

# Public Document Pack

**Mid Devon District Council**

## **Homes Policy Development Group**

**Tuesday, 26 September 2023 at 2.15 pm**  
**Phoenix Chambers, Phoenix House, Tiverton**

**Next meeting**  
**Tuesday, 21 November 2023 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 Teams. 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.

[To join the meeting online, click here](#)

## **Membership**

Cllr C Adcock  
Cllr J Cairney  
Cllr S Chenore  
Cllr A Glover  
Cllr C Harrower  
Cllr F W Letch  
Cllr N Letch  
Cllr S Robinson  
Cllr H Tuffin

## **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 - 10)*  
To consider whether to approve the minutes as a correct record of the meeting held on 8<sup>th</sup> August 2023.
- 5     **Chairman's Announcements**  
To receive any announcements that the Chairman may wish to make.
- 6     **Medium Term Financial Plan - General Fund (GF) and Housing Revenue Account (HRA)** *(Pages 11 - 28)*  
To receive a report from the Deputy Chief Executive and Corporate Manager for Public Health, Regulation and Housing presenting to Member's the updated Medium Term Financial Plan (MTFP) which covers the period 2024/25 to 2028/29 for both the General Fund (GF) and Housing Revenue Account (HRA) and considering initial savings options.
- 7     **Mid Devon Housing Damp and Mould Policy** *(Pages 29 - 58)*  
To receive a report from the Corporate Manager for Public Health, Regulation and Housing setting out how Mid Devon Housing will address issues of damp, mould and condensation within the Council's tenanted and leasehold housing stock.
- 8     **Review of Mid Devon Housing (MDH) Recharges Policy** *(Pages 59 - 86)*  
To receive a report from The Corporate Manager for Public Health, Regulation and Housing. MDH, as a social landlord, incurs costs that arise from works and other activities which are normally the responsibility of the tenant, including repair of damage, pest control, and property cleans and clearances. The MDH Recharges Policy seeks to define the circumstances where such recharges occur and make clear MDH's intention to recover such costs.
- 9     **Tenant Involvement and Engagement Strategy Action Plan** *(Pages 87 - 106)*  
To receive a report the Corporate Manager for Public Health, Regulation and Housing. In line with the provisions of the Tenant Involvement and Empowerment Standard, all Registered Providers of social housing (RPs) are required to ensure that tenants are given a wide range of opportunities to influence and be involved in policy development work; decision-making in relation to service delivery; scrutiny of their landlord's performance; and the setting of strategic priorities.
- 10    **Consultation on changes to the fees regime operated by the Regulator for Social Housing** *(Pages 107 - 112)*  
To receive a report from the Corporate Manager for Public Health, Regulation and Housing on the consultation published by the Regulator for Social Housing regarding proposed changes to the fees regime. If adopted, the Council, as a Registered Provider of Social Housing, will be required to make a payment, based on the numbers of homes in the

housing stock. This will represent a significant change due to the fact that up until now, local authorities have not been required to make any payments to the regulator in support of the regulatory function.

**11 Briefing on Neighbourhood Management**

To receive a presentation on Neighbourhood Management.

**12 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:

- Update on the Refugee Schemes
- Draft budget proposals for 2024/2025
- Tenancy Inspection Policy
- Private Sector Housing Fees & Charges
- Review of Tenancy Agreements – Project Plan.
- Performance dashboard

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

**Stephen Walford**

Chief Executive

Monday, 18 September 2023

## **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 Teams.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto: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.

Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which concerns the Council's powers / duties or which otherwise affects the District. If your question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Democratic Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

If you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on: [slees@middevon.gov.uk](mailto:slees@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 8 August 2023 at 2.15 pm

### **Present**

#### **Councillors**

C Adcock (Chairman)  
J Cairney, C Harrower, F W Letch, N Letch,  
H Tuffin, S Chenore and S Robinson

### **Also Present**

#### **Councillors**

D Broom, E Buczkowski, J Buczkowski, M Farrell,  
R Gilmour and S Keable

### **Also Present**

#### **Virtually**

S Clist, A Glover, J Lock and D Wulff

### **Also Present**

#### **Officers**

Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Claire Fry (Housing Services Operations Manager), Mike Lowman (Building Services Operations Manager), Dr Stephen Carr (Corporate Performance & Improvement Manager), Carole Oliphant (Member Services Officer), Angie Howell (Member Services Officer) and Sarah Lees (Member Services Officer)

## 15 **ELECTION OF VICE CHAIRMAN**

**RESOLVED** that Cllr S Chenore be elected as the Vice Chairman of the Homes Policy Development Group for the municipal year 2023/2024.

## 16 **START TIME OF MEETINGS**

It was **AGREED** that the start time of meetings for the remainder of the municipal year continue to be 2.15pm on Tuesday afternoons.

## 17 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

## 18 **PUBLIC QUESTION TIME**

No members of the public had registered to ask a question.

## 19 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

## 20 MINUTES

The minutes of the meeting held on 13 June 2023 were approved as a correct record of the meeting and signed by the Chairman subject to the following amendment:

- Minute no. 9 – Revenue and Capital Outturn Report – 5<sup>th</sup> bullet point under ‘Discussion took place regarding’ – the last word corrected from ‘highlight’ to ‘highlighted’.

## 21 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

## 22 UPDATE TO MID DEVON HOUSING NEIGHBOURHOOD MANAGEMENT POLICY (00:11:00)

The Group had before it a report \* from the Corporate Manager for Public Health, Regulation and Housing. Under the Neighbourhood and Community Standard, the Regulator of Social Housing (RSH) required all registered providers to publish a policy setting out, how in consultation with their tenants, they would maintain and improve the neighbourhood’s associated with their homes. This has been developed following an in-depth review of the policy in consultation with tenants and partner organisations.

The contents of the report were outlined with the following being highlighted:

- The requirements of the Regulator.
- The 22 new Tenant Satisfaction Measures (TSM’s), TM10 and TM11 being particularly relevant to Neighbourhood Management.
- Changes in the way the Government wanted some complaints recorded, for example, every day noise should not now be treated as Anti-Social Behaviour.
- The policy now provided clearer definitions of accountability in areas such as safety checks, risk assessments, pest control etc.
- Responsibilities in relation to seeking permissions for hanging structures and neighbourhood disputes, for example, had been tightened up.

Discussion took place regarding:

- The challenges involved in seeking tenant involvement particularly when tenants were ‘happy’ and did not have comments to make.
- A request that the tenant newsletter be circulated to the Policy Development Group Members.
- The problems associated with the communal areas of some housing estates where the properties were built decades ago when design standards were different and would not be chosen today.
- The time delay between an officer’s initial visit and an issue actually being resolved. It was acknowledged that teams were busy but the comments made would be fed back through operational leads.
- The number of Neighbourhood officers employed by the Council were within industry standards, however, this was kept under constant review.

- Neighbourhood teams worked in liaison with other services areas across the Council, such as Grounds Maintenance, as such, work needed to be co-ordinated.
- The key was 'communication' keeping everybody informed at each stage.
- Tenants needed to feel they were being listened to even if they received an acknowledgement but no immediate action.
- The benefits that the Apprenticeship scheme could bring, however, engaging with tenants was a demanding frontline role requiring a certain amount of 'resilience'.
- The benefit of employing officers who have or continue to be Council tenants. The same was true of serving Councillors.

It was suggested that an explanatory paper be brought to the next meeting setting out how Neighbourhood Management worked in reality.

**RECOMMENDED** to the Cabinet that the updated Neighbourhood Management Policy and Equality Impact Assessment contained in Annexes A and B respectively be approved.

(Proposed by Cllr F Letch and seconded by Cllr S Robinson)

#### Reason for the decision

Under the Neighbourhood and Community Standard, the Regulator of Social Housing (RSH) required all registered providers to publish a policy setting out, how in consultation with their tenants, they would maintain and improve the neighbourhood's associated with their homes.

Note: (i) \* Report previously circulated.

(ii) Cllr A Glover declared a personal interest in that she was a Council tenant.

## 23 **BRIEFING ON VOIDS MANAGEMENT (00:50:00)**

The Corporate Manager for Public Health, Regulation and Housing and the Building Services Operations Manager provided the Group with a verbal update on Voids Management.

This included the following information:

- This was a complex area, often requiring difficult decisions to be made.
- An extensive review of the Voids Management Policy had been undertaken during 2023 and a revised policy had been approved by the Cabinet. A review of this policy would be undertaken by the Policy Development Group in the next 12 months.
- In reality 'a void' presented a critical, sometimes complex, asset management decision weighing-up cost efficiencies, opportunities, property safety or condition with loss of rent and maximising occupancy of our stock. It also required a balancing act of meeting the Council's legal obligations, strategic long-term goals and managing short-term pressures.
- 348 properties on the housing stock list were of the prefabricated variety, 10 towards the end of life.

- The historic approach and changes from two separate housing service areas to one amalgamated 'Mid Devon Housing' was explained. The service was working much more efficiently as a result.
- Trees and overgrown gardens were causing a lot of issues at the moment. Other challenges included all the sign off processes that needed to be completed before the keys to a previously void property could be handed over.

Consideration was given to the following:

- The challenges facing the service other than the cost and supply of materials which included an inability to fill staff vacancies in an industry where the Council paid less than the private sector.
- An additional challenge was the necessity to undertake compliance work in order to ensure the Council was not putting itself at legal risk. This often had to take priority over voids.
- How the number of days a property was vacant was calculated.
- New legislation in relation to fire doors and the impact of this on supply times.
- The difficulties involved in trying to undertake works or upgrades when the tenant was in place.
- Access was difficult in some cases, the Council needed good grounds to request access, for example, to check gas safety arrangements.
- The service sometimes had to deal with tenants who had a lot of complex issues.

## 24 MDH SERVICE DELIVERY UPDATE (01:42:00)

The Group had before it, and **NOTED**, a report \* from the Corporate Manager for Public Health, Regulation and Housing setting out the performance and headline activity of the Mid Devon Housing (MDH) service for the first quarter (Q1) of 2023/24 using the updated reporting framework agreed at the previous Homes Policy Development Group meeting.

Discussion followed with regard to:

- This was a rolling report brought to the Group every quarter and now included the new Tenancy Satisfaction Measures. This was a new requirement and as such there was currently no data to compare with. Going forwards, it would be helpful to see how Mid Devon District Council compared with other similar rural authorities.
- Overall performance was quite strong. The service was not where it wanted to be in terms of voids targets but it needed to prioritise tenant safety over everything else, for example, a heating repair. Despite this, 98% of Council properties were currently occupied.
- Leasehold arrangements had been tightened to ensure gas safety checks were as robust as they could be.
- The Council had complied with the detailed Housing Ombudsman Complaints Handling Code and there was a new Tenant Satisfaction Measure (TSM) measuring tenant satisfaction would how complaints are handled. This TSM was a challenging one to assess and benchmark since whilst a tenant might be content that their complaint had been dealt with well, they may still unhappy about having to make a complaint in the first instance.



- Again, staff vacancies were an issue since potential applicants could be paid more in the private sector.
- The Regulators actively encouraged tenants to make complaints in the light of Grenfell.
- Of course it was the case that tenants were listened to but the Council also had to ask questions in relation to upgrades. There was a planned cycle of maintenance and unfortunately it simply was not possible to action low priority ad-hoc requests for upgrades. Any requests that compromised the safety of tenants would always be dealt with first, however, requests were considered on a case by case basis against the planned maintenance programme.

Note: \* Report previously circulated.

## 25 **WORK PROGRAMME FOR 2023 / 2024 (02:00:00)**

The Group had before it their current work programme \* for 2023/24.

The following was **AGREED** as needing to be added to the work programme for 2023/2024:

- An update on the Tenant Assistance Policy to the January 2024 meeting providing information on the use of Disabled Facilities Grants which had shown an underspend in recent years. This to include any links with Devon County Council.
- The first round of budget proposals to come to the September meeting as well as an update in relation to financial monitoring.
- Investigations would be undertaken to see if the Tenancy Inspection Policy could be moved from the planned November meeting to the September meeting instead.

Note: \* Work Programme previously circulated.

## 26 **FINANCE AND PERFORMANCE UPDATE (02:14:00)**

The Corporate Manager for Finance, Property and Climate Change and the Corporate Performance & Improvement Manager provided the Group with a presentation on the financial and performance situation as it affected the Homes Policy Development Group which highlighted what the Group's responsibilities were in relation to monitoring the areas falling under its remit. Officers were particularly keen to receive feedback from Members on the new 'dashboard' showing financial and performance data for the Homes PDG.

The following was summarised:

- The basics in relation to local government finance.
- Net service expenditure and income streams.
- Budget by committee and the timetable involved.
- The Medium Term Financial Plan and how this facilitated budget reviews and shifts in focus to address local priorities.
- Future budget shortfalls which currently included a 10% budget gap for next year. The two main drivers for this were high inflation and lower government funding.

- The Group were requested to approach budget monitoring with an open, independent mind, asking questions in relation to whether or not a service was delivering in the most cost effective way. It was also encouraged to study the metrics used on the dashboard so that it had a really good grasp of how the housing service was performing. Were the targets right for example? Following this, officers could further refine the dashboard.
- Quarter 1 budget variances were also highlighted.
- Debt collection rates were currently commensurate with the previous year, however, bad debt provision had been built into the budget to allow for the 'cost of living' crisis.
- There may need to come a time when some of the discretionary services were reduced.
- The Council did have reserves as a safety net, however, if used, they would need to be paid back.

## **27 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:50:00)**

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

- A briefing on Neighbourhood Management.
- Financial monitoring and the first round of budget proposals for 2024/2025.

(The meeting ended at 5.08 pm)

**CHAIRMAN**



## **Report for: Homes Policy Development Group**

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Date of Meeting:	26 September 2023
Subject:	Medium Term Financial Plan – General Fund (GF) and Housing Revenue Account (HRA)
Cabinet Member:	James Buczkowski – Cabinet Member for Finance Simon Clist – Deputy Leader & Cabinet Member for Housing & Property Services
Responsible Officer:	Andrew Jarrett – Deputy Chief Executive (S151) Simon Newcombe – Corporate Manager for Public Health, Regulation and Housing
Exempt:	N/a
Wards Affected:	All
Enclosures:	Appendix 1 – General Fund MTFP Summary Position Appendix 2 – Housing Revenue Account MTFP Summary Position Appendix 3 - Housing Revenue Account Savings Options

### **Section 1 – Summary and Recommendation(s)**

To present to Members the updated Medium Term Financial Plan (MTFP) which covers the period 2024/25 to 2028/29 for both the General Fund (GF) and Housing Revenue Account (HRA) and consider initial savings options.

### **Recommendation(s):**

**That the Policy Development Group Members:**

- 1. Note the updated MTFP's for the General Fund and Housing Revenue Account covering the years 2024/25 to 2028/29**
- 2. Consider the options included within the Appendix 3 and recommend to Cabinet the way forwards, noting that if the committee doesn't support any options, alternative suggestions should be made.**

## **Section 2 – Report**

### **1.0 Introduction and purpose of the Medium Term Financial Plan (MTFP)**

- 1.1 This report summarises the report to Cabinet on 19 September outlining the MTFP position for the General Fund (GF) and introduces the MTFP position for the Housing Revenue Account (HRA). Members are encouraged to read that Cabinet report in full to provide greater understanding of the overarching financial position.
- 1.2 The HRA is a ring-fenced account within Mid Devon's financial accounting system. This means that a balanced budget must be set each year including all income and expenditure pertinent to the Council's landlord function and excluding all other income and expenditure (since this would be captured as part of the General Fund budget).
- 1.3 The main purpose of the MTFP is to show how the Council will strategically manage its finances in order to support the delivery of the priorities detailed in the Corporate Plan 2020 – 2024 and future years beyond that plan. This will importantly need to take account of the new council administration in their emerging corporate plan ambitions.
- 1.4 The MTFP has been a key corporate requirement for a number of years and is an essential part of the budget setting process. It provides a financial model which forecasts the cost of providing Council services over a future rolling five year period, together with an estimate of the financial resources that will be available.
- 1.5 The MTFP helps strategically plan the budget setting process, but of equal importance, gives Management and Members an overview of future budget gaps so strategic decisions can be made over levels of future spending, Council Tax levels, policies for fees and charges, asset investment or disposal, etc.

### **2.0 Framework for the Medium Term Financial Plan**

- 2.1 The starting base for an MTFP is the 2023/24 approved budget, which is then adjusted for any supplementary estimates approved by the Council or any significant budget variances identified in the budget monitoring report to the Cabinet.
- 2.2 This base then has to be adjusted for unavoidable costs, such as, pay increases, inflation, service pressures associated with new legislation, a growing residential or business property base or improving performance, etc. The MTFP will also consider forecasts for investment receipts and income from fees and charges.

- 2.3 Finally the MTFP considers and makes assumptions regarding future levels of funding, in particular Council Tax including the potential growth in tax base, Business Rates again including any movement in the baseline as well as changes in the reliefs, multipliers and overall retention levels. Forecasts are also made for the likely level of future Central Government funding. Specifically for the HRA forecasts are also made around Tenant Rent charges.
- 2.4 Note however, at this time, the financing requirement included reflects the 2023/24 Capital MTFP as it is currently being refreshed. The update will be brought back to Cabinet later in the budget cycle. This is particularly relevant for the HRA given the scale of the ambitious development programme. Furthermore, the MTFP should be recognised as a high level estimate of the financial position – it is not a projected based upon a line-by-line review of costs / income.
- 2.5 The MTFP models an overall aggregated position for the GF or HRA based on a range of assumptions. This then predicts an overall budget position, which can highlight a potential budget gap and then propose remedial action which can be taken to resolve it. Clearly, these assumptions can be challenged or changed. They will vary due to changes in the local, national and international economic position and of course, the ongoing consequences of the Cost Of Living Crisis will have implications, not only for the current year, but also for the years to come.
- 2.6 The development of a five year financial model is based on a number of assumptions and perceived risks. These become more difficult to predict the further into the future you consider. In general terms a prudent/reasonable approach has been taken regarding forecasts, professional accounting guidance has been followed and external technical opinion has been sought where necessary.

### **3.0 Background to the Medium Term Financial Plan**

- 3.1 Given this is a new administration, Members should be aware that this MTFP has been developed against a backdrop of:
- Austerity – an aggregate cut in Central Government Grant of c£5m during the austerity measures put in place since 2010/11 and been replaced with lower levels of more volatile funding sources e.g. New Homes Bonus, Business Rates and numerous one-off grants. In addition certain funding streams have also been capped, such as Tenant Rent increases;
  - Covid-19 – service income through fees and charges in some areas is only just recovering to pre-covid-19 levels, i.e. Leisure and Car Parking;

- The invasion of Ukraine significantly impacted the availability and therefore price of energy and fuel, leading to A Cost of Living Crisis not seen since the early 1980s. It has required the reallocation of Council resources into supporting the Government with their Energy Rebate and Homes for Ukraine schemes and is impacting budgets through high pay and price inflation;
- Locally, resources previously realigned to manage the Government's response to the Pandemic and Cost of Living Crisis are again only just returning to their substantive roles;
- Nationally, the cost of the Pandemic and Cost of Living Crisis has been significant, with the government's gross debt being £2.537bn (100.5% of GDP) with the net borrowing £24.4bn<sup>1</sup>. This indicates that austerity measures are likely to continue;
- Political change at a national level leading to uncertainty and emergency policy decisions being taken that have unsettled the financial markets. Interest rates have soared to combat the high inflation as is now expected to reduce at a slower rate.

3.2 Yet the Council continues to deliver a wide range of well performing services.

#### **4.0 Summary of the Medium Term Financial Plan**

- 4.1 There is significant pressure on the GF arising from the decisions taken to balance the 2023/24 budget, namely the £400k staffing vacancy target and the £625k draw from reserves. The assumption is that these are not rolled forward into 2024/25. However, despite this in-year £1,025k challenge, the Qtr. 1 forecast indicated an over spend of £527k on the General Fund, indicating that £498k has been offset, albeit not all through ongoing savings measures. Any overspend position will negatively affect reserve balances, which reduce the option to smooth this budget deficit over time.
- 4.2 There are also a range of other pressures falling on the both budgets (GF & HRA), including, but not restricted to, the following:
- The Cost of Living Crisis with high inflation affecting pay and material prices for all services. The 2024/25 assumed pay award is an increase of 4% - adding a pressure of circa £700k to the GF budget and £150k to the HRA.

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<sup>1</sup> [UK government debt and deficit - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/economy/publicsectordebtanddeficit)

- Also, possibly more so for the HRA, the Cost of Living Crisis will put pressure on household budgets meaning an increased risk in tenants not paying rent. Government may restrict rent increase which could increase by CPI inflation plus 1%. Therefore a prudent 3% assumption has been made for rent increases and additional provision has been made to account for the collection risk.
- Many services are experiencing high staff turnover and sickness levels requiring additional temporary staff being employed to keep key services such as waste collection operational. To mitigate this pressure and deliver the £400k staffing vacancy target within the GF, a soft recruitment freeze has been implemented. Where a role is required to maintain key service provision, for example a lifeguard or waste operative, these positions will be filled. However, where other posts become vacant, recruiting is being delayed / postponed to free up budget. Inevitably, this does impact on the quality and speed of service delivery, and this is mitigated as far as possible. Although the position is being monitored closely within the HRA, no recruitment freeze is required at this time.
- The significant increases in energy charges have also had an impact on the Council's finances. The Cabinet recently agreed to extend the current provider (Laser) and increase the proportion of Electricity purchased from 100% renewable sources. It is currently too early to receive the new energy prices due to cover the year beginning 1 October 2023, therefore the forecast remains as previously projected, although the energy cap has reduced since that forecast, potentially leading to a saving for the Council from the assumed circa £400k GF pressure. This is less relevant to the HRA as it has less energy consumption. However, over time with the use of more electric vehicles, there will be a move away from fossil fuel to electricity.
- There are also regulatory requirements to fulfil such as Fire Safety, decarbonisation and increased the use of renewable energy. Specifically for the HRA the removal of damp and mould and increased tenant satisfaction measures and complaints mechanisms will impact on the budget. However, at present, the Government have enabled HRAs to retain all receipts from Right to buy sales in 2022/23 and 2023/24, have created a preferential borrowing rate 40 basis points lower than the normal rate available through the PWLB, but capped Tenant Rent increases to 7% in 2023/24 and are expected to again cap the increase in 2024/25.
- Lastly, there is the pressure to invest in and increase the overall Housing Stock with high quality homes. Maintaining our existing homes, many of which are older and inefficient, while meeting the increasingly urgent need to build new homes at scale and pace, against a backdrop of rent caps and high operating costs is making balancing the books challenging. Updates to the capital programme and financing assumptions surrounding the planned

development of 500 units will adjust the current projected position over the autumn.

- 4.3 In summary, the forecast GF shortfall for 2024/25 can be attributed to the removal of the one-off targets included within the 2023/24 budget, plus the assumed inflationary uplift driven by the Cost of Living Crisis. The sum of these pressures has added c. £2.1m to our cost base. The longer term shortfall (rising to £5.2m) is largely due to inflation and the assumptions around reduced government funding.
- 4.4 The HRA position for 2024/25 is more manageable with a projected shortfall of £205k rising to £3,081k by 2028/29, largely due to inflation, the financing cost of the development programme and the regulatory pressures upon the service.
- 4.5 This is clearly a challenge built upon a number of assumptions, caveats, decisions based upon external advice and the most up to date information available at this time. Clearly, any major variations in these assumptions would require a fundamental review of the MTFPs and would be reported back to Cabinet and the wider Membership as soon as practical, coupled with proposed courses of action that could be implemented.
- 4.6 The Council has a legal requirement to set a balance budget and needs to ensure its overall costs are affordable i.e. they can be funded through income and planned short-term use of reserves. Members therefore need to take the necessary decisions and actions to manage net spending within affordable limits.

## **5.0 Approach to closing the Budget Gap**

- 5.1 In order to reduce the forecast deficit the Council will strive to constantly manage its costs and revenues by:
- Ensure fees/charges are revisited regularly and that the Council are charging appropriately for all items possible;
  - A continued reduction of service and employee costs – which may incur short term upfront costs;
  - Continue and expand partnership working where practical;
  - Investigation of a number of spend to save projects;
  - Review the current and future property asset requirements;
  - Maximise procurement efficiencies;
  - Explore new commercial opportunities;
  - Examine different ways of delivering services to reduce costs;
  - Continued benchmarking and learning from best practice;
  - Consideration of growing the residential and commercial property base to align delivery with Government funding priorities.



- 5.2 The above plans will require all service areas to play an active role in securing future savings and the Council will also continue to consult with all of its major stakeholders, especially the tax payers and tenants, to ensure all future budgetary decisions accord with their priorities.
- 5.3 During the summer, services have been reviewing a range of budget options that could be considered in order to help mitigate the 2024/25 budget shortfall. Those relevant to this Policy Development Group (PDG) are included within **Appendix 3**. The views of this PDG on where any possible budget savings could be found to resolve the immediate budget gap for 2024/25 and future years will form the basis of the discussions with a view to the PDG making recommendations to Cabinet.
- 5.4 Members will appreciate that all budget options will require political support and therefore if some suggestions are deemed to be unacceptable then other savings will need to be proposed. Members should indicate where these alternatives should be sought.

## **6.0 Balances and Reserves**

- 6.1 The Council should look to match on-going spending plans to available in-year resources. It currently holds an uncommitted General Fund Reserve with a balance of £2,025k, which is above the current balance of £2m set by Full Council. However, this will be impacted by the outturn position of 2023/24 and the degree to which the £1,025k in-year target cannot be mitigated, which is projected to reduce to £527k. This will only leave £1,498k in the reserve and will need to be replenished over the lifetime of this MTFP. Similarly for the HRA, there is an uncommitted Reserve for £2m.
- 6.2 The Council holds these reserves for a number of reasons. Firstly to deal with any short term cash flow or funding issues. Secondly to provide a contingency for exceptional one-off acts (i.e. flooding, fire, terrorism, business rate failure, etc.) and, thirdly to provide a buffer for known circumstances whose final affect is unknown (i.e. changes in legislation or major funding changes). Clearly, the more uncertainty that exists, the higher the balance required to mitigate this risk. This level of minimum reserves is assessed annually to ensure it is adequate.
- 6.3 As stated above, this plan does not include any utilisation of these reserves. However, with the scale of the deficit, it is conceivable that some utilisation could be necessary. If so, this should be on the basis that the reserve is replenished by the end of the MTFP period.
- 6.4 The Council also holds Earmarked Reserves, for both the GF and HRA – both circa £20m, which have been set aside for a specific purpose, such as sinking

funds for asset replacement. Although these reserves are ring-fenced and should not to support ongoing expenditure within the budget, a review of all Earmarked Reserves is undertaken annually and any identification of funding no longer required to be earmarked can be released and could be used to support the budget. As these funds are one-off, they only delay the requirement for the identification and implementation of a sustainable saving.

## **7.0 Conclusion**

- 7.1 The MTFP will continue to be updated to ensure it is a live document. It is subject to amendment and review by Leadership Team and Members and will provide a clear guide prior to commencing the annual budget setting process in future years.
- 7.2 Like all councils, Mid Devon is facing an ongoing and very challenging financial future. Having a realistic financial plan for the next five years will enable the Council to ensure it is allocating its limited financial resources to its key priorities. Moving forward Members will be provided with regular updates on the financial impact of any variation to what has been previously assumed.
- 7.3 It should also be noted that the PDGs will continue to play a pro-active role in both reducing ongoing service costs and exploring new possibilities to raise additional income. Options will be brought forward for consideration over the next few months in the run in to setting the 2024/25 budget in February 2024.

## **Financial Implications**

By undertaking an annual review of the MTFP the Council can ensure that its Corporate Plan priorities are affordable. The implications of the revised budget gap are set out within the paper. Many areas require greater clarity, particularly around national funding and the possibility of additional funding to offset the implications of the Cost of Living Crisis. Therefore a number of key assumptions underpin the reported position, which will be refined as greater clarity is received through the budget setting process.

## **Legal Implications**

None directly arising from this report, although there is a legal obligation to balance the budget. There are legal implications arising from any future consequential decisions to change service provision, but these would be assessed at the time.

## **Risk Assessment**

The MTFP makes a number of financial assumptions based on a sensible/prudent approach, taking account of the most up to date professional advice that is available.

## **Impact on Climate Change**

The allocation of resources will impact upon the Council's ability to implement/fund new activities linked to climate change, as the MTFP sets the broad budgetary framework for the Council over the coming years. However, some provision has already been included in the base budget and further evaluation/consideration will be made as the draft budget passes through the PDGs over the next few months. Significant investment is currently forecast within the Capital Programme, however this will be dependent upon full options appraisals and levels of Grant funding available.

## **Equalities Impact Assessment**

No implications arising from this report.

## **Relationship to Corporate Plan**

The Medium Term Financial Plan (MTFP) sets out the financial resources available to deliver the Council's ongoing Corporate Plan priorities.

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 18 September 2023

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 18 September 2023

**Chief Officer:** Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 18 September 2023

**Performance and risk:** Dr Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 18 September 2023

**Cabinet member notified:** Yes

## **Section 4 - Contact Details and Background Papers**

**Contact:** Andrew Jarrett – Deputy Chief Executive (S151)

Email: [ajarrett@middevon.gov.uk](mailto:ajarrett@middevon.gov.uk)

Telephone: 01884 234242

**Contact:** Simon Newcombe – Corporate Manager for Public Health, Regulation and Housing  
Email: [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)  
Telephone: 01884 244615

**Background papers:**

- 2024/25 Medium Term Financial Plan report to Cabinet 19 September 2023

## Appendix 1 – General Fund Medium Term Financial Plan

The Table below gives an overall summary of the Council's General Fund MTFP position (which includes a wide range of assumptions).

### MTFP General Fund Summary

2023/24 £'000		Notes	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	2028/29 £'000
<b>16,845</b>	<b>Net Direct Cost of Services</b>		<b>17,035</b>	<b>17,468</b>	<b>18,210</b>	<b>19,036</b>	<b>19,752</b>
(1,884)	Net recharge to HRA		(1,948)	(2,006)	(2,067)	(2,129)	(2,193)
703	Provision for Repayment of Borrowing	1	898	970	1,066	1,063	1,101
<b>15,665</b>	<b>Net Service Costs</b>		<b>15,986</b>	<b>16,432</b>	<b>17,210</b>	<b>17,969</b>	<b>18,659</b>
(1,032)	Net Interest Costs/(Receipts)	2	(1,030)	(1,000)	(900)	(900)	(900)
180	Finance Lease Interest Payable		200	126	116	106	99
(1,582)	Net Transfers to/(from) Earmarked Reserves	3	(59)	188	288	214	314
(625)	Net Transfers to/(from) General Reserves		0	0	0	0	0
<b>12,606</b>	<b>Total Budget Requirement</b>		<b>15,097</b>	<b>15,747</b>	<b>16,715</b>	<b>17,389</b>	<b>18,172</b>
	<b>Funded By:</b>						
(4,319)	Retained Business Rates	4	(4,449)	(4,138)	(4,218)	(4,301)	(4,385)
(98)	Revenue Support Grant		(98)	0	0	0	0
(547)	Rural Services Delivery Grant		(547)	(547)	(547)	(547)	(547)
(320)	New Homes Bonus	5	(320)	0	0	0	0
(90)	2022/23 Services Grant	5	(90)	0	0	0	0
(485)	2023/24 Funding Guarantee		(485)	0	0	0	0
(6,749)	Council Tax–MDDC	6	(7,007)	(7,330)	(7,560)	(7,795)	(8,037)
<b>(12,606)</b>	<b>Total Funding</b>		<b>(12,994)</b>	<b>(12,013)</b>	<b>(12,323)</b>	<b>(12,641)</b>	<b>(12,967)</b>
<b>0</b>	<b>Annual Gap – Increase/(Decrease) In-year</b>		<b>2,103</b>	<b>1,631</b>	<b>658</b>	<b>357</b>	<b>457</b>
<b>0</b>	<b>Cumulative Gap</b>		<b>2,103</b>	<b>3,733</b>	<b>4,392</b>	<b>4,749</b>	<b>5,206</b>

### Notes:

1. The Provision for repayment of borrowing incorporates the financial implications of the current Capital Programme.
2. The reduction in Net Interest Costs / (Receipts) reflects the removal of the possible interest earned from 3 Rivers Developments Ltd and is replaced by an assumption on interest earned through treasury investments. Assumption on interest rates to be reviewed.
3. Net Transfers to / (from) Earmarked Reserves reflects planned contributions to, or drawdowns from reserves. This is likely to change significantly during this budget process.
4. The Retained Business Rates increase is assumed to be 3% in 2024/25 and a 2% increase is assumed in future years. However income drops in 2025/26 to reflect the potential changes the Government might implement to the Business Rates Retention Scheme. These include Re-Baselining and Resource Equalisation. No use of the Smoothing Reserve has been factored in (currently £720k but dependent upon annual collection surplus/deficit).

5. The current assumption is for a cash freeze in grants for 2024/25. However in 2025/26, it is assumed that the long awaited implications for grant funding arising from the Fair Funding Review are implemented, i.e. those announced as one off / ceasing will have stopped. However, there is an expectation that these are replaced, at least in part, but forecasting that is impossible. Therefore it is hoped that this is the prudent / worst case forecast.
6. Council Tax income is forecast assuming Band D charge increases in line with referendum limits in 2024/25 and assumed referendum limits in future years, and an increase in the taxbase in line with the local plan requirements (c350 properties per annum) and a return to normal (98%) collection rate over the life of the MTFP.

**MID DEVON DISTRICT COUNCIL**  
**HRA MEDIUM TERM FINANCIAL PLAN 2024-25 TO 2028-29**

	Current Base											
	2023-24	Infl	2024-25	Infl	2025-26	Infl	2026-27	Infl	2027-28	Infl	2028-29	
	£	%	£	%	£	%	£	%	£	%	£	
<b>Employee costs</b>												
Base salary budget	3,706,370		3,854,625		4,030,730		4,151,652		4,327,701		4,457,532	
Other Employee costs			58,710									
<i>Inflation base</i>	3,706,370	4.0%	3,913,335	3.0%	4,030,730	3.0%	4,151,652	3.0%	4,327,701	3.0%	4,457,532	
<b>Total in year cost</b>	<b>3,706,370</b>		<b>3,913,335</b>		<b>4,030,730</b>		<b>4,151,652</b>		<b>4,327,701</b>		<b>4,457,532</b>	
<b>Premises costs</b>												
Base budget	275,940		460,760		474,580		499,120		524,390		550,420	
Utilities	51,800		20,000		10,000		10,000		10,000		10,000	
Other cost pressures	119,600		(20,000)		-		-		-		-	
Savings	-		-		-		-		-		-	
<i>Inflation base</i>	447,340	3.0%	460,760	3.0%	484,580	3.0%	509,120	3.0%	534,390	3.0%	560,420	
<b>Total in year cost</b>	<b>447,340</b>		<b>460,760</b>		<b>484,580</b>		<b>509,120</b>		<b>534,390</b>		<b>560,420</b>	
<b>Transport related costs</b>												
Base budget	247,240		276,960		290,810		305,350		320,620		336,650	
Cost Pressures	16,530											
<i>Inflation base</i>	263,770	5.0%	276,960	5.0%	290,810	5.0%	305,350	5.0%	320,620	5.0%	336,650	
<b>Total in year cost</b>	<b>263,770</b>		<b>276,960</b>		<b>290,810</b>		<b>305,350</b>		<b>320,620</b>		<b>336,650</b>	
<b>Supplies and services</b>												
Base budget	2,284,830		2,461,810		2,847,400		3,304,770		3,470,010		3,643,510	
Cost Pressures	59,750		250,000		300,000		-		-		-	
<i>Inflation base</i>	2,344,580	5.0%	2,711,810	5.0%	3,147,400	5.0%	3,304,770	5.0%	3,470,010	5.0%	3,643,510	
One off costs												
<b>Total in year cost</b>	<b>2,344,580</b>		<b>2,711,810</b>		<b>3,147,400</b>		<b>3,304,770</b>		<b>3,470,010</b>		<b>3,643,510</b>	
<b>Support services</b>	1,883,810	4.0%	1,959,162	3.0%	2,017,937	3.0%	2,078,475	3.0%	2,140,830	3.0%	2,205,055	
<b>Total gross expenditure</b>	<b>8,645,870</b>		<b>9,322,027</b>		<b>9,971,457</b>		<b>10,349,367</b>		<b>10,793,551</b>		<b>11,203,167</b>	
<b>Rents , fees, charges and Other Income</b>												
Housing Rents	(13,626,440)		(14,035,230)		(14,550,640)		(15,015,260)		(15,606,470)		(15,960,830)	
Income increases - Growth in units	-		(303,700)		(243,800)		(358,800)		(115,000)		(345,000)	
Income Reductions-Units lost through Right-to-Buy	-		73,600		73,600		73,600		73,600		73,600	
Garage and Garage Ground Rent income	(363,730)		(363,730)		(363,730)		(363,730)		(363,730)		(363,730)	
Other Income	(880,740)		(972,240)		(1,044,165)		(1,048,494)		(989,906)		(939,378)	
<i>Inflation base</i>	(14,870,910)	3.0%	(15,601,300)	2.0%	(16,128,735)	2.0%	(16,712,684)	2.0%	(17,001,506)	2.0%	(17,535,338)	
One off initiatives												
<b>Total in year cost</b>	<b>(14,870,910)</b>		<b>(15,601,300)</b>		<b>(16,128,735)</b>		<b>(16,712,684)</b>		<b>(17,001,506)</b>		<b>(17,535,338)</b>	
<b>NET COST OF SERVICES</b>	<b>(6,225,040)</b>		<b>(6,279,273)</b>		<b>(6,157,278)</b>		<b>(6,363,317)</b>		<b>(6,207,955)</b>		<b>(6,332,171)</b>	
Capital Financing	1,010,130		1,024,202		1,075,482		1,247,002		1,362,178		1,361,623	
Interest Payable (PWLb)	1,178,830		1,787,120		1,948,850		2,244,450		2,286,315		2,322,366	
Interest Payable HRA to GF	39,660		37,294		34,869		32,377		29,816		27,185	
Interest Payable (finance leases)	13,790		13,790		13,790		13,790		13,790		13,790	
Contribution to Capital - MRA	2,535,000		2,360,000		2,375,000		2,090,000		1,950,000		1,950,000	
Renewable energy surplus	160,000		152,000		144,400		137,180		130,320		123,800	
Affordable Rent surplus	149,133		153,607		156,679		159,813		159,813		149,333	
Principal adjustment	854,210		906,646		960,635		1,016,223		1,073,458		1,132,386	
Utilisation of the 30 Year Maintenance Programme	-		-		-		-		-		-	
External Funding to/(from) Decarbonisation Scheme	-		-		-		-		-		-	
Transfers to sinking funds	50,000		50,000		50,000		50,000		50,000		50,000	
Transfer to Housing Maintenance Fund (HMF)	234,287		-		-		-		-		-	
<b>Indirect costs/reserve transfers</b>	<b>6,225,040</b>		<b>6,484,659</b>		<b>6,759,705</b>		<b>6,990,835</b>		<b>7,055,690</b>		<b>7,130,483</b>	
<b>Annual (Surplus) / Savings to be found</b>	<b>0</b>		<b>205,387</b>		<b>602,427</b>		<b>627,518</b>		<b>847,735</b>		<b>798,313</b>	
<b>Cumulative (Surplus) / Savings to be found</b>	<b>0</b>		<b>205,387</b>		<b>807,814</b>		<b>1,435,332</b>		<b>2,283,068</b>		<b>3,081,380</b>	

Assumptions:

- Salary inflation in line with General Fund assumptions
- Utilities costs assumed a general uplift
- Transport costs assumed inflationary increase only
- Fire Risk budget increase in 24/25 and 25/26
- Damp/Mould budget provision in 24/25 and 25/26
- General Fund recharges assumed in line with GF forecast
- Rents assumed a nominal inflation
- Capital Financing will need to be revised subject to the valuation for St George's Court and Knowle Lane
- Post Hill borrowing assumptions removed (revenue costs relating to impairment to be charged to HRA in 2023/24)
- Other 'Below the Line' items will be updated in subsequent iterations of the MTFP

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# 2024/25 Headline Savings options

Service	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)
Corporate Management	Simon Newcombe	PS733 / HO130	The recharge for the Corporate Manager for Public Health, Regulation and Housing for HRA activity is currently set at 60% of his full-time role. This no longer reflects the level of HRA activity undertaken and a reduction in time on GF activity (Public Health/EP/Safeguarding etc). Proposal is to increase the HRA recharge from 23/24 to 75%. There is a cost to the HRA that can be absorbed presently before other savings set out below are put in place with an equivalent saving to the GF.	£ 13,000		
Building Services	Simon Newcombe	HO130	<p>Currently Private Sector Housing (PSH) carry out Fire Risk Assessments and Legionella testing on behalf of the HRA and we are recharged for these works. The new Fire Safety Act 2023 comes into force on the 1st October and introduces new provisions within section 156 of the Building Safety Act 2022 that requires us to undertake FRA's of buildings that were not previously categorised as Flats, this in turn will mean that we will have an increased number of re-assessments needing to be done each year going forward on a 1.5 yearly programme.</p> <p>We currently are recharged for 0.6FTE of a specialist Officers time but believe that this would need to increase to at least 0.8FTE from next financial year.</p> <p>There are opportunities for the HRA to utilise a further additional 0.2FTE of this officer's time to assist with more legislative changes that have come into force such as Housing Health and Safety Rating System (HHSRS) inspections and Asbestos Condition Surveys.</p> <p>This means the HRA could utilise 100% of a Specialist Officers time and believe that it would make sense to move the specialist officer to the HRA from the GF rather than look to employ the additional resource externally which would create an additional financial pressure to the GF.</p> <p>So whilst this does increase the salary budget to the HRA by around £18k it would be a saving of the Specialist officers' salary to the GF of the same or £45k if we go external.</p>	£ 18,000		

2024/25 Headline Savings options

Service	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)
Services	Simon Newcombe	HO130	<p>As the above the Legionella sampling for the HRA is undertaken by one of PSH's Specialist Officers and we are currently recharged for 0.2FTE for these works, and a further £1k a year for the samples. However, the number of samples now required will have dropped to such a low number at the end of 23/24 this isn't something that we need to continue with in the forthcoming financial year.</p> <p>We are 3 years into a 5 year programme to remove all water systems that may pose a legionella risk and are nearly 12 months ahead of schedule.</p> <p>These systems were rated on a traffic light system with Red for danger, Amber for Medium and Green for low. We originally had over 1000 properties that were either Red or Amber that required an annual check and we also carried out an additional check of 10% of the stock that was Green rated, we are now at a stage where we have no Red rated systems and less than 200 Amber ones and are hoping to have reduced that number to under 100 by the end of this financial year.</p> <p>I propose that we undertake any of the required sampling by utilising our existing workforce in the upcoming financial year, we have already added the sampling of Green rated systems to next years Gas and Renewable servicing contract (At no additional cost) which will pick up the 10% of Green systems.</p>	£ 9,000		
Tenancy Services	Simon Newcombe	HO320	<p><b>Review membership of professional organisations:</b></p> <p>TPAS : £1,525 2023/24</p> <p>HouseMark : £6,335 2023/24</p> <p>Resolve : £1,162 2023/24</p> <p>HQN : £3,150 2023/24</p> <p>Implications:</p> <p>These organisations all offer benefits including access to training and good practice briefings and Housemark offers a benchmarking service which is useful for helping us to understand funding decisions and inform business management decisions</p> <p><b>Risks:</b></p> <p>It is important to ensure that staff are understanding of the wider housing policy context and failure to remain in these organisations could impact MDH ability to access good quality training and briefings. These industry standard services provide an authoritative, comprehensive professional support into the service at the point where the Regulator Social Housing is legally tasked (via SH Regulation Act 2023) to mandate housing professionalism standards - timing is poor and saving small to HRA with no GF benefit</p>			£ 12,172

2024/25 Headline Savings options

Service	Budget Holder	Cost Centre	BRIEF Saving Description (including risks of delivery)	Low Risk (£k)	Medium Risk (£k)	High Risk (£k)
	Simon Newcombe		<b>Shared Services / Partnership Working:</b> consideration of closer partnership working with Councils who still have their own HRAs and explore other strategic means of delivery/operation to deliver service efficiencies.			?
				£ 40,000	£ -	£ 12,172

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## **Report for: Homes Policy Development Group**

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Date of Meeting:	26 <sup>th</sup> September 2023
Subject:	<b>MID DEVON HOUSING DAMP AND MOULD POLICY</b>
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing and Property
Responsible Officer:	Simon Newcombe - Corporate Manager for Public Health, Regulation and Housing
Exempt:	No  which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All Wards
Enclosures:	Annex A – Damp and Mould Policy Annex B – Damp and Mould Policy Equality Impact Assessment (EIA)

### **Section 1 – Summary and Recommendation**

This policy sets out how Mid Devon Housing will address issues of damp, mould and condensation within the council's tenanted and leasehold housing stock.

This includes how the Council intends to comply with its legal responsibilities and with the Housing Ombudsman's recommendations in 'The Spotlight on Damp and Mould' report and well as its wider health, safety and wellbeing requirements towards our tenants under the statutory Homes Standard published by the Regulator of Social Housing and the new Social Housing Regulation Act 2023.

## **Recommendation:**

**That the PDG recommends that Cabinet recommends to Council that the MDH Damp and Mould Policy and Equality Impact Assessment contained in Annexes A and B be adopted.**

## **Section 2 – Report**

### **1 Introduction**

#### **Current regulation and performance**

1.1 Under the Homes Standard, the Regulator of Social Housing (RSH) requires all registered providers to:

- provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time;
- meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

1.2 The Social Housing (Regulation) Act received Royal Assent in 2023 and has now been enacted into law, the Act has been taken into account in the creation of the Policy. This will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.

1.3 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how well their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the White Paper and several are particularly relevant to the aims of this policy:

- To be safe in your home (Chapter 1)
- To know how your landlord is performing (Chapter 2)
- To have your complaints dealt with promptly and fairly (Chapter 3)
- To have a good quality home and neighbourhood to live in (Chapter 6)

1.4 As part of the new consumer regulation regime, from April 2023, the RSH has already introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those

based on tenant perception surveys setting out tenants views on our performance which will include responsible neighbourhood management.

1.5 The TSM measures under the Homes Standard include:

- TP02 – Satisfaction with Repairs
- TP04 – Satisfaction that the home is well maintained
- TP05 – Satisfaction that the home is safe
- TP10 – Satisfaction that the landlord keeps communal areas clean and well maintained

1.6 In addition to the Social Housing Regulation Act the government published new damp and mould guidance on 8<sup>th</sup> September 2023 for landlords in the wake of two-year-old Awaab Ishak's death. The guidance provides an overview of what landlords should consider when addressing reports of damp and mould and gives examples of best practice to help reduce health risks to tenants and potential damage to property.

1.7 Officers have considered the guidance issued and are confident that the MDH Damp and Mould Policy fully aligns with the principles set out by the government but lacked detail on follow up visits when improvement works had taken place. In order to address this Members are being asked to approve an additional section to the draft policy which will provide transparency on follow up visits.

### **Wider context and renewed focus**

1.6 Damp and mould in homes is prevalent across the country, especially in older stock and poorly maintained or designed properties. Homes that retain moisture, residents who cannot afford to turn on their heating, or who do not have outside space to dry laundry, and failures of all landlords to address repairs in a timely fashion have combined to blight homes with damp and mould.

1.7 The sector has been actively aware of these issues for some time and Mid Devon Housing have taken a proactive stance in tackling the issue. This preceded heightened focus on the issue following the publication of the Housing Ombudsman's 'Spotlight Report on damp and mould' report in October 2021 in addition to a Coroner's report into the death of Awaab Ishak in November 2022 which set out the many failings that directly contributed to this only reinforced the urgency with which the sector must respond, whether as a social housing provider or a private landlord.

1.8 All social landlords have an essential role to play here; in ensuring homes are kept in a good state of repair, in listening to tenants and responding quickly to any problems they raise, and in creating a culture where everyone cares about all residents' living conditions.

- 1.9 As such a landlord, the Council has a duty to ensure that its housing stock is maintained at least in accordance with the Decent Homes Standard, which includes taking steps to assess properties for damp and mould problems and, where appropriate, take steps to avoid or minimise the recurrence of damp and mould.
- 1.10 We know that residents living in homes with damp and mould are more likely to suffer from respiratory problems, and other conditions that impact the immune system.
- 1.11 The cost-of-living crisis and the impact of fuel poverty is leading to an increased number of residents not being able to either heat or ventilate their homes adequately, which can potentially exacerbate the problem.
- 1.12 In 2021, well before this high profile case, a review of Damp and Mould was started by our Technical Support and Repairs Manager. It was completed and published in early November 2022, unknowingly just ahead of the publication of the above Coroner's report and subsequent media attention. This review is available on the Mid Devon District Council website (see background papers).
- 1.13 The review considered sector current best practice including the recommendations of the Housing Ombudsman Spotlight Report and further set out that:
- MDH have no policy of awaiting claims outcomes before investigating and addressing any damp or mould
  - Are working towards better understanding of problem in our stock
  - We continue to develop improved approaches and have a zero-tolerance approach
  - The recommendations of the review should be incorporated into a dedicated Mid Devon Housing Damp and Mould Policy, developed in consultation with our tenants

### **Response and new regulation**

- 1.14 The publication of Coroner's report on Awaab Ishak was seen as a defining moment for the housing sector. As such, the Department for Levelling Up, Housing & Communities (DLUHC) and Regulator for Social Housing (RSH) wrote to all Council's and all registered housing providers (RPs) respectively on 19 November for a written response. This sought formal assurance around our delivery of statutory duties and responsibilities with promises to take action against under-performing organisations.
- 1.15 In response to the above, a detailed, combined response drafted by MDH and Public Health services was provided by Chief Executive to DLUHC and RSH on



30 November 2022. This provided our comprehensive assurance in terms of Mid Devon as both a registered provider/social housing landlord (MDH) and a regulatory body for housing standards. The Damp and Mould Policy introduced by this report is relevant only to MDH and its landlord function.

1.16 At the same time that issues around damp and mould came into recent national focus, the Social Housing Regulation Bill (which became the Social Housing (Regulation) Act 2023) was passing through Parliament. During its journey through Parliament, it also became a 'patchwork' of reform, plugging various gaps and picking up on some wider topical issues including damp and mould. As such the following provisions were included in the final Act:

- Awaabs law - requiring the Secretary of State to set out new requirements for landlords to address hazards such as damp and mould within a fixed time period. Consultation is expected on this within the next 6 months, with a view to the requirements taking effect in summer 2024.
- The requirement for RPs to have a health and safety lead at executive level, in to be introduced by subsequent regulation, likely before April 2024. The details of this person must be notified to the RSH and be visible to tenants. This person will have overall accountability for the health and safety of MDH housing stock including fire safety, legionella, asbestos, gas and electrical safety, other hazards such as structural concerns, slips/trips and falls alongside damp and mould.

1.17 In response, MDH have developed this Damp and Mould Policy and will notifying the RSH and tenants of the appointed lead role once the regulations are in place. This has already been factored into the interim senior management structure of the Council and will be incorporated in the more permanent arrangements due to come before Cabinet in autumn 2023.

## **2 MDH Damp and Mould Policy**

2.1 The overall aim of the policy is to provide a clear and transparent framework on the Council's approach to tackling damp and mould in accordance with our statutory obligations. This includes ensuring that our residents feel listened to and responded to effectively when experiencing issues of damp and mould.

2.2 Mid Devon Housing wants to take every reasonable action to identify, remedy and provide advice on damp and mould in Council homes in order to ensure a safe, health and comfortable environment for our residents, as well as to protect the fabric of our buildings.

2.3 Damp and mould is a complex issue requiring regular action from both housing providers and tenants. The nature of diagnosis of many damp and mould issues means that diagnosis is not always possible at first report.

- 2.4 To ensure that treatment has been effective, and damp and mould has not reappeared, any improvement work will be accompanied by a follow up visit to the property. MDH will allow at least 6 weeks after the initial treatment to revisit the dwelling. Any issues reported by tenants in the meantime will be acted upon promptly. If damp and mould have reappeared, further investigation and intervention will be pursued.

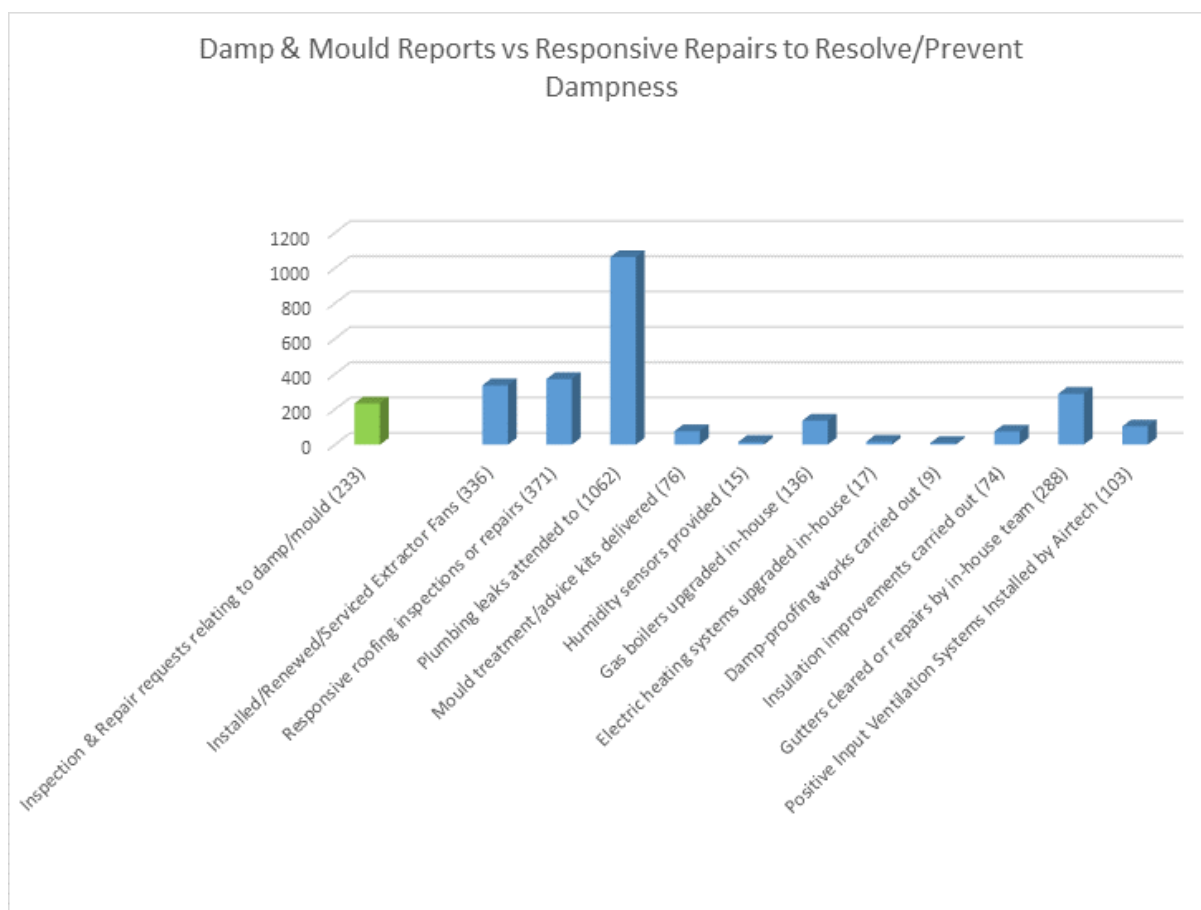
### **3 Historic Performance**

- 3.1 In a pilot survey of the new Tenant Satisfaction Measures (TSM) survey undertaken at the end of 2022, the responses to relevant questions were as follows:

- TP02 – Satisfaction with Repairs – 69%
- TP04 – Satisfaction that the home is well maintained – 65%
- TP05 – Satisfaction that the home is safe – 71%
- TP10 – Satisfaction that the landlord keeps communal areas clean and well maintained – 53%

- 3.2 A damp and mould survey project commenced in March 2023 with a view to contacting as many tenants as possible, in order to gain a better knowledge of the true prevalence of damp and mould across MDH stock. These surveys focussed on the properties most likely to be suffering from damp and mould, gradually moving on to the rest of the housing stock. The survey also explored data from Orchard Housing and repairs reports. As of 31 May 2023, the results of the survey are as follows:

- At least 5% of MDH tenants presently have damp or mould in their homes at any one time.
- 14% of all homes have had some sort of damp or mould in the past 2 years.
- 86% of all homes have reported no damp or mould in the past 2 years.
- Of the surveyed properties/tenants, where there had been damp/mould in the past, 42% no longer experience damp/mould, whilst 58% said that they did presently have damp/mould issues.
- Between 1 April 2022 and 29 March 2023, there were 233 inspection and repair requests relating to damp and/or mould. In the same period, the repairs service carried out 2487 actions aimed to reduce damp and mould. This shows that for every one damp, mould and/or leak report, there are nearly 10 actions to resolve or prevent it. A further breakdown is included in the table below:



## 4 Consultation

- 4.1 During the development of the policy, MDH ran a damp and mould forum on its Facebook site which sought feedback on the experiences of tenants alongside their views and ideas on tackling the issue. Responses received formed a key part in the development of the policy itself.
- 4.2 A second round of formal tenant consultation took place between 5<sup>th</sup> June and 17<sup>th</sup> July 2023 on the final draft policy and no additional responses were received from tenants.

## 5 Policy approach

- 5.1 The policy recognises that:

- Damp, condensation and mould can and will occur
- We have a mixed stock of homes of varying age and design, built to different building regulations and energy efficiency requirements over the past century
- An inherent damp climate/wide seasonal temperature range exacerbated by climate change together with varied use and occupation

leads to homes with hugely variable energy and ventilation efficiency and demand

- Persistent mould in several rooms and/or key living spaces is the main concern – long term environmental exposure = highest risk of health impacts
- Whilst tenant behaviours are important its not a blame situation – MDH must listen, advise and understand underlying factors (for example; knowledge, lack of drying areas, overcrowding, health conditions, cost-of-living and fuel poverty/cost-of-living pressures)
- Prompt / effective treatment of leaks is important – fix source and de-humidify
- Structural or ventilation factors often also relevant
- Persistent cases - whatever the tenure - will get the attention required to understand and act on the complex mix of issues creating the problem

5.2 Consequently, the policy sets out an intensive housing management approach to damp and mould as follows:

- Targeted reactive and proactive inspections
- Follow-up treatments packs and tenant advice leaflet/checks for primary language and understanding
- Where no structural defects are found but issues persist beyond initial treatment then properties are referred for a specialist survey; humidity monitoring, assess mould, wall moisture and dew points
- Specialist survey recommendations are followed up and implemented including additional or improved ventilation
- Ongoing review of best-practice procedures and treatments
- Additional diagnostic tools – mini hygrometer to help tenants monitor and understand cause and specialist thermal imaging for problematic black mould
- Setting up of a focus group of staff, tenants and Councillors to look at issues relating to damp and mould
- Overall, adopting a zero-tolerance, joined-up approach where we proactively seek to understand causes, concerns and risks in order to take action

5.3 In addition to building new homes with ultra-high energy efficiency which meet or exceed the latest standards, our development programme has a focus on also replacing end-of-life poor quality Cornish and Woolaway units. This will be accelerated where possible through successful applications for Affordable Homes Programme (AHP) grant from Homes England where this grant scheme has recently be updated to provide funding for all new social housing including homes replacing existing units under a regeneration approach.

5.4 Previously only net additional new homes were eligible for AHP grant and the current scheme runs until 2026.

5.5 There is also a programme of modernisation across the remaining, existing MDH stock which will mitigate and reduce damp and mould risk over time:

- £ multi-million investment in rolling 5-yr modernisation and decarbonisation programme (£3m roofs and insulation, £4m decent homes, £2m windows, £1.9m heating, £1.2m renewables)
- 100% of stock meeting Decent Homes Standard; new heating and ventilation systems, modern glazing with trickle ventilation, improved insulation
- Reduce running costs for tenants and improve energy efficiency

## **6 Recommendation**

6.1 The following recommendation is made:

1. That the PDG recommends that Cabinet recommends to Council that the MDH Damp and Mould Policy and Equality Impact Assessment contained in Annexes A and B be adopted.

### **Financial Implications**

This report on its own does not give rise to any financial implication but implementation of the activities set out in the policy have cost implications which are already considered in the current 5-year Medium-Term Financial Plan for the Housing Revenue Account (2023/24 – 2027/28) and capital programme.

Consequently, these will either be met from existing resources and funding or require separate business cases and appropriate approval to progress.

### **Legal Implications**

The council has statutory responsibilities under the Landlord and Tenant Act 1985, the Decent Homes Standard, the Defective Premises Act and the Housing Health and Safety Rating System (HHSRS) to ensure that properties are maintained, meet the Decent Homes Standard and that, where appropriate, properties are assessed and steps taken with a view to avoiding or minimising the risk of recurrence of damp and mould.

Further information is set out in the body of the report, notably in Section 1.

### **Risk Assessment**

Failure to have adequate arrangements in place for addressing damp and mould could result in the Council failing to meet its statutory and contractual obligations

Depending on the specific circumstances and the causes of damp or mould, where the council fails to comply with its statutory or contractual obligations, the tenant or lessee may have a right to take legal action for the damp and mould problems to be remedied and also possibly to claim compensation.

The Council received 31 legal disrepair claims between January 2019 and May 2023, of which, the majority include reference to damp and mould.

### **Impact on Climate Change**

None directly relevant to this report.

### **Equalities Impact Assessment**

Mid Devon Housing collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Our housing estates must be accessible to those with disabilities and we have in place a regular schedule of inspections to ensure that all defects are identified and rectified as soon as possible. Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

The Equalities Impact Assessment is attached to this report in Annex B.

### **Relationship to Corporate Plan**

A stated aim of the Council is to seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 12 September 2023

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 12 September 2023

**Chief Officer:** Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 24 August 2023

**Performance and risk:** Dr Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 01/09/2023

**Cabinet member notified:** Yes

#### **Section 4 - Contact Details and Background Papers**

**Contact:** Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing or Mike Lowman, Operations Lead for Building Services.

Email: [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk) / [mLOWMAN@middevon.gov.uk](mailto:mLOWMAN@middevon.gov.uk)

Telephone: 01884 255255

#### **Background papers:**

Ombudsman 'Spotlight on Damp and Mould' report – October 2021, which is available via [Housing Ombudsman Spotlight report on damp and mould \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

Mid Devon Housing Damp and Mould Review November 2021

<https://www.middevon.gov.uk/media/354391/damp-mould-review-2022.pdf>

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# DAMP AND MOULD POLICY

## 2023

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## 1 Introduction

- 1.1 Mid Devon Housing (MDH) wants to take every reasonable action to identify, remedy and provide advice on damp and mould in Council homes in order to ensure a safe, health and comfortable environment for our residents, as well as to protect the fabric of our buildings.
- 1.2 Damp and mould is a complex issue requiring regular action from both housing provider and tenants. The nature of diagnosis of many damp and mould issues means that diagnosis is not always possible at first report.
- 1.3 This policy statement outlines MDH's approach to delivering a fit for purpose damp and mould service that will:
  - Provide clarity on the ways in which tenants can report such issues
  - Provide staff with the ability to understand what is going on by giving them scripts to aid diagnosis
  - Ensure that tenants are treated in a fair and consistent way
  - Comply with statutory regulatory, legislative requirements, contractual requirements and good practice
  - Focus on working in partnership with tenants ensuring that a safe and healthy internal environment is possible
  - Allow MDH to undertake effective investigations and implement all reasonable remedial repair solutions and improvements to make eradication of damp and mould possible
  - Ensure that tenants have access to and/or are provided with comprehensive advice and guidance on managing and controlling damp, mould and condensation
  - Maximise the available budgets and ensure that they are used effectively and efficiently to deal with damp, mould and condensation problems
  - Ensure that the fabric of our property is protected from deterioration and damage resulting from damp, mould and condensation
  - Focus on working in partnership with tenants ensuring that a safe and healthy internal environment is reasonably possible to achieve
- 1.4 We will make reasonable attempts to access the property to inspect and carry out the works. All logged repairs must have evidence of at least three attempts to contact the tenant. Written communication must then be provided to the tenant asking them to contact us to organise a new repair and record each attempt on our tenant database.

- 1.5 We will implement data collection and insight measures to assist with informing us of the possible risks to our properties so that we can undertake proactive measures to eliminate damp, mould and condensation before it becomes a problem for our customers.

## 2 Legal Framework and Context

- 2.1 Under the Homes Standard, The Regulator of Social Housing (RSH) requires all registered providers to provide a cost-effective repairs and maintenance service to homes and communal areas. This service should respond to the needs of, and offers choices to, tenants, and have the objective of completing repairs and improvements right first time and meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
- 2.2 Social Housing (Regulation) Act has received Royal Assent, meaning the bill has now been enacted into law. This will impact the regulatory framework for social housing and introduce a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.
- 2.3 These new standards are there to ensure tenants feel safe and secure in their homes, can get problems fixed before they spiral out of control, and can see exactly how well their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the White Paper and several are particularly relevant to the aims of this policy:
- To be safe in your home (Chapter 1)
  - To know how your landlord is performing (Chapter 2)
  - To have your complaints deal with promptly and fairly (Chapter 3)
  - To have a good quality home and neighbourhood to live in (Chapter 6)
- 2.4 From April 2023, the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measures include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants' views on our performance which includes responsible neighbourhood management.

2.5 The TSM measures under the Homes Standard relevant to this policy include:

- TP02 – Satisfaction with Repairs
- TP04 – Satisfaction that the home is well maintained
- TP05 – Satisfaction that the home is safe
- TP10 – Satisfaction that the landlord keeps communal areas clean and well maintained

2.6 The scope of this policy is covered by legislation including the following:

- Housing Act 1985.
- Homes (Fitness for Human Habitation) Act 2018.
- Landlord and Tenant Act 1985, Section 11 - Repairs and Maintenance.
- Housing Act 2004 - Housing Health and Safety Rating.
- Decent Homes Standards.

### 3 Policy Aims and Objectives

#### Aims

3.1 This policy explains how we will deal effectively with damp and mould in Council homes and communal areas. This includes MDH properties that are tenanted.

3.2 This policy covers the following items:

- Methods of reporting
- Diagnostic scripting
- Investigations and repairs
- Process of elimination for complex cases
- Damp and mould inspections
- Technology and monitoring
- Improvements
- Landlord responsibilities
- Tenant responsibilities
- Education and improvement

#### Objective

3.3 This policy has been written to ensure that wherever possible, residents are not adversely affected by the causes of damp and mould and drives forward an agenda of proactive action to tackle/manage the causes of damp and mould.

## 4 Definitions

4.1 For the purposes of this policy, the following definitions apply:

- **Tenant** – means any person that has a tenancy agreement with the Council.
- **Leaseholder** - means any person or organisation that has a domestic property lease agreement with the Council.
- **Council Property** – means any land/property owned by the Council either as the freehold or leasehold owner.
- **Rising damp** - Characterised by a tide mark on ground floor walls, often accompanied by salt deposits ('efflorescence'), rising damp is caused by the movement of moisture from the ground, rising up through the structure of the building through capillary action.
- **Penetrating damp** - Water penetrating the external structure of the building causing damp, rot and damage to internal surfaces and structure. For example roof leaks, gutter leaks, water ingress through poor pointing or render, bridged damp proof courses or storm water flooding.
- **Plumbing leaks** – leaks from any parts of the plumbing, heating or drainage system, above ground or underground.
- **Condensation** –occurs when an imbalance of heating, moisture and ventilation leads to air borne moisture condensing and settling on cooler surfaces as water.
- **As Built Defect** –is a building defect which met building regulations at the time of construction, but would fail to meet modern building standards today. Common examples include: single skin walls, rat-trap bond walls, cold bridge details, ground levels within 150mm of damp proof course, lack of damp proof course or lack of damp proof membrane.
- **Humidity** (relative humidity (RH)) - is a measure of the water vapour content of air, expressed as a percentage (%RH). RH is strongly proportional to temperature and highly sensitive to temperature changes.
- **Excess humidity** – for the purpose of management of damp and mould, excess humidity is where RH indoors exceeds, or is likely to exceed 70%. Indoor humidity at this level is harmful to respiratory health, and can lead to the formation of mould in homes.
- **Moisture producing room / wet room** – a room in which moisture is created through use of appliances, for example kitchens, bathrooms and shower rooms.
- **Habitable room** –a room that is utilised for dwelling purposes e.g. living, eating, sleeping. MDH has a responsibility to ensure that habitable rooms are capable of being free from damp and mould. Rooms not forming part of the habitable property include garages, external stores, sheds, former coal stores and external WCs. These rooms are often unheated and uninsulated, so can be prone to condensation mould if not well ventilated.

## 5 Methods of Reporting

- 5.1 Tenants and leaseholders can report repairs by phone, email, letter, in person, on our website or through our social media pages.
- 5.2 Damp and mould issues may also be identified by visiting professionals and housing officers, in which case, this will be reported back to the repairs service.

## 6 Diagnostic scripting

- 6.1 All repairs coming through the Council's call centre will be triaged using a diagnostic script. This script has been created from decades of specialist officer knowledge, industry best practice and tenant feedback. The script is designed to determine the most likely cause or causes of damp or mould, and to arrange for repairs or advice to combat this. It may be necessary for the script to be used more than once, as symptoms improve and change.
- 6.2 It is important that tenants are honest and accurate when reporting repairs, in order that the scripting is appropriate.

## 7 Investigations and Repairs

- 7.1 The Council shall investigate to determine the cause of damp, mould and condensation and carry out remedial repairs and actions in accordance with the tenancy agreement, including:
  - Undertaking work for the treatment of penetrating dampness or mould on void properties before being let to new tenants.
  - Delivering effective solutions, based on dealing with the causes of the damp and mould not just the symptoms.
  - Promoting and providing general advice and guidance on how to manage damp and condensation.
  - Ensuring that the relevant staff are aware of and understand the delivery of the service that will meet the aims of this policy.
  - Ensuring that competent contractors are employed to carry out any works associated with damp and mould.
  - Informing the tenant of the findings of the investigations following the visit. This will include identifying the possible causes of damp and mould, recommending effective solutions, all necessary remedial works and the estimated timescales to complete the works.

- When satisfied that, in partnership with the tenant, all reasonable efforts in managing condensation damp has been carried out and this has not been successful, the Council will visit the property and investigate the matter further.
- Insulating Housing Revenue Account (HRA) properties in accordance with the Decent Homes Standard to help reduce the likelihood of condensation occurring.
- Maintaining a tenant's home to avoid penetrating dampness and to avoid rising damp in homes with a damp proof course or membrane by design, and for carrying out remedial action if these do occur.
- Undertaking reasonable improvement works required to assist in the management and control of condensation damp, e.g. the installation of mechanical extractor fans, air vents and repairing existing insulation.
- Carrying out remedial works where it is reasonable and practical to do so.
- Taking a pragmatic approach in finding appropriate solutions when having regard to the constraints of the existing building design and structure. In some cases this may mean that the Council will need to sell or dispose of the property.
- Making good any internal surfaces following any damage caused by remedial works.

## 8 Process of Elimination for Complex Cases

- 8.1 Occasionally, the cause of dampness is unclear and the diagnosis process can be complex. This is often the case where there is more than one possible cause of dampness. Extreme condensation can also impede the diagnosis process.
- 8.2 In some complex cases, a process of elimination may be required and a period of monitoring will be necessary after each element of remedial works is carried out. In the case of penetrating dampness, for example, it might take 1 month per inch of masonry to dry out.
- 8.3 High levels of internal humidity can impede the drying out process following remedial works, and as such, it is essential that tenants follow advice relating to reducing internal humidity and increasing ventilation during the periods following works.
- 8.4 It is important that this is clearly communicated to tenants, and that tenants are involved in the monitoring and re-reporting process.
- 8.5 Where symptoms of dampness persist after remedial works, it is important that tenants contact MDH to advise of this.



## 9 Damp and Mould Inspections

9.1 In cases where the causes of damp and mould are unclear, an inspection may be required. These inspections may be carried out by:

- A trade inspector – this may be someone with a specific carpentry, plumbing, masonry or electrical background, selected for their appropriate skillset to investigate possible contributory factors.
- A technical inspector – this will be an officer with a surveying or management background, who will endeavour to determine the cause or causes of dampness when it is unclear what the cause is, or whether other routes have been explored and exhausted.

9.2 A contractor inspection – this could include an inspection by a damp proofing, roofing, plumbing, drainage or ventilation contractor. Due to a potential commercial influence these surveys are not considered to be independent surveys, however, data included can provide valuable insight into the symptoms observed.

9.3 Independent specialist survey – usually carried out by an independent RICS surveyor. These surveys will be carried out in cases where the causes of damp and mould remain unclear or disputed following a combination of the inspections noted in points 9.1 – 9.2.

## 10 Technology and Monitoring

10.1 As part of a proactive and holistic approach to preventing and identifying the causes of damp and mould, the Council will make use of technology and monitoring equipment. This equipment will never record personal data, audio or video. Such equipment could include:

- Data loggers on fans and ventilation units
- Data gateways on multi-function heat / carbon monoxide alarms
- Quantum smart storage heaters

10.2 Typical data gathered by such equipment includes:

- Records of ventilation systems being manually turned off
- Indoor temperatures
- Indoor humidity
- Carbon monoxide levels
- Carbon dioxide levels
- Dust contamination

- Fire detection alerts
- Air quality
- Occupancy patterns
- Draft detection / open window alert

10.3 By remotely monitoring this data, it is possible to either prevent conditions leading to poor air quality, damp or mould, or to identify triggers for symptoms which already exists. This may help to identify repairs required, or to better guide tenants on appropriate use of the property and equipment.

## 11 Improvements

11.1 MDH has an aging and largely rural housing stock. In this regard, many of our properties are unlikely to meet modern building standards in relation to protection from dampness, thermal properties and access to affordable heating. Subject to funding, MDH will endeavour to carry out improvements to properties to assist tenants with creating a warm, healthy environment, free from damp and mould. Improvements could include:

- Provision of a mould treatment kit for free of charge
- Change of heating type from all electric to gas or renewable
- Internal insulation (thermal boarding)
- External insulation
- Cavity wall insulation
- Floor or ceiling insulation
- Retro-fit damp proof membrane or injection
- Additional mechanical extraction
- Heat recovery units
- Positive input ventilation units
- Additional external drainage

11.2 As improvements fall outside the scope of responsive repair, right to repair and Decent Homes Standard timescales, any commitment to improvements are likely to be on a much longer term timescale and subject to change.

## 12 Landlord Responsibilities

12.1 Section 11 of the Landlord and Tenant Act 1985 places an obligation on the Council, as a landlord, to maintain the exterior and structure of the property. This includes installations for the provision of water, heating systems, drainage, sanitary appliances and gas and electricity. It ensures a rented property is kept in a good state of repair.

12.2 As also set out in the tenancy agreement, MDH commits to meeting its legal obligation to keep in repair the structure and exterior of the building, including roof tiles, gutters, drains and pipes.

12.3 Keeping in repair and proper working order the installations for water, gas, and electricity includes basins, sinks, baths, toilets, water tanks and pipes, gas pipes, boilers, electrical wiring, radiators and any other installation for space heating and water heating.

12.4 It is important to note, and in accordance the Landlord and Tenant Act 1985, MDH only has to repair the dwelling back to the standard it was when a tenant moved in, as long as the condition was satisfactory at that time. MDH is not required to upgrade or improve any part of the property, unless agreed in the tenancy agreement or undertaken by MDH voluntarily.

12.5 Reasonable timescales:

12.5.1 Where repairs fall within the scope of responsive repairs and the right to repair scheme these will be dealt with in accordance with the timescales set out in the repairs' handbook and right to repair guidance.

12.5.2 Where repairs fall outside of the scope of responsive repairs or the right to repair scheme, and especially where external contractors are needed, temporary repairs will be attempted and major works will be carried out within a reasonable time period. This is normally before the end of the following financial year (for example major re-roofing, major re-plastering, and major concreting works, bathroom or kitchen renewal).

12.5.3 Improvement works generally carry no statutory timescales, and a reasonable timescale could vary between 6 months and several years, where agreed.

## 13 Tenant Responsibilities

13.1 In accordance with the Tenancy Agreement, our tenants have a contractual responsibility for:

- *'reducing damp, mould and condensation through ventilation and controlling moisture'*

13.2 As set out in section 11 of the Landlord and Tenant Act 1985, a tenant or leaseholder has a duty to “use the premises in a tenant-like manner”. In essence, this means that our tenants are expected to take good care of the dwelling, carry out daily maintenance tasks and not do anything that directly leads to a deterioration of the fabric of the building or the installations and facilities provided. For example, they should:

- Keep the dwelling clean
- Heat and ventilate the property appropriately – MDH will support and signpost tenants if there is financial hardship

13.3 The Defective Premises Act 1972 sets out that as a landlord, MDH cannot be liable for injury or damage caused by something that the tenant is responsible for repairing.

13.4 Tenants have an obligation to allow access for inspections and repairs, in accordance with the tenancy agreement.

## 14 Education and Improvement

14.1 All MDH officers will receive training on understanding the causes and symptoms of damp and mould, the potential impact on health, and the importance of reporting concerns. Technical officers and operatives will receive more in depth training to aid diagnosis and ensure appropriate investigations and repairs are carried out.

14.2 Accepted methods of diagnosing and treating dampness are regularly being reviewed and developed by industry experts. Technical officers will continue their professional development by monitoring changes in best practice and adopting new techniques.

14.3 The causes of damp and mould are complex and in many cases, our tenants may need support to understand the causes of damp, mould and condensation, as well as how to avoid this. MDH will ensure that this education is in a range of formats including verbal, written, audio, visual and video.

## 15 Exclusions and Limitations

15.1 Misuse / damage – where damp and mould is caused by misuse or damage, tenants may be responsible for arranging for or paying for repairs. In extreme cases, possession may be sought for breach of tenancy agreement.

15.2 Rooms outside of the habitable part of the property – sheds, store rooms, single skin stores, loft spaces and former coal stores do not form part of the habitable property and may not be free from damp or mould.

15.3 Leaseholders – MDH will be responsible for anything listed within the freeholder's obligation within the lease. The cost of this is apportioned accordingly.

15.4 Garages – garages are not guaranteed to be dry or free from damp. They are designed to be secure off road parking for standard vehicles only.

## 16 Complaints and Feedback

16.1 We try to get things right the first time and when we do, we would love people to let us know. It's great for us to receive positive comments or feedback, so if people wish to complement our staff for doing a great job, we would love to hear from them.

16.2 If things do go wrong the Council is committed to:

- Dealing with complaints and comments quickly and effectively; and
- Using complaints, comments and compliments to review and improve our services.

16.3 When people contact us to tell us they are dissatisfied with the service we have provided, we will offer them the choice to have an informal conversation to see if we can put things right quickly, without the need for a formal investigation.

16.4 The Housing Ombudsman Service advise that a complaint must be defined as:

*'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents'.*

16.5 Where a tenant considers that the Council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved 'there and then' by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.

16.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint (stage 1), which can then be escalated to a stage 2 complaint if they are still not satisfied with the response. Having been through stages 1 and 2 if the tenant is still not satisfied, the tenant may contact the Housing Ombudsman Service.

- 16.7 MDH's complaints procedure is detailed on Mid Devon District Council website:  
[Feedback and Complaints](#)

## 17 Review and Version Control

- 17.1 MDH will review this policy every 10 years and as required to address legislative, regulatory, best practice or operational issues.
- 17.2 This policy was produced in 2023 and is version 1.00.
- 17.3 This policy was adopted by Cabinet on xxxx.
- 17.4 This policy was adopted by Council on xxxx



## Damp and Mould Policy - Equality Impact Assessment (EIA)

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.










The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

MDH is required by law to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- Foster good relations between people who share a protected characteristic and people who do not share it.

EIA will be carried out by MDH in respect of new or revised policies and a copy of the assessment will be made available. Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action will be necessary.

<b>Service:</b>	Mid Devon Housing																						
<b>Name of policy being assessed:</b>	Damp & Mould Policy																						
<b>Lead officer responsible for EIA:</b>	Operations Manager for Building Services																						
<b>Is this a new or existing policy:</b>	New Policy																						
<p><b>1. What are the aims and objectives of the policy?</b></p> <p>The aim of the Damp and Mould Policy is to take every reasonable action to identify, remedy and provide advice on damp and mould in Council homes in order to ensure a safe, health and comfortable environment for our residents, as well as to protect the fabric of our buildings.</p>																							
<p><b>2. What outcome do MDH want to achieve from this policy?</b></p> <p>This policy has been written to ensure that wherever possible, residents are not adversely affected by the causes of damp and mould and drives forward an agenda of proactive action to tackle/manage the causes of damp and mould.</p>																							
<p><b>3. Who is intended to benefit from the policy?</b></p> <p>The Damp &amp; Mould Policy will apply to all tenants</p>																							
<p><b>4. Who are the main stakeholders in relation to the policy?</b></p> <ul style="list-style-type: none"> <li>• All tenants</li> <li>• Household members</li> <li>• Family members of tenants</li> </ul>																							
<p><b>5. On the basis of the analysis above, what actions, if any, will MDH need to take in respect of each of the equality strands?</b></p> <table border="1"> <thead> <tr> <th>Characteristic:</th> <th colspan="2">Impact: Please  the relevant box</th> <th>Comments/Action:</th> </tr> </thead> <tbody> <tr> <td rowspan="3"><b>Age:</b></td> <td>Positive</td> <td></td> <td rowspan="3">Very young and old tenants are more likely to be impacted by the effects of ongoing damp and mould issues.  This will be mitigated by quick evaluation and resolution of any problems which may occur</td> </tr> <tr> <td>Neutral</td> <td></td> </tr> <tr> <td>Negative</td> <td></td> </tr> <tr> <td rowspan="3"><b>Disability:</b> You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.</td> <td>Positive</td> <td></td> <td rowspan="3">Tenants with a disability may be unable to resolve damp and mould problems themselves and may need assistance to help with causes  This will be mitigated by quick evaluation and resolution of any problems which may occur</td> </tr> <tr> <td>Neutral</td> <td></td> </tr> <tr> <td>Negative</td> <td></td> </tr> </tbody> </table>				Characteristic:	Impact: Please  the relevant box		Comments/Action:	<b>Age:</b>	Positive		Very young and old tenants are more likely to be impacted by the effects of ongoing damp and mould issues.  This will be mitigated by quick evaluation and resolution of any problems which may occur	Neutral		Negative		<b>Disability:</b> You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.	Positive		Tenants with a disability may be unable to resolve damp and mould problems themselves and may need assistance to help with causes  This will be mitigated by quick evaluation and resolution of any problems which may occur	Neutral		Negative	
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	Negative																						



<b>Gender:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Gender reassignment:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Marriage and civil partnership:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Pregnancy and Maternity:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Race:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Religion and Belief:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Sexual Orientation:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		

<b>Result</b>		
Are there any aspects of the policy, including how it is delivered or accessed, that could contribute to inequality?	Yes	<p>No ✓</p> <p>No major change needed: equality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken</p>
Will this policy have an adverse impact upon the lives of people, including employees and service users	Yes	<p>No ✓</p> <p>The policy provides a transparent framework that MDH will follow to ensure decisions on damp and mould and procedures that follow are</p>

		carried out in line with the policy.
<p><b>Monitoring and Review:</b></p> <p>MDH will regularly review the EIA, in line with legislative changes or good practice, or if the policy impacts any group directly.</p> <p>Operations Manager for Building Services: Mike Lowman</p> <p>Signed:</p>		



## **Report for: Homes Policy Development Group**

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Date of Meeting:	26 <sup>th</sup> September 2023
Subject:	<b>REVIEW OF MID DEVON HOUSING (MDH) RECHARGES POLICY</b>
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing and Property
Responsible Officer:	Simon Newcombe - Corporate Manager for Public Health, Regulation and Housing
Exempt:	No  which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	ALL
Enclosures:	Annex A – Recharges Policy Annex B – Recharges Policy Equality Impact Assessment (EIA)

### **Section 1 – Summary and Recommendation**

MDH, as a social landlord, incurs costs that arise from works and other activities which are normally the responsibility of the tenant, including repair of damage, pest control, and property cleans and clearances. The MDH Recharges Policy seeks to define the circumstances where such recharges occur and make clear MDH's intention to recover such costs.

#### **Recommendation:**

**That the PDG recommends that Cabinet adopt the updated MDH Recharges Policy and Equality Impact Assessment contained in Annexes A and B respectively.**

## **Section 2 – Report**

### **1 Introduction and historic performance**

- 1.1 The Social Housing Regulation Act received Royal Assent in 2023 and has now become law. At the point of review and update to this policy has been taken into account. The Act will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.
- 1.2 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions within the White Paper, several are particularly relevant to the aims of this policy:
- To be safe in your home (Chapter 1)
  - To know how your landlord is performing (Chapter 2)
  - To have your complaints deal with promptly and fairly (Chapter 3)
  - To have a good quality home and neighbourhood to live in (Chapter 6)
- 1.3 As part of the new consumer regulation regime, from April 2023, the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance.
- 1.4 The TSM measures under the Homes Standard relevant to this policy include:
- TP01 - Overall Satisfaction
  - TP02 - Satisfaction with Repairs
  - TP08 - Agreement that the landlord treats tenants fairly and with respect

### **2 Review of the Recharge Policy**

- 2.1 There has been a Recharge Policy in place for several years with the most recent version adopted in September 2018. It is therefore due to for review.
- 2.2 The review has taken into account the regulatory framework changes set out in Section 1 above, any new guidance from the regulators and other recent MDH or wider Council policy updates to ensure compliance and consistency.

- 2.3 The main aims of the updated MDH Recharge Policy are to set out:
- Under what circumstances we recharge tenants
  - When we would decide not to recharge a tenant
  - How to recover overdue chargeable repairs
  - To take fair but firm action to ensure that all debts relating to rechargeable repairs are collected to cover MDH costs
- 2.4 MDH will be pro-active in preventing relevant chargeable repairs by:
- Keeping tenants fully informed throughout their tenancy regarding their responsibilities and obligations relating to rechargeable repairs
- 2.5 The MDH Recharge Policy further sets out when a recharge will be made, confirming that tenants will be recharged for work carried out that is not MDH responsibility and that MDH will, as far is reasonably practicable, recover the costs.
- 2.6 A tenant may be recharged for any work MDH is required to complete which is not MDH responsibility as a landlord. Examples include: the replacement and fitting of light bulbs; replacement of lost keys; or repair of damage caused by a tenant, family member or visitor.
- 2.7 MDH cannot make charges in relation to a tenant exercising a statutory right. For example, a tenant cannot be recharged for submitting and withdrawing from a mutual exchange, although costs are incurred to MDH in assessing an application. However, if, during an inspection of the property triggered by a mutual exchange application, rechargeable repairs were identified, then it would be consistent with the proposed policy to recover those costs.
- 2.8 Naturally, situations may arise where recharges are inappropriate, and MDH officers are expected to use good judgement within the framework of the Policy. For example, a recharge may sometimes not be made where the tenant is a victim of domestic abuse, and the property damage was made by the perpetrator. Consideration of vulnerabilities, including mental health issues, will also be considered prior to the recovery of recharges.
- 2.9 In common with most landlords, MDH often identifies recharges during its inspection of properties following the termination of a tenancy. MDH will seek to recover costs that are the former tenant's responsibility, for example, damage to fixtures and fittings, removal of rubbish and belongings, or making good alterations done without MDH consent. Following the death of a tenant, the recovery of costs is from the deceased tenant's estate. This will be dealt with sensitively and appropriately by MDH.

- 2.10 The revision of the existing policy also includes further definition of responsibilities to ensure that all stakeholders are clear about accountabilities.
- 2.11 There are no other materially relevant changes to the policy.

### **3 Consultation**

- 3.1 The draft policy was sent to the following partner charity organisations for comment between 1<sup>st</sup> August and 31<sup>st</sup> August 2023:
- Citizens Advice (Torridge, North, Mid and West Devon)
  - Navigate (Somerset/Devon community social isolation and financial hardship)
  - CHAT (Churches Housing Action Team Mid Devon)
- 3.2 Tenants were invited to comment on the draft policy between 4<sup>th</sup> August and 31<sup>st</sup> August 2023
- 3.3 Members of the Homes PDG were invited to comment on the draft policy between 9<sup>th</sup> August and 31<sup>st</sup> August 2023.
- 3.4 No comments or concerns were received from either tenants, partners or members.
- 3.5 Despite a lack of response to consultation, it is important that tenants are fully aware of the updated policy. To this end, should the policy be adopted, MDH will proactively signpost the policy on our webpages/Facebook pages and in the next tenant newsletter. Where relevant, particularly in relation to queries, service requests or complaints we will also ensure specific tenants or other stakeholders are made directly aware of the updated policy as required.

### **4 Historical Performance**

- 4.1 The following results are from the pilot Tenant Satisfaction Survey completed in 2022 and provide some context around overall tenant satisfaction and that more specifically related to repairs or other matters relevant to recharges:
- TP01 – Overall Satisfaction – 70%
  - TP02 – Satisfaction with Repairs – 69%
  - TP08 - Agreement that the landlord treats tenants fairly and with respect – 66%
- 4.2 To provide further context, a total of £61,702 was billed for recharges in 2022/2023. These were categorised as follows:
- Voids 42 totalling £42,234.67 average charge £1,005.59

- Non-voids 66 totalling 7,842.51 average charge £118.83
- Handyman charges 45 totalling £9,024.83 average charge £200.56
- Missed calls (scheduled appointments with no access) 130 totalling £2,600.00 average charge £20.00

4.3 Of the £61,702 billed in 2022/2023, £18,607 has so far been collected (30.1%).

4.4 With high proportion of recharges being associated with voids, this is a uniquely challenging collection environment where we are seeking to secure payments from tenants or former tenants where one (or often several) of the following circumstances may apply

- Vulnerable adults with very low income
- Possession proceedings are occurring (often as part of a wider rent debt and other tenancy compliance issues)
- Tenants have moved to an unknown address and/or may have left without notice
- Where the debt rests with the limited estate of a deceased tenant

There are further issues where individual debts are very small and therefore not viable to recover (for example missed calls).

4.5 As a discretionary service, we reserve to right to withdraw access to the Handyman scheme where there is a debt against a previously provided service.

4.6 Consequently, there are historic debts which remain live in order to secure maximum opportunity for recovery, though these will, at the appropriate stage, be written off in accordance with MDH and Corporate income and recovery policies. As at 31/03/2023, there was an overall debt of £137,866 outstanding in respect of recharges where a level of recovery is secured year on year as set out above. To provide some context, this is less than 1% of the overall Housing Revenue Account.

## **5 Recommendations**

5.1 In accordance with the above:

1. That the PDG recommends that Cabinet adopt the updated MDH Recharges Policy and Equality Impact Assessment contained in Annexes A and B respectively.

## **Financial Implications**

The financial implications are contained within the Housing Revenue Account (HRA) and are summarised in the body of the report. It is important to prioritise financial management of this account to ensure the all available funds are available and are used to the best possible effect.

## **Legal Implications**

The Council is (and must be) a registered provider of social housing and therefore is required to comply with the regulatory framework and consumer standards operated by the Regulator for Social Housing (RSH).

As such, it is necessary to ensure that the Recharges Policy addresses all the relevant legal obligations the Council has as a landlord for the housing estate. Consequently, the policy has been produced to ensure MDH has a clear basis for compliance with the relevant statutory consumer standard, which is the Home Standard in this case.

This overarching framework consequently sets the legal standards for the compliance and performance required of MDH. Under legal changes introduced by the landmark Social Housing (Regulation) Act 2023, the RSH also now holds substantial new powers to intervene where failures to meet standards have caused, or could have caused, serious harm to tenants and/or where we have failed to put tenants at the heart of the service we provide. Overall, this significant change in the regulation of social housing brings forward the following changes which the Council must be mindful of when making policy decisions that impact our tenants.

- Strengthening of the RSH to carry out regular inspections of the largest social housing providers and the power to issue unlimited fines to rogue social landlords
- Additional Housing Ombudsman powers to publish best practice guidance to landlords following investigations into tenant complaints
- Powers to set strict time limits for social landlords to address hazards such as damp and mould
- New qualification requirements for social housing managers
- Introducing stronger economic powers to follow inappropriate money transactions outside of the sector

## **Risk Assessment**

Failure to have an adequate Recharges Policy in place will mean the HRA is unable to effectively and consistently recover revenue to which it is due in a way that is transparent and fair. It will also mean there is insufficient clarity of the respective responsibilities of tenant and MDH (as the landlord) where it comes to chargeable services. This may undermine the position of the tenant and/or weaken the position of MDH overall in terms of effective tenancy management and a positive tenant/landlord relationship. In turn, this may result in below benchmark tenant satisfaction scores in the TSMs as set out above. Therefore, not-having an effective Recharges Policy may result in MDH being non-compliant with statutory provisions regulated by the RSH and failing in its duties.

The enhanced powers of the RSH to intervene where RPs are failing in its duties or performing poorly are set out in the legal implications above. Under these new powers, the RSH will be able to impose performance improvements and potentially fine registered providers where performance is poor and/or adequate assurance is not provided.



Additionally, a failure to collect all income could impact the ability to fund necessary management and maintenance activities and/or the delivery of new housing into the MDH stock, although this risk is reduced by the relatively low level of recharges against the overall HRA.

### **Impact on Climate Change**

The MDH Recharge Policy does not have any direct impact on the Council's Climate Change ambitions or specific carbon reduction targets.

### **Equalities Impact Assessment**

The recharges policy sets out to ensure a careful balancing act is retained where there is compliance with Homes Standard and an approach which set outs a fair and transparent approach to recharges. Consequently, that this approach is equitable to all tenants yet recognises there will be exceptional circumstances within individual cases where recovery of a debt is either not appropriate or not practical.

Furthermore, MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Our housing estates must be accessible to those with disabilities and we have in place a regular schedule of inspections to ensure that all defects are identified and rectified as soon as possible. Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually. Older tenants may find it difficult to maintain their gardens and the Neighbourhood team will endeavour to signpost those affected to voluntary organisations which may be able to provide help and will manage issues accordingly.

The full Equalities Impact Assessment of this specific policy update is attached to this report in Annex B.

### **Relationship to Corporate Plan**

This policy is a regulatory requirement of MDH and does not directly align with any of the specific current Corporate Plan targets. However, it is consistent with one of the overarching aims of the Plan which is to have sustainable and prosperous communities.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 12 September 2023

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 12 September 2023

**Chief Officer:** Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 24 August 2023

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 01/09/2023

**Cabinet member notified:** Yes

#### **Section 4 - Contact Details and Background Papers**

**Contact:** Angela Haigh, Housing Finance and Performance Manager or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Email: [ahaigh@middevon.gov.uk](mailto:ahaigh@middevon.gov.uk) / [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)

Telephone: 01884 255255

#### **Background papers:**

Current Recharges Policy September 2018

<https://www.middevon.gov.uk/media/201718/recharges-policy-v32-september-2018.pdf>



# RECHARGES POLICY

## 2023

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## 1 Introduction

- 1.1 Mid Devon Housing (MDH) is part of Mid Devon District Council (the Council). It is responsible for the Council's housing stock including the maintenance, management and letting of its properties and estates.
- 1.2 This policy sets out MDH approach to the recovery of recharges. These are costs for any repairs/work that MDH have been required to carry out to a MDH property following damage, unauthorised or non-compliant DIY, neglect, misuse or abuse by tenants, residents, members of their household, or visitors to their home, and leaseholders or the leaseholders tenants.
- 1.3 In addition, it covers the cost of clearing redundant possessions left when a property is vacated, any work carried out by MDH to repair or maintain the property that is the resident's responsibility, or any costs relating to non-statutory works requested by the tenant or leaseholder such as the Handyperson Scheme.

## 2 Legal Framework and Context

- 2.1 Under the Homes Standard, The Regulator of Social Housing (RSH) requires all registered providers to provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time and meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
- 2.2 Social Housing (Regulation) Act has received Royal Assent, meaning the bill has now been enacted into law. This will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.
- 2.3 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the White Paper and several are particularly relevant to the aims of this policy:
  - To be safe in your home (Chapter 1)
  - To know how your landlord is performing (Chapter 2)
  - To have your complaints dealt with promptly and fairly (Chapter 3)
  - To have a good quality home and neighbourhood to live in (Chapter 6)

2.4 As part of the new consumer regulation regime, from April 2023, the RSH is introducing a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance.

2.5 The TSM measures under the Homes Standard relevant to this policy include:

- TP01 – Overall Satisfaction
- TP02 – Satisfaction with Repairs
- TP08 - Agreement that the landlord treats tenants fairly and with respect

2.6 Other Legal Frameworks which this policy considers are:

- Tenancy Agreements
- The Lease
- Section 20 Landlord and Tenant Act 1985 (as amended by the Commonhold and Leasehold Reform Act 2002)
- Decent Homes Standard 2006 – Annex A ‘Component lifetimes and definition of ‘in poor condition’ used in the national measurement of the disrepair criterion’
- Licence Agreements

### 3 Policy Aims and Objectives

3.1 The main aims of the MDH Recharge Policy is to describe:

- Under what circumstances we recharge tenants
- When we would decide not to recharge a tenant
- How to recover overdue chargeable repairs
- To take fair but firm action to ensure that all debts relating to rechargeable repairs are collected to cover MDH costs

3.2 MDH will be pro-active in preventing chargeable repairs by:

- Keeping tenants fully informed throughout their tenancy regarding their responsibilities and obligations relating to rechargeable repairs

## 4 Definitions

4.1 For the purposes of this policy, the following definitions apply:

- **Tenant** – means any person, or registered provider of social housing that has a tenancy agreement with the MDH or is a leaseholder with MDH
- **Council Property** – means any land/property owned by MDH either as the freehold or leasehold owner
- **Wilful Damage** – damage caused to MDH Property intentionally
- **Neglect** – damage caused to MDH Property due to neglect
- **Misuse** – damage caused to MDH Property/land by incorrect or improper use, for example, damage to doors and graffiti to walls
- **Accidental damage** – damage caused to MDH Property/land accidentally, for example, knocking a light fitting with a ladder when decorating
- **Emergency repair** – a repair that is required to remove immediate danger to people, avoid flooding or major damage to the property, make the property secure, or restore total loss of heating in the winter
- **Tenancy Agreement** – any tenancy agreement with MDH, including MDH house/flat tenancies, garage tenancies, garage ground rent plot agreements, tenancy at will agreements and any other agreement whereby a person is in occupation of housing land owned by MDH
- **Uncontainable leak** – a leak that cannot be contained by the largest container capable of being placed underneath the leak or cannot be contained by using an isolation valve (excluding the mains stop tap). NB. If the container is filling to the top within 12 hours this is deemed to be uncontainable

## 5 Tenants Responsibilities

5.1 Tenancy Agreements relating to MDH dwellings set out which repairs tenants are responsible for. It advises tenants that they must keep their home in a reasonable condition, and leave it clean and tidy when they end their tenancy. It states that we will recharge the tenant for the cost of making good any damage they have caused and clearing any damage they may have caused and cleaning any items left behind.

5.2 All other types of Tenancy Agreements set out the tenant's responsibilities for repair and maintenance of land/property they are occupying.

5.3 Specifically the MDH tenancy agreement states:

- *'you must pay for the costs of making good any damage to the Property (including fixtures and fittings) or to other Council property caused by you or anyone instructed by you (including contractors) failing to take reasonable care.'*

- *If you make any unauthorised improvements you must return your Property to its condition before the improvements were made. You are liable for the cost of doing so. If you do not carry out the work within a period of time specified by us we may carry out the work and you will be liable for our costs.*
- *If, we or any agency, for example the Police, damage your property, fixture and fittings, furniture or belongings or the shared areas because we need to gain access to your Property, for example the issue of a warrant of execution or other legal power of entry, if this was something you have done wilfully or illegally, you must arrange for the damage to be repaired. You must do this within a required period of time or you will be recharged for the works to put right.'*

## 6 Unauthorised or Substandard Alterations

- 6.1 If a tenant undertakes any alterations to a MDH property without prior written consent from MDH, works must cease immediately and the tenant must seek retrospective consent. Where MDH deems that the intended work is not suitable or acceptable then the tenant must reinstate the property to its original condition.
- 6.2 For any works carried out that need to be made safe due to health & safety concern the tenant would be required to ensure that works are ceased until made safe.
- 6.3 If works are carried out by a tenant that do not meet an acceptable standard, the tenant will be required to rectify the matter and make good any issue identified.
- 6.4 If a tenant fails to complete works to an acceptable standard after being notified of the matter then the tenant will be recharged for any costs incurred by MDH.
- 6.5 There will be an expectation that whoever undertakes the work on behalf of the tenant is competent to do so; in the case of Solid Fuel, Gas, or Electric works persons must be qualified and registered with the appropriate governing body at the time such as HETAS, NICEIC or Gas Safe. Certification will be required for the work and failure to provide such certification will deem the work potentially dangerous and as such unacceptable.

## 7 Neglect, Wilful Damage and Misuse MDH Property

- 7.1 Tenants have a 'duty to use the premises in a tenant-like manner'. This means that tenants are expected to take good care of the dwelling, carry out daily maintenance tasks and not do anything that directly leads to a deterioration of the fabric of the building or the installations and facilities provided. For example, they should keep the home clean as well as heat and ventilate the property appropriately.



7.2 Where MDH has clear evidence that a defect or damage to any MDH Property has been caused by neglect, misuse or wilful damage by the tenant, or by members of the household including visitors to their home, the tenant will be held responsible and will be recharged for costs incurred in some cases MDH will commence legal proceedings.

7.3 Neglect for example could include:

- Failing to dispose of rubbish properly
- Losing keys
- Putting nappies, wet wipes, 'flushable' wipes, sanitary products or other inappropriate items in toilets
- Putting grease or food items in drains
- Forcing stiff windows

7.4 Wilful damage for example could include:

- Damaged doors or windows, DIY which has damaged the fabric/ structure of the property or its internal parts
- Failing to use ventilation and heating, leading to condensation mould
- DIY which has damaged the fabric/ structure of the property or its internal parts

## 8 Accidental, Deliberate or Criminal Damage

8.1 Where works are required because the tenant, a member of their household or a visitor to their home has deliberately or accidentally caused damage to the property, the tenant will be recharged. This includes damage to any MDH property for example fixtures and fittings in their home, gardens, garages or any communal fixtures or fittings owned by the MDH and that are the responsibility of the tenant to replace or repair if lost and/or damaged.

8.2 If the property has been damaged due to criminal activity by persons other than the tenant, a member of his household or invited visitors, for example criminal damage to a window or a door, the repair may not be recharged to the tenant.

8.3 We will liaise with the Police after the crime has been logged to ensure that they are satisfied that a crime has been committed

8.4 Serious incidents such as fire or flood can cause significant damage to both the fabric of the building and any contents. In some cases, the property may be uninhabitable during the period in which repairs are carried out. Claims for damage to contents should be dealt with through a tenant's contents insurance and damage to the building should be dealt with through the landlord's building's insurance. In the event that damage that fire or flood is caused through tenant action, or as a result of a faulty fitting or appliance (for which the tenant is liable for the fault), a recharge will apply, which in MDH discretion maybe capped at the landlord's insurance excess. Discretion is less likely to be applied in relation to recharges where the cause of damage is, for example:

- Chip pan fire
- Candles
- Overloaded electric sockets
- Fire or flood caused as a result of criminal activity by a tenant or household member
- Indoor smoking
- Unattended baths

8.5 Where the cause of fire or flood is as a result of a failure of a fitting or appliance that MDH is responsible for, and has been found to be negligent in the maintenance of that fitting or appliance, the cost of repairs to the fabric of the building will be covered entirely by MDH and a contribution may also be made to cover damage to contents, inconvenience and/or re-decoration, as well as temporary accommodation costs.

## 9 Damage caused by Police or Emergency Services

9.1 Where the Police are executing a warrant and/or have a justified reason to forcibly enter a property, any damage caused during this process will be recharged to the Police, unless a criminal activity is discovered during the entry of the property. In this case the tenant would be recharged for any damage caused in executing the warrant.

9.2 Where the Police or other emergency services undertake a forced entry of the property for the health and welfare of any adult occupant(s), then no recharge will be applied and the cost will be absorbed by either MDH or the Police. If tenants authorise the attendance of third party agencies to carry out boarding up works, MDH will not be liable for the cost of this, as we offer a 24 hour emergency service. If emergency services force entry which could have reasonably been prevented by the tenant, the tenant may be charged for the damage.

## 10 No Access and Carded Appointments

- 10.1 Where the tenant has had suitable notice and refused access for MDH or its appointed contractor to carry out our statutory obligations, for example the annual gas service or cyclical electrical test, MDH will recharge the tenant for any costs incurred with the aborted visit and any subsequent attempts to gain access. This will include lost officer time, travel costs, administration fees, and court costs where applicable.
- 10.2 If a tenant is out or does not answer the door when we visit for a pre-arranged repair appointment, MDH will recharge the tenant for any costs incurred with the aborted visited.

## 11 Assignments – Mutual Exchanges

- 11.1 Prior to tenants mutually exchanging MDH properties, MDH will carry out an inspection of the property to identify necessary repairs and any tenant improvements, fixtures or fittings, and potential damage which are not MDH responsibility and also comply with any statutory duties.
- 11.2 MDH will advise the incoming tenant that in assigning or surrendering their old tenancy they accept the new property in its existing condition. The tenant will be required to sign a disclaimer to this effect that places the costs of works arising from the exchange to fall on them as the in-coming tenant. In particular the tenant will be informed in writing of:
- Any fixtures and fittings installed by the outgoing tenant which are not MDH responsibility
  - Defects caused by the outgoing tenant which are not MDH responsibility, for example broken door handles or holes in walls
- 11.3 It will not always be possible for Council Officers to identify every non-standard fixture and fitting, poor DIY job or damage to property. The responsibility therefore lies with the incoming tenant to carry out a full inspection with the outgoing tenant.
- 11.4 MDH will not accept liability for non-standard items, DIY or damage on the basis that it was not apparent during the inspection.
- 11.5 MDH may charge for gas and electrical inspections where two or more tenants undertake a mutual exchange when:
- A full inspection is required due to unauthorised electrical alterations
  - A full inspection is required due to unauthorised alterations which have compromised the safety of the gas and/or electrical supply A full inspection is requested by the incoming or outgoing tenant

## 12 Abandoned Possessions

- 12.1 Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) details the rights that MDH has to dispose of possessions left at MDH’s properties (including communal areas).
- 12.2 At any time before the item vests in MDH, the owner may collect it, on payment to MDH of such sum as MDH may require in respect of costs incurred (a) in making inquiries, or serving notice, and (b) in looking after the item.
- 12.3 The MDH Disposal of Possession Procedure outlines what actions MDH will take when they find possessions in or on MDH’s property or land

## 13 Other Recharges

- 13.1 Where it can be established that the tenant his/her family or guests are liable through wilful or negligent actions MDH will recharge the tenant for any costs incurred by MDH in:

- Replacing any lost or broken door entry key fobs or keys and for changing locks
- Storing tenant’s belongings following vacating the MDH Property
- Removing graffiti and rectifying any damage
- Relation to vandalism to MDH Property, where the Court has prosecuted the perpetrator or where the individual has admitted the damage
- Taking legal action where the tenant has prevented us from carrying out our legal obligations
- Clearing items from communal areas
- Damage identified following routine property inspections
- Removal of trees or hedges which are not MDH responsibility, if these are deemed to be dangerous or overgrown
- Tidying of gardens including shrubs and trees that have been neglected or are overgrown
- Wilful damage caused to the solar PV system where it is installed
- Use of the Council’s Handyperson scheme to carry out specified works on the tenant’s behalf
- Damage caused by excessive hoarding of items within the property/land
- Clearing dog fouling
- Garage or garage ground rent plot evictions (to include clearance costs and lock changes)
- Damage to car parking areas and the removal of unauthorised vehicles
- Removing abandoned or non-roadworthy vehicles
- Damage to fences and gates owned by MDH
- Damage to the structure of the building

- Attending a power failure caused by blown light bulbs or faulty appliances
- Attending a blocked waste where the tenant has not tried to clear it themselves, or where the cause of the blockage is deemed to be through neglect or misuse
- Removing rubbish or items left at the property/land on ending a Tenancy Agreement
- Damage to communal TV aerials
- Excessive cleaning required to a property/land due to neglect
- Unnecessary water damage caused to MDH property where a tenant has failed to report it to MDH, refused to turn the stop tap, or refused access to remedy a leak
- Any other circumstances that cause an unreasonable cost to MDH

13.2 Please note the above is not an exhaustive list.

13.3 Private owner occupiers - may be responsible for payments towards the cost of the upkeep of paths, car parking areas, roads, general ground maintenance and the upkeep and maintenance of septic tanks. This will be dependent on the clauses specified in the private property owner's conveyance or transfer. Leaseholders will be responsible for paying any costs included in their annual service charges

13.4 MDH reserves the right to refuse to carry out rechargeable works provided that by doing so, we are not putting tenants at risk. This may be due to previous non-payment of a debt or where it is unlikely that repayment arrangements will be kept.

## 14 Key Component Lifespans

14.1 A number of the key components within a property have a recognised lifespan as laid down by the 'Decent Homes Standard'.

14.2 Under the 'Component lifetimes and definition of 'in poor condition' used in the national measurement of the disrepair criterion' table at Annex A of the Decent Homes Standard, a kitchen is deemed to require replacement at 30 years and a bathroom at 40 years. However it is recognised that in reality social landlords and tenants prefer these amenities to be replaced more frequently, to enable them to be maintained at a reasonably modern standard.

14.3 Taking this into consideration and in order to have reasonably modern facilities the legislation set a replacement date at 20 years for a kitchen and 30 years for a bathroom.

14.4 Provided that the tenant regularly cleans, looks after, and does not subject the component to abuse or misuse, there is no reason why these two components should not last the lifespan stated.

14.5 Examples of actions that could reduce the lifespan of the component are:

- The use of incorrect cleaning products
- Lack of cleaning
- Excessive water on or around the kitchen units or worktop
- Failure to use a chopping/cutting board, and cutting directly onto the worktop
- Placing hot pans onto the worktop
- Slamming kitchen unit doors and drawers
- Swinging/hanging off kitchen doors and drawers

14.6 Where it is evident that an early replacement is required and this is likely to be due to misuse or abuse, the tenant will be recharged. However due to the lifespan of the components this will be done based on the age of the component to be replaced, for example:

- |                                |   |                          |
|--------------------------------|---|--------------------------|
| • Kitchens 1 to 5 years old    | = | 100% of replacement cost |
| • Kitchens 5 to 10 years old   | = | 75% of replacement cost  |
| • Kitchens 11 to 14 years old  | = | 50% of replacement cost  |
| • Kitchens 15 & 17 years old   | = | 25% of replacement cost  |
| • Kitchens 18 to 20 years old  | = | No Charge                |
|                                |   |                          |
| • Bathrooms 1 to 7 years old   | = | 100% of replacement cost |
| • Bathrooms 8 to 16 years old  | = | 75% of replacement cost  |
| • Bathrooms 17 to 21 years old | = | 50% of replacement cost  |
| • Bathrooms 22 to 27 years old | = | 25% of replacement cost  |
| • Bathrooms 28 to 30 years old | = | No Charge                |

## 15 Collection of Charges

15.1 When a rechargeable repair is identified, the tenant, and/or leaseholder/freeholder will be advised of the approximate cost of that repair (a schedule of rates for rechargeable repairs is kept by the Repairs team).

15.2 Bulky waste charges can be obtained by contacting the Council's Customer Services team. Tree management charges need to be quoted for individually.

- 15.3 Any works the MDH carry out whether on behalf of a tenant or due to a tenant refusing to accept liability for a repair that is their responsibility, where the said disrepair could constitute a security and/or health and safety matter then it will result in a recharge and the normal recovery procedures will be implemented.
- 15.4 If rechargeable works are carried out to empty properties, garages or garage ground rent plots where the tenant has absconded or moved away, then these debts will be pursued using MDH former tenant procedures. If all other means of recovery have been exhausted, MDH will consider passing this to a debt recovery agent. A record of the former tenant and the outstanding debt will be held against that individual for future reference on MDH housing management system.
- 15.5 Tenants can carry out works themselves, and they can also engage a qualified specialist if necessary, for example where works relate to heating or lighting. The individual or company used must have public liability insurance and be appropriately registered for the applicable trade, for example a qualified registered electrician or gas engineer.
- 15.6 All works must be completed to a standard accepted by us. The relevant planning permissions, building regulations and asbestos survey results need to be obtained by the tenant at their own cost. Where applicable, the tenant is required to provide certification and to dispose of waste in line with waste regulations.
- 15.7 Where MDH carry out works, a payment agreement may be completed and signed by the tenant confirming that they are accepting liability for the works. MDH will issue a recharge invoice for any works undertaken by us. Payments for any work should be made by the tenant prior to works being carried out unless agreed otherwise. Where this is not possible an arrangement plan will be made with the Neighbourhood Officer or other relevant Officer.
- 15.8 Where works are non-statutory or non-urgent, MDH reserves the right to refuse to carry out works until full payment is made. If this work is not carried out by the end of the tenancy, the rechargeable cost of works will be raised as a void recharge.
- 15.9 A recharge invoice will be raised even where MDH have no forwarding address, for example when a property has been abandoned or a tenant evicted. Former tenancy debts will be pursued in line with the MDH [Income Management Policy](#) and the [Corporate Recovery Policy](#).

- 15.10 If there are multiple debts owed by the tenant and they are unable to pay the recharge outright, the payment of rent arrears will remain the priority debt. The recharge sub account will be put on hold until the rent account is cleared.
- 15.11 When necessary and appropriate, MDH will start legal action to recover any unpaid sums. Any costs incurred for taking such action will be recharged to the tenant. MDH will not take legal action against tenants where repayment agreements have been made and are being complied with.
- 15.12 Recharges will only be written off in exceptional circumstances where it is agreed that the debt is irrecoverable, in line with the MDH [Income Management Policy](#) and the [Corporate Recovery Policy](#).

## 16 Exceptions

- 16.1 MDH reserves the right to waive the cost of a recharge in exceptional circumstances; however this will be at MDH discretion.
- 16.2 If damage is caused to the property as a result of domestic abuse actions or antisocial behaviour, the tenant will be advised to report the incident to the Police to obtain a valid crime reference. The tenant may not be recharged, but the third party, where known, will be pursued for the damage. Crime references will be followed up, and if the Police find that damage was not caused by criminal action, the recharge will remain with the tenant. MDH take a trauma informed approach and will deal with such cases sensitively in order to tailor our service to the needs of the tenants.
- 16.3 Also, when considering raising any recharge, MDH will take into account any protected characteristics as defined within the Equality Act 2010 of a Tenant.

## 17 Reducing Occurrences

- 17.1 We carry out tenancy home checks at our properties to ensure tenants are looking after their homes. Cases of damage and/or neglect will be recorded and followed up. We will help tenants who need support to maintain their tenancy.
- 17.2 We will provide information about recharges to current and prospective tenants during the sign up process and this is reiterated in the Tenancy Agreement.
- 17.3 We will promote the availability of low cost home contents insurance to new and existing tenants. Tenants are encouraged to take out household insurance.



## 18 Complaints and Feedback

18.1 We try to get things right the first time and when we do, we would love people to let us know. It's great for us to receive positive comments or feedback, so if people wish to complement our staff for doing a great job, we would love to hear from them.

18.2 If things do go wrong the council is committed to:

- Dealing with complaints and comments quickly and effectively; and
- Using complaints, comments and compliments to review and improve our services

18.3 When tenants contact us to tell us they are dissatisfied with the service we have provided, we will offer them the choice to have an informal conversation to see if we can put things right quickly, without the need for a formal investigation.

18.4 The Housing Ombudsman Service advise that a complaint must be defined as:

*'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents'.*

18.5 Where a tenant considers that the council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved 'there and then' by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.

18.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, which can escalate from stage 1 or stage 2 if they are still not satisfied with the response. Having been through stages 1 and 2 and they are still not satisfied, the tenant may contact the Housing Ombudsman Service.

18.7 MDH's complaints procedure is detailed on Mid Devon District Council website: [Feedback and Complaints](#)

## 19 Review and version control

- 19.1 MDH will review this Policy every 10 years and as required to address legislative, regulatory, best practice or operational issues.
- 19.2 This policy was produced in 2023 and is version 4
- 19.3 This policy was adopted by Cabinet on xxxx



## Recharge Policy - Equality Impact Assessment (EIA)

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

MDH is required by law to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- Foster good relations between people who share a protected characteristic and people who do not share it.

EIA will be carried out by MDH in respect of new or revised policies and a copy of the assessment will be made available. Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action will be necessary.

<b>Service:</b>	Mid Devon Housing	
<b>Name of policy being assessed:</b>	Recharge Policy	
<b>Lead officer responsible for EIA:</b>	Operations Manager for Building Services	
<b>Is this a new or existing policy:</b>	Revision of existing policy	

**1. What are the aims and objectives of the policy?**

The aim of the Recharge policy is to ensure costs, which arise from Mid Devon Housing (MDH) carrying out any works (which are normally the responsibility of the tenant), are recovered through a recharge and that tenants are made aware of this. For example; repairs, pest control, deep cleans and property clearances.

MDH aims to ensure that, as far as is possible, all monies due, in respect of any work or repairs deemed as rechargeable and payable by the tenant, are collected within agreed timescales and tenants are offered an appropriate method of paying the charges due.

Tenants will be offered an appropriate method of paying the charges due eg. a repayment plan may be put into place to allow a tenant to repay by monthly instalments.

In emergencies, (e.g. gaining entry when the tenant has lost their keys), the requirement for payment in advance may be waived, provided that the tenant agrees that they will meet the cost of the work.

**2. What outcome do MDH want to achieve from this policy?**

To ensure that recharges are managed effectively and in a timely way as to minimise the disruption to the tenant or delay work to property which requires a chargeable repair and that the Council's costs are recovered.

**3. Who is intended to benefit from the policy?**

The Recharge Policy will apply to all tenants



  

**4. Who are the main stakeholders in relation to the policy?**

- All tenants
- Household members
- Family members of tenants

**5. On the basis of the analysis above, what actions, if any, will MDH need to take in respect of each of the equality strands?**

Characteristic:	Impact:		Comments/Action:
	Please  the relevant box		
Age:	Positive		Young and old tenants are more likely to have a low income and may be unable to pay the re-charge.
	Neutral		
	Negative		

			This will be mitigated by the offer of paying the re-charge via a repayment plan
<b>Disability:</b> You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.	Positive	✓	Positive: Discretion will be used in regards to people with disabilities and/or behaviour problems in terms of whether or not they will be re-charged if damage is not deliberate (accidental damage).
	Neutral		
	Negative	✓	Negative: Tenants with a disability, who are liable for a re-charge, are more likely to be on a lower income and have difficulty paying the re-charge.  To mitigate this, a repayment plan will be offered.
<b>Gender:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Gender reassignment:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Marriage and civil partnership:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Pregnancy and Maternity:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Race:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Religion and Belief:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Sexual Orientation:</b>	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
<b>Result</b>			
Are there any aspects of the policy, including how it is delivered or accessed, that could contribute to inequality?	Yes	No ✓	

		No major change needed: equality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken
Will this policy have an adverse impact upon the lives of people, including employees and service users	Yes	<p>No ✓</p> <p>The policy provides a transparent framework that MDH will follow to ensure decisions on recharges and procedures that follow are carried out in line with the policy.</p>
<p><b>Monitoring and Review:</b> MDH will regularly review the EIA, in line with legislative changes or good practice, or if the policy impacts any group directly.</p> <p>Operations Manager for Building Services:</p> <p>Signed:</p>		



## **Report for: Homes Policy Development Group**

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Date of Meeting:	26 September 2023
Subject:	<b>TENANT INVOLVEMENT AND ENGAGEMENT STRATEGY ACTION PLAN</b>
Cabinet Member:	Cllr Simon Clist, Cabinet Member for Housing and Property
Responsible Officer:	Simon Newcombe – Corporate Manager for Public Health, Regulation and Housing
Exempt:	None  which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All
Enclosures:	Annex A – Tenant Involvement & Engagement Action Plan

### **Section 1 – Summary and Recommendation(s)**

In line with the provisions of the Tenant Involvement and Empowerment Standard, all Registered Providers of social housing (RPs) are required to ensure that tenants are given a wide range of opportunities to influence and be involved in policy development work; decision-making in relation to service delivery; scrutiny of their landlord's performance; and the setting of strategic priorities.

The Standard also sets out an expectation that RPs will provide support to tenants to build their capacity to be more effectively involved. The new tenant involvement and empowerment action plan sets out how Mid Devon Housing (MDH) intends to focus activity to ensure that these outcomes are met.

### **Recommendation(s):**

- 1. That the PDG note the Tenant Involvement and Engagement Action Plan set out in Annex A.**
- 2. That the PDG provides any additional suggestions which support the action plan directly or tenant involvement and engagement more broadly.**

## **Section 2 – Report**

### **1 Introduction**

- 1.1 The Regulator for Social Housing (RSH) expects RPs to deliver the required outcomes and the specific expectations set out in the Tenant Involvement and Empowerment Standard. As a result, RPs are expected to offer a wide range of opportunities to tenants to enable their voices to be heard and their views to be taken into account, ensuring that their needs are at the heart of the work to deliver landlord services.
- 1.2 The Social Housing (Regulation) Act 2023 has received Royal Assent. The provisions of the Act are designed to strengthen the regulatory framework for social housing and introduce a new proactive, consumer-led regulation regime focussed on meeting the needs of tenants. As part of this, the RSH has issued a consultation on the new regulatory standards for social housing and the draft Transparency, Influence and Accountability Standard sets out the requirements with regard to tenant involvement and engagement going forward.
- 1.3 The new standards have been designed to ensure that those living in social housing feel safe and secure in their homes, can get resolution in respect of any problems before they spiral out of control and understand how well their landlord is performing. The aim is to ensure that tenants will have a strong voice and to ensure that landlords listen to any issues raised by them.
- 1.4 As a further part of the new consumer regulation regime, from April 2023, the RSH has already introduced a series of 22 new, mandatory Tenant Satisfaction Measures (TSMs) through the creation of a new TSM consumer standard. This has enabled a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measures include those based on tenant perception surveys, for example, setting out tenants views on their overall satisfaction with MDH and our performance as a landlord.
- 1.5 A pilot TSM survey was completed by MDH in late 2022 ahead of the TSMs being formally adopted and the results for the tenant perception questions are set out below. These results provide some context on historic performance and are a benchmark for future consideration:



- TP01: overall satisfaction – 70%
- TP02: satisfaction with repairs – 69%
- TP03: satisfaction with time taken to complete the most recent repair – 65%
- TP04: satisfaction that the home is well maintained – 65%
- TP05: satisfaction that the home is safe – 71%
- TP06: satisfaction that the landlord listens to tenant views and acts upon them – 50%
- TP07: satisfaction that the landlord keeps tenants informed about things that matter to them – 61%
- TP08: agreement that the landlord treats tenants fairly and with respect – 66%
- TP09: satisfaction that the landlord's approach to handling complaints – 30%
- TP10: satisfaction that the landlord keeps communal areas clean and well maintained – 53%
- TP11: satisfaction that the landlord makes a positive contribution to neighbourhoods – 47%
- TP12: satisfaction with the landlord's approach to handling anti-social behaviour – 47%

1.6 Information relating to complaints handling will also be reported as part of the new regime and there are two TSMs generated from management information which are of direct relevance:

- CH01: Complaints relative to the size of the landlord
- CH02: Complaints responded to within Complaint Handling Code timescales

## **2 The new Tenant Involvement and Engagement Action Plan**

2.1 The Customer Engagement team consists of 1x Full Time Equivalent (FTE) Customer Engagement Co-ordinator, 1x FTE Housing Policy Officer and 1x FTE Tenant Involvement Officer (job share role).

2.2 The current tenant involvement strategy, which was adopted in February 2022, contains a number of objectives:

- Our tenants recognise us as an approachable landlord who will actively listen to their views
- As a natural inclusive part of our service we ensure equal access and fair delivery of services
- We provide support opportunities for tenants to develop their knowledge and skills
- We develop effective communication between officers and residents

- Residents have access to developing skills and confidence to influence decisions
  - Mutual respect to allow understanding for all involved in participation
  - Enhanced satisfaction for residents with their homes and neighbourhoods
- 2.3 These objectives will require review to ensure that they are aligned with the new regulatory standard for Transparency, Influence and Accountability once it is finalised (currently under formal consultation).
- 2.4 The Tenant Involvement Strategy contains an action plan which set out how we would endeavour to deliver the outcomes required to meet our objectives. This was agreed over a year ago and is therefore in need of review. The new action plan builds on the work already completed to date in the achievement of the previous plan. It provides a more detailed programme of activity which is designed to enhance our offer to tenants, setting out how MDH will endeavour to inform and engage with them over the coming year.
- 2.5 A review of activity associated with the plan will be undertaken during 2024 and a report presented to the PDG during Q3 of that year, with proposals for a new plan to take account of work during the following year. The plan will continue to be reviewed and updated on this rolling basis going forward.
- 2.6 The action plan also makes reference to a communication plan. The aim is to provide an operational plan for officers to refer to which is devised a year in advance. This will set out the requirement for some routine posts on social media and also how we will try to get the same messages out to those tenants who are not regular users of the internet. As examples, we will endeavour to provide regular posts and messages regarding opportunities to get involved in activity to improve the service offered by MDH; and also to ensure that there is regular information provided setting out what training opportunities are available to upskill tenants to enable them to get more involved.
- 2.7 Whilst the Customer Engagement team will be responsible for delivering the actions required in connection with the plan, all MDH staff are expected to promote tenant involvement activity and to feedback the views of tenants to inform future service developments. There are also wider opportunities for Customer First and our Communications Teams to support and promote this work. To this end, the Customer Engagement team will deliver training to colleagues to ensure that the need to grow our involvement offer is at the forefront of their minds as they undertake activity related to service delivery.
- 2.8 Members, too, can play a part in supporting the delivery of our strategy, by promoting opportunities to get involved, encouraging tenants to do so, and reporting any feedback, good or bad, from those tenants who live in their wards. More information is set out in Section 3.

- 2.9 It should be noted that MDH are seeking to move away from largely a meeting-based model of engagement to a more flexible one whereby tenants can communicate and meet with us in a variety of ways. This does not mean that there will not be any formal or less formal meetings; rather that our strategy enables us to engage with tenants online or in virtual meetings. Hopefully, this will be more attractive to some people, for example, those with caring responsibilities, because it reduces the need for them to leave home, the time involved in making a contribution and the need to arrange for transport if they do not have their own. Although there is a limited budget for tenant transport for meetings, we acknowledge that the issues associated with rural isolation can sometimes be a barrier to greater engagement and that, after the pandemic, a lot of people are now more comfortable with engaging with others in video calls.
- 2.10 If there is a demand for in-person meetings this will influence our future involvement activities, especially where it is effective for a specific consultation or engagement activity. Nonetheless, we will continue to build on our existing strategy, by, for example, setting up a Reading Group online, which will enable tenants to become more involved in policy development and the publication of annual reports and newsletters.

### **3 Member Involvement in Tenant Engagement Activity**

- 3.1 The RSH takes a co-regulatory approach and has made clear that this will continue once the regulatory standards have been updated following the current consultation. This means that Members, and especially those on this Homes Policy Development Group (PDG), which has a specific responsibility for MDH, has a key role in ensuring the service is meeting the regulatory standards and is open and accountable with regard to meeting its objectives.
- 3.2 Section 4 entitled: “Our approach to regulation” in the Guide to Regulation of Registered Providers, published online by the RSH (see link in Background Papers), states that co-regulation also requires RPs to support tenants in the shaping and scrutinising of service delivery and in holding members to account.
- 3.3 At the last meeting of the PDG, Members were concerned about a lack of feedback from tenants following a consultation on the revised draft neighbourhood management policy.
- 3.4 In the future, members of the PDG will be directly notified when new policies have gone out to consultation and are encouraged to work with tenants in their wards to ensure that their voices are heard with regard to any new policy proposals. This may involve collecting views and providing feedback, or simply encouraging specific tenants to engage with Officers directly in person, by telephone, in writing or by email to respond to consultations on new or revised policy documents.

3.5 More broadly, the new tenant involvement and engagement action plan offers a number of opportunities for Members to support greater tenant engagement. For example, Members can:

- Encourage tenants to volunteer for tenant champion roles, or to join the reading panel or a specific focus group
- Attend Neighbourhood Walkabouts taking place in their wards to support the Neighbourhood teams in their work engaging with tenants in order to identify any potential health and safety issues and with the aim of improving the green and other communal spaces surrounding the homes in our management
- Promote and support planned community clean ups to ensure that as many local tenants as possible are engaged with the initiative
- Publicise training opportunities for tenants
- Support any ad hoc surgeries set up by the Customer Engagement team by promoting and attending these
- Providing relevant information to housing officers regarding issues on the estates which we manage or relating to any particular tenant with the aim of achieving resolution of these issues, in line with MDH policy and procedure and to deliver compliance with appropriate legislation and regulations.

## **4 Recommendations**

4.1 The following recommendations are made:

1. That the PDG note the Tenant Involvement and Engagement Action Plan set out in Annex A.
2. That the PDG provides any additional suggestions which support the action plan directly or tenant involvement and engagement more broadly.

## **Financial Implications**

The landlord service is funded through the Housing Revenue Account (HRA) which is a ring-fenced account. The main income into this account is derived from the rent paid by tenants, and the HRA must balance. There is a specific budget set aside within the HRA for tenant involvement activity and this includes funds for staffing, consultations including the annual survey to collect data associated with the Tenant Satisfaction Measures (TSMs), the annual report and regular newsletters, tenant training and expenses. It should be noted that the Department of Housing, Levelling Up and Communities (DHLUC) paid a new burdens grant to the Council this year to assist with the setting up costs associated with the collection of the data required as part of the need to provide information associated with the Tenant Satisfaction Measures (TSMs)

## **Legal Implications**

The Housing Act 1985 sets out the basis of the relationship between landlord and tenant and contains some requirements with regard to consultation. In addition, the Tenant Involvement and Empowerment Standard within the regulatory framework for social housing (enforced by the Regulator for Social Housing (RSH)), requires Registered Providers of Social Housing (RPs) such as the Council, to work with tenants on the offer to them in terms of service delivery: policy development and the formulation of strategic priorities. RPs are also required to ensure that tenants have opportunities to get involved in scrutinising performance activity and recommending service improvements, and must facilitate training to help tenants to build their capacity so that they can get more actively involved.

## **Risk Assessment**

MDH has an agreed strategy on Tenant Involvement. Working with tenants to deliver high quality services which meet their needs is good practice. Failure to do so could result in the RSH commencing formal action to inspect and/ or fine RPs where tenant involvement is not a fundamental strand of their approach. It could also result in failure to meet other statutory and contractual obligations.

The RSH has issued a consultation on a revised and strengthened regulatory framework and, in line with the proposals, if an RP is failing to meet any of the requirements as set out in any of the four standards, they will be expected to take action to remedy the breach and to put things right quickly.

Having a programme of activity which is designed to deliver increased tenant involvement, in place, should provide assurance to Members and other stakeholders, including tenants, that there is a genuine desire to take on board the views of tenants, putting them at the heart of what we do in our role as a landlord.

## **Impact on Climate Change**

The Tenant Involvement Strategy provides a menu of involvement so that tenants can get involved as much or as little as they like. There are also opportunities to get involved in online meetings, focus groups and reading groups which work via email. This is a significant move away from the situation whereby Officers and tenants were expected to travel some distance to attend meetings in person, as occurred pre-pandemic.

Within the Tenant Involvement Strategy, tenants are encouraged to come forward and take on the role of De-carbonisation and Zero Carbon Champion, if they have a particular interest in this area of work, and wish to be consulted on initiatives designed to deliver our targets for de-carbonisation and zero carbon.

## **Equalities Impact Assessment**

MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Section 5 of our Tenant Involvement Strategy addresses how MDH will overcome barriers and contains a commitment relating to the development of different ways of involving residents so that different groups of people are not

excluded. It states that we will discuss tenant involvement during our sign up process for new tenants and also by raising awareness of involvement opportunities through our media platforms. There is a menu of involvement meaning that tenants are offered a fair and equal opportunity to get involved at all levels. The Strategy also sets out how we will keep tenants informed to ensure that they receive good quality, up to date information which is accessible to everyone and free of jargon.

### **Relationship to Corporate Plan**

A stated aim of the Council is to deliver sustainable communities.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 12 September 2023

**Statutory Officer:** Maria De Leiburne

Agreed on behalf of the Monitoring Officer

**Date:** 12 September 2023

**Chief Officer:** Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 23 August 2023

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 01/09/2023

**Cabinet member notified:** Yes

### **Section 4 - Contact Details and Background Papers**

**Contact:** Claire Fry, Operations Manager for Housing Management Services or  
Simon Newcombe, Corporate Manager for Public Health, Regulation and  
Housing

Email: [cfry@middevon.gov.uk](mailto:cfry@middevon.gov.uk) / [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)

Telephone: 01884 255255

#### **Background papers:**

MDH policies including the Tenant Involvement Strategy:

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

The current Tenant Involvement and Empowerment Standard regulated by the RSH:  
<https://www.gov.uk/government/publications/tenant-involvement-and-empowerment-standard/tenant-involvement-and-empowerment-standard-2017>

The RSH consultation relating to the new regulatory standards for social housing:  
<https://www.gov.uk/government/consultations/consultation-on-the-consumer-standards/consumer-standards-consultation-what-we-are-proposing-and-how-to-have-your-say-summary-accessible-version#the-proposals-transparency-influence-and-accountability-standard>

A guide to regulation of Registered Providers:  
<https://www.gov.uk/government/publications/brief-guide-to-regulation-of-registered-providers/a-guide-to-regulation-of-registered-providers>

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## Annex A

### Mid Devon Housing: Tenant Involvement Action Plan October 2023-September 2024

Objective	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
<b>Our tenants recognise us as an approachable landlord who will actively listen to their views</b>				
	Further develop our performance hub to ensure that it provides relevant information available to tenants and leaseholders enabling them to understand our performance	March 2024 & ongoing, as required	Housing Finance & Performance Manager	An increased awareness of performance and what may be impacting that.
	Partnership working with the Police in Cullompton	Ongoing	Neighbourhood Team Leader for Estates / Customer Engagement Co-ordinator	Joint working with the Police at community events on an ad hoc basis enables MDH Officers to be visible, showing that they do work closely with law enforcement agencies, thereby encouraging those who may be experiencing nuisance, anti-social behaviour or other violence to come forward to report this.
	Set up ad hoc focus groups to review areas of policy and/ or procedure, or to discuss service improvements	Ongoing	Operations Managers and the Customer Engagement Co-ordinator	Providing opportunities to review policy and the way we do things and to identify ways in which we could improve the service to tenants in relation to specific areas of work
	Using new Mid Devon Talk tool to engage with tenants using surveys, feedback	Live from July 2023 and ongoing	Customer Engagement Co-ordinator	To use the new area of the Council's webpages to provide information, collect

**Annex A**

## Mid Devon Housing: Tenant Involvement Action Plan October 2023-September 2024

Objective	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
	pages and case studies showing where feedback made a difference to our approach			the views of tenants and to streamline engagement with those tenants who do not wish to meet in person or speak with any Officers
	<b>Communications</b> <ul style="list-style-type: none"><li>• Promote tenant involvement and opportunities to get involved to new tenants</li><li>• Publicise any changes made as a result of feedback received in late 2023 following TSM perception survey.</li><li>• Promote Community Cuppa events and other activities on our estates</li><li>• Publicise Tenant Participation Advisory Service (TPAS) membership and what benefits that can offer individual tenants</li><li>• Use of newsletter to show where we have achieved good outcomes for tenants</li><li>• Use of “You said, We did” features in the annual report to</li></ul>	Ongoing	Tenant Involvement Officers	To raise awareness of opportunities for tenants to get involved and about the way we do as a landlord

## Annex A

### Mid Devon Housing: Tenant Involvement Action Plan October 2023-September 2024

Objective	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
	publicise approach to complaints and lessons learnt from these			
<b>As a natural inclusive part of our service we ensure equal access and fair delivery of service</b>				
	Consult on training needs amongst tenants in order to identify any barriers and also to inform training offer to tenants	September 2024	Customer Engagement Co-ordinator	To better understand what MDH can do as a landlord to facilitate a higher level of tenant involvement
	Continue to develop our approach to the collection of diversity data so that we can try to ensure that any involvement activity can involve all tenants and that any formal or informal involvement is representative of the communities we have housed. This to include a revised approach to adding user defined characteristics (UDCs) to individual records which will enable better identification of any needs and support the tailoring of our service to better meet the needs of individuals living in our homes.	May 2024	Customer Engagement Co-ordinator	Our Getting To Know You project will enable us to review data already held and allow us to tailor our service to better meet the needs of those who live in our housing stock.

## Annex A

### Mid Devon Housing: Tenant Involvement Action Plan October 2023-September 2024

Objective	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
	We will work to achieve accreditation with the Domestic Abuse Housing Alliance (DAHA). The accreditation framework supports social landlords to deliver safe and effective interventions in domestic abuse.	September 2024	(for tenant engagement) Customer Engagement Co-ordinator	The aim is to work with tenants to capture their “lived experiences” thereby ensuring that our policy and procedures are fit for purpose and enable us to address the needs of survivors and to hold abusers to account.
	<b>Communications</b> <ul style="list-style-type: none"> <li>Publicise the hybrid approach to meetings demonstrating that we can engage virtually with tenants eg in focus groups</li> <li>Promote menu of involvement and the various opportunities available to enable tenants to get involved</li> <li>Publish case studies on social media aids and adaptations</li> <li>Promote our tenant expenses scheme to ensure that involvement does not impact anyone’s ability to get involved</li> </ul>	December 2023 (and ongoing)	Tenant Involvement Officers	<ul style="list-style-type: none"> <li>To demonstrate that our service is open and accessible to all, raising awareness about tenants can get involved.</li> <li>To show tenants how we can tailor our service to better meet their needs</li> <li>To demonstrate that a low income need not be a barrier to active tenant engagement</li> </ul>

## Annex A

### Mid Devon Housing: Tenant Involvement Action Plan October 2023-September 2024

Objective	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
<b>We provide support opportunities for tenants to develop their knowledge and skills</b>				
	Provide an offer around ICT digital access helping tenants to go online	July 2024	Customer Engagement Co-ordinator	To upskill tenants and how to reduce digital exclusion
	Further develop our performance hub to ensure that tenants have access to relevant information about service delivery	October 2024 (and ongoing)	Housing Finance and Performance Manager	To deliver greater opportunities for scrutiny and to enable tenants to see at a glance how MDH is performing against a number of difference performance indicators
	<b>Communications</b> Publicise tenant champion roles which are a good way to get involved and to learn more about the way that MDH works	December 2023 (and ongoing)	Tenant Involvement Officers	To generate interest and engagement in the Champion roles: <ul style="list-style-type: none"> <li>• Estate Champion</li> <li>• Void Tenant Inspector</li> <li>• De-carbonisation and Zero Carbon Champion</li> <li>• Complaints Champion</li> </ul>
<b>We develop effective communication between officers and residents</b>				
	Communal inspections and Neighbourhood Walkabouts provide good opportunities for tenants to engage with Officers – ensure that these are publicised and that we provide reports on outcomes.	Ongoing	Neighbourhood Officers in the Estates team	To provide an opportunity for tenants to meet with their Neighbourhood Officer and other team members in their local area with the aim of identifying any issues and resolving problems at an early stage. These inspections also provide an opportunity for engagement with other stakeholders

## Annex A

### Mid Devon Housing: Tenant Involvement Action Plan October 2023-September 2024

Objective	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
				including local Councillors and other agencies including the Police
	Provide ad hoc surgeries in specific areas. In some cases, these will be to hear concerns regarding local issues of concern, in others these will be designed to combat issues associated with rural isolation	September 2024	Operations Managers for Housing Management Services	To provide an opportunity for tenants to meet with specific Officers in their local areas to discuss matters of concern to them
	Promote the use of MyAccount once implemented and endeavour to develop the offer with the aim of providing an accessible route for service requests and or other information, as required	December 2023	Operations Manager for Housing Management Services (Neighbourhood Management)	To provide a tenant portal and a streamlined and enhanced method for tenants to use when communicating with MDH
	We will be involving leaseholders in the forthcoming survey relating to the TSMs and we will be analysing their responses carefully in an effort to better understand their specific needs and issues	February 2024	Operations Manager for Housing Management Services (Service Improvement)	To promote a better relationship with leaseholders and potentially more engagement with those resident on our estates
	Develop MDH Reading Panel	October 2023	Customer Engagement Co-ordinator	To offer tenants opportunities to read and review policies in development so that they

## Annex A

### Mid Devon Housing: Tenant Involvement Action Plan October 2023-September 2024

Objective	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
				can comment and to get involved in the publication of the annual report and the newsletters to ensure that they provide the information which tenants want
<b>Residents have access to developing skills and confidence to influence decisions</b>				
	Review offer of training, both internal and external; explore opportunities for joint working on training for tenants with other partners	October 2024	Customer Engagement Co-ordinator	Ensuring that tenants have every opportunity to review new policies and our performance, to scrutinise performance and also to get involved in the design of any service improvements
	<b>Communications</b> Publicise training opportunities for tenants wishing to become more involved, both internal and external	December 2023 (and ongoing)	Tenant Involvement Officers	Making all tenants aware of what can be done to enable them to participate if they so wish
<b>Mutual respect to allow understanding for all involved in participation</b>				
	Housing/ Tenant Matters ad hoc events to enable honest and open conversations between tenants and strategic decision-makers	Ongoing	Operations Managers	Providing opportunities for tenants and leaseholders to meet with those involved in decision-making after the end of the working day for an informal conversation about matters of concern to them
	Provide a comprehensive programme of training for	December 2023	Operations Managers	Equipping MDH staff with the knowledge to actively

## Annex A

### Mid Devon Housing: Tenant Involvement Action Plan October 2023-September 2024

Objective	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
	MDH staff to enable them to identify and to promote opportunities for tenants to get involved			grow our offer relating to tenant involvement and engagement
	<b>Communications</b> Publicise our policies and strategies including our code of conduct for Officers and information on the Nolan Principles of Public Office to show what tenants can expect from the staff working in MDH	December 2023 (and ongoing)	Tenant Involvement Officers	Providing information about the standards of behaviour tenants can expect
<b>Enhanced satisfaction for residents with their homes and neighbourhoods</b>				
	Review our approach to transactional data, with the aim of increasing the amount of information collected, having an effective procedure for reviewing this, using outcomes to inform service improvement and publicising the outcomes	October 2024	Operations Managers	Providing a greater understanding about service delivery and whether it is meeting the needs of tenants
	We will review our tenant handbook and repairs guide to ensure that the information is up-to-date, easily understood and accessible.	September 2024	Customer Engagement Co-ordinator	To ensure that tenants have handy points of reference for any queries relating to their homes and tenancies
	Develop our approach to tenant-led community clean	October 2023 (and ongoing)	Customer Engagement Co-ordinator	To provide opportunities for tenants to take direct action



## Annex A

### Mid Devon Housing: Tenant Involvement Action Plan October 2023-September 2024

Objective	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
	ups where we support tenants who want to make a difference to the areas around their homes to achieve this by providing support and resourcing the use of skips etc, as appropriate			to improve their local areas and to work alongside Officers to achieved their aims
	<b>Communications</b> <ul style="list-style-type: none"> <li>Publicise Neighbourhood Walkabouts and Estate Inspections</li> <li>Keeping tenants and leaseholders informed about any regeneration or improvements in their areas</li> <li>Increase information relating to planned programmes of maintenance</li> <li>Publicise availability of environmental improvement budget for initiatives in communal areas</li> </ul>	December 2023 (and ongoing)	Tenant Involvement Officers	Increasing knowledge and awareness relating to participation

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## **Report for: Homes Policy Development Group**

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Date of Meeting:	26 September 2023
Subject:	The consultation on changes to the fees regime operated by the Regulator for Social Housing
Cabinet Member:	Cllr Simon Clist
Responsible Officer:	Simon Newcombe – Corporate Manager for Public Health, Regulation and Housing
Exempt:	None  which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All
Enclosures:	None

### **Section 1 – Summary and Recommendation(s)**

Report on the consultation published by the Regulator for Social Housing regarding proposed changes to the fees regime. If adopted, the Council, as a Registered Provider of Social Housing, will be required to make a payment, based on the numbers of homes in the housing stock. This will represent a significant change due to the fact that up until now, local authorities have not been required to make any payments to the regulator in support of the regulatory function.

#### **Recommendation(s):**

**This report for noting, and for Members to contact the Responsible Officer if they would like their views on the proposed changes to the fee-charging regime reflected in the corporate response to the consultation.**

## **Section 2 – Report**

### **1.0 Introduction**

- 1.1 Following the fire at Grenfell Tower in 2017, there was an impetus to improve standards in social housing and to put tenants at the heart of the work of social landlords.
- 1.2 Since then, there have been a series of changes to the regulation of social housing and the Social Housing (Regulation) Act 2023 (the Act), which was implemented in July, has strengthened the role of the Regulator of Social Housing (the RSH). It will also give tenants more powers and improved access to redress. The aim is to introduce a new, pro-active, consumer-led regulation regime focussed on meeting the needs of tenants. There will be regular inspections of Registered Providers (RPs), such as Mid Devon Housing (MDH), to check that they are meeting the new requirements, as set out in the regulatory standards, which are being strengthened; and the RSH will have additional powers to intervene if these are not being met.
- 1.3 The Act also gives the RSH new powers associated with the ability to charge fees to fund its new, enhanced role. The aim, as stated, relating to the consultation, is to “ensure that the regulator has adequate resources, skills and capacity to meet its objectives.”
- 1.4 In section 1 of the consultation, there is also reference to the need for the RSH to ensure that their fees principles align with the new powers arising from the Act; and to its expanded remit of proactive consumer regulation, noting that there is a need for expanded resources to deliver this.

### **2.0 The Consultation**

- 2.1 The consultation is available to view on the GOV.UK website and was published on 5 September 2023.
- 2.2 The consultation offers stakeholders including RPs such as MDH an opportunity to comment on the proposals relating to the revised fee regime and to engage with the RSH about this. However, any individual or other organisation, can make a response in their own right, should they feel moved to do so.
- 2.3 The consultation states that the revision of the fee regime is informed by an aim to balance a number of requirements. These include ensuring that there is sufficient income to enable the regulator to carry out its role effectively and to charge providers on a fair and transparent basis. In 4.25 of the narrative in the consultation, there is a note that one of the requirements driving the revision is to secure sufficient income to enable the regulator to carry out its role

effectively.

- 2.4 The consultation sets out a number of proposed fee principles relating to the new regime:
- 2.4.1 A fixed fee applies to all applications for initial registration
  - 2.4.2 The annual fee payable by a registered provider is set by reference to the number of social housing units owned by that provider
  - 2.4.3 A fixed fee should apply to all providers owning fewer than 1,000 units
  - 2.4.4 For groups owning 1,000 social housing units or more where the parent is a private registered provider, the annual fee should be set at group level rather than for each individual entity on the register
  - 2.4.5 Providers must pay the full cost of the annual fee for the year that they are on the register when they register or de-register
  - 2.4.6 The regulator will publish information annually on its costs and fees
- 2.5 The consultation is being made in line with the requirement in section 117(8) of the Housing and Regeneration Act 2008 that in preparing (or revising) the principles the regulator shall consult persons appearing to the regulator to represent the interests of fee-payers.
- 2.6 The principle which will have the biggest impact on budgets for MDH is that numbered 2.4.2 above. This is because there are further proposals to charge local authority registered providers (those with more than 1,000 social housing units) an annual fee on the grounds that it will be used to recoup the share of the costs attributable to local authorities. This fee will be calculated on the basis of the number of social housing units each has. The proposed fee levels for large local authority providers, such as MDH, is £7- £8 per unit. The RSH states that they anticipate that they will be in a position to confirm their fee levels for 2024-25 to RPs in spring 2024. Up until now, MDH has not been required to pay any fees to the RSH.
- 2.7 The consultation makes it clear that the RSH wishes to deliver some certainty regarding the level of the fees payable by individual RPs. It states that the principals are designed to ensure that the level of fee should be practicable, reliable and stable to facilitate effective budgeting.
- 2.8 The consultation also notes that the proposals are designed to ensure that the level of fee is simple to calculate and to charge, in order to make the scheme as transparent as possible, and to keep costs of operating it as simple as possible.
- 2.9 The proposals are also designed to ensure that private RPs do not pay for the regulation of local authority registered providers, such as MDH, or the reverse; that the fee income matches the costs incurred, or which are likely to be incurred, in the performance of the regulator's functions; and that the level of

fee takes into account the level of benefit that RPs receive from being part of a regulated sector.

2.10 It is proposed that the new fees regime will commence on 1 July 2024.

2.11 The proposals made in the consultation relate to England only.

2.12 The consultation contains 9 consultation questions and Officers will work with the Cabinet Member for Homes to agree a response to these. If any Member of the Homes Policy Development Group (PDG) wishes to make a contribution to this response, please contact the Responsible Officer.

2.13 The deadline for responses is 31 October 2023, meaning that the consultation will last for 8 weeks from 5 September 2023.

### **3.0 Implications of the proposed change to the funding regime operated by the Regulator for Social Housing**

3.1 The HRA had 2918 properties in management at the end of August 2023. Therefore, the total fee to be paid to the RSH with effect from 1 July 2024 is likely to be in the range of £20,426 to £23,344 should the RSH levy a fee of £7 to £8 per unit, as suggested in the consultation.

3.2 As a new mandated fee, an estimated provision based on the above will need to be made in the setting the Housing Revenue Account (HRA) budget for 2024/25.

### **4.0 Recommendation**

4.1 The following recommendation is made:

That the Policy Development Group notes the report and that Members contact the Responsible Officer if they would like their views on the proposed changes to the fee-charging regime reflected in the corporate response to the consultation.

### **Financial Implications**

The landlord service is funded through the Housing Revenue Account (HRA) which is a ring-fenced account. The main income into this account is derived from the rent paid by tenants, and the HRA must balance. Once there is some certainty regarding the level of fees to be charged by the RSH, a specific budget within the HRA will be agreed to ensure that there are funds available to meet this new burden.

### **Legal Implications**

The Social Housing (Regulation) Act 2023 has received Royal Assent in July 2023. The provisions of the Act are designed to strengthen the regulatory framework for

social housing and to introduce a new proactive, consumer-led regulation regime focussed on meeting the needs of tenants. The RSH has also issued in July 2023 a consultation on the new regulatory standards for social housing which RPs will be expected to achieve from April 2024. This consultation is also available on the GOV.UK website and closes on 17 October 2023.

### **Risk Assessment**

The RSH regulates social housing and the new legislation has conveyed on it the power to change the fee regime which funds it. Failure to deliver compliance with any part of the regulatory framework may result in action being taken by the regulator and this could include a fine. However, failure to meet the requirements of the regulatory standards and/ or to pay the fees required by the regulator, could also result in reputational risks and a loss of confidence in MDH locally and nationally as a landlord which achieves our own vision: “Mid Devon Housing (MDH) is a sustainable, local authority housing service which supports our communities by providing safe, decent affordable homes for local people. We put our tenants at the heart of everything we do, working as a responsible landlord to fully meet the requirements and standards expected of us”.

### **Impact on Climate Change**

No direct impact arising from the consultation or this report.

### **Equalities Impact Assessment**

The regulatory framework currently includes the Tenant Involvement and Empowerment Standard and, in line with the provisions of this, RPs are required to treat all tenants with fairness and respect; and also to demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.

Officers working in MDH have training in support of this and are mindful that the Public Sector Equality Duty applies in the discharge of their duties. Work has started to refresh the information held on tenants in MDH records and, to this end, diversity information will be sought at most contacts starting once teams have been briefed.

### **Relationship to Corporate Plan**

Related aims in the Corporate Plan include “Deliver more affordable housing and greater numbers of social rented homes” and “Support and grow active tenancy engagement.”

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 12 September 2023

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 12 September 2023

**Chief Officer:** Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 12 September 2023

**Performance and risk:** Dr Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 14/09/2023

**Cabinet member notified:** Yes. Cllr Simon Clist. 07/09/2023

#### **Section 4 - Contact Details and Background Papers**

**Contact:** Mrs Claire Fry, Operations Manager for Housing Management Services

Email: cfry@middevon.gov.uk

Telephone: 01884 255255 (via call-back)

#### **Background papers:**

The consultation relating to the proposed change to the fees regime associated with the regulation of social housing can be found here:

[Consultation on changes to our fees regime \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/consultation-on-changes-to-our-fees-regime)

A guide to regulation of Registered Providers:

[A guide to regulation of registered providers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/a-guide-to-regulation-of-registered-providers)

The consultation relating to the new regulatory standards for social housing can be found here and it should be noted that it has been proposed by the RSH that the Transparency, Influence and Accountability Standard should be the one relating to tenant involvement going forward:

[Consumer standards consultation - what we are proposing and how to have your say - Summary \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/consultation-on-consumer-standards)