

Homes Policy Development Group

Tuesday, 16 January 2024 at 2.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next meeting
Tuesday, 19 March 2024 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.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

[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 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 21 November 2023.
- 5 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.
- 6 **Medium Term Financial Plan - draft budget update for 2024 / 2025**
To receive a verbal update on the draft budget position for 2024/2025 (based on the MTFP budget update report presented to the Cabinet on 12 December 2023 and 9 January 2024).
- 7 **Devon Response to Home Office consultation of refugee cap on safe and legal routes**
To receive a verbal update on the Devon response to the Home Office consultation on the refugee cap on safe and legal routes.
- 8 **Review of the Mid Devon Housing Garage, GGRP and Car Parking Space Policy** (*Pages 11 - 34*)
To receive a report from the Corporate Manager for Public Health, Regulation and Housing outlining the Mid Devon Housing (MDH) approach to renting out garages, garage ground rent plots (GGRP) and car parking spaces that it owns.
- 9 **New Mid Devon Housing Homes Safety policy** (*Pages 35 - 66*)
To receive a report from the Corporate Manager for Public Health, Regulation and Housing. The Regulator of Social Housing is due to introduce a revised set of consumer standards as part of the new consumer regulatory framework by April 2024. A new overarching Homes Safety Policy has been drafted to reflect the new requirements in preparation for the new legal framework.
- 10 **Revised Pets & Animals Policy** (*Pages 67 - 88*)
To receive a report from the Corporate Manager for Public Health, Regulation and Housing outlining the Mid Devon Housing (MDH) approach to keeping pets and animals by its tenants and their households.
- 11 **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:
- Performance Dashboard for quarter 3
 - New Right to Buy Policy (new policy)
 - Chairman's Annual Report

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

Stephen Walford
Chief Executive
Monday, 8 January 2024

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 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

Public Wi-Fi is available in all meeting rooms.

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MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 21 November 2023 at 2.15 pm

Present

Councillors

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

Apology

Councillor

C Harrower

Also Present

Councillors

D Broom, J Buczkowski, C Connor, R Gilmour and D Wulff

Present

Officers

Paul Deal (Corporate Manager for Finance, Property and Climate Change), Claire Fry (Operations Manager for Housing Management Services), Mike Lowman (Building Services Operations Manager), Dr Stephen Carr (Corporate Performance & Improvement Manager), Lisa Harber (Neighbourhood Team Leader), Rosie Williams (Building Services Office Manager), Carole Oliphant (Member Services Officer), Laura Woon (Democratic Services Manager), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

40 Apologies and Substitute Members

Apologies were received from Cllr C Harrower.

41 Public Question Time

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

42 Declaration of Interests under the Code of Conduct

Councillor A Glover declared a Personal Interest as she was a Council tenant.

43 Minutes

The minutes of the meeting held on 26 September 2023 were approved as a correct record of the meeting and signed by the Chairman.

44 **Chairman's Announcements**

The Chairman thanked the officers for providing the reports to the meeting.

45 **Quarter 2 performance dashboard (00:05:00)**

The Corporate Performance and Improvement Manager provided the Group with a verbal update on performance in the housing area for quarter 2. To aid discussion two dashboard slides were presented giving a visual representation of the important figures in relation to the General Fund and the Housing Revenue Account. It was confirmed that all aspects of social housing were covered by the slides, including those properties that were empty and unfurnished.

The information presented was **NOTED**.

46 **Mid Devon Service Delivery Report: Q1 and Q2 2023-24 (00:10:00)**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing continuing the previous arrangement to provide a quarterly update to Members on enforcement and other activity undertaken by Mid Devon Housing (MDH), albeit in a new format for 2023/24 onwards.

The contents of the report were outlined and the following was highlighted:

- The new housing regulations required Mid Devon Housing to provide effective assurance to their governing bodies on activities within their area which is why the performance report was before Members.
- This report showed the outturn position and included benchmarked data.
- It was confirmed that senior managers were moving forwards with service improvements.

Consideration was given to:

- The number of days it was taking to turn around each void property.
- The challenge facing the service in terms of staff recruitment. Currently the vacancy rate was running at 15% and some posts had been vacant for 2 years.
- Results from the Tenancy Satisfaction Measures survey would be available in the New Year.
- A small proportion of properties did not meet the decent homes standard. There were a number of reasons for this including tenant refusal to have repair or enhancements works undertaken. Plans were in place to undertake heating upgrades for some properties with solid fuel in the spring or when the weather improved.
- It was confirmed that as far as Building Services were concerned none of housing stock had any reinforced autoclaved aerated concrete (RAAC).

Note: * Report previously circulated.

47 **Damp & Mould Review 2023(00:20:00)**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing summarising the findings of a review of the prevalence, causes and effects of damp and mould affecting Mid Devon Housing (MDH) council housing stock and is a follow up to the MDH Damp and Mould Review 2022 and the introduction of a new Damp and Mould Policy 2023.

Discussion took place with regard to:

- Whether there was any support in place for people with a disability or who fell into the vulnerable category? It was confirmed that there was a handyman service although this could be cost prohibitive. Information as regards to vulnerability was collected at the beginning of each tenancy but a picture was built up through every contact with the tenant and the system flagged. It was something that the service was working on and a Working Group tasked with looking at this had been established.
- As the climate was getting wetter the prevalence of Damp and Mould was increasing, it was no longer just a winter problem.
- There was no longer a financial incentive for the Council to install solar panels.
- The officer responsible for the Damp and Mould area had networked with colleagues in other authorities and organisations to gain and share a bank of knowledge and understanding which the service was now benefitting from. Positive input ventilation (PIV) systems have been installed now reporting no mould and a further 33% seeing a significant reduction as a result of the advice received from MDH.
- Damp and Mould had been made a focus for the Neighbourhood Teams which was leading to more reporting and intervention. This was a positive step forwards and a better knowledge base was being built up.

Note: * Report previously circulated.

48 **Mid Devon Housing Tenancy Inspection Policy Review (00:40:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing. The Tenancy Inspection Policy aimed to ensure that tenants were aware of the circumstances when Mid Devon Housing (MDH) will seek access to their properties and the tenant's responsibility in providing that access. Furthermore, it sets out the approach to obtaining access to the Council's tenanted properties, including gardens and outside areas and explained the type of information collected and the action to be taken when concerns were raised. There had been a Tenancy Inspection Policy in place for several years with the most recent version adopted in July 2016. It was therefore due for review.

The contents of the report were outlined with reference to the following:

- It was confirmed that the policy had been in existence for many years but had required some updating due to a small number of minor changes including references to the relevant legislation and the need to keep data updated.
- It was good practice to undertake inspections so as to understand any vulnerabilities or whether tenants needed any extra help.

- The policy also mentioned tenancy fraud which the Council took a strong line on. There were many different types of tenancy fraud including subletting, benefit fraud and falsifying information at the application stage. Depending on the seriousness this could carry a heavy fine or even a prison sentence. It had a huge impact and took properties away from people with registered housing need.

Discussion took place regarding:

- If Councillors had any concerns they should feed these back to the Neighbourhood Officers who would undertake an investigation in collaboration with Devon Audit Partnership. Councillors should not undertake an investigation themselves.
- The apparent lack of powers that officers had to resolve issues that were found in our neighbourhoods. Mention was made of the Community Protection Notice which was one tool that could be used to stop a person aged 16 or over, business or organisation committing anti-social behaviour which was spoiling the community's quality of life.
- Intensive housing management techniques, including working with other agencies, were often very effective in dealing with neighbourhood disturbance. It was a very complex area with many issues, such as mental health, needing to be born in mind.
- Tenancy fraud was a concern, however, as soon as officers were alerted, investigations are carried out as appropriate. Tenancy fraud was less prevalent in rural areas.

RECOMMENDED to the Cabinet that the updated Tenancy Inspection Policy and Equality Impact Assessment contained in Annexes A and B respectively is approved.

(Proposed by Cllr F Letch and seconded by Cllr J Cairney)

Reason for the decision

The Council was required to make the best use of its housing stock which included managing it efficiently and taking steps to prevent tenancy fraud to avoid any financial losses. In accordance with the Localism Act 2011, the Council was required to publish a clear and accessible policy which outlined its approach to tenancy management which included reference to the prevention of tenancy fraud. The Council had a Tenancy Policy and used tenant inspections as a means of preventing fraud. Failure to provide housing management staff with the appropriate policies could result in a less consistent and effective service.

Note: * Report previously circulated.

49 **Tenure Review Project Plan**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing providing a draft project plan relating to a review of tenure used by Mid Devon Housing (MDH).

The following was highlighted within the report:

- As a landlord, the Council had been using flexible tenancies since 2013. The need to make best use of the housing stock influenced the decision to introduce this form of tenure, however, the use of flexible tenancies could be problematic. Not only could it sometimes be intrusive for tenants but there was also a considerable administrative burden upon the service.
- Flexible tenancies were issued for a fixed term and therefore it was more difficult to vary the terms and conditions of each one. However, good practice and the requirements relating to consultation dictated that these tenants should also be consulted on tenure reform and any proposed changes to the tenancy agreement so that their views could be taken into consideration. It was therefore suggested that, not only would it be helpful to set up a Member Working Group but also a Tenant Focus Group in order to encourage as much participation as possible.
- For this reason, the project plan set out a timetable which would result in the adoption of a new tenancy agreement in November 2024.

Consideration was given to the various methods of tenant engagement from using social media and holding face to face events around the district. MDH continued to try to be proactive and adaptive in its approach to tenant engagement.

It was **AGREED** to set up a Working Group to review the outcomes arising from the use of flexible tenancies, to receive relevant data and other evidence to inform discussion. The group would meet three times and would be required to review feedback from tenants. It would then make recommendations relating to tenure reform back to the Homes Policy Development Group. The Group appointed Councillors: A Glover, N Letch and H Tuffin to the Working Group.

Note: * Report previously circulated.

50 Identification of items for the next meeting

No additional items were identified as needing to come forward to the next meeting other than those already identified in the work programme.

(The meeting ended at 3.30 pm)

CHAIRMAN

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Report for: Homes Policy Development Group

Date of Meeting:	16 th January 2024
Subject:	REVIEW OF THE MID DEVON HOUSING GARAGE, GGRP and CAR PARKING SPACE POLICY
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
Wards Affected:	All Wards
	Annex A – Garage, GGRP and Car Parking Space Policy
	Annex B – Garage, GGRP and Car Parking Space Policy Equality Impact Assessment (EIA)

Section 1 – Summary and Recommendation(s)

This policy outlines the Mid Devon Housing (MDH) approach to renting out garages, garage ground rent plots (GGRP) and car parking spaces that it owns. The policy has been updated to formalise the Value Added Tax (VAT) requirements on our charges in line with HM Revenue and Customs (HMRC) rules under VAT Notice 742 – Land and Property. The updated policy set out herein will replace the existing Garage Management Policy. For clarity, the scope of the current and updated policies is set out in Section 2.1 of this report.

As part of the review, the allocation of garages, GGRP or car parking spaces has been better defined and greater priority is given to blue badge holders and to people who live in the same or adjoining street as the asset.

Recommendation:

That the PDG recommends that Cabinet adopt the updated Garage, GGRP and Car Parking Space Policy and Equality Impact Assessment contained in Annexes A and B respectively.

Section 2 – Report

1 Introduction

- 1.1 The Social Housing (Regulation) Act applies to Social Housing Providers and is relevant to social housing dwelling tenants and leaseholders.
- 1.2 The Garage, GGRP and Car Parking Space Policy does not refer to Social Housing or form part of the regulatory framework reforms and standards and therefore is not part of the new consumer regulation regime. There are no statutory Tenant Satisfaction Measures directly applicable to the Policy.

2 Review of the Garage, GGRP and Car Parking Space Policy

- 2.1 This is a review of the existing Garage Management Policy adopted in 2020 which currently already also deals with GGRP and car parking spaces rent. For the avoidance of confusion, under the update the policy name has been broadened to 'Garage, GGRP and Car Parking Space Policy' in order to make the full scope of the policy clear.
- 2.2 A wider Car Parking Management policy regarding the overall operation of MDH parking still applies and is cross-referenced in this policy as required. Once this wider car parking policy comes under review next year it's likely this will be renamed as the MDH Traffic Management Policy to avoid any confusion.
- 2.3 The review has identified a requirement for the current Garage Management Policy to be updated to comply with HMRC VAT Notice 742 and the guidance set out *VAT Government and Public Bodies VATGPB8350 - Other local authority activities: housing and community projects: property improvement grants. covering garage, GGRPs and car parking space rents.*
- 2.4 In accordance with the above, MDH dwelling tenants do not have to pay VAT on a garage, GGRP or parking space if:
 - They are a council tenant of MDH and the garage, GGRP or parking space is within a ½ mile radius of their home
- 2.5 Non-dwelling tenants (of MDH) including registered charities and not for profit organisations will be charged VAT on a garage, GGRP or parking spaces regardless of how far it is from their registered address.

- 2.6 As part of the review the allocation of garages, GGRP or car parking spaces has been better defined and greater priority is given to blue badge holders and to people who live in the same or adjoining street as the asset.
- 2.7 As part of the review the rent payable by charities and not for profit organisations was investigated. It was due to different rates being charged for different organisations which has been an administrative burden on the service. The origins of the reasons for reduced rents were unclear and are potentially discriminatory without sound equality basis. To bring policy consistency, the revised policy states that garages, GGRP and Car Parking Spaces rented by charities and not for profit organisations would be charged at the same rate as MDH dwelling tenants with VAT added as required.
- 2.8 Subject to Cabinet decision, these VAT changes will be incorporated on new invoicing going forward with immediate effect as new garage and GGRPs car parking tenancies are set up. Existing customers will be proactively updated these changes ahead of introduction from 2024/25 onwards.
- 2.9 Excluding VAT, the annual projection for HRA income for 2023/24 for these services is as follows:

• Block garages	£360,711.04
• GGRPs	£20,667.00
• Car Parking spaces	£419.75
Total	£381,797.79

3 Consultation

- 3.1 As the policy does not directly apply to MDH dwelling tenancies no tenant consultation was required.
- 3.2 The policy applies to anyone who rents a garage, GGRP or car parking space from MDH. The changes are largely statutory ones to reflect current HMRC guidance and rules on VAT with some local regularisation of baseline rents for ease of implementation and transparency. Consequently, there was no consultation with existing customers.
- 3.3 Any wider budget changes to reflect a potential overarching uplift to these baseline rents excluding VAT from 2024/25 for this discretionary service provision (including any specific consultation outcomes) will be incorporated into the separate HRA budget update and adoption process and are not relevant to the policy changes/EIA or this report.
- 3.4 Nonetheless, internal consultation took place with MDH officers who administer the policy and the finance and legal teams to understand operational delivery fully and ensure compliance.

4 Safeguarding and vulnerable people

- 4.1 The policy provides clear, updated guidance on the allocation of garages, GGRP or car parking spaces and gives priority to blue badge holders and people living in the same or adjoining street to the asset.

5 Recommendation

- 5.1 In accordance with the above, the following recommendation is made.

That the PDG recommends that Cabinet adopt the updated Garage, GGRP and Car Parking Space Policy and Equality Impact Assessment contained in Annexes A and B respectively.

Financial Implications

The administrative burden of renting garages remains a significant cost to offset against the rent generated. The aligning of rents for charities and not for profit organisations will help alleviate the financial costs in administering the policy.

Legal Implications

MDH has to legally comply with the VAT Government and Public Bodies VATGPB8350 - Other local authority activities: housing and community projects: property improvement grants.

Risk Assessment

Failure to provide housing management staff with the appropriate policies could result in a less consistent and effective service.

Failure to collect rental income could impact the ability to fund necessary management and maintenance activities.

Impact on Climate Change

This policy will have no impact on climate change

Equalities Impact Assessment

MDH have considered the needs of disabled people who require a garage, GGRP or car parking space and given them priority where there is a waiting list.

The EIA is attached to this report in Annex B.

Relationship to Corporate Plan

None

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 05 January 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 03 January 2024

Chief Officer: Simon Newcombe

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

Date: 14 December 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 02 January 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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

Email: snewcombe@middevon.gov.uk / ahaigh@middevon.gov.uk

Telephone: 01884 255255

Background papers:

HMRC VAT Notice 742 – Land and Property

<https://www.gov.uk/guidance/vat-on-land-and-property-notice-742>

VATGPB8350 - Other local authority activities: housing and community projects: property improvement grants (HMRC internal manual – VAT Government and Public Bodies updated November 2023)

[VATGPB8350 - Other local authority activities: housing and community projects: property improvement grants - HMRC internal manual - GOV.UK \(www.gov.uk\)](#)

Existing Garage Management Policy

<https://www.middevon.gov.uk/media/350530/garage-management-policy-v44.pdf>

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Garage, Garage Ground Rent Plots (GGRP) and Parking Space Policy 2023

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1 Introduction

- 1.1 This policy sets out Mid Devon Housing's (MDH) approach to letting garages, garage ground rent plots (GGRP) and parking spaces owned by Mid Devon District Council.
- 1.2 This policy applies to garages, garage ground rent plots (GGRP) and parking spaces where MDH grant a tenancy and charge for their use.
- 1.3 This policy does not apply to other garages or parking spaces that are let as part of a tenancy to MDH Dwelling-tenants.
- 1.4 This policy does not apply to the parking permit scheme run by Mid Devon District Council.

2 Definitions

- 2.1 For the purpose of this policy, the following definitions apply:
 - **Garage Ground Rent Plots (GGRP)** are plots of land purposely let for parking a vehicle. They are let as hard standing and are suitable for erecting a prefabricated garage by the tenant, if wanted, subject to the necessary approvals
 - **Local** means within a half mile radius, for example, a tenant is local to a garage when he lives within a half mile radius of the garage
 - **Tenancy** refers to a tenancy agreement for a garage, GGRP or parking space
 - **Tenant** refers to the person renting a garage, GGRP or parking space
 - **MDH Dwelling- tenant** refers to social housing tenants of MDH
 - **Applicant** refers to a person on the MDH's waiting list for a garage, GGRP or parking space or who applies to be on the waiting list
 - **Leaseholder** refers to an owner of a leasehold property where MDH own the freehold
 - **Private Resident** refers to anyone who is a private individual and who is not a MDH Dwelling –tenant or Leaseholder within the above definitions
 - **Registered Charity** refers to an organisation which is registered with the Charity Commission

- **Not for Profit Organisation** refers to Town and Parish Councils

- 2.2 MDH reserves the right to freely dispose of Garage and Parking Spaces and, GGRPs at any time in support of MDH's ongoing asset management strategy when they become vacant.

3 Legal Framework and Context

- 3.1 The Social Housing (Regulation) Act applies to Social Housing Providers and are aimed at Social Housing tenants.
- 3.2 The Garage, GGRP and Parking Spaces Policy does not refer to Social Housing or form part of the regulatory framework reforms and standards and therefore is not part of the new consumer regulation regime. There are no statutory Tenant Satisfaction Measures applicable to the Policy.
- 3.3 VAT applied is in compliance with guidance as per VAT Government and Public Bodies VATGPB8350 - Other local authority activities: housing and community projects: property improvement grants.

4 Policy Aims and Objectives

Aims

- 4.1 This policy sets out Mid Devon Housing's (MDH) approach to letting garages, garage ground rent plots (GGRP) and parking spaces owned by Mid Devon Housing.

Objectives

- 4.2 The policy explains the processes for the allocation of garages, garage ground rent plots and parking spaces owned by MDH and the tenant's responsibilities when taking on a tenancy.

5 Who can apply for a garage, GGRP or parking space?

- 5.1 Any resident living in the Mid Devon District, aged 18 or over may apply to MDH to rent a garage, GGRP or parking space, as long as:
- They do not already rent a garage, GGRP or parking space with MDH (MDH do not allow anyone to rent more than one garage, GGRP or parking space at any one time)
 - Have not previously misused a MDH property, garage, GGRP or parking space or
 - Have not knowingly provided false information to MDH in order to gain an advantageous placement on the waiting list

- Have not previously been evicted from a MDH property

5.2 Allocation of garages, GGRP and parking spaces is dealt with at section 6 of the policy but this subject to MDH's absolute discretion to refuse to allow allocation. The following individual circumstances will be considered and as well as any other factors MDH consider relevant:

- Antisocial Behaviour
- Is or has been found to have made unauthorised alterations or caused damage to a MDH Dwelling
- Is currently or has been previously been in arrears with MDH for a Dwelling Tenancy

5.3 If MDH refuse an application to be placed onto the waiting list, the applicant will be informed of the reasons for this in writing and his/her right to an appeal against the decision. The appeal will be dealt with internally.

5.4 If MDH refuse an allocation to applicant, who is on the waiting list, the applicant will be informed of this and his/her right to appeal against the decision. The appeal will be dealt with internally.

5.5 Registered charitable organisations and not for profit organisations are charged rent at the same rate as MDH Dwelling -tenants once proof of their charity registration (if applicable) has been provided to MDH but they are liable for VAT.

6 Allocation

6.1 MDH hold a waiting list for garages, GGRP and parking spaces.

6.2 Applications are prioritised as follows when allocating garages, GGRP or parking spaces (length of time on waiting list and type of offer made are also a consideration):

1.	Local MDH Dwelling-tenants, Leaseholders, in need of a garage, GGRP or parking space – who live in the street or an adjoining street where the garage GGRP or parking space is situated (greater priority may be given to Blue Badge Holders in this category)
2.	Non MDH Dwelling tenants or Leaseholders in need of a garage, GGRP or parking space – who live in the street or an adjoining street where the garage GGRP or parking space is situated (greater priority may be given to Blue Badge Holders in this category)
3.	Other MDH Dwelling-tenants or Leaseholders in need of a garage, GGRP or parking space. Blue Badge Holders
4.	Non MDH Dwelling-tenants or Leaseholders ,registered charities or other organisations in need of a garage, GGRP or parking space

5.	All other requests
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- 6.3 If an applicant's circumstances change while on the waiting list, they will be re-assessed and notified once their priority has been established.
- 6.4 There is no limit on how long an applicant can remain on the waiting list. MDH may periodically audit the list and contact applicants to confirm that they wish to remain on the list. This ensures that the waiting list remains up to date and reduces the time taken to offer garages, GGRP and parking spaces. Applicants who do not respond, will be removed from the list.
- 6.5 MDH garages and parking spaces are let on a tenancy agreement, on a weekly basis.
- 6.6 MDH GGRP are let on a tenancy agreement on an annual basis.
- 6.7 Tenancies are granted in sole names only.

7 Charges

- 7.1 Charges are reviewed and set annually. Any GGRP increase will be applied to take effect from 1st April. Parking spaces and garage increases will be applied from the first Monday in April.
- 7.2 The rent charges applicable will be collected on the following basis:
- Garages – weekly in advance
 - GGRP – annually in advance
 - Car Parking Space – weekly in advance
- 7.3 MDH will give 7 days' notice to tenants renting a garage or Car Parking Space of any increase in their weekly charge.
- 7.4 MDH will give a months' notice to tenants renting a GGRP of any increase in their annual rental charge.
- 7.5 MDH charges one rate for MDH Dwelling-tenants and a higher rate for Non MDH Dwelling-tenants.

- 7.6 Garage, GGRP and parking space arrears will be dealt with in accordance to MDH Income Management Policy.
- 7.7 Registered charitable organisations and not for profit organisations are charged rent at the same discounted rate as MDH Dwelling tenants once proof of their charity registration (if applicable) has been provided to MDH.

8 VAT

- 8.1 MDH Dwelling-tenants do not have to pay Value Added Tax (VAT) on a garage, GGRP or parking space if:

- The garage, GGRP or parking space is within a ½ mile radius of their home.

- 8.2 MDH Dwelling-tenants will have to pay Value Added Tax (VAT) on a garage, GGRP or parking space if:

- The garage, GGRP or parking space is not within a ½ mile radius of their home.

- 8.3 Non MDH Dwelling-tenants, registered charities and not for profit organisations will be charged VAT on a garage, GGRP or parking spaces regardless of how far it is from their registered address

- 8.4 The following table shows how VAT will be applied:

Block Garage (A garage often situated in a block which is owned and maintained by MDH)	VAT Applied at 20%	Exempt from VAT	Description
Current MDH Dwelling -tenant that lives within 1/2 mile from the block garage	No	Yes	Non Business (outside the scope of VAT)
Current MDH Dwelling -tenant that lives beyond 1/2 mile from the block garage	Yes	No	Standard Rated
Current MDH Leaseholder (Lease originally purchased as a result of RTB Sale) who lives within 1/2 mile of block garage	No	Yes	Non Business (outside the scope of VAT)
Current MDH Leaseholder (Lease originally purchased as a result of RTB Sale) that lives beyond 1/2 mile from garage	Yes	No	Standard Rated
Non MDH Dwelling-tenant, registered charity or not for profit organisations	Yes	No	Standard Rated
Garage Ground Rent Plot (A piece of land rented by Tenant who is allowed to erect a garage on the site which is maintained by them)			

Current MDH Dwelling-tenant that lives within 1/2 mile from the garage ground rent plot	No	Yes	Non Business (outside the scope of VAT)
Current MDH Dwelling tenant that lives beyond 1/2 mile from the garage ground rent plot	Yes	No	Standard Rated
Current MDH Leaseholder (Lease originally purchased as a result of RTB Sale) who lives within 1/2 mile of garage ground rent plot	No	Yes	Non Business (outside the scope of VAT)
Current MDH Leaseholder (Lease originally purchased as a result of RTB Sale) that lives beyond 1/2 mile from garage ground rent plot	Yes	No	Standard Rated
Non MDH Dwelling tenant, registered charity or not for profit organisations	Yes	No	Standard Rated
Car Parking Space (A piece of land where the tenant can park a car, it may or may not have a post and padlock)			
Current MDH Dwelling -tenant that lives within 1/2 mile from the car parking space	No	Yes	Non Business (outside the scope of VAT)
Current MDH Dwelling-tenant that lives beyond 1/2 mile from the car parking space	Yes	No	Standard Rated
Current MDH Leaseholder (Lease originally purchased as a result of RTB Sale) who lives within 1/2 mile of car parking space	No	Yes	Non Business (outside the scope of VAT)
Current MDH Leaseholder (Lease originally purchased as a result of RTB Sale) that lives beyond 1/2 mile of car parking space	Yes	No	Standard Rated
Non MDH Dwelling-tenant, registered charity or not for profit organisations	Yes	No	Standard Rated
Note:			
All block garages, garage ground rent plots and car parking spaces are let on a separate tenancy agreement			

8.5 In order to establish the ½ mile distance MDH will use the postcode of the users registered address and the postcode of the garage, GGRP or parking space to establish the direct distance between them.

8.6 This is in line with HM Revenue and Customs (HMRC) rules:
<https://www.gov.uk/guidance/vat-on-land-and-property-notice-742>

9 Responsibilities

9.1 Tenants must pay the rent weekly, fortnightly, monthly or annually in advance (dependant on which tenancy applies).

- 9.2 Tenants must use the garage, GGRP or parking space in line with the terms of the tenancy agreement.
- 9.3 If a tenant loses garage keys or parking space keys, they must report this and pay for a replacement set.
- 9.4 Parking in front of the garage, GGRP or parking space is prohibited and the tenancy will be at risk if tenants allow a vehicle to park in front of the plot.
- 9.5 Tenants must only use the garage, GGRP or parking space agreed in their tenancy. It is prohibited for tenants to park vehicles on any land adjoining the garage, GGRP or parking space or any neighbouring plots which do not form part of their tenancy.
- 9.6 No one must park any vehicle which is untaxed, un-roadworthy or not insured (unless tenant can prove the vehicle is exempt) at any MDH-owned land or property, this includes parking spaces, garages and GGRP – [Please refer to the MDH Car Park Management Policy 2020.](#)
- 9.7 The following items are not permitted to be stored in a garage or GGRP:
- Any illegal substances or items
 - Dangerous materials
 - Perishable goods
 - Animals of any sort
 - Weapons of any kind
- (this is not an exhaustive list)
- 9.8 The Tenancy agreement for a garage specifically states:

'The Tenant must not:

- 1. Do anything or allow anything to be done in the Garage or on the forecourt which might cause nuisance or annoyance to the Landlord or its tenants, or anyone in the locality.*
- 2. Cause damage to the Garage in any way (including by way of graffiti) or to any other property belonging to the Landlord.*
- 3. Make any structural or other alterations/additions to the Garage or display any notices thereon.*
- 4. Operate any trade or business from the Garage, including "garage sales".*

5. *Use or allow other to use the Garage for any form of accommodation or illegal activity.*
6. *Assign, sub-let, share or part with possession or occupation of the Garage.*
7. *Carry out any repairs to any vehicle in the Garage or on any adjoining property of the Landlord, other than reasonable maintenance to the Tenant's own vehicle.*
8. *Store any liquids or solids of an inflammatory, explosive, corrosive or dangerous nature (including oxyacetylene cylinders) in the Garage. One gallon of petrol or diesel in a suitable container is allowed.*
9. *Obstruct access to any other garage or the roadway, footpath or forecourt leading to the Garage or Garage site.'*

The tenancy will be at risk if any of the above conditions are breached.

10 Repairs and maintenance

- 10.1 The tenant is responsible for keeping the garage, GGRP or parking space in good condition and free of debris and weeds.
- 10.2 MDH is responsible for repairs to the garage or parking space, therefore, the Tenant must tell MDH about any repair issues as soon as possible.
- 10.3 The tenant must take reasonable steps to prevent damage to the garage, GGRP or parking space.
- 10.4 The Tenant is responsible for the cost of any damage caused by them or any other person connected with them to a garage, GGRP or parking space. If necessary, MDH will carry out the repair and recover the cost in line with our Recharge Policy.
- 10.5 Garages, GGRP and parking spaces are provided primarily for parking vehicles. However, MDH may give permission for a tenant to store other items and belongings at the Tenant's request. Storage will be solely at the tenant's risk and MDH will have no liability.
- 10.6 MDH does not maintain GGRP's, this is be the responsibility of the tenant.
- 10.7 Where repairing a garage is not feasible MDH may offer an alternative garage/space to rent at its absolute discretion

- 10.8 Where a tenant has erected a garage on a GGRP it is their responsibility to dispose of it prior to the tenancy ending. If the tenant does not remove the garage they may be charged for disposal of it.

11 Ending the tenancy agreement

- 11.1 Tenants, if they rent a garage or parking space, can end the tenancy agreement by giving us a minimum of one week's notice in writing, to expire on a Sunday. If they rent a GGRP they must give MDH one month's written notice to end their tenancy.
- 11.2 Keys to garages will need to be returned by 12 noon on the Monday immediately after the tenancy ends. If the tenant does not return their keys, or they have been lost MDH will recharge for the replacement of any locks or keys.
- 11.3 MDH can end the tenancy, at our absolute discretion, giving the tenant a minimum of one week's written notice if they rent a garage or parking space.
- 11.4 MDH can end the tenancy, at our discretion, giving the tenant a minimum of one month's notice if they rent a GGPR.
- 11.5 MDH will end the tenancy if the tenant breaches any conditions, including, but not limited to:
- Not paying the tenancy charge
 - Causing a nuisance
 - Misusing the garage, GGRP or parking space (according to the terms of the Tenancy and MDH standard terms – Supplement 1)
 - Subletting the garage, GGRP or parking space
 - Storing illegal or dangerous substances (e.g. flammable liquids)
 - Using the garage as accommodation
 - Storing or keeping animals in a garage or on a parking plot
 - Using the plot for socialising
- 11.6 If MDH end the tenancy agreement because the tenant has breached a condition, MDH may not grant the Tenant a garage, GGRP or parking space in the future.
- 11.7 The tenant must clear all their belongings from the garage, GGRP or parking space before the tenancy ends.

- 11.8 If MDH have to remove, store or dispose of items that have been left in the garage, GGRP or parking space, MDH will recharge the Tenant for this.
- 11.9 Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 details the rights that Local Authorities have to dispose of possessions or personal data left at Council properties at the end of a Tenancy and this includes Garages and GGRP's.
- 11.10 In the event of the death of the tenancy holder, the tenancy may be offered to a surviving spouse or partner. Proof of residency will be required before re-letting the garage, GGRP or parking space.
- 11.11 The tenancy is not secured and therefore if a MDH Dwelling -tenant ends their MDH Dwelling tenancy (such as exercising their right to buy their Council home) the tenancy will be terminated and the tenant will be invited to re-join the waiting list and will be allocated a garage, GGRP or parking space in accordance with section 6 Allocation of this Policy.

12 Managing undersubscribed or unsuitable garages

- 12.1 Where a garage is undersubscribed or unsuitable, MDH will consider the following options:

- Disposal
- Demolition
- Development
- Improvement

13 Complaints and Feedback

- 13.1 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.

- 13.2 If things do go wrong the MDH is committed to:

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

- 13.3 When a person contacts 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.
- 13.4 Where a Garage, GGRP or Paring Space tenant considers that the MDH 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.
- 13.5 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 Local Government & Social Care Ombudsman.

14 Equality Impact Assessments

- 14.1 MDH complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us ensure our decision making is fair and does not present any barriers or disadvantage to customers from any protected group (including disability) under the Equality Act 2010.

15 Review and version control

- 15.1 MDH will review this Policy every 10 years and as required to address legislative, regulatory, best practice or operational issues.
- 15.2 This policy was produced in 2023 and is version 5.00
- 15.3 This policy was adopted by Cabinet on xxxx

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Garage, GGRP & Parking Space 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.

Service:	Mid Devon Housing		
Name of policy being assessed:	Garage, GGRP & Parking Space Policy		
Lead officer responsible for EIA:	Operations Manager for Housing Management Services		
Is this a new or existing policy:	Revised policy		
<p>1. What are the aims and objectives of the policy?</p> <p>This policy sets out Mid Devon Housing's (MDH) approach to letting garages, garage ground rent plots (GGRP) and parking spaces owned by Mid Devon District Council.</p>			
<p>2. What outcome do MDH want to achieve from this policy?</p> <p>The policy explains the processes for the allocation of garages, garage ground rent plots and parking spaces owned by MDH and the tenant's responsibilities when taking on a tenancy.</p>			
<p>3. Who is intended to benefit from the policy?</p> <p>Anyone who wishes to rent a Garage, GGRP or Parking Space from MDH</p>			
<p>4. Who are the main stakeholders in relation to the policy?</p> <p>Anyone who wishes to rent a Garage, GGRP or Parking Space from MDH</p>			
<p>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?</p>			
Characteristic:	Impact:		Comments/Action:
	Please  the relevant box		
Age:	Positive		The policy will have no impact.
	Neutral		
	Negative		
Disability: 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		The policy will have no impact. MDH have considered the needs of disabled people who require a garage, GGRP or car parking space and given them priority.
	Neutral		
	Negative		
Gender:	Positive		The policy will have no impact.
	Neutral		
	Negative		
Gender reassignment:	Positive		The policy will have no impact.
	Neutral		
	Negative		

Marriage and civil partnership:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Pregnancy and Maternity:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Race:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Religion and Belief:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Sexual Orientation:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		

Result

Are there any aspects of the policy, including how it is delivered or accessed, that could contribute to inequality?	Yes	No ✓
Will this policy have an adverse impact upon the lives of people, including employees and service users	Yes	No ✓

Monitoring and Review:

MDH will regularly review the EIA, in line with legislative changes or good practice, or if the policy impacts any group directly.

Operations Manager for Housing Management Services

Signed:

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Report for: Homes Policy Development Group

Date of Meeting:	16 th January 2024
Subject:	NEW MID DEVON HOUSING HOMES SAFETY POLICY
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
Wards Affected:	All Wards
Enclosures:	Annex A – Homes Safety Policy Annex B – Homes Safety Policy Equality Impact Assessment (EIA)

Section 1 – Summary and Recommendation(s)

The Regulator of Social Housing is due to introduce a revised set of consumer standards as part of the new consumer regulatory framework by April 2024. The Safety and Quality Standard will replace the Home Standard and requires landlords to provide safe and good quality homes and landlord services to tenants.

The draft consumer standards code of practice states that registered providers must ensure they understand and comply with all applicable health and safety legal requirements, including secondary legislation (in relation to, for example, gas safety, fire safety, electrical safety, water safety, lift safety, asbestos safety, smoke alarms and carbon monoxide). In ensuring compliance, registered providers are expected to have regard to appropriate statutory guidance and to meet the legal requirements relating to the role of the health and safety lead. Mid Devon Housing (MDH) have drafted a new overarching Homes Safety Policy to reflect these new requirements in preparation for the new legal framework.

Recommendation:

That the PDG recommends that Cabinet recommends to Council that the MDH Homes Safety Policy and Equality Impact Assessment contained in Annexes A and B respectively be adopted.

Section 2 – Report

1 Introduction

- 1.1 Under the proposed Safety and Quality Standard, The Regulator of Social Housing (RSH) requires all registered providers (RPs) to provide safe and good quality homes and landlord services to tenants.
- 1.2 The Regulator of Social Housing regard councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements. Consequently, it is important that councillors approve the relevant policy approaches adopted by MDH.
- 1.3 Social Housing (Regulation) Act 2023 (the '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.
- 1.4 The Act details the requirement for registered providers to appoint a health and safety lead and registered providers are expected to have regard to appropriate statutory guidance and to meet the legal requirements relating to the role of the health and safety lead.
- 1.5 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)
- 1.6 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 measures include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants' views on our performance.

1.7 The TSMs associated with this Policy are:

- BS01 – Gas Safety Checks - This measure is based on the percentage of homes that have had all the necessary gas safety checks
- BS02 – Fire Safety Checks - This measure is based on the percentage of homes in buildings that have had all the necessary fire risk assessments
- BS03 – Asbestos Safety Checks - This measure is based on the percentage of homes in buildings that have had all the necessary asbestos management surveys or re-inspections
- BS04 - Water Safety Checks - This measure is based on the percentage of homes that have had all the necessary legionella risk assessments (legionella is a bacteria that can make people ill if it enters water supplies)
- BS05 - Lift Safety Checks - This measure is based on the percentage of homes in buildings where the communal passenger lifts have had all the necessary safety checks

1.8 The annual reporting of performance against the above TSMs is therefore due from April 2024 for 2023/24.

2 Home Safety Policy

2.1 In order to comply with the Safety and Quality Standard MDH are required to comply with all health and safety legal requirements including secondary legislation.

2.2 The main aim of the Policy is to set out how MDH will manage the safety of our homes and fulfil all the statutory duties associated with safety that are required of us.

2.2 Existing MDH Safety Policies consisted of a Gas Safety Checks Policy and a Fire Safety in Communal Areas Policy. There were no specific policies relating to Electrical Safety Checks, Asbestos Safety Checks, Water Safety Checks or Lift Safety Checks as required by the Safety and Quality Standard going forward.

2.3 A full review of the existing policies was undertaken and officers felt it sensible to produce an overall Homes Safety Policy which included all the RSH requirements. Also included, although not specified by the RSH, is a solid fuel safety policy as MDH do have a small number of properties which contain solid fuel heating with relevant secondary safety legislation. This provides an enhanced level of clarity and ease of access to information relating to the overarching safety of our housing stock.

2.4 The new policy also includes details of the role of the Health and Safety Lead which is a requirement of the Social Housing (Regulation) Act 2023. More information on this is provided under Legal Implications below.

- 2.5 In addition to the overall policy, safety management plans have been constructed for the most complex and high risk compliance areas; Gas, Electrical, Asbestos and Fire Safety. These are comprehensive internal guidance documents for staff to enable them to comply with the overall policy. The requirement for such plans will be kept under rolling review through an internal performance management process – more information in Risk Assessment below.

3 Responsibilities

- 3.1 MDH as a social housing provider has a responsibility to ensure that it complies with appropriate statutory guidance and to meet the legal requirements relating to the role of the health and safety lead.
- 3.2 The policy provides tenants with clarity on their responsibilities in allowing access to their properties to allow safety checks to be undertaken.

4 Consultation

- 4.1 Tenants were invited to comment on the draft policy between 17th November and 17th December 2023.
- 4.2 Members of the Homes PDG were invited to comment on the draft policy between 17th November and 17th December 2023.
- 4.3 No comments or concerns were received from tenants but Members raised a query about allowing tenants to store bicycles in communal areas. It was explained that this could not be permitted because it was a fire risk to tenants.
- 4.4 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 also aware of the updated policy as required.

5 Current performance

- 5.1 The following table provides the performance data from April – October 2023.

Performance Measure	Target	Apr	May	Jun	Jul	Aug	Sep	Oct
BS01 - % of Gas Safety Checks Completed	100%	99.91%	99.87%	99.87%	99.91%	99.87%	99.91%	99.51%
BS02 - % of Fire Safety Checks	100%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
BS03 - % of Asbestos Safety Checks	100%	77.67%	77.66%	77.68%	77.67%	63.94%	63.94%	77.42%
BS04 - % of Water Safety Checks	100%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

BS05 - % of Lift Safety Checks	100%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
% of Electrical Checks		43%	43%	43%	42%	42%	42%	42%

Commentary on the results:

5.2 Asbestos Safety Checks

A management survey can, but does not always require a sample of a suspected asbestos containing material (ACM) to be taken; however the only way to 100% determine if a material contains asbestos is to take a sample and have this analysed. MDH want to be able to provide more accurate information so are only reporting on the number of properties where we have a management survey that has included samples.

Overall, we still hold a current asbestos register for all properties in our stock which adopts a no-risk approach and makes conservative assumptions on the presence of ACM based on property design and age in specific areas of each building which may subsequently be confirmed or otherwise through sampling where the register will then be updated. This enables our tenants, staff and contractors to stay safe at all times and approach any works with the appropriate level of caution and risk management.

Where MDH do not have samples of an ACM that we want to work on then the suspected material is sampled and analysed. To avoid any doubling up on surveys, for a number of years we have been asking for management surveys with samples or sampling where required due to a more detailed refurbishment and demolition survey, which is only used for intrusive works, such as new kitchens and bathrooms.

As we modernise properties and/or undertake works during property void periods this will therefore result in ACM being removed from properties even where there is no specific safety reason for doing so (i.e. the ACM is safe and in good condition) and the register is updated accordingly.

Overall, this is a proactive risk-reduction approach where we can remove some properties completely from the register or reduce the scope of the register entry where some material is removed or it is confirmed as not being ACM.

The reason for the drop in the number of surveys for August and September relates to some cross checking of information relating to the refurbishment and demolition surveys.

5.3 Electrical Safety Checks

Historically MDH carried out a Visual Inspection Report (VIR) every 5 years and an Electrical Installation Condition Report (EICR) every 10 years which is in line with current regulations as Social Housing is currently exempt from The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, and we reported compliance on these figures.

But we are expecting that Social Rent properties will be brought in line with these regulations soon with a minimum five-year transition period. 'Housemark' nationally have changed the way we report with them already and are only recording EICRs.

As an EICR needs to be carried out every 5 years it would not be sensible to do lots at once we need to spread them out over a 5 year period which will equate to around 600 a year going forward, so in reality at the end of this year we will need to be around 50 % and then 60% next year and so on. This will ensure we are fully compliant at the end of the transition period.

6 Safeguarding and vulnerable tenants

- 6.1 MDH records details of all vulnerable tenants in able to support their needs. This includes making reasonable adjustments when we interact with vulnerable tenants to ensure that they are comfortable.
- 6.2 When a safety check is required MDH ensures that the tenant is communicated with by their preferred channel and that they understand the importance of allowing access to their home to complete the check.
- 6.3 Whilst repairs officers and contractors attend homes to specifically carry out a safety check any tenants observed who appear vulnerable or if there are safeguarding concerns will be reported to the Neighbourhood Officer. The Neighbourhood Officer will then contact the tenant to establish if they need additional support to be able to sustain their tenancies.
- 6.4 Further information on the equality impacts arising from this policy are set out under Equalities Impact Assessment below and in the full EIA attached in Annex B.

7 Recommendation

- 7.1 In accordance with the above, the following recommendation is made:
 - 1. That the PDG recommends that Cabinet recommends to Council that the MDH Homes Safety Policy and Equality Impact Assessment contained in Annexes A and B respectively be adopted.

Financial Implications

This report on its own does not give rise to any direct financial implication but implementation of the activities set out in the policy and overall compliance with safety legislation must be budgeted for.

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

The Council's HRA revenue and capital budget/MTFP 2023-28 supports the activities required to maintain the Council's housing stock safely.

More information on financial implications is provided as part of the overall risk assessment below.

Legal Implications

The Council is an RP and therefore is required to comply with the regulatory framework operated by the RSH.

The policy ensures that MDH fully complies with its statutory obligations and that the safety of its residents is safeguarded including provisions set out in the draft new Safety and Quality Standard.

The policies, management plans and procedures form a key part of an overall assurance framework for MDH in discharging its statutory duties associated with landlord compliance. Failure to comply with these duties could result in formal prosecution being brought against MDH as a landlord e.g. potential of a corporate manslaughter case for the most serious of breaches.

Under section 126A and 126B of the Social Housing (Regulation) Act 2023, as an RP, MDH must designate a senior leadership individual with specific accountability for the health and safety of its tenants in our homes. The person holding this statutory role must be notified to the RSH and be visible to our tenants. They must be of sufficient authority to put in place mechanisms to have oversight of the housing service overall and monitor and assess health and safety risks then allocate resources to ensure compliance at all times. This policy and its delivery provides a key part of this assurance and implementation regulations for this part of the Act are expected shortly.

Risk Assessment

The Council has approximately 3,000 homes in management and the performance of MDH impacts upon the lives of many thousands of tenants and their families. This represents a huge responsibility and investment, consequently a major area of risk. Not providing an effective housing management service has the potential to result in failure to meet legal and statutory obligations including those relating to health and safety issues.

There are several main risks associated with this policy specifically:

Firstly, that staff are not adequately trained and/or effective working practices are not sufficient in scope or implementation to ensure compliance. This is mitigated through the provision of post by post specific competency requirements matched to legal compliance alongside internal management plans which provide staff and contractors with clear instructions on how to comply with the policy.

Secondly, that information on policy implementation and core compliance is not available. This has been addressed through the implementation of the new MDH performance hub which has updated KPIs specific to all aspects of health and safety compliance. These KPIs are reviewed internally through monthly performance meetings with service Operational and Team leads where any actions required are identified, allocated and reviewed for completion. Actions may include; provision of additional resourcing, further staff training, contract performance reviews or procedural updates. There is wider public reporting on compliance through our website and the quarterly service delivery reports provided to the PDG. Several of the new,

mandated Tenant Satisfaction Measures (TSMs) also require health and safety performance to be reported to both RSH and tenants (more information is provided in Section 1.6 and 1.7 of this report).

Thirdly, that key health and safety activity is not adequately resourced by the HRA to ensure rolling compliance and to address any potential gaps or risks. This is addressed through the MTFP which has been reviewed going forward to ensure adequate budget is in place with additional provision to meet known current and future requirements. As the performance information is reviewed and as requirements are updated then the MTFP will be updated through the annual budget cycle. Furthermore, there are adequate HRA reserves to deal with an unplanned, urgent works as may be required.

Finally, that tenants and leaseholders are not aware of the risks. These risks are mitigated by tracking our performance against targets which are published for tenants including the new TSMs from April 2024 and by regular campaigns on health and safety. In addition, our frontline teams in all areas are trained to be aware of relevant risks and how to log and report these internally as they be directly or indirectly captured as part of their wider duties.

Impact on Climate Change

The correct functioning of gas and electrical systems reduce the impact of the systems on the environment through efficient operation. Having good knowledge of the condition of our systems allows planning for their replacement when appropriate times with more efficient upgrades that benefit the environment and our tenants.

Equalities Impact Assessment

MDH has a collection of housing related policies. These help to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards.

Furthermore, there is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants and to enable compliance to be monitored.

Our housing estates must be accessible to those with disabilities and we have in place a regular schedule of inspections to ensure that all safety issues are identified and rectified as soon as possible and we have specific policy, procedures and budget to provide tenant-specific aids and adaptations where required.

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 Housing Ombudsman Service Complaints Handling Code which MDH adhere to also requires landlords to have an awareness of accessibility so residents are easily be able to access the complaints procedure via several routes.

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

Relationship to Corporate Plan

This policy relates to statutory requirements on 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: 05 January 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 03 January 2024

Chief Officer: Simon Newcombe

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

Date: 14 December 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 03 January 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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Background papers and further information:

Current MDH Gas Safety and Fire Risk in Communal Area's Policies

<https://www.middevon.gov.uk/media/348656/gas-safety-policy-2018.pdf>

<https://www.middevon.gov.uk/media/344294/mddc-fire-risk-in-communal-areas-policy.pdf>

Proposed Safety and Quality Standard

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1173042/20230721_Annex_1_Proposed_Consumer_standards.pdf

Social Housing (Regulation) Act 2023
<https://www.legislation.gov.uk/ukpga/2023/36/contents>



Homes Safety 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 how MDH will manage safety in its homes and now incorporates the following Policies and Management Plans:
 - Gas Safety Policy
 - Fire Risk in Communal Properties Policy
 - Asbestos Management

2 Aims and Objectives

- 2.1 This Policy aims to set out how MDH will manage the safety of their homes and fulfil all the statutory duties associated with safety that are required of them.
- 2.2 The objective is to define what MDH and tenants have a responsibility for and how this will be managed

3 Legal Framework and Context

- 3.1 Under the proposed Safety and Quality Standard, The Regulator of Social Housing (RSH) requires all registered providers to provide safe and good quality homes and landlord services to tenants.
- 3.2 The Regulator of Social Housing regard councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements.
- 3.3 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.
- 3.4 The Social Housing (Regulation) Act details the requirement for registered providers to appoint a health and safety lead and registered providers are expected to have regard to appropriate statutory guidance and to meet the legal requirements relating to the role of the health and safety lead.

3.5 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)

3.6 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 measures include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants' views on our performance.

3.7 The TSMs associated with this Policy are:

- BS01 – Gas Safety Checks - This measure is based on the percentage of homes that have had all the necessary gas safety checks
- BS02 – Fire Safety Checks - This measure is based on the percentage of homes in buildings that have had all the necessary fire risk assessments
- BS03 – Asbestos Safety Checks - This measure is based on the percentage of homes in buildings that have had all the necessary asbestos management surveys or re-inspections
- BS04 - Water Safety Checks - This measure is based on the percentage of homes that have had all the necessary legionella risk assessments (legionella is a bacteria that can make people ill if it enters water supplies)
- BS05 - Lift Safety Checks - This measure is based on the percentage of homes in buildings where the communal passenger lifts have had all the necessary safety checks

4 Related Legislation and Regulatory Instruments

- The Housing Act 2004
- The Landlord & Tenant Act 1985
- Health and Safety at Work Act 1974
- The Gas Safety (Installation and Use) (Amendment) Regulations 2018
- Construction Design & Management Regulations 2015
- Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013
- ACOP L8 – Legionnaires disease: The control of legionella bacteria in water systems (HSE)
- ACOP L143 – Managing and Working with Asbestos (HSE)

- The Control of Asbestos Regulations 2012
- The Control of Substances Hazardous to Health Regulations 2002
- The Electricity at Work Regulations 1989
- The Social Housing (Regulations) Act 2023
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- HETAS (Heating Equipment Testing & Approval Services Guidance)

5 Health and Safety Lead

- 5.1 The Social Housing (Regulation) Act requires MDH to have a Health and Safety Lead at Executive level and will be introduced by subsequent regulation.
- 5.2 The Health and Safety Lead will identify and ensure that MDH meets all legal requirements that relate to the health and safety of tenants in their homes and communal areas.
- 5.3 The Health and Safety Lead will notify the Cabinet of:
- Any risks assessed of material failures by MDH to comply with health and safety requirements
 - Any material failures by MDH to comply with health and safety requirements
 - Advice as to how MDH should address risks and failures notified for the purpose of ensuring that MDH complies with health and safety requirements.

6 Tenant Responsibilities

- 6.1 The MDH Tenancy Agreement states the responsibility of the tenant in allowing access to their property to allow safety checks to be undertaken. Specifically the agreement states:

'You must allow us or our employees access to the property at all reasonable hours to carry out repairs, Improvements, planned programmes, gas servicing and any safety checks, to inspect its condition and to complete new tenancy visits and tenancy home checks'.

With regard to Gas Safety Checks the tenancy agreement states:

'As your Landlord we are under a duty to check any gas fitting and the flues serving it in the Property at least once a year in order to minimise the risk of explosion or carbon monoxide poisoning. We will always give you reasonable notice in writing of any inspection. You must provide access for the inspections and to pay for any reasonable expenditure we incur as a result of any failure by you to provide access.'

'You must ensure that you have sufficient credit on gas and electric meters to enable the engineer to carry out your annual service.'

7 Gas Safety Checks

- 7.1 MDH is legally responsible for the safety of its tenants in relation to gas safety. By law MDH must:
- repair and maintain gas pipework, flues and appliances in safe condition so as to prevent risk of injury to any person
 - ensure an annual gas safety check on each appliance and flue
 - keep a record of each safety check which must be retained for two years
- 7.2 The duty extends to appliances and pipework which serve the property even if they are not let to the tenant e.g. communal boilers.
- 7.3 MDH will inspect and issue the record in accordance Part F, Regulation 36A of the Gas Regulations as amended (April 2018) in order to ensure delivery of our requirements as a landlord.
- 7.4 MDH has entered into a contract with a Gas Servicing Contractor, who is a Gas Safe registered company, to help meet these obligations using an agreed appointment procedure.
- 7.5 A copy of the CP12 certificate (Landlords Gas Safety Record) will be provided to the tenant in lawful occupation of the property within 28 days of the annual safety check.
- 7.6 A further gas safety check will be carried out on all MDH properties with a gas meter involved in a mutual exchange. The check will be carried out on the day the tenants' move.
- 7.7 Where there is not an immediate transfer between households the supply outlet of the meter will also be capped. Engineers will return to uncap, test and issue the GSR once the new householder is present.
- 7.8 MDH annual safety checks and servicing will include the inspection and testing of tenants' own fixed gas appliance, we are obligated to carry out a visual inspection of the appliance and assess its operation. It will not include the servicing or repair of any tenant owned appliance, which is the tenants' responsibility.
- 7.9 MDH will install hard-wired carbon monoxide detector(s) to all rooms that contain a MDH gas appliance and any room where a flue passes through in compliance to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

- 7.10 Where there is a tenant own fixed gas appliance in the property (regardless of ownership), the connection to the appliance up to the gas controls is included in the Gas Safety Check. The engineer will also inspect the overall condition and ensure all safety features operate effectively.
- 7.11 Where an “At Risk” notice has been issued for an unsafe situation involving a tenant owned appliance but the tenant has refused to have the appliance switched off, MDH will write to the tenant explaining the need for them to carry out repairs within 5 working days. If the tenant fails to carry out these works MDH will take action, either to complete the works and recharge the tenant or to insist that the appliance is isolated.
- 7.12 Where the appliance is “Immediately Dangerous” is it isolated; if a tenant refuses to allow the engineer to isolate the appliance it is treated as a Gas Emergency and Wales & West Utilities (WWU) are contacted. If the tenant still refuses the appliance to be isolated WWU may choose to isolate the gas supply to the property. This may include excavations in the street, for which the tenant will be recharged
- 7.13 MDH will not grant consent for tenants to install new gas fires or to replace/upgrade existing ones.
- 7.14 MDH has a Gas Safety Management Plan providing more detailed guidance and procedures for staff and contractors

8 Electrical Safety Checks

- 8.1 MDH will ensure that all domestic properties owned or managed have a valid Electrical Installation Condition Report (EICR) that is no older than 5 years from the date of the previous EICR.
- 8.2 MDH will deliver a comprehensive programme of testing and inspection of all domestic properties on a rolling 5-year cycle.
- 8.3 MDH will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 8.4 MDH will ensure that electrical installation inspection and tests are carried out prior to the commencement of any new tenancies (void properties), mutual exchanges and transfers and that a satisfactory EICR is issued to the tenant prior to them moving in.
- 8.5 MDH will ensure that only suitably competent NICEIC electrical contractors and engineers undertake electrical works.

- 8.6 MDH will test and replace as necessary smoke alarms, heat detectors and carbon monoxide detectors which are not covered as part of the annual gas safety check visit (i.e. the property does not have gas), as part of the 5-yearly electrical inspection and testing visit.
- 8.7 MDH will ensure there is a robust process in place for the management of any follow-up works required following the completion of a periodic inspection and test of an electrical installation or electrical portable appliance.
- 8.8 MDH will as a minimum make safe and/or where possible endeavour to repair all code 1 and code 2 defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works. Any further remedial works to code 1 and 2 defects will be completed within 10 working days (except where a rewire is required) and an EICR will be issued stating that the installation is in a satisfactory condition.
- 8.9 MDH will establish and implement programmes of electrical installation upgrading works to improve electrical installations, that have been identified as not meeting current standards but are in a satisfactory condition for the purposes of an EICR, up to a standard that meets all current requirements of BS7671.
- 8.10 Safety checks of electrical vehicle charge points installed by MDH will be included in the electrical safety check. Charge points installed by the tenant will be checked at an additional cost.

9 Fire Risks in Communal Areas and Flats

- 9.1 The Regulatory Reform (Fire Safety) Order 2005 (RRO 2005) applies to all common parts of buildings that have 2 or more dwellings and places a legal duty on MDH to undertake and record a Fire Risk Assessment (FRA).
- 9.2 An FRA is an assessment of the risks to relevant persons from fire to identify what general fire precautions are required for those particular premises.
- 9.3 A communal area is any area that is not within the confines of the tenant's property. This will include stairs, stairwells, hallways, landings, common rooms, laundry rooms, boiler rooms, open areas, flat entrance doors and the entrance to the building as well as the building's structure and external walls.
- 9.4 Under the fire legislation, Regulatory Reform (Fire Safety) Order 2005, MDH, as the responsible person, being the landlord, will comply with the legislation and will carry out a FRA and take reasonable steps to remove or reduce any risks that have been identified.
- 9.5 MDH will ensure that all residential communal blocks with shared communal areas and all individual flats owned by the Council will have a FRA.

- 9.6 Where practical, copies of FRAs will be located within the premises. On some sites, this may not be practical and, therefore, the FRA will be stored online MDH electronic document management system with read only access to all Officers in MDH. Copies will also be available for inspection in the landlord's office (based either at Phoenix House or at the Old Road Depot).
- 9.7 The FRAs will be reviewed annually, or following a significant change and will include:
- Checks and maintenance of fire door closers
 - Fire alarm testing
 - Maintenance of clear safety signage in our blocks
- 9.8 Situations which might prompt a review less than a year after the initial assessment was made include:
- A change in the number of people present or the characteristics of the occupants; including the presence of people with some form of disability
 - Introduction of new equipment, structural alterations to the building; including the internal layout or significant changes.
 - Awareness of shortcomings in fire safety measures or potential improvements
 - Changes in security requirements, arson or the wedging open of doors
 - If a fire occurs
 - Updates in legislation
 - Alterations to the building; such as replacement entrance doors or internal decoration to communal areas
 - The storage of hazardous substances by a tenant
- 9.9 Wherever possible, MDH will aim to prevent fire safety issues by educating tenants from the beginning of their tenancies and ensuring that support, advice and assistance is readily available. This includes a fire safety leaflet, repairs handbook and tenant handbook.
- 9.10 MDH has a duty to ensure that the means of escape from a building or communal area is not obstructed, to ensure that tenants and visitors can exit safely in the event of a fire.
- 9.11 MDH will operate a zero tolerance policy in respect of storage of belongings in communal areas. Any items left in communal areas will be removed and this policy will be widely publicised by writing to all those tenants living in flats, and leaseholders. In addition, it will be publicised in our tenant newsletter and via social media.

- 9.12 Where communal areas provide emergency lighting, carbon monoxide detectors and electrical items, servicing of these items will take place in accordance with the Council's cyclical programme, following legislative guidance and manufacturers' recommendations. Servicing of the communal smoke alarms will take place every six months in accordance with the appropriate regulations.
- 9.13 We will remove any flammable items left in communal areas as a matter of urgency to reduce risk.
- 9.14 We will place fire log cabinets in communal areas of blocks of flats. These will be secure and will contain Information on the type of alarms and emergency lighting as well as the servicing and inspection/test dates and copies of FRA's.
- 9.15 We will write to residents of all of our blocks of flats on an annual basis in order to inform a review of the information held in order to ensure that the records are kept updated.
- 9.16 We will provide fire-proof letter boxes if there is a risk of arson, in order to provide reassurance to tenants and other residents, as appropriate.
- 9.17 Bonfires and/ or mini fires on communal land, owned and managed by MDH will not be permitted. Disposable BBQ's are not permitted to be used in communal areas.
- 9.18 MDH have a Fire Risk in Community Areas Management Plan providing more detailed guidance and procedures for staff and contractors

10 Asbestos Management

- 10.1 MDH housing stock is of various ages this section describes the management of Asbestos Containing Materials (ACM).
- 10.2 MDH will remove all asbestos products from the inside of empty (void) properties whilst they are being brought up to the Decent Homes requirement or during major works to improve homes.
- 10.3 MDH long-term aim is to remove all asbestos from the property portfolio, as far as is reasonably practicable.
- 10.4 If tenants suspect they have found asbestos within the home they must not remove or disturb the ACM and inform MDH immediately so that mitigating actions can be put in place to remove the ACM.

- 10.5 MDH comply with the Control of Asbestos Regulations 2012 (CAR 2012) and to enable compliance to this policy all MDH operatives have received training and awareness of asbestos, its likely effects and the likely locations within housing stock.
- 10.6 No new or recycled ACM will be used in any of our properties.
- 10.7 Where existing installations include ACM which is sound, in good condition, not releasing dust, and not subject to abrasion or damage, the material will be left undisturbed, until such time that its safe removal is planned.
- 10.8 Details are to be noted in the Asbestos Register and the installation will be re-inspected at regular intervals (not more than one year, except in domestic properties, where 20% will be re-inspected annually) to ensure that the condition of the material has not changed.
- 10.9 In domestic premises 20% will be re-inspected annually. More regular inspection may be required if the material is liable to mechanical damage or where the risk warrants it. Where deterioration of the material is observed a further risk assessment must be carried out and recorded.
- 10.10 The following inspection regime shall apply:
- Up to Low Risk, Material Assessment 1 – 6 20% Periodic inspection
 - Up to High Risk, Material Assessment 7 + Annual inspection
- 10.11 Where existing installations include ACM which is damaged, deteriorating or inadequately sealed, it will either be removed and replaced by suitable material, resealed or encapsulated.
- 10.12 When considering removal, where the ACM is coated, covered or contained within another material, such as cement, paint or plastic are considered to be firmly bonded in a matrix, ACMs of this type in good condition can usually be treated as non-licensed work but where they are significantly damaged, and so more likely to release fibres, they will need to be treated as Notifiable Non-Licensed Work (NNLW).
- 10.13 It is the responsibility of the person in charge of the job to assess the ACM to be worked on and decide if the work is NNLW or non-licensed work. This will be a matter of judgement in each case, dependent on consideration of several factors.

- 10.14 Asbestos insulation, Asbestos coatings and Asbestos insulating board must be removed by a Licensed Asbestos Removal Company in accordance with the HSE's Approved Code of Practice (ACOP) and guidance L143, 'Work with Materials Containing Asbestos.' and then be taken to an approved, licensed site for disposal. Asbestos cement, gaskets, ropes and other bonded materials can be removed in accordance with the ACOP L143, providing that the persons carrying out the work have had appropriate training and have sufficient insurance cover. The ACOP L143 replaces ACOP L27 and ACOP L28.
- 10.15 An Asbestos Register will be compiled by MDH into which ACM installations and locations will be entered.
- 10.16 The Asbestos Register will be continually updated as and when surveys are carried out and asbestos materials are discovered and will be reviewed annually by MDH.
- 10.17 Information contained in the Asbestos Register will be made available to any employee, contractor, tenant or leaseholder.
- 10.18 If suspected ACMs are discovered during works on the property they should not be disturbed, but the incident reported to MDH who will arrange for an asbestos inspection and priority assessment.
- 10.19 MDH has an Asbestos Safety Management Plan providing more detailed guidance and procedures for staff and contractors.

11 Water Safety Checks

- 11.1 The Council as a landlord also has legal responsibilities to ensure the health and safety of tenants (including housing stock tenants) by keeping the properties let safe and free from health hazards including Legionnaires disease. Section 3(2) of the Health and Safety at Work Act 1974 (HSWA) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants' with regard to their health and safety including managing Legionnaires disease.
- 11.2 The Council will (as an employer and as a landlord), as far as is reasonably practicable, take appropriate precautions to reduce the risk of ill health caused by exposure to Legionella. This will be achieved through providing a framework of actions designed to assess, prevent or control the risk from the Legionella bacteria. To achieve this it will use the practical guidance contained in the Approved Code of Practice and guidance documents outlined under 3 below aimed at identifying and assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager to be responsible for others.

11.3 Legislation

- Health and Safety at Work etc. Act 1974 (HASWA)
- Management of Health and Safety at Work Regulations 1999 (MHSWR)
- Control of Substances Hazardous to Health 2002 (COSHH)

11.4 Guidance

- [Approved Code of Practise “Legionnaires’ disease: The control of Legionella bacteria in water systems” L8](#)
- [HSG274 Part 1: The control of legionella bacteria in evaporative cooling systems](#)
- [HSG274 Part2: The control of legionella bacteria in hot and cold water systems](#)
- [HSG274 Part 3: The control of legionella bacteria in other risk systems](#)
- [Audit checklists: Control of legionella bacteria in water systems](#)

11.5 Definition

Legionella bacteria are widespread in natural water systems, e.g. rivers and ponds. However, the conditions are rarely right for people to catch the disease from these sources. Outbreaks of the illness occur from exposure to legionella growing in purpose-built systems where water is maintained at a temperature high enough to encourage growth, e.g. cooling towers, evaporative condensers, hot and cold water systems and spa pools used in all sorts of premises (work and domestic). People contract Legionnaires’ disease by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria. However, some people are at higher risk, including:

- people over 45 years of age;
- smokers and heavy drinkers;
- people suffering from chronic respiratory or kidney disease;
- anyone with an impaired immune system;

11.6 Responsibilities

Mid Devon District Council’s (MDDC) policy on Legionnaires Disease must ensure the duty of care under the HASWA is met in respect of assessing and controlling the risk from exposure to legionella bacteria from work activities in relation to its Corporate and Commercial properties. MDDC achieves this through the following management structure;

Chief Executive – Duty Holder

The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Legionella. Both must support this policy to manage Legionella

by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

Director of Finances, Assets and Resources – Strategic Lead

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training.

The safe management and operation of Sites and Properties activities, including consideration of Legionnaires Disease issues and compliance with the Legionella Management Plan within the operational and investment estate

Devolving the principal functions of Legionella management to the Responsible Person for maintenance, projects and estates management

Corporate Manager for Public Health, Regulation and Housing – Responsible Person

The Responsible Person ensures:

1. risks assessment are carried out for all MDDC properties by a competent person
2. to record the significant findings of the risk assessment
3. a written scheme for controlling the risk from exposure to the legionella bacteria is implemented and monitored
4. there is a “responsible competent person” to implement and monitor the control scheme
5. that where appropriate general microbiological sampling procedures are implemented
6. ensure a cleaning and disinfection process is implemented where required
7. a record of all inspections, tests and sampling is maintained
8. that the control measures are regularly reviewed and updated

11.7 Hierarchy of Control

The Legionnaires’ disease Approved Code of Practise L8 states that;

a) Where the assessment shows that there is a reasonably foreseeable risk of exposure to legionella bacteria, the use of water systems, parts of water systems or systems of work that lead to exposure must be avoided so far as is reasonably practicable. Where this is not reasonably practicable, there should be a written scheme for controlling the risk from exposure that should be properly implemented and managed. The written scheme should specify measures to take to ensure that it remains effective.

b) The risk from exposure will be controlled by measures which do not allow the growth of legionella bacteria in the system and which reduce exposure to water droplets and aerosols. Precautions, where appropriate, include the following:

- avoiding water temperatures between 20 °C and 45 °C and conditions that favour the growth of legionella bacteria and other microorganisms;
- avoiding water stagnation which may encourage the growth of biofilm;
- avoiding the use of materials that harbour bacteria and other microorganisms, or provide nutrients for microbial growth. The *Water Fittings and Materials Directory* 10 references fittings, materials, and appliances approved for their compliance with the UK legal requirements for plumbing fittings and water using appliances;
- controlling the release of water spray;
- maintaining the cleanliness of the system and water in it;
- using water treatment techniques;
- taking action to ensure the correct, safe operation, maintenance of the water system and monitoring of any control measures applied

c) The written scheme includes, where appropriate, and with reference to the risk assessment:

- an up-to-date plan showing the layout of the plant or water system, including parts temporarily out of use (a schematic diagram is sufficient);
- a description of the correct and safe operation of the system;
- the precautions to take;
- checks to carry out to ensure the written scheme is effective and the frequency of such checks;
- the remedial action to take if the written scheme is shown to be not effective
- action to be taken in response to microbiological results greater than 100 colony forming units per litre

d) Records will be maintained that include details about:

- the appointed responsible person(s) for conducting the risk assessment, managing, and implementing the written scheme;
- any significant findings of the risk assessment;
- the written scheme and its implementation;
- details about the state of operation of the water system, i.e. in use/not in use;
- the results of any monitoring inspection, test or audit carried out, and the dates.

e) These records will be retained throughout the period they are current and for at least two years afterwards. Records of any monitoring inspection, test or check carried out, and the dates, will be retained for at least five years.

12 Lift Safety Checks

- 12.1 MDH has obligation duties to ensure that all powered lifts and equipment installed for which it has responsibility are installed, services and used comply PUWER (Provision and Use of Work Equipment Regulations 1998 and LOLER (Lift Operation Lift equipment Regulations) 1998: Regulation 9.
- 12.2 MDH will hold accurate records against each property it owns, or manages, identifying when the lifting equipment was last inspected.
- 12.3 MDH will ensure that lift safety inspections, servicing, installation and upgrade programmes will be undertaken by competent contractors.
- 12.4 MDH will ensure all lift installations undergo inspection and servicing four times a year in accordance with LOLER and that any deterioration is detected, defects reported and remedied in good time.
- 12.5 MDH will maintain accurate records of all completed inspections and services. Certificates associated with those visits will be held in an electronic document and shall be made available to view to the customers of the premises.

13 Solid Fuel Appliances

- 13.1 MDH will keep a record of all properties that contain a solid fuel appliance.
- 13.2 To ensure solid fuel appliances are safely managed and maintained MDH require annual confirmation of:
 - Annual chimney sweep (where applicable); and
 - Annual service according to manufacturer's instructions.
- 13.3 If MDH owns the solid fuel appliance then we will undertake these checks. If the appliance is the tenant's responsibility then they must provide this documentation.
- 13.4 Tenants who installed existing solid fuel appliances, should have obtained permission from MDH and satisfied building control requirements at the time. In addition to this, the appliance should have the following:
 - HETAS certification;
 - Lined chimney/flue;
 - Adequate ventilation; and
 - CO detector installed adjacent to the appliance.

- 13.5 The tenant is liable for ensuring all of these measures are in place. If there are any unauthorised appliances installed, we will request their removal.
- 13.6 Tenants will not be given permission to install new wood burning stoves or open up chimneys in any way. Burning waste in a solid fuel appliance can produce very high emissions of pollutants, potentially affecting the health of the household and its neighbour's. There is also a risk in terms of chimney fires and carbon monoxide poisoning.

14 No Access

- 14.1 MDH has a No Access Procedure for when tenants do not allow access to their properties to enable safety checks to be carried out.
- 14.2 Enforcement action could include:
- Applying for injunctions from the courts to enforce the landlords 'right of access'
 - Serving 'Notices Seeking Possession' for breach of tenancy and applying to the courts to bring the tenancy to an end
- 14.3 For tenants with Introductory or Flexible Tenancy's, MDH will review the status of tenants who continually / year on year refuse access for the purposes of carrying out the annual service. Where appropriate MDH will take action to gain possession of the dwelling, or downgrade the tenancy status.

15 Complaints

- 15.1 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.
- 15.2 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
- 15.3 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.
- 15.4 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'.*

- 15.5 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.
- 15.6 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.
- 15.7 MDH's complaints procedure is detailed on Mid Devon District Council website: [Feedback and Complaints](#)

16 Equality Impact Assessment

- 16.1 MDH complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us ensure our decision making is fair and does not present any barriers or disadvantage to customers from any protected group (including disability) under the Equality Act 2010.

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



Homes Safety 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.

Service:	Mid Devon Housing
Name of policy being assessed:	Homes Safety Policy
Lead officer responsible for EIA:	Operations Manager Building Services
Is this a new or existing policy:	New combined policy

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

This Policy aims to set out how MDH will manage the safety of their homes and fulfil all the statutory duties associated with safety that are required of them.

The objective is to define what MDH and tenants have a responsibility for and how this will be managed.

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

The Homes Safety Policy will combine the previous Gas Safety Check Policy and the Fire Safety in Communal Area Policy. It also introduces clauses for Electrical Safety Checks, Asbestos Management, Water Safety Checks, Solid Fuel Appliance Safety Checks and Lift Safety Checks. This will provide all the relevant information into one document, providing greater clarity for Officers and tenants as to how MDH will administer certain rights and responsibilities that tenants have.

It will ensure that MDH is compliant with its responsibilities under relevant legislation.

The Homes Safety Policy will ensure that all tenants receive a consistent response to issues that may arise in respect the safety of their homes and will inform tenants about how MDH will deal with safety in the home.

3. Who is intended to benefit from the policy?

The Homes Safety 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. Do you have baseline quantitative data for this policy?

MDH has around 3000 tenants who all have a tenancy agreement and will be covered by the Homes Safety Policy.

6. Do you have baseline qualitative data for this policy relating to different equality strands?

All tenants of MDH will be covered by the Homes Safety Policy. This policy will ensure that a consistent, fair approach is taken when administering tenants' rights.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

The contents of the Homes Safety Policy provides guidance as to how MDH will administer the safety checks required under legislation. This policy does not change any tenancy rights, but sets out MDH's statutory responsibilities to its tenants.

Consultation with the relevant officers, members and tenants has taken place to ensure the document covers all aspects required of us and meets the needs of MDH and our tenants.

8. From the evidence you have, does the policy affect or have the potential to affect different equality groups in different ways?

All MDH tenants have a tenancy agreement that provides them with the rights outlined in legislation. The policy sets out how MDH will administer its statutory duties in respect of safety in its properties. No communities or groups are affected in an adverse way.

9. Is this policy likely to be equally accessed by all equality groups or communities?

The policy applies to all MDH tenants as all tenants have rights. Some tenancy rights will only be triggered where the tenant's circumstances dictate.

10. Are there barriers that might make access to the policy difficult for equality groups or communities?

MDH will maximise access for all groups. Where requested, MDH will have the tenancy agreement and policy translated if English is not the tenant's first language.

Support services are able to attend sign-up to ensure that the tenant understands their rights and responsibilities before signing the tenancy agreement.



11. Could the policy promote or contribute to equality and good relations between different groups?

The policy will ensure a consistent approach is taken when exercising our duties within the current legal and policy framework.

12. What further evidence is needed to understand the impact on equality?

MDH will use existing performance monitoring data to establish whether there has been any negative or positive impact on tenants and their ability to access services.

13. 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: Please  the relevant box		Comments/Action:
Age:	Positive		No action needed. The rights of existing tenants remain unaffected.
	Neutral		
	Negative		

Disability: 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	✓	Pre-sign up, prospective tenants that would be classed as vulnerable will be identified and additional support services will be accessed. The Neighbourhood Officers will provide additional support by means of extra calls or visits to any tenants that are identified as vulnerable. Alerts are placed on the Housing system and a service adjustment can be offered if required, for example, large print letters, document translation.
	Neutral		
	Negative		
Gender:	Positive		No further action needed
	Neutral	✓	
	Negative		
Gender reassignment:	Positive		No further action needed
	Neutral	✓	
	Negative		
Marriage and civil partnership:	Positive		No further action required
	Neutral	✓	
	Negative		
Pregnancy and Maternity:	Positive		No further action needed
	Neutral	✓	
	Negative		
Race:	Positive		No further action needed. Regular monitoring may identify reasons not identified. Action will be taken to mitigate any barriers identified.
	Neutral	✓	
	Negative		
Religion and Belief:	Positive		No further action needed. Regular monitoring may identify reasons not identified. Action will be taken to mitigate any barriers identified.
	Neutral	✓	
	Negative		
Sexual Orientation:	Positive		No further action needed. Regular monitoring may identify reasons not identified. Action will be taken to mitigate any barriers identified
	Neutral	✓	
	Negative		

Monitoring and Review:

MDH will regularly review the EIA, in line with legislative changes or good practice, or if the policy impacts any group directly.

Operations Manager Building Services

Signed:



Report for: Homes Policy Development Group

Date of Meeting:	16 th January 2024
Subject:	REVIEW OF THE MID DEVON HOUSING PETS AND ANIMALS POLICY
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
Wards Affected:	All wards
Enclosures:	Annex A – Pets and Animals Policy Annex B – Pets and Animals Policy Equality Impact Assessment (EIA)

Section 1 – Summary and Recommendation

This policy outlines the Mid Devon Housing (MDH) approach to keeping pets and animals by its tenants and their households. MDH understands the benefits that responsible pet ownership can bring. Owning a pet or animal can be life enhancing and we recognise that it can have a positive impact on physical health and mental well-being.

Service animals are exempt from this policy (as they are not pets) with the exception of notifying MDH with evidence of need.

It is also recognised that not all properties are suitable for pets and animals and that they can also cause nuisance to others and tenants must be able to manage them.

Consequently, the policy must achieve a fair, transparent and balanced approach and revisions have been made to ensure there is even greater clarity around different circumstances of pet and animal ownership including tenant and landlord responsibilities.

Recommendation:

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

Section 2 – Report

1 Introduction

- 1.1 The Social Housing White Paper published in 2020 recognised that domestic pets also bring joy, happiness and comfort to people's lives, helping their owners through difficult times and improving their mental and physical wellbeing.
- 1.2 The Regulator of Social Housing (RSH) encourages all social landlords to adopt a policy setting out how tenants could seek permission to keep a pet or animal depending on the location, provided they are well looked after and do not adversely affect the lives of neighbours and those living nearby.
- 1.3 The RSH expects registered providers to use a co regulatory approach and they regard councillors as responsible for ensuring that providers' businesses are managed effectively and comply with all regulatory requirements. Consequently, it is important that councillors approve the relevant policy approaches adopted by MDH.
- 1.4 Social Housing (Regulation) Act 2023 (the 'Act') has received Royal Assent, meaning the bill has now been enacted into law. This has impacted 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.
- 1.5 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 which will include responsible neighbourhood management.
- 1.6 The TSMs associated with this policy include:
 - TP01 - Overall satisfaction
 - TP08 - Agreement that the landlord treats tenants fairly and with respect
 - TP09 - Satisfaction with the landlord's approach to handling of complaints
 - TP11 - Satisfaction that the landlord makes a positive contribution to neighbourhoods
- 1.7 The Pets and Animals Policy should be read in conjunction with the following policies where there are parallel, wider tenancy management considerations:

- Anti-social Behaviour Policy
- Neighbourhood Management Policy
- Improvement to Council Properties Policy
- Recharge Policy
- Tenancy Agreement
- Devon Home Choice Policy

2 Review of the Pets and Animals Policy and changes

- 2.1 Our aim has always been to provide a pet-friendly and common-sense approach to tenant requests to keep a pet or animal which is now reinforced by the Social Housing White Paper and subsequent legal changes. As such, we will review all applications to consider if a tenant is able to responsibly and safely keep a pet or animal without causing nuisance or anti-social behaviour to other residents living in the community.
- 2.2 It is also recognised that some buildings may not be suitable for certain pets and animals such as cats and dogs and in some circumstances may be designated 'pet or animal free'. Tenants will be informed at the application stage if the property has been designated as 'pet or animal free' in order that they can decide if they wish to take on a property with this restriction.
- 2.3 The revised policy explains that service animals (e.g. guide dogs for the blind or hearing dogs) are not classified as pets. Nonetheless, tenants do have to tell us that they have a service animal and provide evidence of the need for one from secondary health services or the charity that provided the animal. Feedback from a GP would generally not be seen as sufficient. Service animals such as guide dogs are given legal leniency in many circumstances, being allowed in places other animals are not. Currently, in the UK, the laws that protect assistance or service animals do not include emotional support animals and the current and updated MDH policy adopt a legally consistent position regards this definition and will therefore treat such animals as pets.
- 2.4 We have introduced an application form for tenants which replaces the need for them to write to us and seek authorisation. This was felt to be a more user friendly approach and would be more inclusive for tenants who may find it difficult to write official correspondence. It will also introduce greater consistency and reduce the need to follow-up information requests.
- 2.5 The revised policy is not prescriptive about the number of pets or animals that a tenant has but explains that consideration will be given based on the size of the property to allow adequate space for the pets or animals. Every application to keep pets or animals will be reviewed in line with what can sensibly be managed and will work considering the specific circumstances of the other residents and/or community.
- 2.6 The policy allows for a retrospective application for situations when a tenant obtains a pet or animal but is yet to inform us.

- 2.7 The revised policy informs tenants with pets or animals who wish to undertake a mutual exchange will need to establish from us if pets or animals are permitted in the new property. Tenants will need to reapply for permission for keeping a pet or animal in the new home.
- 2.8 The revision of the existing policy also includes further definition of responsibilities to ensure that all stakeholders are clear about accountabilities.
- 2.9 There are no other materially relevant changes to the policy beyond clarification around dangerous animals including recent legal changes regarding XL Bully dogs as summarised in Section 3.6 and 3.7 below.

3 Responsible pet/animal ownership

- 3.1 A vast majority of our tenants are responsible owners and their pets and animals bring a sense of wellbeing to them and their households.
- 3.2 Tenants who do not look after their pets and animals and allow them to cause a nuisance to their neighbours or community create a situation in which Neighbourhood Officers have to deal with increased instances of anti-social behaviour.
- 3.3 The revised policy explains that irresponsible pet or animal ownership will be dealt with robustly and may result in the tenant being asked to remove the pet or animal from the home. In the very rare event that a tenant is advised that they cannot keep an existing pet or animal, MDH will work with them to identify any animal welfare agencies who can assist in placing the pet or animal in a new home.
- 3.4 During the pandemic the way that people purchased a pet changed and many were bought on line from unlicensed breeders or home breeders. MDH wants to discourage tenants from actively breeding unlicensed pets and animals for profit in our properties. We will also liaise with Licensing Team colleagues as appropriate.
- 3.5 Pets or animals must not damage any MDH property, including communal parts of the building and neighbouring properties. Owners may be recharged for any repairs which are needed as a result of such damage.
- 3.6 The Government has responded to recent attacks by XL bully breed dogs have introduced new legislation which adds the breed to the Dangerous Dogs Act 1991. The policy is clear that MDH tenants are not allowed to keep or allow any dangerous pet(s)/animal(s) into their home. This includes those covered by The Dangerous Dogs Act 1991, The Dangerous Wild Animals Act 1976 or any other relevant legislation.
- 3.7 Tenants who currently own an XL bully dog will be allowed to keep them as long as they comply with the law which came into force on 31st December 2023. From that date it became illegal to breed, sell, advertise, exchange, gift, rehome, abandon or allow XL Bully dogs to stray in England and Wales. In addition, these dogs must now be kept on a lead and muzzled in public. From

1st February 2024, it will then become illegal to own an XL Bully dog if it is not registered on the Index of Exempted Dogs.

4 Consultation

- 4.1 Tenants and members of the Homes PDG were invited to comment on the draft policy between 17th November and 17th December 2023.
- 4.2 Members raised queries with regard to Service Animals, burying pets in gardens and the keeping of female chickens (hens). All queries raised were answered and are covered by the draft, updated policy.
- 4.3 A query was received from a tenant with regard to XL Bully dogs and it was confirmed that policy is clear that MDH tenants are not allowed to keep or allow any dangerous pet(s)/animal(s) into their home. This includes those covered by The Dangerous Dogs Act 1991, The Dangerous Wild Animals Act 1976 or any other relevant legislation.
- 4.4 Despite a limited response to consultation from tenants, 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 also aware of the updated policy as required.

5 Performance

- 5.1 The results from the tenant satisfaction survey conducted in December 2023 were not available in time to be able to add to this report but the full results of the survey will be made available to Homes PDG in March 2024.
- 5.2 A total of 31 applications were made to keep a pet during 2022-2023 and 7 applications have been received this year to date.
- 5.3 Of these, 5 applications were refused, 1 was because the garden was too small to promote decent welfare for poultry, 2 were flats with no garden for a dog and 2 were because the tenant already had a maximum amount of pets (under the old policy) and there were concerns around overcrowding.
- 5.4 There have been no formal or informal complaints received about the pet application process for the past 2-years which includes any refusal to keep a pet.

6 Safeguarding and vulnerable tenants

- 6.1 MDH do not class service animals as pets and as such tenants who require the assistance of a service animal will not be required to seek permission. Nonetheless, tenants will be asked to provide evidence of the need for a service animal from secondary health services or the charity that provided the animal. Feedback from a GP would generally not be seen as sufficient. This information will also help us tailor our services for specific tenant needs.

- 6.2 Neighbourhood officers will support tenants who become overwhelmed with pet ownership and provide or signpost practical solutions to resolve the situation so that the tenant can sustain their tenancy.

7 Recommendation

- 7.1 In accordance with the above, the following recommendation is made:

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

Financial Implications

This report on its own does not give rise to any direct financial implication, however the implementation of the activities set out in the policy and the overall tenancy management functions of MDH must be budgeted for.

The Council's HRA revenue and capital budget/MTFP 2023-28 currently supports these activities and including those actions set out by the updated policy required to ensure the policy is implemented. Should this position change then it will be considered as part of the routine HRA budget management and update process where a separate business case for change may be required.

Housing management staff have to manage nuisance cases involving animals and this can include cases where pets have caused damage to property. Void and rechargeable repairs costs can be inflated if there is such damage or where tenants have made alterations to their property for the benefit of their pet or animal, for example inserted cat flaps or similar into a security door.

Legal Implications

The Council's tenancy agreement contains clauses relating to animals and pets which state that tenants should seek permission for most pets or animals and should ensure that they do not cause nuisance or annoyance to neighbours, or cause any damage to the property.

Risk Assessment

Failure to provide housing management staff with the appropriate policies and resources for implementation could result in a less consistent and effective service. Ultimately, this may result in non-compliance with the relevant social housing legislation as set out above and/or an increased incidence of upheld Housing Ombudsman complaints which will impact on MDH legally, financially and from a reputational perspective.

A poor policy and/or service provision to tenants with regard to pets and animals is also likely to impact negatively on the TSM outcomes set out above. In turn this may be a factor in an accelerated inspection and/or intervention by the RSH.

Impact on Climate Change

This policy will have no direct or obvious indirect impact on climate change.

Equalities Impact Assessment

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards.

Furthermore, there is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants and to enable compliance to be monitored.

MDH have specifically considered the needs of people who require the assistance of a service animal and have also recognised that pet or animal ownership can have a positive impact on all of our tenants regardless of their situation.

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 Housing Ombudsman Service Complaints Handling Code which MDH adhere to also requires landlords to have an awareness of accessibility so residents are easily be able to access the complaints procedure via several routes.

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

Relationship to Corporate Plan

A stated aim of the Council is to deliver sustainable communities 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: 05 January 2024

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 03 January 2024

Chief Officer: Simon Newcombe

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

Date: 14 December 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 02 January 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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

Email: snewcombe@middevon.gov.uk / cfry@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Current Pets & Animals Policy 2019

<https://www.middevon.gov.uk/media/348649/pets-and-animals-policy.pdf>

Social Housing (Regulation) Act 2023

<https://www.legislation.gov.uk/ukpga/2023/36/contents>



Pets and Animals Policy

2023

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1 Introduction

- 1.1 This Policy outlines Mid Devon Housing's (MDH) approach to keeping pets and animals by its tenants and their households. Mid Devon Housing (MDH) understands the benefits that responsible pet ownership can bring. Owning a pet or animal can be life enhancing and we recognise that it can have a positive impact on physical health and mental well-being.
- 1.2 Our aim is to provide a pet-friendly and common-sense approach to tenant requests to keep a pet or animal. We will review all applications to consider if a tenant is able to responsibly and safely keep a pet or animal without causing nuisance or anti-social behaviour to other residents living in the community.
- 1.3 It is also recognised that some buildings may not be suitable for certain pets and animals such as cats and dogs and in some circumstances may be designated 'pet or animal free'. Tenants will be informed at the application stage if the property has been designated as 'pet or animal free' in order that they can decide if they wish to take on a property with this restriction.

2 Aims and Objectives

2.1 Aim

The aim of this policy is to:

- Ensure all pet and animal owners living in MDH properties are responsible for their pets and animals
- Ensure all pet and animal owners maintain their property and repair any damage caused by a pet or animal
- Ensure that certain pets and animals are only kept in appropriate MDH properties
- Protect staff and the wider community from any danger or nuisance as a result of a pet or animal living in a MDH owned property

2.2 Objective

The objective of the Pets and Animals Policy is to provide tenants with clear instructions and expectations when they wish to keep a pet or animal in a MDH home.

3 Legal Framework and Context

- 3.1 The Social Housing White Paper published in 2020 recognised that domestic pets also bring joy, happiness and comfort to people's lives, helping their owners through difficult times and improving their mental and physical wellbeing.
- 3.2 The Regulator of Social Housing encourages all social landlords to adopt a policy setting out how tenants could seek permission to keep a pet or animal depending on the location, provided they are well looked after and do not adversely affect the lives of neighbours and those living nearby.

- 3.3 The Regulator of Social Housing expects registered providers to use a co regulatory approach and they regard councillors as responsible for ensuring that providers' businesses are managed effectively and comply with all regulatory requirements.
- 3.4 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.
- 3.5 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 which will include responsible neighbourhood management.
- 3.6 The TSM measures considered under the Pets and Animals Policy include:
- TP01 - Overall satisfaction
 - TP08 - Agreement that the landlord treats tenants fairly and with respect
 - TP09 - Satisfaction with the landlord's approach to handling of complaints
 - TP11 - Satisfaction that the landlord makes a positive contribution to neighbourhoods
- 3.7 The Pets and Animals Policy should be read in conjunction with:
- Anti-social Behaviour Policy
 - Neighbourhood Management Policy
 - Improvement to Council Properties Policy
 - Recharge Policy
 - Tenancy Agreement
 - Devon Home Choice Policy

4 Definitions

- 4.1 A pet is defined as an animal that a customer has homed inside their property or garden.
- 4.2 For the purposes of this Policy MDH defines the following as domestic pets:
- Dog (excluding any breeds highlighted by the Dangerous Dogs Act 1991);
 - Cat;
 - Bird (such as a budgie and cockatoo);
 - Fish;
 - Small caged rodent;
 - Small non-poisonous caged reptile;

- Non-poisonous contained insect or amphibian;
- Chicken/Bantam (female birds only);
- Guinea pig; or
- Rabbit.

5 Consent to keep pets and animals

- 5.1 While MDH aim to approve all reasonable pet and animal requests, there may need to be some exceptions, therefore our tenants are required to seek permission, using the Pet Application Form. In doing so, they will be required to provide information in support of the application. We encourage responsible pet and animal ownership and certain terms and conditions may apply to approved pets and animals.
- 5.2 Tenants are not allowed to keep or allow any dangerous pet(s)/animal(s) into their home. This includes those covered by The Dangerous Dogs Act 1991, The Dangerous Wild Animals Act 1976 or any other relevant legislation.
- 5.3 Some of our properties are not suited for certain pets or animals due to the location and size of property and potential tenants are made aware of this restriction prior to them accepting a property. All properties which do not allow pets or animals are advertised on Devon Home Choice as such and permission will not be granted to keep a pet or animal.
- 5.4 Households registering with Devon Home Choice are asked to confirm whether they have pets or animals, and if so, what these are. This is because certain pets or animals are not allowed in some homes that are advertised on Devon Home Choice.
- 5.5 Service animals (e.g. guide dogs for the blind, hearing dogs, emotional support animals etc.) are not classified as pets. Service animals should not be included as a pet on Devon Home Choice applications. Evidence of the need for a service animal is required from secondary health services or the charity that provided the animal. Feedback from a GP would generally not be seen as sufficient.
- 5.6 Tenants may be asked to provide additional information with the application, for example, if a pet or animal requires a licence they will need to show proof that this is in place. In all cases, a decision will be made by Mid Devon Housing (MDH) on a case-by-case basis.
- 5.7 MDH are not prescriptive about the type or number of pets or animals that a tenant can keep within their home, consideration will be given to the size of the property to allow adequate space for the pet or animal. Every application to keep pets or animals will be reviewed in line with what can sensibly be managed and will work considering the specific circumstances of the other residents and/or community. Pet or animal ownership should not cause any nuisance or inconvenience to other residents, nor cause damage to the property.

- 5.8 If a resident is found to be keeping pets or animals without permission, they must apply for permission within two weeks, if they do not do this they may be asked to remove the pet or animal from their home until an application has been received. If permission is not retrospectively granted, tenants will be asked to re-home their pet or animal. If tenants refuse to comply with the request to rehome the pet or animal MDH may have to consider further action which could result in tenants being legally obliged to do so if they wish to remain at the property.
- 5.9 Tenants with pets or animals who wish to undertake a mutual exchange will need to establish from us if pets or animals are permitted in the new property. Tenants will need to reapply for permission for keeping a pet or animal in the new home. If permission is not granted the tenant must ensure that the pet or animal is rehomed.

6 Terms of consent

- 6.1 Tenants must not keep any pet(s)/animal(s) at the property without the written consent of MDH unless it is a registered service animal, a small domestic caged animal or small fish. MDH will not unreasonably refuse permission. What amounts to a reasonable refusal will vary with the circumstances. For example, it might be reasonable to refuse permission to keep a large dog in a small flat.
- 6.2 Tenants are expected to ensure their properties are well kept when keeping pets or animals and restore or repair any damage caused to the property as a result of them.
- 6.3 The tenant must comply with the main terms of the Animal Welfare Act 2006, which include a proper diet, protection from pain, suffering, injury or disease, the ability to exhibit normal behaviour patterns, and a suitable environment to live in.
- 6.4 Cats and dogs must be registered with a local vet and be microchipped.
- 6.5 Tenants must not keep pigeons at their property unless you have written consent of MDH. Tenants must be a member of the Royal Pigeon Racing Association to be granted consent. Tenants are required to provide MDH with the relevant paperwork to support this request.
- 6.6 In the case of exotic species relevant licences must be held and we must be satisfied with the security of the animal.
- 6.7 Under no circumstances are pet and animal owners allowed to breed or offer any animal(s) for sale from a MDH owned property. Doing so is a breach of the Tenancy Agreement and tenants could be putting their home at risk.

- 6.8 All pets and animals must be kept under proper control and not cause a nuisance to other households. This includes dogs being kept on a lead in communal areas, not entering play areas and being under control when MDH employees or contractors attend a property (in accordance with the Dog Control Order 1992). Pets and animals must not injure, frighten, or cause a nuisance to anyone else.
- 6.9 When Officers and workmen visit, MDH will ask that tenants put their dog and/or cat into a different room and for caged animals and birds to be returned to their cages for the duration of their visit.
- 6.10 With the exception of house cats who never leave the property, cats must have access to the outside – this may be by the owner carrying their cat to the main door and collecting them upon their return or through a window or patio door and be provided with a litter tray in the customer's home (at least one per cat) which is emptied regularly. Used litter should be securely bagged before being placed within any communal bins.
- 6.11 The pet or animal must be house trained and must not be permitted to foul communal areas at any time. If an incident of fouling occurs the owner must clean the mess immediately.
- 6.12 Tenants must have suitable arrangements in place for looking after their pet during prolonged periods of absence.
- 6.13 Cat or dog flaps must not be installed without the prior consent of MDH as these can compromise the fire safety and security of a property, as well as causing permanent damage to a door. Any permission granted will be done so in accordance with MDH's Council Property and Recharge Policies. Dog and cat flaps will not be permitted in fire doors.
- 6.14 Dead pets or animals must be buried or disposed of in a responsible and safe manner and not laid to rest on land belonging to MDH, this includes gardens.
- 6.15 Pets or animals must not damage any MDH property, including communal parts of the building and neighbouring properties. Owners may be recharged for any repairs which are needed as a result of such damage.
- 6.16 Tenants living in flats, which judged by Officers as suitable for keeping pets or animals, who wish to keep a pet or animal must be conscious of the welfare of their pet or animal and the potential for noise to be transmitted to their neighbours. Some breeds of dog may not be suited to living in a flat. Tenants must consider the type of property they occupy and the needs of the pet or animal before applying for permission.

- 6.17 Tenants living in first floor flats or above will not be granted permission for fish tanks over 36 inches in length, 12.5 inches in width, and 16.75 inches in height. This is because of the weight of the tank when full and the potential for water damage to downstairs neighbours if the tank were to leak. Tanks need to be covered and well ventilated to avoid condensation/damp issues in the home, and tenants are responsible for any damage caused by leaks.
- 6.18 The tenant is responsible for ensuring that their pets/animals and property are free from fleas, ticks or other pests that could be transferred onto carpets or furnishings within the home. Any infestation of fleas or other pests will be the tenant's responsibility to treat.

7 Refusing or withdrawing consent

- 7.1 Very occasionally MDH may refuse permission to keep a pet or animal or may have to withdraw consent to keep a pet or animal.
- 7.2 Where keeping a pet or animal is causing disturbance to other customers, MDH will act to ensure problems are resolved as quickly as possible.
- 7.3 A range of behaviours by pets or animals can cause nuisance to neighbours. Nuisance includes but is not limited to:
- Roaming and unattended animals;
 - Pets fouling in communal areas and in neighbours' gardens;
 - Excessive noise;
 - Over-population of animals within a household/ pet hoarding;
 - Aggressive animals;
 - Animals that are attracting vermin; or
 - Animals being kept in unhygienic conditions.
- 7.4 In the very rare event that a tenant is advised that they cannot keep an existing pet or animal, MDH will work with them to identify any animal welfare agencies who can assist in placing the pet or animal in a new home. Tenants are expected to start looking at rehoming the pet or animal as soon as possible. MDH recognise that this can be an extremely traumatic time and will deal with the matter sensitively, however, extreme nuisance behaviour or mistreatment of the animal(s) will – if necessary - result in a legal action to remove the pet or animal from the home.
- 7.5 MDH may refuse a tenant permission to have a pet or animal if it has ever caused injury to a person, or if it is dangerous in any other way. This includes all animals prescribed under the Dangerous Wild Animals Act 1976. This also includes a dog which has been found to be dangerously out of control in a public or a private place under Section 3 Dangerous Dogs Act 1991, as amended by the Anti-social Behaviour, Crime and Policing Act 2014.

- 7.6 Permission will be refused if the tenant or another household member has any convictions, or past history of abandonment, cruelty, neglect or mistreatment of animals, or convictions for any offences under the Dangerous Dogs Act 1991, or has been disqualified from keeping animals or a particular type of animal due to a conviction. This also includes where a tenant or a member of their household has previously abandoned a pet or animal when they moved out of a Council property.
- 7.7 Enforcement action will be taken against any tenant who fails to control their pets or animals. This could include withdrawal of permission and the removal of the pet or animal from the home. Tenants are expected to take appropriate action to avoid pets or animals causing a nuisance in communal or public areas. They must not be used to threaten or intimidate any member of the public, including MDH staff and / or the police.
- 7.8 If a tenant's animal injures another dog, animal or person MDH will insist that this is rehomed or any other course of action which the Police have ordered such as the pet or animal being destroyed.
- 7.9 Any tenant believed to be neglecting or abusing any pet(s) or animal(s) in their care may be reported to the Police or RSPCA and MDH may provide these organisations with any evidence that we hold. In such cases we may also withdraw our permission and require that the tenant immediately ceases to keep the pet or animal at any property that MDH own.

8 Complaints and Feedback

- 8.1 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.
- 8.2 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
- 8.3 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.
- 8.4 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’.

- 8.5 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.
- 8.6 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.
- 8.7 MDH’s complaints procedure is detailed on Mid Devon District Council website: [Feedback and Complaints](#)

9 Equality Impact Assessments

- 9.1 MDH complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us ensure our decision making is fair and does not present any barriers or disadvantage to customers from any protected group (including disability) under the Equality Act 2010.

10 Review and version control

- 10.1 MDH will review this Policy every 10 years and as required to address legislative, regulatory, best practice or operational issues.
- 10.2 This policy was produced in 2023 and is version 5.00
- 10.3 This policy was adopted by Cabinet on xxxx



Pets and Animals 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.

Service:	Mid Devon Housing	
Name of policy being assessed:	Pets and Animals Policy	
Lead officer responsible for EIA:	Operations Manager for Housing Management Services	
Is this a new or existing policy:	Revision of existing policy	

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

To provide a common sense and informed approach to allowing pets. We have taken into account section 117 of the Social Housing White Paper which states:

Supporting positive and mental physical health
 117. We recognise that domestic pets also bring joy, happiness and comfort to people's lives, helping their owners through difficult times and improving their mental and physical wellbeing. We know many social landlords normally give permission for tenants to keep pets depending on the location, provided they are well looked after and do not adversely affect the lives of neighbours and those living nearby. We encourage all social landlords to adopt similar policies

This policies aims to encourage a personal responsibility approach to each request and we should use this as an opportunity to promote tips on animal welfare, improve social isolation and loneliness and support our tenants in being responsible pet owners.

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

To provide a framework for tenants who wish to keep a pet or animal



3. Who is intended to benefit from the policy?

The policy will apply to all tenants

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

- All tenants
- Housing Employees

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: Please  the relevant box		Comments/Action:
Age:	Positive		The policy will have no impact. Tenant profiling completed at signup and bi-annually.
	Neutral		
	Negative		
Disability: You're disabled under the Equality Act 2010 if you have a physical	Positive		The HA 1996 identifies 'people with learning difficulties' and 'people with a mental, physical or sensory disability' as categories in which

or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.	Neutral	✓	people could be classed as vulnerable. Disability will be taken into account when permission is sought.
	Negative		
Gender:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Gender reassignment:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Marriage and civil partnership:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Pregnancy and Maternity:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Race:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Religion and Belief:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Sexual Orientation:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		

Result

Are there any aspects of the policy, including how it is delivered or accessed, that could contribute to inequality?

Yes

No



Will this policy have an adverse impact upon the lives of people, including employees and service users

Yes

No



Monitoring and Review:

MDH will regularly review the EIA, in line with legislative changes or good practice, or if the policy impacts any group directly.

Operations Manager for Housing Management Services

Signed:

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