refer cases and have them heard. Nonetheless, any eviction is seen as a last resort but in cases where someone is failing to engage, sometimes action needs to be escalated in an effort to make someone understand the seriousness of the matter. The one eviction on the grounds of rent arrears reported in Q1 of 2022/23 relates to a case where the tenant could not return home and where this was used as a mechanism to bring about the ending of the tenancy quickly.

3.1.12 The Allocations team has been hit by resourcing issues but is now back to full capacity (there are two Officers in the team in line with the provisions of the establishment) with an additional Officer working on a temporary basis to manage mutual exchanges. One Officer, supported by her line manager, and another Officer with relevant experience, who did some additional work in relation to the management of allocations, was required to juggle priorities during Q4 of 2021/22 and into Q1 of 2022/23. We are hoping to see performance improve to a large extent now that the resourcing issues have been resolved and when the new Officer has completed her induction and training.

3.2 Repairs and Maintenance teams

3.2.1 The Building Service is required to manage repairs and maintenance, all the work designed to ensure that health and safety issues are minimised, and to develop new homes on brownfield sites. The work of this service is largely governed by the need to meet the requirements of the existing Home Standard within the regulatory framework.

3.2.2 The Building Service has seen its own pressures in terms resourcing and turnover of staff. However there has been recent success in appointing into

difficult to fill roles. Recent changes in the Technician posts has resulted in the advertisement of a new Electrical Technician at a new grade, with the bulk of existing technicians moving to the new roles. Advertisement is also out for an apprentice to join the team, which follows the recent advertisement of two 'trade' based apprenticeships. The recent resignation of the Office Manager has resulted in advertisement of the post.

3.2.3 In addition to these staffing pressures and changes, the availability of key materials continues to be problematic leading to longer lead times for some core supplies which turn may impact works performance in all areas of activity (voids, planned maintenance, decarbonisation / modernisation works and reactive repairs whether delivered in-house or via an approved contract.

3.2.4 The Voids team continue to achieve high levels of performance against records levels of voids coming into the service. In this regard, members will be aware of an ongoing separate process and policy review of the voids that is considering the rolling balancing act of achieving efficient void turnaround times against repair damage and unapproved modifications by previous tenants, cosmetic refurbishment and redecoration alongside stock modernisation and undertaking key new safety or decarbonisation works or make land available for redevelopment to build more Council Houses. The review and its recommendations is due for completion in October for reporting into the PDG in November.

4. Combined resourcing pressures and solutions

4.1 Overall, those changes and challenges set out above together with a combined turnover and recruitment challenges has resulted in a current vacancy rate of 14 FTE or around 15% of staff across Mid Devon Housing. This puts a stress on existing teams to cover work and meet increasing needs in a way that will not be sustainable in the medium-long term.

4.2 Where we can we are seeking solutions including temporary staff and contractor cover and triaging service delivery as effectively as possible. This is alongside a process of reviewing roles/job descriptions to ensure pay grades remain current, fair and relevant within a balanced housing revenue account and the existing job evaluation framework whilst also seeking to 'grow our own' through more apprenticeship roles. The service team and operational leads work closely with all our staff to help manage pressures, provide opportunities to develop and work together to create a supportive environment.

4.3 We have also restructured much of the service bringing teams together the newly unified Mid Devon Housing banner and increased resource in new areas in preparation for the new regulatory regime which the teams have very much welcomed and responded positively towards.

4.4 Nonetheless, in common with other local authority registered providers, we remain pressured where delivery demands and costs continue to rise all within the context of increasing regulation and intervention alongside rising numbers of complex cases and challenging tenancies. This is combining to place more pressure on staff and in a recruitment and retention arena where we remain

uncompetitive (at least in take-home salary terms) in comparison with private sector housing associations who are competing for the same staff.

- 4.5 Despite this, the strong level of performance the MDH service has achieved as set out below is hugely welcome and testament to the commitment and professionalism of our teams.

5. Performance headlines

Tenancy enforcement including Anti-social behaviour and safeguarding

5.1 2021/22 out-turn

- 5.1.1 The level of formal interventions is below average. However, the focus on early interventions and 'informal' activity is creating better outcomes around complex cases. Such interventions include the Early Help triage meetings, Team around the Family meetings (TAFs), other multi-agency meetings and a regular Police liaison meeting whilst hugely time-consuming are increasingly important and also support key inter-agency working relationships and partnerships.

- 5.1.2 Safeguarding referrals remain at a stable level compared to previous years.

5.2 2022/23 Q1

- 5.2.1 Limited data but encouraging evidence of proactive work around potential tenancy fraud and with ASB. Rent arrears continue to rise slightly despite the proactive activity of the team due to cost of living pressures and increased migration across to Universal Credit.

Building repairs and maintenance

5.3 2021/22 out-turn

- 5.3.1 Decent Homes Standard for our properties and estates is very close to target.

- 5.3.2 Emergency, urgent and routine repairs are all at or above target.

- 5.3.3 All core safety standards are at or very close to target. Where there is gap below target this is due to small number of properties where tenants are persistently refusing access and we are having to take formal action.

- 5.3.4 Void activity and performance remained high with the number of void properties stabilising over the year. This is despite the overall number of void presentations rising sharply, especially in Q3 and Q4 of the year.

5.4 2022/23 Q1

- 5.4.1 Repairs performance remains very strong and continued efforts to target hard to access properties where safety checks are due. Voids have increased overall due to unprecedented numbers being presented to the team. Above

average numbers are being returned for re-letting (allocation) to manage the situation and resourcing is being considered under the ongoing voids review.

6. Recommendation

6.1 Members are recommended to note the report.

Contact for more Information: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing snewcombe@middevon.gov.uk

Circulation of the Report:

Members of the Housing PDG
Cllr Stuart Penny, Cabinet Member for Homes
All Leadership Team
All Corporate Management Team
Group/Operations Managers
Legal Services

Further information:

Mid Devon Housing Strategies and Policies:
<https://www.middevon.gov.uk/residents/mid-devon-housing/help-and-support/strategies-and-policies/>

National Regulatory Framework for Social Housing:
<https://www.gov.uk/government/collections/regulatory-framework-requirements#regulatory-standards>

Service Delivery – Enforcement Activities

Neighbourhood & Community Standard – Housing Revenue Account – Estates Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Fraud cases opened	0	0	0	0	0	There was a high turnover of staff in this team during the whole of 2021/22. New staff recruited had transferrable skills and knowledge but no direct experience of housing management and therefore the team had to focus on management of key priorities including safeguarding, the management of serious anti-social behaviour and health and safety issues.
Fraud cases referred to an external investigator	0	0	0	0	0	
Acceptable Behaviour Agreements signed	2	1	0	0	3	The nil return for Qs 3 & 4 reflects the fact that there were real staffing issues over the six months and those experienced Officer were required to deal with more pressing priorities including more serious issues involving anti-social behaviour.
Good Neighbourhood Agreements signed	2	0	0	0	0	
Community Protection Notice warnings issued	0	0	0	0	0	
Community Protection Notices issued	0	0	0	0	0	
Possession Actions commenced on grounds of ASB	0	0	0	1	1	The management of serious anti-social behaviour can be delicate and tricky. There is a need to work in partnership with other agencies including the Police and those which work with vulnerable children, families and adults. Tenants must be given every opportunity to modify their behaviour and any action taken must be both reasonable and proportionate. The figures do not reflect the amount of work undertaken throughout 2021/22 but some of this work is now coming to fruition and it is expected that the outcomes will be reflected more in the performance data for 2022/23.
Closure Orders – obtained	0	0	0	0	0	
Injunctions sought	0	0	0	0	0	
Evictions on grounds of anti-social behaviour/ other tenancy breach	0	0	0	0	0	

Income Recovery – Housing Revenue Account – Income Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Current dwelling rent arrears at Q end %	1.53	1.46	2.10	2.04	2.04	There was a large increase in the level of the arrears during the year but some of this can be explained by cost of living increases. Furthermore, welfare reform has meant that many tenants have migrated from Housing Benefit (HB) onto Universal Credit (UC). To put this into context, there were 690 current tenants receiving UC at the end of 2020/21 and this increased during 2021/22 to 836 at the end of 2021/22. Tenants in receipt of HB are paid by way of rebate directly onto their rent accounts on a weekly basis. Tenants in receipt of UC are mostly paid directly four weekly in arrears, and are required to make payments themselves once they have received their housing costs as part of their larger UC payment. Staffing in the team was relatively stable during the year.
Notice of Seeking possession served	35	23	12	29	99	Notices of Seeking Possession are served to highlight to tenants that they owe rent with the aim of prompting engagement. Following the pause on possession action at the start of the pandemic, Officers started serving these again in line with policy and procedure in order to make tenants aware of the tenancy breach, and in an effort to establish contact with those who may be experiencing financial difficulties. It should be noted that there was an extended notice period applicable from the start of 2021/22 which only ended on 25 March 2022. There were changes in the amount of notice required with six months' notice being required until 31 May 2021. The restrictions changed as the year progressed.
Judgement obtained	1	0	0	0	1	Since the start of the pandemic, our Officers have tried to reach out to those experiencing financial issues in an effort to help them to better sustain their tenancies. During 2021/22, there was an eviction ban until 31 May 2021 to safeguard vulnerable people during the pandemic. Evictions are seen very much as a last resort and are mostly used in cases where the tenant has abandoned the tenancy.
Warrants issued	0	0	0	0	0	
Evictions on grounds of rent arrears	1	1	0	0	2	

Service Delivery – Safeguarding Activities

Neighbourhood & Community Standard – Housing Revenue Account						
	Q1	Q2	Q3	Q4	YTD	Comments
Domestic abuse cases opened	1	1	1	0	3	These statistics reflect the priority given to resolving serious issues even at a time when staffing issues were impacting the Neighbourhood teams.
Domestic abuse cases referred to Multi-agency Risk Assessment Conference (MARAC)	0	0	0	0	0	Although there were no referrals made, it should be noted that those Neighbourhood Officers who work in the Estates team now attend the MARAC on a weekly basis in order to assist in cases involving MDH tenants.
Safeguarding referrals made (to all agencies)	2	7	7	0	16	These statistics again demonstrate the priority given to this area of work.

Service Delivery - Building Repairs and Maintenance

Home Standard – Housing Revenue Account						
	Q1	Q2	Q3	Q4	YTD	Comments
Decent Homes Standard %	99.9	99.7	99.7	99.8	99.8	Access has proved difficult on a small number of properties, which has resulted in a small dip below the target of 100%
Emergency repairs completed on time %	100	100	100	100	100	Target 100% - 937/937 repairs.
Urgent repairs completed on time %	99.7	99.2	99.3	99.3	99.3	Target 95% - 1336/1327 repairs
Routine repairs completed on time %	98.7	98.4	98.4	98.6	98.6	Target 95% - 4990/4919 repairs
Repairs completed first visit %	98.7	98.7	98.8	98.9	98.9	Target 95% - 6788/6715 repairs
Gas safety checks %	99.4	99.4	99.5	99.4	99.4	Access has proved difficult on a small number of properties, which has resulted in a small dip below the target of 100%
Fire risk assessments %	100	100	100	100	100	Target 100%
Asbestos safety checks %	99.7	99.9	99.8	99.5	99.4	Access has proved difficult on a small number of properties, which has resulted in a small dip below the target of 100%
Water safety checks (Legionella) %	99.1	99.5	99.3	99.3	99.3	Access has proved difficult on a small number of properties, which has resulted in a small dip below the target of 100%
Number of void properties at Quarter end	n/a	52	34	38	40.1	

Tenancy Enforcement Activities

Home Standard – Housing Revenue Account – Estates Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Fraud cases opened	4					These figures demonstrate that the teams are alert to the need to investigate fraud and to escalate as appropriate. Tenancy fraud deprives vulnerable people of affordable homes which is why all staff are given training on this.
Fraud cases referred to an external investigator	4					
Acceptable Behaviour Agreements signed	0					The Estates team experienced staffing issues during Q1 and those staff available focussed on managing the priority areas of work in order to minimise risk to tenants and the organisation as a whole.
Good Neighbourhood Agreements signed	0					
Community Protection Notice warnings issued	0					Resourcing issues meant that the type of nuisance which can be addressed by means of these actions were given lower priority but now that the Estates team is fully staffed, we anticipate seeing more use of these tools going forward.
Community Protection Notices issued	0					
Possession Actions commenced on grounds of ASB	0					Work to manage serious anti-social behaviour was ongoing over the quarter but did not result in any formal action to address issues being investigated although the close working relationship with the Police and other agencies resulted in joint working and other outcomes.
Closure Orders – obtained	0					
Injunctions sought	0					
Evictions on grounds of anti-social behaviour/ other tenancy breach	0					

Income Recovery – Housing Revenue Account – Income Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Current dwelling rent arrears at Q end %	2.42					Rent arrears continue to rise but over the quarter the number of current tenants claiming Universal Credit rose from 836 at the end of 2021/22 to 858 at the end of week 12. In June, inflation hit a 40 year record high of 9.4%.
Notice of Seeking possession served	50					These are being served to highlight to tenants that they have breached their conditions of tenancy and to prompt them to contact their Neighbourhood Officer to discuss their rent arrears.
Judgement obtained	1					This small number demonstrates how our team is trying to reach out to tenants and to engage with them in an effort to help them to sustain their tenancies.
Warrants issued	0					There were no evictions during the quarter.
Evictions on grounds of rent arrears	1					The one eviction related to the home of someone who was unable to return home and our Legal Service was involved in ending the tenancy in an effort to bring about a swift resolution.

Tenancy Safeguarding Activities

Neighbourhood & Community Standard – Housing Revenue Account						
	Q1	Q2	Q3	Q4	YTD	Comments
Domestic abuse cases opened	0					Officers receive training and are able to identify any issues although none were reported during this quarter.
Domestic abuse cases referred to Multi-agency Risk Assessment Conference (MARAC)	0					Officers attend the MARAC to offer support and advice as necessary.
Safeguarding referrals made (to all agencies)	0					Officers receive training and will make referrals as required.

Service Delivery - Building Repairs and Maintenance

Neighbourhood & Community Standard – Housing Revenue Account						
	Q1	Q2	Q3	Q4	YTD	Comments
Decent Homes Standard %	99.8					Access has proved difficult on a small number of properties, which has resulted in a small dip below the target of 100%
Emergency repairs completed on time %	100					Target 100% - 204/204 repairs.
Urgent repairs completed on time %	99.5					Target 95% - 219/218 repairs
Routine repairs completed on time %	99.1					Target 95% - 1131/1121 repairs
Repairs completed first visit %	99.4					Target 95% - 1563/1554 repairs
Gas safety checks %	99.5					Access has proved difficult on a small number of properties, which has resulted in a small dip below the target of 100%
Fire risk assessments %	100					Target 100%
Water safety checks (Legionella) %	99.9					Access has proved difficult on a small number of properties, which has resulted in a small dip below the target of 100%
Number of void properties at Quarter end	59					Very high numbers being presented but also above average numbers being returned whilst team resource remains under pressure due to current vacancies. Issues with lead in times on materials and prioritising availability for repairs to tenanted properties alongside the condition of void properties are also seriously affecting the times taken to carry out the necessary works

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HOMES POLICY DEVELOPMENT GROUP 20 SEPTEMBER 2022

BRIEFING ON THE SOCIAL HOUSING (REGULATION) BILL AND CHANGES TO THE SOCIAL HOUSING REGULATORY REGIME

Cabinet Member(s): Cllr Stuart Penny, Cabinet Member for Housing
Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Reason for Report and Recommendation: To provide an update to Members of the PDG on the Social Housing (Regulation) Bill which will reform the regulation of social housing; and which will set out the terms of approved schemes for the investigation of housing-related complaints. This paper also provides some information on the subsequent report of the Levelling Up, Housing and Communities Committee report, published on 20 July 2022 alongside an informal presentation by the Social Housing Regulator in August 2022.

Recommendation: That Members of the PDG note the briefing report

Financial Implications: The work of Mid Devon Housing (MDH) is financed through the rent paid by tenants. These monies are paid into the Housing Revenue Account (HRA) and management and maintenance work associated with the Council's own housing stock is funded through this account. The HRA is ring-fenced and there needs to be a balanced budget. MDH has been working towards delivering the requirements of the new legislation since late 2020 when the White Paper for Social Housing was published by the Government.

Budget and Policy Framework: MDH is currently reviewing policies relating to the management of the retained housing stock with the aim of aligning them more closely with the regulatory standards published by the Regulator for Social Housing. Budgets are under review for 2023/24 and provision will continue to be made to ensure that necessary changes to policy and procedures, and related changes to the service establishment can be made, as required, to deliver expected regulatory compliance.

Legal Implications: The Social Housing (Regulation) Bill went through the first reading in Parliament on 8 June 2022 and the second reading on 27 June 2022. The Committee stage is due to begin on 6 September 2022.

Risk Assessment: Failure to prepare for the changes being implemented through the Social Housing (Regulation) Bill could result in regulatory non-compliance. On 19 October 2021, Regulator for Social Housing (RSH) called upon housing providers to pre-empt any legislation by looking at: '*how they can improve their services and engagement with tenants*'. New powers to be introduced through the new legislation will give the RSH to greater rights to intervene in the work of the Council, for example, by entering premises and taking emergency remedial action as needed. The RSH will also be able to serve Performance Improvement Plan (PIP) Notices and to issue fines. Any such intervention will be publicised so failure to prepare and to be ready for the new arrangements could result in reputational risk.

Equality Impact Assessment: The aim of the Government, as stated by a previous Housing Minister, Robert Jenrick, is to ensure that the voices of residents never go unheard. The RSH has stated that the relationship between tenants and landlords is underpinned by shared expectations of fairness and respect and a shared understanding of their respective rights and responsibilities. Landlords will be expected to demonstrate that they understand the diverse needs of the communities in which they work, and for their service to reflect that.

Relationship to Corporate Plan: There is an aim to create sustainable and prosperous communities with Homes being a priority for the Council. The need for MDH to be compliant with relevant statutory and regulatory obligations is therefore of key importance.

Impact on Climate Change: This briefing note has no direct impact, although the Social Housing (Regulation) Bill is designed to drive up standards including those relating to the safety and the quality of the housing provided by registered providers of social housing (RPs), such as the Council. The Levelling Up, Housing and Communities (LUHC) Committee report, published on 20 July 2022, requested that the Government provide an update on the Social Housing Decarbonisation Fund, and Registered Providers ability to decarbonise.

1.0 Background

- 1.1 The fire at Grenfell Tower in 2017 led to proposals to introduce new regulatory standards and to strengthen the regulatory framework.
- 1.2 The Social Housing White Paper was published by the Government in November 2020. This is titled: The Charter for Social Housing Residents and contained plans to improve the experience of all those who live in social housing, including shared owners and leaseholders.
- 1.3 The White Paper contains seven chapters which set out the specific expectations of the Government. These relate to the work of registered providers of social housing (RPs) and set out what is expected in relation to the offer to residents:
 - To be safe in your home
 - To know how your landlord is performing
 - To have your complaints dealt with promptly and fairly
 - To be treated with respect
 - To have your voice heard by your landlord
 - To have a good quality home and neighbourhood to live in
 - To be supported to take your first step to ownership
- 1.4 The Social Housing (Regulation) Bill (the Bill) has been drafted with the aim of ensuring that the voices of tenants are heard in line with the proposals set out in the White Paper. In the Queen's Speech in May 2022, Prince Charles said that the legislation would '*improve the regulation of social housing, strengthen the rights of tenants and ensure better quality and safer homes*'.

1.5 The Bill went through the first reading in Parliament on 8 June 2022 and the second reading on 27 June 2022. The Committee stage is due to begin on 6 September 2022.

1.6 The Government has already consulted on proposed changes to regulation which will be taken forward in the Bill.

2.0 **The main changes proposed in the Social Housing (Regulation) Bill**

2.1 The Bill contained proposals which align with three key themes:

- Safety in the home
- Understanding how well (or not) landlords are performing
- The right for tenants to be treated fairly and with respect, with a strengthened regulatory framework to ensure compliance

Increased power to tenants and the regulator

2.2 The aim was to introduce measures which deliver more power to tenants, giving them improved access to redress in cases where things may have gone wrong, and to strengthen the powers of the Regulator for Social Housing (RSH).

2.3 These changes and powers will move registered providers and the RSH from a largely reactive regulatory regime to a proactive, consumer-led one with significant impact on how we work and how our performance will be measured and assessed.

2.4 The RSH is being given more powers to respond to cases where there are health and safety or other maintenance issues impacting the property. The RSH will be able to undertake inspections at short notice with the notice period falling from 28 days to 48 hours. Specific properties can be inspected with only 24 hours' notice being given to the tenant or other resident.

Safety, checks and repairs

2.5 The RSH will be required to ensure that homes are of good quality, safe and well managed.

2.6 All RPs will be required to identify a formally designated lead officer responsible for health and safety within their housing organisation or service; and the Bill will define the role that this person should have within the organisation. Their details will have to be published in an effort to ensure that RPs are open and transparent with their tenants. The lead officer will be required to monitor compliance with health and safety requirements, assess risks if the organisation fails to do so, and to provide advice to address any such risks. The RP will have to provide all necessary training and resources to enable the lead officer to perform effectively in the role.

2.7 The Bill will also require RPs to undertake electrical safety checks in the same way that private landlords are required to.

- 2.8 In the event of any serious risks arising from maintenance issues being found, the RSH will be able to order emergency repairs. They will be able to recharge the RP and also to seek interest in respect of the sum due.
- 2.9 The RSH will also be able to “name and shame” failing landlords who are failing to provide a safe, good quality home and to levy unlimited fines if an RP is persistently underperforming.

Updated mandatory consumer standards

- 2.10 The Government has already consulted on expanding the number of consumer standards. Currently there are four: the Tenancy Standard; the Homes and Community Standard; the Home Standard; and the Tenant Involvement and Empowerment Standard. The new themes announced by the Government last year are as follows:
- Safety
 - Quality
 - Neighbourhood
 - Transparency
 - Engagement and Accountability
 - Tenancy

Monitoring compliance, self-reporting and performance measures

- 2.11 RPs will be required to monitor compliance with standards and to self-report where they fail; or in cases where there is a risk that they will fail to comply.
- 2.12 There will also be a requirement for RPs to publish information relating to the salaries of senior Officers (although the Council already does so), income, management costs and other expenditure. Mid Devon Housing (MDH) publishes an annual report which would usually contains an overview of this information.
- 2.13 The Bill will enable the RSH to set standards for RPs relating to the provision of information to tenants and also to the RSH.
- 2.14 A new system of performance monitoring will be introduced by the RSH and landlords will be assessed with regard to their ability to meet the consumer standards, including complaint handling. The RSH will be able to direct RPs to collect and publish relevant information according to certain parameters.
- 2.15 New tenant satisfaction measures (TSMs) will be introduced and the results of these will be published allowing tenants to compare the performance of their landlord with that of other RPs. The RSH will be reviewing the information published and using this to inform its’ work. RPs could be required to submit information on performance to the RSH, including the RP’s own analysis of that information, and how it was collected, processed and published.

Removal of serious detriment test – why this matters

- 2.16 Currently, the RSH will only intervene in cases where serious detriment is present or where tenants are at risk of serious harm. The new legislation will remove this restriction and allow the RSH to intervene in less extreme cases. The serious detriment test currently prevents the Regulator from intervening in cases unless it has reason to believe tenants are at risk of a 'serious detriment'. The test has long stood in the way of the Regulator monitoring and enforcing consumer standards proactively – preventing the Regulator from inspecting landlords and enforcing all the consumer standards. With the removal of the serious detriment test, the Regulator will be able to set up a proactive inspection regime with teeth
- 2.17 The RSH will be given the power to publish a code of practice setting out good practice which will be available to use alongside the consumer standards. Compliance with this will not be mandatory.

Further regulator interventions, inspections and new relationship with Housing Ombudsman

- 2.18 The RSH will be able to intervene in cases where RPs fail to meet requirements relating to information and transparency and some of the sanctions include enforcement notices, financial penalties and the power to require a performance improvement plan.
- 2.19 In addition, the RSH will have the power to undertake inspections of RPs and we may see the introduction of a cyclical 'Ofsted' style regime.
- 2.20 The RSH and Housing Ombudsman Service (HOS) will work more closely together and the names of landlords who are served with a maladministration finding by the Housing Ombudsman will also be published. The Bill will require both organisations to co-operate and to publish and maintain a memorandum setting out how this will work in practice.
- 2.21 The HOS will be able to direct the RP to examine their own policies and procedures if, as a result of investigating a complaint, they find that something relating to the policy framework is an underlying cause of the issue referred to them.
- 2.22 A Resident Panel has being set up by the Government and Ministers will liaise with members regularly. The Panel is comprised of tenants from across the country and Ministers will talk to them about their experiences with a view to this informing policy and further improvements.

3.0 The Levelling Up, Housing and Communities Committee Report: the Regulation of Social Housing July 2022

- 3.1 The Levelling Up, Housing and Communities (LUHC) Committee published a report on 20 July 2022. This related to the Regulation of Social Housing. The Committee is appointed by the House of Commons to look at the operational work, and also that relating to policy, undertaken by the Department for Levelling Up, Housing and Communities.

- 3.2 The report included several recommendations which emphasised the need for RPs to work with their tenants to ensure that they can influence the way that homes, neighbourhoods and service delivery are managed.
- 3.3 The Committee stated a need for the strengthening of the roles of both the RSH and also the HOS. The aim of this was to ensure that RPs can be held to account in cases where policy has not been followed, or where there had been maladministration or systemic failings.
- 3.4 The report restated how important it is for RPs to prioritise the quality of housing provided to existing tenants. There were several recommendations designed to improve stock condition, and the need to monitor existing homes in management proactively, and to improve them.
- 3.5 In addition, the Committee recommended that RPs should undertake certain actions designed to reduce the stigma often felt by their tenants. As part of this proposal, a regulatory requirement relating to diversity was suggested.
- 3.6 With regard to the TSMs, there was a recommendation that the RSH should publish its plan for monitoring and reviewing these.
- 3.7 The Government was also asked to provide an update on the professionalisation review which was recently undertaken (MDH participated in this).
- 4.0 **LGA/Housing Quality Network and Regulatory of Social Housing briefing on Social Housing Bill for Local Authorities August 2022**
- 4.1 This informal briefing included a presentation by Kate Dodsworth who is Director of Consumer Regulation at the RSH. It gave local authorities an opportunity to gain direct insight into how the RSH is seeking to apply its new powers and the priorities for stock-holding Local Authorities in particular.
- 4.2 The regulator indicated that fundamentally it wants '*good, safe homes, quality landlords and a respectful relationship with tenants*'. The importance of understanding our tenants, engaging with them and being transparent around our performance (especially with regard to the TSMs) was emphasised.
- 4.3 The TSMs will be finalised in the autumn of 2022 and the regulator is clear that its focus will be consumer-led and place the greatest importance on:
- tenant satisfaction and communication
 - understanding our tenants, their ethnicity/diversity and meeting the needs of the most vulnerable
 - hearing the voices of our silent majority of the tenants, not just the vocal
 - transparency and clear information (user-friendly dashboards) and proactive engagement on decisions/policy and spend
 - property safety
 - decent homes and stock management/sustainability,
 - repairs performance and communications around repairs
 - complaints management

A move away from more traditional measures such as void times, debt recovery or allowing landlords to focus too much on high profile projects such as new build development programmes was highlighted and in this context landlords will be expected to balance their focus so they are consistent with new approaches.

4.4 The revision of the current consumer standards against the White Paper themes is well underway and there be consultation on each in due course. This will mean a number of policy reviews and updates for organisations.

4.5 The benefits of Local Authorities in assessing performance now against draft TSMs and engaging in 'critical friend' social housing peer reviews.

5.0 **Our response**

5.1 Since the publication of the White Paper in late 2020 and service has been undertaking preparation of these significant changes in the regulatory landscape. This has been accelerated once detail has emerged in the shape of the draft TSMs, the implementation of the new complaints code and Bill publication.

5.2 To summarise just some of these changes and activity over the last 18-months:

- Review and restructure of the service in line with the white paper
 - Innovative and well-supported staff consultation and engagement
 - Bringing together of Housing Services and Building Services into a combined Mid Devon Housing Service
 - Creation of a single tenant customer support team (working across tenancy and building functions)
 - Additional, dedicated staff resources for complaints handling, policy development, tenant engagement and commercial/development resource
 - Strengthened contract management
 - Repurposed Lifeline service under Commercial Team
 - Review of neighbourhood teams and emergent proposals for a complex case worker
- Regular member and Leadership Team briefings
- Engagement with LGA, HQN and the DHLUC/LGA Strategic Housing Group
- Repurposed and improved tenant engagement including an all new social media presence and daily content
- Improved website interface for tenants

- Review of performance data and ongoing development of a new infographics and dashboard
- Adoption of Housing Ombudsman Complaints Handling Code and completion of first review of compliance
- Adoption of new policy framework – streamlined and alignment with consumer standards ahead of standard reviews
- Review and regrading of technical roles in Building Services
- Development of draft Consumer Standards Manager role/JD and grading (potential designated H&S lead role) and budget provision made
- Pilot tenant survey on draft TSMs – ongoing
- Engagement with DLUHC lead housing professionalism research project (one of just six registered case studies nationally) – due for publication soon
- Early conversations with LGA to engage in their Social Housing Management Peer Review – likely late 2022/early 2023
- Invite to RSH (Kate Dodsworth) to provide a bespoke briefing to staff, members and tenant groups on the Social Housing Bill - tbc

6.0 Recommendation

6.1 That Members of the PDG note the briefing report

Contact for more Information: Mr Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing, email: snewcombe@middevon.gov.uk

Circulation of the Report:

Members of the Housing PDG
 Cllr Stuart Penny, Cabinet Member for Homes
 All Leadership Team
 All Corporate Management Team
 Group/Operations Managers
 Legal Services

Further information:

Social Housing (Regulation) Bill
<https://bills.parliament.uk/publications/46715/documents/1907>

Social Housing White Paper
<https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>

GOV information on changes to regulation of social housing and TSMs

<https://www.gov.uk/topic/housing/social-housing-regulation-england>

<https://www.gov.uk/government/publications/reshaping-consumer-regulation-our-principles-and-approach>

<https://www.gov.uk/government/consultations/consultation-on-the-introduction-of-tenant-satisfaction-measures/tenant-satisfaction-measures-what-we-are-proposing-and-how-to-have-your-say-summary-accessible-version>

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