

Homes Policy Development Group

Tuesday, 18 March 2025 at 2.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next meeting
Tuesday, 3 June 2025 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.

[Click here to join the meeting](#)

Meeting ID: 374 545 685 987
Passcode: ZEFrXN

Membership

Cllr C Adcock
Cllr J Cairney
Cllr A Glover
Cllr F W Letch
Cllr N Letch
Cllr S Robinson (Chair)
Cllr H Tuffin
Cllr C Connor

AGENDA

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 7 - 14*)
To consider whether to approve the minutes as a correct record of the Special Meeting held on 28th January 2025.
- 5 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.
- 6 **Performance Dashboard Q3** (*Pages 15 - 16*)
To receive performance information for the areas falling under the remit of this Policy Development Group for quarter 3 of 2024/2025.
- 7 **Mid Devon Housing Service Delivery Report for Q3 2024-25** (*Pages 17 - 40*)
To receive a report from the Head of Housing and Health presenting a quarterly update to Members of the Policy Development Group on activity undertaken by Mid Devon Housing (MDH), including some relating to tenancy enforcement.
- 8 **Verbal update on Tenant Satisfaction Measures**
To receive a verbal update on Tenant Satisfaction Measures.
- 9 **Mid Devon Housing (MDH) Tenancy Management Policy** (*Pages 41 - 76*)
To receive a report from the Head of Housing and Health reviewing and amending the MDH Tenancy Management Policy in light of the Cabinet decision to end the use of Flexible Tenancies.
- 10 **Variation to Standard Mid Devon Housing Tenancy Agreement** (*Pages 77 - 84*)
To receive a report from the Head of Housing and Health. The current Tenancy Agreement was launched in 2016 and was due for a review. However, as the Cabinet approved the Homes PDG recommendation that the use of Flexible Tenancies be halted further changes are required to the Tenancy Agreement to reflect this change and therefore

there is a requirement to undertake a broad review of the agreement now.

- 11 **Downsizing Working Group report** (*Pages 85 - 98*)
To receive a report from the Head of Housing and Health. The Homes PDG established a Downsizing Incentives Working Group to investigate potential incentives that might encourage tenants to move from larger properties. The group was tasked with gathering tenants' perspectives on desirable incentives and providing recommendations for an incentive scheme. The reports sets out the recommendations of the Working Group.
- 12 **Tenant Involvement Strategy** (*Pages 99 - 126*)
To receive a report from the Head of Housing and Health updating the Tenant Involvement Strategy.
- 13 **Mid Devon Housing Rent Error Update** (*Pages 127 - 136*)
To receive a report from the Deputy Chief Executive (S151) and the Head of Housing and Health providing an update on the corrective measures completed and next steps in order to rectify an identified historic rent setting error.
- 14 **Chair's Annual Report for 2024/2025** (*Pages 137 - 138*)
To receive the Chair's Annual Report on the work of the Homes Policy Development Group for 2024/2025.
- 15 **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:
 - Election of Chair for 2025/2026
 - Election of Vice Chair for 2025/2026
 - Start time of meetings for 2025/2026
 - Performance dashboard for Q4 2024/2025
 - Housing Strategy
 - MDH Service Delivery Report

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

Stephen Walford
Chief Executive
Monday, 10 March 2025

Guidance notes for meetings of Mid Devon District Council

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 the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting.

Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called "turn on live captions" which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

This page is intentionally left blank

MINUTES of a SPECIAL MEETING of the HOMES POLICY DEVELOPMENT GROUP held on 28 January 2025 at 2.15 pm

Present

Councillors

S Robinson (Chair)
C Adcock (Vice-Chair), J Cairney, A Glover,
N Letch, H Tuffin and C Connor

Also Present

Councillor

C Harrower

Also Present

Officers

Simon Newcombe (Head of Housing & Health), Mike Lowman (Building Services Operations Manager) and Sarah Lees (Democratic Services Officer)

Councillors

Online

J Buczkowski, S J Clist, F W Letch and J Lock

51 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies for absence.

52 PUBLIC QUESTION TIME

Paul Elstone

Agenda Item 9 – Q2 Housing Service Delivery Report:

Question 1

Section 7 (Income Collection) minimises the major historical rent error affecting all tenancies and suggests this was not a factor in the four evictions this year.

But Annex C (Rent Recovery) shows that seventy (70) tenancies have been served with Notices Seeking Possession in Q1 and Q2.

Notices served Quote “In order to protect the Council’s interests whereby we can apply for possession of a property following 28 days after the notice is served if the tenant fails to make an arrangement or clear arrears in full”.

How many of these 70 tenants have been overcharged on their rental amounts?

Question 2

How long had these same tenants occupied their properties before they were served with Notices?

Question 3

How many evictions of social home tenants have there been in MDCC over the last 10 years and due to Rent Arrears?

Question 4

How many of these evictions involved tenants who were being overcharged rent by this Council?

Question 5

Section 7.6 says that the rental overcharges were quote “relatively low”. Precisely what does “relatively low” really mean?

Please provide the highest monthly overcharge amount identified and in pounds and pence for any social housing tenant, and not just those given Notice or Evicted?

Question 6

Annex C (Rent Recovery) states that the Year to Date rent arrears is 2.29%. What does 2.29% equate to in financial terms?

Question 7

One important figure I believe missing from the documents provided to this Committee is the amount of lost rental revenue due to VOIDS.

Information that may support better investment in the resources required to speed up reducing VOIDS overall. Money better spent than building expensive modular homes. Other Councils openly report this information along with much more.

What is the financial value of the VOID lost rental year to date?

Question 8

What is the lost rental revenue due to VOIDS for the last 5 years?

Question 9

Given that the 39 properties at St Georges Court were purchased nearly 12 months ago using HRA funds and they have not generated any revenue only absorbed undisclosed cost, are they included on the VOIDS list and if not why not ?

The following questions relate to the meeting agenda.

Question 10

Given its major importance, and HRA impact, and with many questions being asked - why was the historical Social Rent Error not been given a separate Agenda item and Report?

Question 11

Will the historical Social Rent Error form part of the next Homes PDG agenda?

The Chair stated that she was able to answer the last question in that a report updating the Group on the Social Housing Rents error would be coming to their next meeting on 18 March 2025. For all the other questions he had asked and which had not been submitted in advance, he would receive a written reply within 10 working days.

53 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

54 **MINUTES**

The minutes of the meeting held on 19 November 2024 were approved as a correct record of the meeting and **SIGNED** by the Chair.

55 **CHAIR'S ANNOUNCEMENTS**

The Chair had the following announcements to make:

1. She reiterated the fact that an update on the Social Housing Rents error would be coming to the next meeting on 18 March 2025.
2. There had been a large amount of interest shown by tenants for the three co-opted places on the Policy Development Group. It was confirmed by the Head of Housing & Health that there was more interest than places available but that a selection process would be undertaken with the June 2025 meeting being the first one where the co-opted tenants would join the Group. It was confirmed that they would not have voting rights but would bring a wealth of relevant knowledge and experience.
3. It was confirmed that there were 11 properties ready to be occupied in the St George's Court complex. Rents had been agreed and 6 properties would be advertised this week with the remainder in the next 2 weeks.

56 **GOVERNMENT 'RIGHT TO BUY' CONSULTATION - VERBAL UPDATE**

The Head of Housing & Health provided the Group with a presentation outlining the key features of the Government's consultation on the 'Right to Buy' scheme.

This included the following key information:

- Between 20 November 2024 and 15 January 2025 the Government undertook a consultation on further potential reforms to Right to Buy.
- The Ministry of Housing, Communities and Local Government (MHCLG) consultation sought views on how the Right to Buy (RTB) should be reformed so that it better protected the existing stock of social rented homes, provided better value for money for the taxpayer and ensured fairness within the system.
- The Government stated a desire to ensure that Council tenants who had lived in, and paid rent on, their social homes for many years could retain the opportunity to own their home.
- However, reform of Right to Buy was noted as essential to better protect much-needed social housing stock, boost Council capacity and build more social homes than were lost, supporting the Government's commitment to deliver the biggest increase in social and affordable housebuilding in a generation.
- The consultation followed early Government changes in July 2024 which removed the several caps including the % cost of a replacement home that could now be funded using RTB receipts. Councils could also now combine RTB receipts with s106 affordable housing contributions for the first time – these flexibilities were in place until July 2026.
- In November 2024, RTB discounts to tenants also changed and were significantly reduced to pre-2012 levels. In the South West this discount was now reduced to £30k maximum (down from c£100k).
- The Government also increased protections on newly built social homes by increasing the cost floor protection period from 15 to 30 years. The cost floor limited the discount on Right to Buy properties to ensure that the purchase price of the property did not fall below what had been spent on building, buying, repairing or maintaining it over a certain period of time.
- As a member of the LGA/MHCLG Strategic Housing Group, the Head of Housing and Health was able to provide a professional response to the consultation which was summarized as follows:
 - **Eligibility** – support an increase in the eligibility requirement (minimum 10 years, up to 15 years). Support limiting further gain from RTB if a tenant had benefited previously.
 - **Discounts as a percentage of the property value** – support further reduction; as low as 1%, maximum 5%. In SW 1% would reduce maximum discount to £11k. Support consistency of approach across flats and houses and retention of regional caps with a further note on the challenges (additional cost) of delivering new build to meet local housing need in rural areas; especially around reduced economy of scale, plot sizes, material/module delivery, labour shortage and higher costs, relative impacts and working with communities.
 - **Exemptions** – supported retention of existing exemptions. Asked Government to consider rural exemptions to support the retention and provision of affordable homes in rural areas. Emphasis on how this housing underpinned and helped to deliver sustainable rural communities. Also raised the disproportionate impact of RTB on the loss of social housing in rural areas and the challenges around new housing delivery in this context. Further consideration requested for exempting all new build in perpetuity going forward (versus current 30-year discount protections).

- **Restrictions on properties after sale** – supported an increase the discount repayment period (sliding scale based on when a RTB property was subsequently sold) from 5 years to 10 years.
- **Requirements around the replacement of homes sold under the Right to Buy** – did not support like for like/geographical restriction on replacement 1:4:1 homes based on receipt. Alternatively, further noted request for exemption on RTB sales for rural areas with wider flexibility on use of receipts retained to maximise delivery across area to ensure current housing needs were met which may have changed over time.
- **Simplification of the receipts regime** – supported proposed simplifications, further supported future retention of 100% of receipts and maximum overall flexibility to enable 1:4:1 monies to be used alongside all other grant funding (e.g. Homes England Affordable Homes Programme) as well as s106 to maximise delivery. Did not support any other restrictions on LAs – the Council needed maximum flexibility on capital spending. Welcomed recycling of unspent 1:4:1 regionally (potentially through combined authorities) rather than return to Homes England.

Discussion took place regarding:

- It was confirmed that the Cabinet Member for Housing, Assets & Property Services had been consulted prior to submitting the consultation response.
- The restrictions on properties after sale and the 'sliding scale' was already in place.
- Highly adapted properties would be exempt.
- Concern that in the past people often bought their own properties but then stayed in them continuing to be part of the community. There was evidence that this was happening less often and that community cohesion was suffering as a result.
- It was confirmed that a 'secured tenancy' started with the first property occupied by the tenant, they did not need to start again if they moved to a different Council property.
- It was expected that there would be a high number of applications once the scheme came fully into effect.
- The Head of Housing & Health confirmed that the Council would be asking for a further moratorium on RTB for any new builds since the pay-back period for new builds was between 40 – 50 years.

The Group thanked the officer for the update which was **NOTED**.

Note: Cllr A Glover declared a personal interest in that she was a Council tenant.

57 **MID DEVON HOUSING RIGHT TO BUY POLICY**

The Group had before it a report * from the Head of Housing & Health. Under the statutory Transparency, Influence and Accountability Standard set by the Regulator of Social Housing (RSH), landlords must be open with tenants and treat them with fairness. Although the terms and process that enabled tenants to acquire their council homes under Right to Buy (RTB) was largely set by legislation, it was important that Mid Devon Housing (MDH) had a clear point of reference through a specific policy available for tenants.

There had also been some key recent legal changes to the RTB policy nationally which made it timely to have an up to date policy in place. This report therefore presented a new policy that outlined Mid Devon Housing's (MDH) approach to managing tenants' RTB of their Council homes.

The following was highlighted within the report:

- The new policy gave transparency to tenants and provided guidance to officers.
- There may be some circumstances where the Council would consider waiving certain discounts.
- The removal or temporary suspension of particular covenants would be considered, for example, if the existence of a covenant would lead to the closure of a care home because the staff could not be accommodated.

RECOMMENDED to the Cabinet that it recommends to Council the adoption of the Right to Buy Policy and Equality Impact Assessment contained in Annexes A and B respectively.

(Proposed by Cllr J Cairney and seconded by Cllr C Connor)

Notes:

- (i) * Report previously circulated.
- (ii) Cllr A Glover abstained from voting as she was a Council tenant and wished for her abstention to be recorded.

58 **MID DEVON HOUSING SAFEGUARDING ADULTS, CHILDREN AND YOUNG PEOPLE POLICY**

The Group had before it a report * from the Head of Housing & Health. In March 2024, a Consumer Regulation Health check advised that Mid Devon Housing (MDH) established a dedicated Safeguarding Policy to better manage risks associated with protecting vulnerable adults and children from abuse and neglect. Safeguarding was a crucial legal obligation for MDH. Whilst the existing corporate policy was widely updated in 2024 as an initial policy priority, it lacked detail on the role of MDH as a landlord as required by housing providers. This new MDH specific policy had been developed in the context of the updated corporate policy for consistency.

The following was highlighted within the report:

- This was separate to the corporate Safeguarding policy as the role of Mid Devon Housing was slightly different to the rest of the Council.
- Housing officers were trained to proactively look out for the well-being of tenants.
- The policy identified adults and children as two distinct groups.
- The policy set out the Council's responsibilities in detail.
- The policy would help to guide officers and the Housing teams.

Discussion took place regarding:

- The demand for access to other health and social care services had increased dramatically. There were significant challenges around the capacity of the systems needed to help, for example, the NHS.
- The Neighbourhood Teams were praised for the work that they did.
- The complexities involved in trying to work with multiple agencies.
- The importance of all relevant information being made available to all agencies.
- There were challenges around 'consent'.
- The Council's ethos was 'why shouldn't we share?' rather than 'why share?'

RECOMMENDED to the Cabinet that it recommends to full Council the adoption of the MDH Safeguarding Adults at Risk, Children and Young People Policy and Equality Impact Assessment contained in Annexes A and B respectively.

(Proposed by Cllr A Glover and seconded by Cllr H Tuffin)

Note: * Report previously circulated

59 Q2 MID DEVON HOUSING SERVICE DELIVERY REPORT

The Group had before it, and **NOTED**, a report * from the Head of Housing & Health providing a quarterly update to Members of the Policy Development Group on activity undertaken by Mid Devon Housing (MDH), including some relating to enforcement.

The following was highlighted within the report:

- The report presented information up to the end of September 2024. Quarter 3 data would be brought to the next meeting in March 2025.
- Performance continued to be strong, however, there were still challenges in the responsive repairs area mainly due to staff recruitment issues.
- It was reiterated that the safety of tenants at risk would always be prioritised over planned work.
- As soon as a new property became ready to rent it entered the voids system until it was occupied.
- The eviction process was complex and Housing officers did all they could to prevent evictions from happening. Often there were mitigating factors and evictions were very rarely about just the non-payment of rent. It was confirmed that as a result of this close working with tenants to prevent evictions, there was a big difference between the number of eviction notices and the number of actual evictions which were quite rare.

Discussion took place with regard to:

- The majority of 'deferred appointments' were related to tenants who had at some stage opted for an 'upgrade' but who had then declined to let the Council in.
- The possibility of classifying different types of voids to show those that were unfit for habitation or the life expectancy of a property?

- Voids were a complex area, for example, semi-detached properties where the other half of the building was owned privately and the private occupier didn't have to meet the Decent Homes Standard.
- Anti-Social Behaviour did typically rise in the summer months although there were relatively few cases in Mid Devon.
- The Housing Options Team had to determine on a case by case basis whether or not a person had deliberately made themselves homeless. These were difficult judgements to make. The circumstances relating to each individual had to be ascertained. Individuals needed to engage in the services being offered at some stage. Also, it was not always about the individual, the needs of other tenants living around that individual also needed to be borne in mind. Occasionally there were tenants that just needed other types of supported accommodation that was not provided by the Council.
- Some accommodation from the HRA was reserved for the Housing Options Team to temporarily accommodate people who needed to be housed. There were 32 such properties available at the current time. This was viewed as a good thing as many other Councils did not have this flexibility.

Note: * Report previously circulated.

60 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

The items already listed in the work programme for the next scheduled meeting were **NOTED**. In addition to this the following was requested to be on the agenda for the next meeting:

- Housing Rents error - update

(The meeting ended at 3.52 pm)

CHAIR

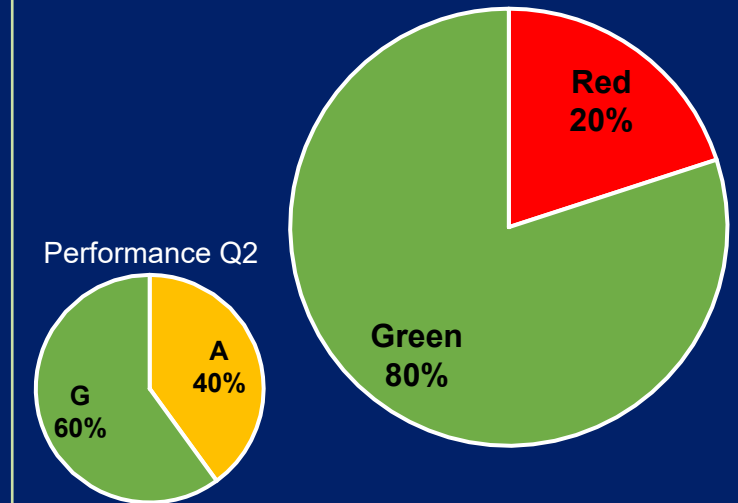
Homes PDG Performance Dashboard (General Fund) – Quarter 3 2024/25

Performance Measures	Performance	Annual Target	RAG
Providing support to those experiencing homelessness	100%	100 %	G
Applicants on the Devon Home Choice waiting list (Band A-C)	527	N/A	
Households in Hotels (Current)	14	N/A	
Households placed in interim or temporary accommodation this quarter	84	TBC	
Home Improvement Loans sanctioned (YTD)	11	10	G
Private rented sector improvements (YTD)	9	10	G
Private sector housing service requests response rate (Av. YTD)	95.3%	95 %	G
Unoccupied and unfurnished empty homes (Current)	522	N/A	

Finance Measures	Performance	Annual Target	RAG
Homes PDG – Projected Outturn	£486k	£402k	R
Spend on external interim and temporary accommodation (Q3)	£115,201	N/A	

Corporate Risk	Risk Rating (Trajectory)
Homes for Ukraine Scheme	4 (No change)

Overall Performance Q3



In Focus

Homelessness approaches (YTD):

	2023/24	2024/25
Q1	216	211
Q2	423	407
Q3	601	579
Q4	802	

The are 527 applicants on the Devon Homes Choice waiting list (Band A-C), an increase from 465 at the end of 2023/24.

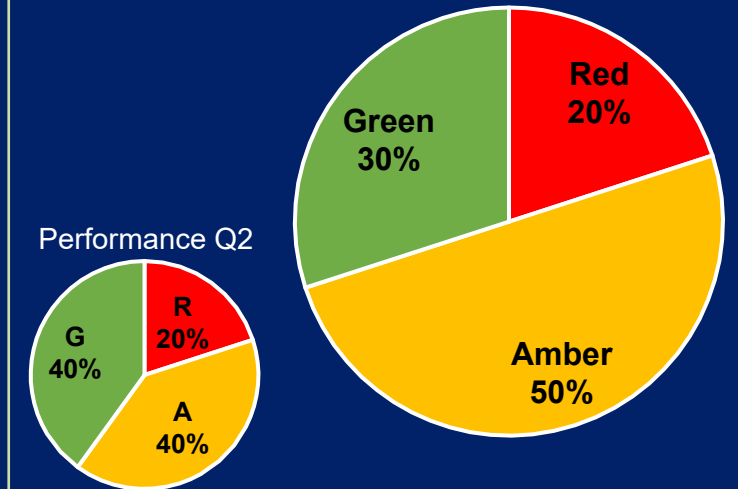
Homes PDG Performance Dashboard (HRA) – Quarter 3 2024/25

Performance Measures	Performance	Annual Target	RAG
MDH Satisfaction that the home is safe (TSM – TP05)	N/A	70 %	
MDH Delivery of new Social Housing (YTD)	62	100	R
New MDH net-zero MMC properties (YTD)	15	50	R
Tenant satisfaction with the overall repairs service (TSM – TP02)	N/A	70 %	
Market delivery of new affordable homes (YTD)	N/A	94	
MDH Overall tenant satisfaction (TSM - TP01)	N/A	TBD	
MDH Complaints responded to within Complaints Handling Code timescales (TSM-CH02; Average YTD)	98.3 %	100 %	A
MDH Antisocial behaviour cases relative to the size of the landlord (TSM – NM01; YTD)	8.13	TBD	
MDH Housing stock occupancy rate (YTD)	96.7 %	97 %	A
MDH Routine repairs completed on time (Average YTD)	99 %	95 %	G
MDH specific tenant engagement events (YTD)	97	100	G

Finance Measures	Performance	Annual Target	RAG
HRA – Projected Outturn	(£174k)	£0	G
HRA – Projected Tenant Income (Outturn)	(£14,353k)	(£14,641k)	A
HRA – Projected Capital Outturn	£12,785	£14,816k	A
HRA – Capital Slippage % of development projects (Current)	34%	0 %	A

Corporate Risk	Risk Rating (Trajectory)	Corporate Risk	Risk Rating (Trajectory)
Housing Crisis	12 (No change)	Housing Rent Correction Error	8 (New)

Overall Performance Q3



In Focus

The delivery of new social housing, including net zero homes is behind target. There have been delays to live projects and difficulties awarding contracts for some projects has contributed to this.

Corporate Risk: Housing Rent Error Correction has been added to the Corporate Risk Register. A risk definition and mitigating actions will be reported to Audit Committee on 25 March 2025.



Report for: HOMES POLICY DEVELOPMENT GROUP

Date of Meeting:	18 th March 2025
Subject:	MID DEVON HOUSING SERVICE DELIVERY REPORT FOR Q3 2024-25
Cabinet Member:	Councillor Simon Clist, Cabinet Member for Housing, Property and Assets
Responsible Officer:	Simon Newcombe, Head of Housing and Health
Exempt:	None
Wards Affected:	All wards
Enclosures:	Annex A: Tenant Satisfaction Measures (TSMs) – performance data for 2024-25: Quarters 1, 2 and 3 Annex B: Tenancy Enforcement Activities – performance data for 2024-25: Quarters 1, 2 and 3 Annex C: Rent Recovery – performance data for 2024-25: Quarters 1, 2 and 3 Annex D: Building Repairs and Maintenance – performance data for 2024-24: Quarters 1, 2 and 3

Section 1 – Summary and Recommendation(s)

This report is presented to support an ongoing commitment to provide a quarterly update to members of the Policy Development Group on activity undertaken by Mid Devon Housing (MDH), including some relating to tenancy enforcement.

It also contains relevant performance information as measured in line with the guidance relating to the Tenant Satisfaction Measures (TSMs). The Regulator of Social Housing (RSH) requires registered providers of social housing (RPs) to provide a report on a set of TSMs which includes perception and performance/management data on a rolling annual basis.

TSM data has been previously provided on a first full-year basis for 2023-24. In year, management data for relevant TSMs is available and therefore provided for Q1 to Q3 2024-25, however the perception survey data is not yet available.

In total, three separate TSM perception surveys will be completed throughout 2024-25 and the results aggregated in accordance with the required RSH methodology once adequate data is available to meet sample size and reporting requirements. As such, no TSM perception survey results can be provided for this report. It is anticipated that draft results may be available during Q4 onwards and the final results must be in place for April 2025. These final results will form the next annual TSM perception survey data return to the RSH alongside the full TSM management data outturn for 2024-25 and will be shared at the next PDG meeting.

Recommendation:

That the PDG notes the outturn performance for Quarter 3 2024/25 as provided in Annexes A, B, C and D

Section 2 – Report

1 Introduction

- 1.1 MDH has approximately 3,000 homes in its management located across the District.
- 1.2 This report provides a summary of activity and performance for the third quarter of 2024-25 ending 31 December 2024. Q1 and Q2 results previously reported are provided for comparison.
- 1.3 In accordance with this, data for Q1-Q3 is provided within the following Annexes:
 - Annex A: Tenant Satisfaction Measures (TSMs)
 - Annex B: Tenancy Enforcement Activities
 - Annex C: Rent recovery
 - Annex D: Building Repairs & Maintenance

2 Assurance requirements and reporting

- 2.1 Registered Providers (RPs) of social housing are required by the RSH to have effective governance procedures in place. This means MDH must provide relevant, updated performance data relating to service delivery to Members as part of its wider assurance process.
- 2.2 The RSH takes a co-regulatory approach. This means that Councillors are specifically responsible for ensuring that MDH meets the requirements set out in the broad social housing regulatory framework. Within this, there are currently four key consumer standards, recently updated through the Social Housing (Regulation) Act 2023. MDH must have due regard to the specific outcomes and expectations as set out in these standards, which are:
 - The Safety and Quality Standard

- The Tenancy Standard
 - The Transparency, Influence and Accountability Standard
 - The Neighbourhood & Community Standard
- 2.3 The Rent Standard, an economic standard, also applies and MDH is required to comply with this.
- 2.4 Councillors also have a responsibility to ensure that MDH is being open and accountable with regard to how the organisation meets its objectives and regulatory requirements. In line with the principles of co-regulation and the above consumer standards, RPs are also required to support tenants so that they can shape and scrutinise service delivery and hold the Council to account.
- 2.5 Performance data recorded in support of the TSMs is shown in the report. The aim is to ensure that Members can be reassured that data is being collected and acted upon as required. As set out in the introduction, some of the data in this report will be included in the next annual data return made to the RSH during the first quarter of 2025-26 and shared at the next PDG meeting.
- 2.6 In line with the new regulatory requirements, TSM perception survey data will once be again be collected this year. For 2024-25, MDH have moved from one survey to three separate surveys in a change of approach away from a single, large winter survey as undertaken for the first TSM return for 2023-24 in order to obtain better, more representative data. The first surveys was conducted in August for two weeks and the second survey was completed over in autumn. Draft data may be available during Q4 and the final, verified data for the whole year will be available from April 2025. Going forward, it is intended to complete surveys every quarter/4 times per year with verified data, aggregated data continuing to be published and available after the year end.
- 2.7 In the perception surveys, individual tenants are given an opportunity to provide feedback in response to some questions and are able to do this anonymously. Many tenants choose to give their name and address and officers will follow-up on any service requests or complaints received. All surveys must be completed according to a legally defined RSH methodology by an independent survey organisation.
- 2.8 This work was procured by a partnership involving MDH and two other local authority providers with retained housing stock. There will therefore be opportunities for local benchmarking alongside national benchmarking once the RSH has collected all relevant data and it has been published, provided that all partners wish to participate in this.
- 2.9 Wider performance information is provided on key areas of work across different teams within MDH as set out in the attached annexes. It is important for Members to be reassured that the homes in our management are safe and

secure and to understand how teams are performing in relation to certain indicators relating to tenancy and estate management. There are legislative and regulatory requirements which RPs must adhere to. However, it is also important that service delivery also takes account of MDH's own policies and good practice.

2.10 This service delivery report sets out the following specific data:

- 12 performance/management data TSMs
- Tenancy enforcement data
- Rent collection and debt data
- Full repairs data including Decent Homes
- Voids data

2.11 The TSMs include three measures designed to demonstrate how RPs are performing with regard to service delivery in connection with complaints. If a tenant remains dissatisfied following the conclusion of their complaint, they can escalate that complaint to the Housing Ombudsman Service (HOS). In the new regulatory framework, the role of the HOS has been expanded. Every year, RPs must undertake a review of compliance against the Complaints Handling Code, issued by the HOS. This has recently been reviewed by the HOS and there is now a requirement to submit an annual complaints performance and service improvement report to the PDG, in support of this. This report was completed and reviewed for 2023-24 at a previous PDG meeting and the next such report for 2024-25 is due in June 2025.

2.13 In addition, it should be noted that there is a Memorandum of Understanding between the HOS and the RSH which allows the transfer of information with the aim of ensuring that any regulatory failings associated with service delivery as performed by RPs are identified and dealt with in the most appropriate way.

3 Performance and context

3.1 Annexes A to D contain comments and informative narrative on performance provided against specific metrics and there is further context provided below.

3.2 The RSH have not yet published any national detailed TSM benchmark data based on the 2023-24 return which would enable us to benchmark against comparative social landlords. A headline report was published in November 2024 which provides some comparison data however does not distinguish between all forms of social housing tenure, different stock sizes and types or between private and local authority providers. As such it is of limited use and more detailed information may not be available until after the 2024-25 return. When the 2024-25 data is available for MDH allowing us to have a sense of trend across the two consecutive yearly outturns and/or more detailed national data is published, a further report will come to this PDG setting out how MDH compares with other organisations across the TSM dataset.

3.3 In the meantime, MDH will focus on any TSM results where the score was 60% or less. The actions required to address any issues arising from this review of the data have already been fed into the wider MDH Impact Improvement Plan. Preliminary data from the initial TSM perception surveys this year also indicates an improvement of scores across the board however caution needs to be exercised until the full yearly results have been obtained. Furthermore, the historic rent error issue reported to tenants in November 2024 may impact on some of the survey results, notably with regard to overall satisfaction.

3.4 MDH team leaders meet with senior managers and the Head of Housing on a monthly basis to discuss performance against a range of indicators across the business. This delivers a greater understanding and insight and ensures that performance is routinely monitored which in turn delivers an understanding of any pressures. This informs the allocation of resources, as appropriate.

4 Building Services

4.1 Performance relating to Building Services is dependent upon having a full complement of operatives who have the necessary skills to manage the workload. As previously reported, unfortunately, there continues to be challenges with regard to recruitment due to prevailing market conditions with service staffing levels in front-line roles at lowest point for around 10-years during Q1 and Q2. This, combined with long term staff sickness, can have an impact on the ability of the team to manage its priorities.

4.2 For the above reasons, priority continues to be given to completing the most urgent works to ensure that they were completed on time, as well as to those routine repairs having the most impact upon tenants. Similar issues also affected the administrative team responsible for processing repairs requests. Taking these resourcing issues into account, managers are satisfied with the level of performance, especially as targets have been met, although, there is, of course, always room for improvement to ensure that 100% of repairs are completed on time.

4.3 Overall, our service priority is, and always has been, on keeping people safe, which we have been able to do by appropriately triaging and completing the most urgent repairs. Encouragingly, all repairs completed remains close to target and even if 100% of repairs could not be completed on time or at first visit, performance is upper quartile in comparison with the social housing sector average.

4.4 The service has taken steps through role re-evaluation and regrading to address some of the recruitment and retention issues and has recently recruited new building services trade roles during Q3. It will take time for new staff to join and be fully on-boarded before the benefits of any increased capacity will be

seen. Therefore, pressures will remain heading into Q4 but the positive benefits of this should start to be seen into 2025/26.

4.5 Customer satisfaction within planned maintenance remains strong despite some challenging performance issues associated with a very limited number of contractors.

4.6 Members will note from previous reports that we have an internal target to achieve 100% of all our properties holding a full management survey for asbestos which includes material sampling, alongside an additional requirement to have 100% of our properties holding a full electrical safety check ahead of potential regulatory changes. This does not mean our properties are not presently safe or properly assessed within the requirements of current safety legislation and the RSH. More information is given below.

4.6 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, MDH continues to hold a current asbestos register for all properties in our stock. This 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.

4.7 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 have historically reported compliance against these requirements.

However, it's expected that social housing properties will be brought in line with the private sector regulations soon with a minimum five-year transition period and the Government may introduce a new TSM for electrical safety.

As an EICR needs to be carried out every 5 years it would not be sensible to do lots at once. We therefore 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.

Until the regulations and a potential TSM has been confirmed we are not formally reporting data however MDH will continue with the roll out of EICRs and ongoing monitoring as set out above. Nonetheless, for assurance purposes it can be confirmed that as of January 2025 performance stood at close to 50% with additional external contractor resource supporting an increase in the number of inspection from Q4 onwards to ensure we stay on track and proactively meet the enhanced requirements.

4.8 RSH review of 2023-24 TSM management data

As previously report, the RSH also undertook a regulatory review of our 2023-24 management data submitted within the previous TSM return. As part of this they sought further data and assurance with regard to our fire, asbestos and electrical safety performance and formally confirmed they were fully assured as to the MDH policy and approach in October 2024. Our approach proactive approach to electrical safety was recognised and will feed into the wider national review.

5 Building Services – Voids Specific

5.1 The team which manages this work has been busy this year managing a large number of voids in both the housing revenue account and on behalf of the general fund strategic housing functions.

5.2 There are a number of key factors that are continuing to affect our ability to sustain outcomes within the overall void performance targets, they include record numbers of voids received, deteriorating standards of voids received, staffing shortages and redeployment. Processes involved around the development programme are also impacting where we are having to hold a number of voids so that we can meet the expectations of tenants who we are moving from properties that will be demolished and the fact that the works involved in these voids are greatly increased

- 5.3 Notwithstanding the above, there has been between a significant improvement (reduced turnaround times) in the standard void category as set out in Annex D with Q3 being within target. Overall, stock occupancy remains significantly close to the 97% target.

6 Tenancy and Estate Management

- 6.1 The Neighbourhood team works in partnership with other agencies to manage tenancy-related issues and those on the MDH estates, including anti-social behaviour (ASB). Following period of holding a vacancy in the team, a new Officer has been recruited commenced work during Q1 of 2024-25. This brought the team back up to full strength and Annex B shows performance with regard to some of the tools available to the team. Many of these can be used to support the management of reports of nuisance and in particular, following training, the team are now equipped to deploy a wider range of ASB tool including formal Community Protection Warnings and Notices.
- 6.2 In line with good practice, our officers will endeavour to resolve any issues reported at an early stage. This can involve a range of options, including partnership working, informal mediation undertaken by team members and referrals for formal mediation. Therefore, the statistics in the Annex do not always reflect the extent of the work which is required when managing nuisance and anti-social behaviour.
- 6.3 With regard to fraud, tackling this is also continues to be a priority with several cases opened in during Q1 and Q3. Tenancy fraud can encompass many issues, but if someone is living in a home where they do not have a right to be, that has an impact on the availability of that property for a household in greater housing need. For this reason, officers will be proactive about investigating any concerns and making the necessary referrals for further investigation and action.

7 Income Collection

- 7.1 It is pleasing to note that the Neighbourhood team has continued its strong work managing the level of debt attributed to current dwelling tenants whilst still sustaining tenancies. At the end of the Q3, the debt stood at 2.55%, comparable with the overturn for 2023-24 and better than the performance for the equivalent period last year (2.71%). This is also well within target. Just four evictions have come forward on the basis of rent arrears during the first two quarters of this year within none in Q3. Any potential evictions of tenants who have been historically overcharged rent have been put on hold until any repayment position is understood on a case by case basis. All other cases will be managed and proceed through our rent recovery process as usual.

7.2 When managing rent arrears, the team endeavours to work closely with the tenants involved. The aim is to offer an empathetic and supportive approach to encourage individuals to speak to the team about any financial issues they may be experiencing. Referrals for debt counselling and money advice are offered. The aim is to create a culture whereby all tenants are able to pay their rent; and, to this end, the team will offer realistic arrangements to facilitate the payment of rent arrears in instalments.

8 Recommendation

8.1 The following recommendation is made:

- That the PDG notes the outturn performance for Quarter 3 2024-25 as provided in the Annexes A, B, C and D.

Financial Implications

The activity of MDH is funded through the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. The Housing Ombudsman Service (HOS) charges a mandatory membership fee based on the number of homes in the management of the registered provider (RP) of social housing.

Legal Implications

The tenancy agreement defines MDH's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements. The Council is an RP and therefore is required to comply with the regulatory framework operated by the RSH. The regulatory framework has been reviewed. The Transparency, Influence and Accountability Standard contains provisions relating to the management of complaints. There is also a requirement for MDH to manage complaints in accordance with the Complaints Handling Code (the Code) which is issued by the HOS. Landlords are expected to self-assess against the Code. Landlords are required to use the learning from complaints to drive service improvement. Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Act 2023, has now been implemented and gone into statute.

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, repairs obligations, tenancy fraud, and reputational issues which could result in our tenants feeling stigmatised. Failure to collect rental income could impact the ability to fund necessary management and maintenance activities.

Finally, a failure to provide adequate information on service performance for the purposes of governance and scrutiny is a specific area of non-compliance with the requirements of the RSH. This regulator has new powers to impose performance improvements and potentially fine registered providers where performance is poor and/or adequate assurance is not provided.

Impact on Climate Change

None directly arising from this report.

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. There is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH requests diversity data from tenants to enable compliance to be monitored. MDH is required to work with people from all sections of society and having an agreed policy ensures that all tenants and other stakeholders are treated in the same way with adjustments being made to meet their needs, as necessary. 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.

Our “Getting to Know You” project has been designed to refresh our knowledge relating to the diversity of our tenants and over the next two years, we will be surveying them in an effort to better understand their needs.

Relationship to Corporate Plan

Homes are a priority for the Council and in the context of MDH service performance this includes supporting the delivery of several key objectives; investing in our homes, monitoring tenant satisfaction and ensuring our tenants feel safe, secure and happy in our homes.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 6 March 2025

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 6 March 2025

Chief Officer: Stephen Walford

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

Date: 6 March 2025

Performance and risk: Stephen Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 04 March 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Head of Housing and Health
Email: snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers:

Mid Devon Housing Strategies and Policies:
[Procedures, Policies and Strategies - MIDDEVON.GOV.UK](#)

The Regulatory Framework for Social Housing:
[Regulatory framework - GOV.UK \(www.gov.uk\)](#)

Tenant Satisfaction Measures:
[Tenant Satisfaction Measures Standard - GOV.UK \(www.gov.uk\)](#)

RSH Tenant Satisfaction Measures 2023/24 Headline Report November 2024
[\[Title\]](#)

Housing Ombudsman Complaints Handling Code:
[Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](#)

This page is intentionally left blank

Annex A: Tenant Satisfaction Measures (TSMs) – performance data for 2024/25: Quarters 1, 2 and 3

Overall Satisfaction						
	Q1	Q2	Q3	Q4	YTD	Comments
TP01: Overall satisfaction	N/A	N/A	N/A	N/A	N/A	Annual Indicator

Keeping Properties in Good Repair						
	Q1	Q2	Q3	Q4	YTD	Comments
TP02: Satisfaction with repairs	N/A	N/A	N/A	N/A	N/A	Annual Indicator
TP03: Satisfaction with time taken to complete most recent repair	N/A	N/A	NA	N/A	N/A	Annual Indicator
TP04: Satisfaction that the home is well maintained	N/A	N/A	N/A	N/A	N/A	Annual Indicator
RP01: Proportion of Homes that do not meet the Decent Homes Standard	0.72%	0.89%	1.06%		1.06%	Target 0.00% There are 31 properties that are outstanding, all of which are on a future list of works.
RP02: Repairs completed within target timescale	98.27%	99.25%	97.62%		98.31%	This is combined figure for emergency repairs (Target 100%) and non-emergency repairs (Target 95%).

Maintaining Building Safety						
	Q1	Q2	Q3	Q4	YTD	Comments
TP05: Satisfaction that the home is safe	N/A	N/A	N/A	N/A	N/A	Annual Indicator
BS01: Gas safety checks	100%	100%	99.96%		99.96%	Target 100%
BS02: Fire safety checks	100%	100%	100%		100%	Target 100% - on target
BS03: Asbestos safety checks	79.53%	82.71%	80.65%		80.65%	Target 80% (in year) – on target. There is a plan in place to carry out 300 surveys a year and reach the goal of 100% by 2026
BS04: Water safety checks	100%	100%	100%		100%	Target 100% - on target
BS05: Lift safety checks	100%	100%	100%		100%	Target 100% - on target

Respectful and Helpful Engagement						
	Q1	Q2	Q3	Q4	YTD	Comments
TP06: Satisfaction that the landlord listens to	N/A	N/A	N/A	N/A	N/A	Annual Indicator

tenant views and acts upon them						
TP07: Satisfaction that the landlord keeps tenants informed about things that matter to them	N/A	N/A	N/A	N/A	N/A	Annual Indicator
TP08: Agreement that the landlord treats tenants fairly and with respect	N/A	N/A	N/A	N/A	N/A	Annual Indicator

Effective Handling of Complaints						
	Q1	Q2	Q3	Q4	YTD	Comments
TP09: Satisfaction with the landlord's approach to handling complaints	N/A	N/A	N/A	N/A	N/A	Annual Indicator
CH01: Complaints relative to the size of the landlord	14	16	20		49	The number of complaints received to date is now broadly in line with the same period for 23/24. The rent error issue has not had an exceptional adverse impact on the outturn for this measure for 2024-25 for Q3, however once Q4 data is added this position may change
CH02: Complaints responded to within	95.0%	100%	100%		98.6%	Target 100%

Complaint Handling Code timescales						Two complaints which were not responded to within the timescales during Q1. Since Q1, all complaints have been responded to within the timescales.
------------------------------------	--	--	--	--	--	--

Responsible Neighbourhood Management

	Q1	Q2	Q3	Q4	YTD	Comments
TP10: Satisfaction that the landlord keeps communal areas clean and well maintained	N/A	N/A	N/A	N/A	N/A	Annual Indicator
TP11: Satisfaction that the landlord makes a positive contribution to neighbourhoods	N/A	N/A	N/A	N/A	N/A	Annual Indicator
TP12: Satisfaction with the landlord's approach to handling anti-social behaviour	N/A	N/A	N/A	N/A	N/A	Annual Indicator
NM01: Anti-social behaviour cases relative to the size of the landlord	1.35	4.40	2.36		8.10	This equates to four new cases in Q1, 13 new cases in Q2 and 7 new cases in Q3.

Annex B: Tenancy Enforcement Activities – performance data for 2024/25: Quarters 1, 2 and 3

Neighbourhood & Community Standard – Housing Revenue Account – Estates Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Fraud cases opened	2	0	3		5	Still awaiting outcomes on external fraud case referrals. The use of Community Protection Warnings by the service continues to be an encouraging tool in tackling ASB. This has already seen the progression to several Community Protection Notices being served for some of our more persistent repeat offenders and overall compliance is high.
Fraud cases referred to an external investigator	2	0	3		5	
Acceptable Behaviour Agreements signed	0	0	0		0	
Good Neighbourhood Agreements signed	0	0	0		0	
Community Protection Notice warnings issued	9	0	2		11	
Community Protection Notices issued	2	4	0		6	
Possession Actions commenced on grounds of ASB	0	2	0		2	
Closure Orders – obtained	0	0	0		0	
Injunctions sought	0	0	0		0	

Evictions on grounds of anti-social behaviour/ other tenancy breach	0	1	0		1	
--	---	---	---	--	---	--

Annex C: Rent recovery – performance data for 2024/25: Quarters 1, 2 and 3

Income Recovery – Housing Revenue Account – Income Team							
	Q1	Q2	Q3	Q4	Target	YTD	Comments
Current dwelling rent arrears at quarter end %	2.22%	2.29%	2.55%		<5%	2.55%	
Notice of Seeking possession served	50	18	47		N/A	115	Served in order to enable the Council to apply to court following 28 days service, if the tenant does not make an arrangement to repay the debt then the Council can apply to court in order to secure our position.
Judgement obtained	1	2	2		N/A	5	Good practice to secure debts under court order, which allows the tenant to remain in the property but secures the Council's financial position.
Warrants issued	0	0	0		N/A	0	Likely to be an eviction in quarter 3 for a resident in use and occupation following as remaining former joint tenant left as a sole occupant in situ. Case would have gone through in Q2 however, delays with progressing this legally.
Evictions on grounds of rent arrears	3	1	0		N/A	4	It is a last resort to evict and the team are working with tenants to enable them to sustain their tenancies. Since the historic rent error issue came to light, any potential evictions of tenants who have been historically overcharged rent have been put on hold until any repayment position is understood on a case by case basis.

Annex D: Building Repairs and Maintenance – performance data for 2024/25: Quarter 1, 2 and 3

Homes and Neighbourhood & Community Standards – Housing Revenue Account – Building Services						
	Q1	Q2	Q3	Q4	YTD	Comments
Decent Homes Standard %	98.76%	98.45%	97.57%		98.23%	Target 100%. As per TSM RP01, there are 31 properties that are outstanding, all of which are on a future list of works
Emergency repairs completed on time %	100%	99.2%	95.0%		97.46%	Target 100% This continues to reflect the staff resource issues on the maintenance operative side, with a number of long term vacancies due to an inability to fill positions at the current salaries. Although MDH would always aim for 100%, the completions on target are still higher than we would otherwise expect, due to being able to pull resources from the commercial and voids team, as well as delay other more major works. This all has a detrimental effect on income and major works becoming urgent. Our priority is, and always has been on keeping people safe, which we have been able to do by appropriately triaging and completing the most urgent repairs.
Urgent repairs completed on time %	97.7%	98.9%	99.3%		98.8%	Target 95% - above target
Routine repairs completed on time %	98.5%	99.4%	98.3%		98.7%	Target 95% - above target
Repairs completed first visit %	98.8%	98.4%	97.6%		98.2%	Target 95% - above target

Gas safety checks %	100%	100%	99.96%		99.96%	Target 100% - just below target Gas safety check not completed in respect of one property
Fire risk assessments %	100%	100%	100%		100%	Target 100% - on target
Water safety checks (Legionella) %	100%	100%	100%		100%	Target 100% - on target

Voids*

Voids performance – Housing Revenue Account – Building Services and Allocations Teams						
	Q1	Q2	Q3	Q4	YTD	Comments
Standard voids including temporary accommodation	44.24	44.05	27.06		38.95	Target 35 working days – below target overall but improvement in Q3. There are a number of key factors that are continuing to affect our ability to sustain outcomes within the overall void performance targets, they include record numbers of voids received, deteriorating standards of voids received, staffing shortages and redeployment. Processes involved around the development programme are also impacting where we are having to hold a number of voids so that we can meet the expectations of tenants who we are moving from properties that will be demolished and the fact that the works involved in these voids are greatly increased.
Major voids	61.13	125.35	69.11		85.51	Target 55 working days As above.
Decent homes voids	141.00	161.20	167.25		153.48	Target 90 working days As above.
Development voids	N/A	N/A	N/A		N/A	Target 1 calendar year
Occupancy rate (whole stock)	97.09%	96.82%	96.69%		96.69%	Target 97%

						As previously highlighted the occupancy rate has dropped below target due to the number of new properties being brought into our ownership at once, for example St Georges Court and several modular schemes. We believe this is a short time anomaly in the figures.
--	--	--	--	--	--	---

* Definitions and targets as per adopted Voids Management Policy 2023



Report for: Homes Policy Development Group

Date of Meeting: 18th March 2025

Subject: **UPDATED MID DEVON HOUSING TENANCY MANAGEMENT POLICY**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing, Assets and Property

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Annex A – MDH Tenancy Management Policy
Annex B – MDH Tenancy Management Policy
Equality Impact Assessment

Section 1 – Summary and Recommendation(s)

The Mid Devon Housing (MDH) Tenancy Management Policy has been reviewed and amended due to the Cabinet decision to end the use of Flexible tenancies. It was last reviewed in 2022 and therefore not many changes are required. The revised Tenancy Management Policy removes any reference to Flexible tenancies.

Recommendation(s):

That the PDG recommends that Cabinet adopt updated Mid Devon Housing Tenancy Management Policy and Equality Impact Assessment contained in Annex A and B respectively.

Section 2 – Report

1 Introduction

1.1 The Regulator of Social Housing's Tenancy Standard provides instruction to all Registered Providers with regard to Tenure which states:

Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:

- a) The type of tenancies they will grant.
- b) Where they grant tenancies for a fixed term, the length of those terms.
- c) The circumstances in which they will grant tenancies of a particular type
- d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period.
- e) The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.
- f) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.
- g) Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.
- h) The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
- i) Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

2 Policy Review

2.1 Following the Cabinet decision after recommendation by the Homes PDG that the use of Flexible Tenancies be ended the Tenancy Management Policy has been amended to reflect this change of Policy.

2.2 In addition to this the previous policy indicated that family members who legally succeeded a tenancy did not have the right to remain in the property if they were under occupying. This was in direct contrast to the Housing Act Ground 15A. Ground 15A is not available when the successor tenant is a spouse or civil partner. If the successor tenant is a spouse or civil partner they can remain and under occupy a home unless the property is adapted housing or sheltered accommodation.

2.3 The revised policy has been amended to remove any reference to under occupation by a legal successor.

3 Consultation

- 3.1 Tenants and Members of the Homes PDG were invited to comment on the draft policy between 24/01/2025 – 16/02/2025.
- 3.2 No comments or concerns were raised by tenants. Cllr Simon Clist, Cabinet Member for Housing, Assets and Property made the following comments which have been implemented:
- Add reference in 3.1 to the types of tenancies available. Wording added: *‘See types of tenancies in section 4’*.
 - In section 6.1, similar to above, add point to say *‘for more information regarding who is eligible for succession, refer to section 6.11’*.
 - Further explain what Mesne Profits are. The following sentence was added to 8.8 *‘Mesne Profits are when a former tenant remains in occupation after a tenancy has been terminated and means a landlord can claim money from them for continued use of the premises’*.
 - Make reference to management moves in Section 14, overcrowding and occupation.
- 3.3 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 which is posted to those not on email. 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.

4 Safeguarding and Vulnerable tenants

- 4.1 MDH records details of all vulnerable tenants to enable us to support their needs. This includes making reasonable adjustments in dealing with vulnerable tenants so that they are comfortable when we interact with them.
- 4.2 The Policy includes a comprehensive section on Tenancy Sustainment which includes the actions we will take to identify vulnerable tenants and how we will assist those tenants who have additional needs.
- 4.3 The Policy also includes a section on vulnerable tenants and states that:
- When making decisions to grant, renew, extend or terminate a tenancy, we will ensure that we take into account:
- Any special circumstances and needs of the household who are vulnerable because of a protected characteristic
 - Ensure that the needs and circumstances of the tenant are known before making a decision

5 Policy review

- 5.1 MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing

and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations.

- 5.2 Where material or significant amendments are required the policy will receive a full review and will be brought back to the Homes PDG and Cabinet for consideration. Full tenant consultation will also take place.

6 Recommendation

6.1 In accordance with the above, the following recommendation is made:

1. That the PDG recommends that Cabinet adopt updated Mid Devon Housing Tenancy Management Policy and Equality Impact Assessment contained in Annex A and B respectively.

Financial Implications

This report on its own does not give rise to any financial implication but implementation of the activities set out in the policy will have cost implications.

However, these 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/MTFS 2023-28 supports the activities required to maintain the Council's housing stock.

Legal Implications

As a registered provider (RP) of social housing, the Council is obliged to take account of the standards contained within the revised regulatory framework which is administered by the Regulator of Social Housing (RSH). This states that RPs should publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.

Risk Assessment

Failure to have an up to date Tenancy Management Policy would see MDH in breach of the RSH Tenancy Standard.

Impact on Climate Change

There are limited implications and environmental impact arising from this policy. However, employees will give due regard to potential impacts on the environment when conducting activities that require travel through tenant management activity. It must be noted that a significant degree of effective tenancy management can only be conducted by working closely with tenants in their homes and estates away from our main office.

Equalities Impact Assessment

Mid Devon Housing collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Our housing estates must be accessible to

those with disabilities and we have in place a regular schedule of inspections to ensure that all safety issues are identified and rectified as soon as possible. Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

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

Relationship to Corporate Plan

Homes and social housing are a clear priority within the Corporate Plan. We will work closely with our tenants to ensure they feel safe, secure and happy in their homes. Key part of this is by having an open, transparent and effective tenancy management approach as set out in this policy.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 6 March 2025

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 6 March 2025

Chief Officer: Stephen Walford

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

Date: 6 March 2025

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 04 March 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe – Head of Housing and Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

[Tenancy Standard Policy \(middevon.gov.uk\)](#)

[April 2024 - Tenancy Standard FINAL.pdf \(publishing.service.gov.uk\)](#)

This page is intentionally left blank



Tenancy Management Policy 2025

This policy was produced in 2025 and is version 2.00

This policy was adopted by Cabinet on xxxx

MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations.

1	Introduction	3
2	Aims and Objectives.....	3
3	Legal Framework and Context	3
4	Types of Tenancy	4
5	Ending a Tenancy	7
6	Death of a tenant and succession.....	8
7	Assignment.....	10
8	Sole and Joint tenancies.....	12
9	Change to household	13
10	Mutual Exchange.....	14
11	Tenancy Sustainment.....	16
12	Tackling Tenancy Fraud.....	17
13	Lodgers and Subletting	17
14	Overcrowding and Under Occupation	18
15	Vulnerable Tenants	18
16	Domestic Abuse	18
17	Complaints and Feedback.....	20
18	Equality Impact Assessment	21

1 Introduction

- 1.1 Mid Devon Housing (MDH) Tenancy Management Policy sets out our approach to providing an efficient and effective tenancy management service to our tenants.
- 1.2 Registered providers are required to publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:
 - (a) The type of tenancies they will grant.
 - (b) Where they grant tenancies for a fixed term, the length of those terms.
 - (c) The circumstances in which they will grant tenancies of a particular type.

2 Aims and Objectives

Aims

- 2.1 The aims of this policy are to set out how MDH will manage tenancies in respect of:
 - Putting people and families at the heart of everything we do;
 - The types and lengths of tenancies MDH will offer;
 - The circumstances which determine the type of tenancy that will be offered;
 - How a tenancy can be brought to an end;
 - Changes to tenancies and;
 - MDH approach's to tenancy management, tackling tenancy fraud and tenancy sustainment.

Objective

- 2.2 The objectives of this policy is to provide tenants with MDH's approach to managing tenancies from the point at which a tenancy is granted, through to the point it ends and the key stages during its lifespan.

3 Legal Framework and Context

- 3.1 Under the Tenancy Standard, the Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out the types of tenancy that will be offered and key aspects of how these tenancies will be managed. See types of tenancies in section 4.

- 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 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.
- 3.4 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 tenancy management.
- 3.5 The TSM measures under tenancy management include:
- TP01 – Satisfaction with the service provided by the landlord
 - TP06 – Satisfaction that the landlord listens to tenant views and acts upon them
 - TP07 – Satisfaction that the landlord keeps tenants informed about things that matter to them
 - TP08 – Agreement that the landlord treats tenants fairly and with respect
 - TP09 - Satisfaction with the landlord's approach to handling of complaints
- 3.6 This policy should be read in conjunction with:
- MDH Tenancy Agreement
 - MDH Tenancy Strategy
 - MDH Allocations Policy
 - MDH Anti-Social Behaviour Policy
 - MDH Income Management Policy
 - Devon Home Choice Policy
 - MDH Rechargeable Repairs Policy

4 Types of Tenancy

Introductory Tenancies

- 4.1 An introductory tenancy is a fixed term tenancy for 12 months. This can be extended by a further 6 months at the discretion of MDH. No further extensions are permitted.

- 4.2 The terms and conditions of an introductory tenancy are broadly the same as a secure tenancy, apart from some key exceptions. Please see supplement 1.
- 4.3 All prospective tenants are informed before their sign up if they are being offered an introductory tenancy and they will have had a draft copy of the agreement, sent in advance of their sign up.
- 4.4 A tenancy review will take place at around 6 weeks from the tenancy start date. This can be done over the phone or via a home visit (where there has been additional support needs flagged) to ensure that the tenant is managing their tenancy, able to maintain their home and that all other aspects of the tenancy are being met.
- 4.5 If additional needs are identified at the 6 week check, the officer will facilitate appropriate support, or signpost to a support agency, to ensure that the tenant is given every opportunity to maintain their introductory tenancy.
- 4.6 At the end of the 12 month period, an introductory tenancy will automatically convert to a secure tenancy. The only exceptions to this would be when a decision has been made to extend the tenancy, or MDH are seeking possession of the property.
- 4.7 MDH may extend the introductory tenancy by a further 6 months, if there is any breach of the tenancy conditions, set out in their agreements. Tenants have the right to request a review of this decision.
- 4.8 MDH may decide not to allow an introductory tenancy to convert and the tenant will be required to move out. Tenants have the right to have this decisions reviewed by the Operations Manager for Housing Services.
- 4.9 Introductory tenancies can be brought to an end more easily than secure tenancies. As long as MDH have followed the correct processes, a court must grant possession to MDH.
- 4.10 Introductory tenancies will not be used where:
- Someone is a secure tenant of a local authority immediately before the offer of accommodation, or a secure or assured tenant of a housing association; or
 - Where a secure tenancy is being assigned, including by way of a mutual exchange and;
 - In exceptional circumstances, where it would not be appropriate to grant an Introductory Tenancy, MDH will grant a Secure Tenancy.

Secure Tenancies

- 4.11 A secure tenancy is a lifetime tenancy, meaning it cannot expire and can only be brought to an end if one of the following occur:

- the tenant serves a valid Notice To Quit (NTQ);
- the tenant offers a surrender of the tenancy which is accepted by the landlord;
- one of the tenant or landlord conditions of a secure tenancy ceases to be met;
- the tenant loses the secure tenancy by subletting the whole property;
- the tenant is demoted to a demoted tenancy and;
- a court order for possession takes effect under one of the grounds specified in the Housing Act 1985 (legislation.gov.uk).

4.12 MDH will grant a secure tenancy if the applicant was a secure or assured tenant of a social landlord, prior to taking a tenancy with MDH.

4.13 A secure tenancy gives the tenant security of tenure and the following statutory rights as shown in supplement 1

4.14 A person under the age of 18 cannot legally hold a tenancy. In cases of minors seeking tenancies, MDH will require another member of the minor's family or another trusted adult to hold the tenancy in trust until they have reached the age of 18 when they tenancy will pass to them.

Demoted Tenancies

4.15 A demoted tenancy is a secure tenancy that has been demoted by a court order to a tenancy with the status of an introductory tenancy.

4.16 MDH will consider the use of demoted tenancies as part of our response to dealing with and tackling anti-social behaviour.

4.17 A demoted tenancy will remain for 12 months and during this period, the tenancy will be monitored closely. If the tenancy has been conducted satisfactorily, it will revert to its original status i.e. Secure.

Licence Agreements

4.18 MDH offers licence agreements to people who are being housed temporarily under the Council's homelessness duties. They are generally used for interim accommodation.

4.19 If one of MDH's properties requires major works, for example because of a serious fire, consideration will be given to a decant to temporary accommodation under licence or a transfer to an alternative property under a secure tenancy.

5 Ending a Tenancy

Where a Tenant wishes to end the Tenancy

- 5.1 A tenant may decide at any time that they wish to end their tenancy. They can do so by giving MDH 4 weeks' notice in writing'. This is known as Notice to Quit and has to be completed in a prescribed format, (please contact MDH if you wish to give notice to end your tenancy), MDH will send you the prescribed form via email or in the post, but this must be returned with your signed signature, a typed signature will not be deemed legally binding. Terminations can be hand delivered, a photo taken of the written document and emailed to us at htenancy@middevon.gov.uk. If notice is being given by someone who is not the tenant, we will need to see the original Power of Attorney or a Will showing the person signing the notice is named as either executor or administrator of the will.
- 5.2 The tenant must give us at least four weeks' written notice to quit to end the tenancy. MDH currently require the notice to expire on a Sunday and the keys would need to be returned the Monday after the notice expires by 10.00am. If keys are not returned when expected MDH will charge the tenant the equivalent of the weekly rent until the keys are returned. MDH will charge the tenant full rent throughout the notice period.
- 5.3 Before ending the tenancy the tenant must ensure that their home (including outbuildings, sheds and lofts) is left clean and free from furniture and possessions. The tenant must leave all MDH's fixtures and fittings intact and in the same condition as they were as at the start of your tenancy with the exception of fair wear and tear. You must ensure that all painted surfaces are returned to neutral colours. If you fail to do this, you may be recharged for any costs incurred
- 5.4 If a tenant serves a NTQ and then changes their mind, the notice cannot be retracted. Once notice has been served it cannot be withdrawn, it would be at MDH's discretion to grant a new tenancy at the end of the notice period if this was requested, and there is no legal obligation for us to grant this. We consider an individual's circumstances, whether the property has already been advertised for letting and offered to someone else would impact on our ability to agree a new tenancy.

Where MDH wishes to end the Tenancy

- 5.5 MDH seeks to support tenants in maintaining their tenancies but may take action to end tenancies in circumstances where MDH considers the grounds for possessions as specified in the Housing Act 1985 schedule 2 can be proved and it is reasonable to seek possession of the property concerned. MDH may also seek possession where the absolute ground for possession (Housing Act 1985 s84A) applies.

For example possession may be sought where:-

- The tenant has breached their tenancy conditions;

- The tenancy has been obtained fraudulently and;
- MDH needs the property for a redevelopment or regeneration scheme.

5.6 The tenant will be referred at the earliest opportunity to the Housing Options Team for advice and assistance.

6 Death of a tenant and succession

6.1 In the unfortunate event of a death of a sole tenant, the tenancy can be transferred to an eligible person. This is called a succession and based on the legal requirements as to who is deemed a successor tenant under the Housing Act 1985 and the Localism Act 2011. For more information regarding who is eligible for succession, refer to section 6.11.

6.2 If there is no eligible person to succeed the tenancy, MDH will end the tenancy by serving notice. The person occupying the property will be signposted to complete a Devon Home Choice Application to assess their housing need and encouraged to contact Housing Options at Mid Devon District Council to offer appropriate housing advice where there is no legal right to succeed the tenancy.

6.3 MDH will request relevant information, to establish the person's housing need. MDH will decide on the appropriate course of action. Contact will be maintained to ensure the person is kept informed of the progress of your case.

6.4 Once MDH has vacant possession of the property, an inspection will be carried out. If there are any rent arrears or other monies owing, for example, recharges, these will pass to the deceased's estate. If the tenant left a will, MDH will make a claim to the tenant's executor.

6.5 On being advised of the death of a sole tenant, MDH will undertake investigations to establish whether the right of succession exists and whether the person(s) who lived with the late tenant are entitled to succeed to the tenancy. Succession will only be granted to someone who is entitled to succeed to the tenancy. The person succeeds the tenancy, and not the property.

6.6 There can only be one succession to a Council tenancy.

6.7 The following count as succession

The deceased tenant was a successor if

- They were a statutory successor;
- They were the survivor to a joint tenancy;
- They become a tenant by will or intestacy rules;
- The tenancy was assigned to them as a potential successor;
- They succeeded to or were the survivor to a fixed term tenancy that became periodic;
- The court assigned them the tenancy during divorce or dissolution of civil partnership proceedings and the original tenant was a successor and;
- They succeeded to a previous tenancy and were then granted a new secure or introductory tenancy by the same landlord within six months of the end of the earlier tenancy.

6.8 When a joint tenant dies, the surviving joint tenant inherits the tenancy by the common law rule of survivorship. (Survivorship is not a statutory succession but counts as one when determining if there is a further right to succeed to a tenancy).

6.9 The tenancy always passes to the surviving joint tenant(s). Another person cannot succeed to a joint tenancy, even if they would qualify to succeed to a sole tenancy.

6.10 Assignment by mutual exchange does not count as succession. A tenant who was a successor before the mutual exchange remains a successor in their new property.

6.11 For secure tenancies created before the 1st April 2012 a person is qualified to succeed to a sole tenancy if they occupy the home as their only or principal home at the time of the tenant's death and one of the following applies:

1. The person is the tenant's spouse or civil partner; or
2. Where there is no spouse or civil partner, a cohabitee or member of the tenant's family succeeds if they:
 - Occupied the property as their only or principal home at the time of the tenant's death and;
 - Resided with the tenant for the 12 months before the tenant's death.

Cohabitees are couples who live together as if they are married or civil partners. Whether a couple meets these criteria depends on the facts of each case.

The definition of a family member includes the tenant's:

- Sibling;

- Cohabitee;
- Parent or child and;
- Step-relations, half-relations, and relations by marriage are family members. Foster children are not included in the definition.[27]

6.12 For secure tenancies created after 1 April 2012 and the Council's remaining flexible tenancies, there is no right for a family member to succeed a sole tenancy unless the tenancy agreement allows it. MDH tenancy does not allow family members to succeed. Only the following persons can succeed a sole tenancy after 1st April 2012:

- Husband/Wife;
- Civil partner;
- Co habiting partner.

6.13 To succeed the tenancy, MDH will check:

- The date the tenancy started;
- If the individual is one of the persons listed above;
- Whether the deceased was using the home as their main or principle home up until the date of death for at least 12 consecutive months prior to the death and;
- The successor was also living at the home during this period, whilst married, in a civil/partnership or co habiting.

6.14 MDH will not agree to a succession in the following situations:

- If the applicant is unable to prove that they are a family member or that they live/had lived at the address and;
- If the tenancy has already been succeeded as it cannot be succeeded again. This also applies if there has been an assignment of the tenancy but not assignment by mutual exchange

6.15 Eligible successors to the tenancy will have the same tenancy as the person who dies.

7 Assignment

7.1 An assignment is the legal way in which a tenancy can be passed from a tenant to someone else. Assignment in general is not permitted unless the assignment is:

- By way of a mutual exchange (excluding introductory tenancies);
- Following a court order obtained under matrimonial proceedings or civil partnership proceedings and;

- To a person who would be entitled to succeed to the tenancy should the tenant have died immediately before the assignment.
- 7.2 Assignments (other than assignments by mutual exchange) use up the right of succession. If someone was granted their tenancy as a succession, they will not be able to carry out an assignment.
- 7.3 Tenants wishing to assign their tenancy by way of mutual exchange must apply in writing for MDH's consent. For the other permissible legal ways of assigning (as set out above) the tenants must notify MDH of the assignment.
- 7.4 Unauthorised assignments are a breach of tenancy and legal action will be taken to remove unlawful occupiers. Costs associated with this will be the tenant's liability.
- 7.5 When MDH receives an application to assign a tenancy for mutual exchange a decision will be made within 6 weeks, upon receipt of all of the required information.
- 7.6 MDH may withhold consent for mutual exchange on the following grounds:
- Tenant has rent arrears or is in breach of their tenancy;
 - Tenant is subject to a possession or court proceedings and;
 - Property is unsuitable for the tenant's needs, for example the property is too large.
- 7.7 In instances where the MDH withholds consent to the proposed assignment this will be in writing, advising the tenant of the reasons for the decision.
- 7.8 In instances where MDH provides consent to the proposed assignment, this will be in writing. The tenant and the assignee will be invited to sign the deed of assignment. MDH will advise the assignee of their rights and responsibilities as a secure tenant, the date the tenancy was commenced and the balance of the rent account.
- 7.9 The assignee is regarded as a successor tenant (unless this is assignment by way of mutual exchange).

8 Sole and Joint tenancies

8.1 MDH offers both sole and joint tenancies to new tenants moving into an MDH's property.

Sole Tenancy

8.2 A sole tenancy is where one member of the households signs the tenancy and is responsible for ensuring anyone living within the property fulfils the responsibilities set out within the tenancy agreement. Where there is a breach of tenancy, the sole tenant will be accountable, even if the breach was caused by a member of the household or guest.

Joint Tenancy

8.3 A joint tenancy is where more than one person has responsibility for meeting the requirements of the tenancy agreement. Each tenant has equal rights to the tenancy.

8.4 MDH will offer a joint tenancy to a maximum of 2 people.

Converting a sole tenancy to a joint tenancy

8.5 Requests from existing sole tenants that wish to add another person to their tenancy, creating a joint tenancy, will be considered on a case by case basis at MDH's discretion. It is important that the tenant seeks independent legal advice if they are considering requesting a joint tenancy.

8.6 Applications for a sole to joint tenancy will be refused under the following circumstances:

- The household cannot provide proof of marriage or civil partnership, or of joint residency for at least 12 months prior to the application;
- There is outstanding action against the household for a breach of tenancy;
- There are outstanding rent arrears;
- There is a history of tenancy breaches;
- The tenancy has been demoted;
- The applicant is already named on another a tenancy;
- The tenancy has already been assigned to the sole tenant; or
- The tenancy has been succeeded to by the sole tenant converting a joint to sole tenancy.

- 8.7 The tenant who wishes to remove themselves from a tenancy must complete a legally valid notice to quit requesting to end the tenancy.
- 8.8 MDH may, in its absolute discretion, allow the other joint tenant to temporarily remain at the property after the tenancy has been terminated under use and occupation; a weekly charge equivalent to the rent will be charged for the duration of occupation, this is known as Mesne Profits. Mesne Profits are when a former tenant remains in occupation after a tenancy has been terminated and means a landlord can claim money from them for continued use of the premises. This will only be a temporary position whilst the remaining tenant's eligibility for social housing is assessed.

MDH expects the remaining tenant(s) to:

- Register with Devon Home Choice;
- Provide relevant support evidence and;
- Provide household occupant information.

8.9 MDH will check the remaining occupants' eligibility for social housing by:

- Assessing your eligibility for the property size;
- Ensuring that you do not have capital above the amount permitted under the Devon Home Choice Policy;
- Whether you are eligible to remain at the property and;
- We will consider what tenancy type to award you, (we do not have to give you the same tenancy that you held previously, this is at MDH's discretion).

8.10 MDH may consider offering a property to one joint tenant after the tenancy has been terminated by the other joint tenant. A feature of a joint tenancy is that it can be brought to an end by one of the joint tenants, acting unilaterally. There may be circumstances where one joint tenant does this with unfair consequences for the other joint tenant, e.g. following a relationship breakdown. In such circumstances MDH may agree to grant the other joint tenant a sole tenancy of the property, or of another vacant property.

9 Change to household

9.1 Tenants are responsible for telling MDH of any changes to their household. This includes people moving in, people moving out, or the number of children in the property. If a tenant marries or changes their name, MDH will require evidence of this before updating a tenancy record. The following documents would be accepted as evidence:

- Passport / Driving licence;
- Certificate of marriage, civil partnership or divorce/dissolution; or
- Confirm of name change by Deed Poll.

10 Mutual Exchange

- 10.1 A mutual exchange is where one tenants can 'swap' their tenancy with another tenant.
- 10.2 Mutual exchange can only take place with the consent of MDH. MDH can only refuse permission for a mutual exchange on specific grounds.
- 10.3 A mutual exchange is the process through which secure and assured tenants can assign their tenancy to another secure or assured tenant.
- 10.4 Secure or assured tenants whose tenancy commenced before 1 April 2012 wishing to exchange properties with a tenants holding a flexible or fixed term tenancy are entitled to have their exchange granted through a surrender and re-grant of a new tenancy.
- 10.5 MDH encourages the use of mutual exchange for tenants who wish to downsize, upsize or who want to move to another location.
- 10.6 MDH will ensure that tenants who wish to mutually exchange are aware of any implications to their tenancy, such as:
- Any rent changes;
 - Any changes between security i.e. secure or assured status and;
 - Any implications on the Right to Buy.
- 10.7 MDH uses the [House Exchange](#) website to allow tenants to advertise their property.

10.8 Tenants must ensure that the property they wish to mutual exchange with will not under or over occupied because of the move. This means:

- Tenants currently in a 3 bedroom home that only have a 1 bedroom need will not be permitted to mutually exchange to a property which has 2 or more bedrooms and;
- Tenants currently in a 1 bedroom home that have a 3 bedroom need will not be permitted to mutually exchange to a property with less than 3 bedrooms.

10.9 The applicants must accept the property in its present condition and must carefully inspect the property ahead of agreeing to make the move because they could be responsible for remedying any defects that are discovered after the exchange is completed.

10.10 The incoming tenants will be required to accept:

- Responsibility for previous tenant's improvements or alteration to the home, be they authorised improvements or not;
- Tenant neglect or abuse;
- Any defects hidden at the time of inspection and;
- Rubbish and household items left by the previous tenant.

10.11 MDH will not accept any responsibility for, or costs associated with, remedying any points from the above list.

10.12 Providing there are no obvious grounds for refusal on receipt of the application, the property will be inspected by an MDH Officer, using inspection guidelines. Any unauthorised alterations or non-standard/additional fittings will be recorded and all problematic alterations will need to be removed or rectified by the tenant prior to the mutual exchange taking place.

10.13 This is not a comprehensive inspection, and there may be hidden hazards, alterations or damage not identified during this inspection, however the incoming tenant will still be responsible to rectify issues subsequently discovered.

10.14 The applicant who wishes to exchange into the property will be encouraged to attend the property inspection, so that any alterations can be highlighted and to ensure that a thorough inspection takes place. A letter will need to be signed confirming acceptance of the new property and its current condition.

10.15 Applicants should consider if the new home will be suitable for their needs and that includes pets and animals. Some social housing properties do not allow pets or animals and tenants would need to consider this if they are expecting to take their pets or animals with them.

11 Tenancy Sustainment

11.1 MDH is committed to helping tenants to maintain their tenancy and offers a variety of ways to support tenants in achieving a successful tenancy.

11.2 MDH will monitor the condition of homes and neighbourhoods by carrying out regular neighbourhood walkabouts and tenancy home checks. MDH will take appropriate action to resolve any breaches effectively.

11.3 Where a tenant has been identified as needing additional support, the tenant will be sign-posted to external agencies such as the Citizens Advice Bureau, CHAT or floating support services.

11.4 A Tenancy Home Check is a survey, which involves a member of the Housing team visiting tenants in their home to complete a short questionnaire, and take down some details about them and their household.

11.5 MDH will utilise tenancy home checks to touch base with our tenants and ensure that we are delivering a good quality service.

11.6 MDH will visit properties in the housing stock regularly in order to carry out tenancy home checks. Regular inspections allow MDH to:-

- Provide support to tenants who are vulnerable;
- Check where there are safeguarding or welfare concerns;
- Increase customer profiling information;
- Identify opportunities for service improvement and tenants who wish to become involved;
- Check who is living at the property;
- Raise concerns about the condition of a property or safeguarding issues following an inspection;
- Check that tenants are complying with the terms and conditions of their tenancy;
- Investigate alleged tenancy fraud;
- Identify abandonment and non-occupancy of a property and;
- Prevent unauthorised subletting or assignment; and

- Identify concerns around property condition, such as potential health and safety risks such as hoarding and disrepair.

12 Tackling Tenancy Fraud

12.1 MDH will take action against any tenant found to be committing tenancy fraud. Examples of tenancy fraud include:

- Unauthorised sub-letting;
- Right to Buy fraud;
- Non-occupation by the tenant; and
- Anyone obtaining a social tenancy fraudulently.

12.2 MDH's approach is to comply with the Regulatory Framework, and take action to prevent fraud and ensure that our housing stock is only occupied by those with a legal right to be in residence.

12.3 MDH will work in partnership with our Council departments and external agencies to tackle reports of fraud.

12.4 Where appropriate, MDH will publicise cases of tenancy fraud.

12.5 MDH will take enforcement actions to stop tenancy fraud and ensure social housing is being used for its intended purpose.

12.6 MDH will continually look to improve our performance on tackling tenancy fraud.

13 Lodgers and Subletting

13.1 Secure tenants have the right to take in lodgers without our consent but must not allow their home to become overcrowded. You have a legal obligation under the terms of the tenancy to provide MDH with their full name, former address, National Insurance number and date of birth to ensure we do not put employees, contractors or councillors at risk with unknown members of your household. If you receive any help with housing costs or Council Tax, you are responsible for updating the relevant organisation.

13.2 When the tenant ends the tenancy by giving a NTQ, lodging arrangements granted by the tenant end at the same time as the tenancy.

13.3 As per the terms of the Tenancy Agreement, tenants are not permitted to sub-let the property. It must be used as their sole or principle home.

14 Overcrowding and Under Occupation

14.1 There will be times where a tenant's home has become too big or too small for their needs. When situations like this arise, MDH will work with the tenant, to discuss the options of transferring via the Devon Home Choice, choice based lettings site and also via the mutual exchange site [House Exchange](#). In certain circumstances, MDH has discretion to make an allocation of accommodation through a direct let to applicants or a management move for tenants without the need to advertise through DHC. For more information see section 12.1 of the MDH Allocations Policy.

15 Vulnerable Tenants

15.1 MDH is committed to providing support for tenants who have language and literacy difficulties as well as those with support needs in line with our vulnerability policy, which is available on our website.

15.2 When making decisions to grant, renew, extend or terminate a tenancy, we will ensure that we take into account:

- Any special circumstances and needs of the household who are vulnerable because of a protected characteristic;
- Ensure that the needs and circumstances of the tenant are known before making a decision.

16 Domestic Abuse

16.1 This policy does not aim to cover MDH's policy on domestic abuse. The MDH Anti-Social Behaviour Policy details our approach to domestic abuse.

16.2 In situations where survivors of domestic abuse need support to remain in their existing home, and where the perpetrator is a joint tenant, MDH may consider the scope for evicting the perpetrator and allowing the survivor to return to their home with a new tenancy agreement.

16.3 We recognise that survivors of domestic abuse who have a lifetime social tenancy (whether a local authority secure periodic tenancy or a housing association assured periodic tenancy) may be reluctant to leave an abusive situation if it means losing their security of tenure.

- 16.4 The [Domestic Abuse Act 2021](#) ensures that lifetime tenants who suffer domestic abuse will retain lifetime security if they are granted a new tenancy by a local authority for reasons connected with the abuse.
- 16.5 Tenants who have suffered domestic abuse may wish to remain in, or return to, their own home, where for example the perpetrator has left or can be removed. Where it is safe to do so, MDH will encourage survivors to return to their home. It is important that survivors are supported to make an informed choice and that an appropriate risk assessment is carried out. They should not be put under pressure to remain in their home in order to reduce pressure on available housing.
- 16.6 Following an assessment of the property, and the needs and circumstances of the household, MDH may be able to make it safer for the survivor and family to remain in the property through the provision of appropriate security measures through the Sanctuary Scheme. These include:
- Reinforced doors and windows, and extra locks; fire retardant letter boxes, smoke alarms and fire; and
 - Safety equipment; alarms, intercoms, and video entry systems; and the provisions of a sanctuary room from where the survivor can call and wait for the arrival of the police.
- 16.7 MDH will inform tenants of the option of applying to the court for an injunction against the perpetrator such as an order prohibiting the perpetrator from molesting the tenant (non-molestation orders), or an order prohibiting the perpetrator from living in the home, such as a transfer of tenancy into a sole name if joint tenants. Based on individual circumstances, tenants could seek a stalking protection order.
- 16.8 This protection applies to survivor who have a lifetime tenancy, or survivor who have had a lifetime tenancy in the past and have fled their social home to escape domestic abuse.
- 16.9 The protection also applies to the survivor of domestic abuse who have a joint lifetime tenancy and who wish to continue living in their home after the perpetrator has left.
- 16.10 The provisions apply to lifetime tenants of local authorities and private registered providers of social housing.
- 16.11 Domestic Abuse survivors have a right to apply as homeless to any Council if they do not feel safe in their homes and should speak to the Housing Options team on 01884 255255 if they wish to apply to Mid Devon District Council as homeless.

17 Complaints and Feedback

17.1 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.

17.2 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

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

17.4 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'.*

17.5 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.

17.6 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.

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

18 Equality Impact Assessment

- 18.1 MDH complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us make sure 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.

This page is intentionally left blank

Equality Impact Assessment

Purpose of the Equality Impact Assessment process:

The Equality Act (2010) introduced the [Public Sector Equality Duty](#) (PSED) requiring public bodies to give due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

Consideration must be given to the protected characteristics covered by the Equality Act (2010). Assessments should consider relevant evidence relating to persons with protected characteristics in relation to assessments of potential impact.

The purpose of an Equality Impact Assessment (EIA) is to ensure that policies, functions, plans or decisions (hereafter referred to as 'policy/ decision') do not create unnecessary barriers for people protected under the Act. Where negative impacts are identified these should be eliminated or minimised, and opportunities for positive impact should be maximised. An EIA is not required for a decision in relation to an individual.

Screening is a short exercise to determine whether a policy/ decision is relevant to equalities, and if so, whether a full EIA should be conducted.

Section 1: Equality Impact Assessment Screening

Title and description of the policy/ decision:	MDH Tenancy Management Policy		
Job title of the person(s) undertaking the assessment:	Policy Officer		
Council service:	Mid Devon Housing		
Date of assessment:	20/02/2025		
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?			
<p>The Tenancy Management Policy is a supportive document for MDH's Tenancy Agreement.</p> <p>Tenants of MDH have certain rights given to them as part of their tenancy. The aim of the policy ensures that these rights are outlined in relation to the management of the tenancy and provide clear guidelines for how they are managed as and when they occur.</p> <p>These include:</p> <ul style="list-style-type: none"> • Types of tenancies • Ending a tenancy • Changes to tenancies • Granting discretionary tenancies • Tenancy sustainment • Tackling tenancy fraud • Lodgers and subletting • Overcrowding and under-occupation • Vulnerable households • Domestic Abuse <p>It will ensure that MDH is compliant with its responsibilities under relevant legislation.</p> <p>The Tenancy Management Policy will ensure that all tenants receive a consistent response to issues that may arise in respect of their tenancy agreements and will inform tenants about how MDH will deal with requests that are made under this policy.</p>			
Who may be affected by the policy/ decision?	All tenants and household members		
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	<p>Tenants were consulted between 24/01/2025 – 16/02/2025</p> <p>Members of the Homes PDG were consulted between 24/01/2025 – 16/02/2025</p>		
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	Yes		
To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:			
	Yes	No	Details

1. Eliminate unlawful discrimination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Advance equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	
3. Foster good relations between different groups	<input type="checkbox"/>	<input type="checkbox"/>	

Which of the protected characteristics is the policy/ decision relevant to?

Tick and briefly describe any likely equalities impact (positive, negative, or neutral)

Characteristic	Positive	Negative	Neutral	Comments
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No action needed. The rights of existing tenants remain unaffected. Introductory tenancies will be offered to all new tenants, regardless of age.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 OH and a service adjustment can be offered if required, for example, large print letters, document translation.
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

*Applies only to Employment and the duty to give regard to the elimination of discrimination.

Decision by Corporate Manager to recommend this policy/ decision for an Equality Impact Assessment?

Yes

If the answer is “Yes”, please continue to the Section 2 and complete the Equality Impact Assessment. If the answer is “No”, please give a brief reason here.

EIA Screening Complete

Section 2: Equality Impact Assessment

Evidence and Consultation

What existing sources of information have you gathered to help identify how people covered by the protected characteristics may be affected by this policy/ decision? E.g. consultations, national or local data and/or research, complaints or customer feedback. Please identify any gaps in the available information that might make it difficult to form an opinion about the effect of the policy on different groups.

The contents of the Tenancy Management Policy provides guidance as to how MDH will respond to the rights and responsibilities tenants have in accordance with their tenancy agreement. This policy does not change any tenancy rights, but sets out MDH's statutory responsibilities to its tenants.

All MDH tenants have a tenancy agreement that provides them with the rights outlined in legislation. The policy sets out how MDH will respond to issues that arise under the tenancy agreement. No communities or groups are affected in an adverse way.

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.

Some tenants, for example secure tenants, will have more rights than introductory tenants. This is reflective of the current legal and policy framework.

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.

Please complete this table for all the Protected Characteristics. If you have identified any negative impacts you will need to consider how these can be justified or where possible mitigated either to reduce or remove them. (Please add rows where needed)

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
None			
Age			
None			
Disability			
None			
Religion or Belief			
None			
Race			
None			
Sexual Orientation			
None			

Gender Reassignment			
None			
Pregnancy/ maternity			
None			
Marriage and Civil partnership (Applies only to Employment and the duty to give regard to the elimination of discrimination)			
N/A			

Please provide details of arrangements to monitor and review the policy/ decision and any mitigating actions or actions to promote equality:

MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations.

Please state where the EIA will be published (e.g. on the Mid Devon District Council website):

Mid Devon Housing Website

=====

Equality Impact Assessment Sign off

For completion by Corporate Manager

Are you prepared to agree and sign off the EIA?

Yes **No**

If "No", provide details of why and next steps:

Name: Simon Newcombe

Job Title: Head of Housing and Health

Date: 20/02/2025



Report for: Homes Policy Development Group

Date of Meeting: 18th March 2025

Subject: **VARIATION TO STANDARD MID DEVON HOUSING TENANCY AGREEMENT**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing, Assets and Property

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: None

Section 1 – Summary and Recommendation(s)

The current Tenancy Agreement was launched in 2016 and was due for a review. However, as the Cabinet approved the Homes PDG recommendation that the use of Flexible Tenancies be halted further changes are required to the Tenancy Agreement to reflect this change and therefore there is a requirement to undertake a broad review of the agreement now.

In addition to the above, many of the Mid Devon Housing (MDH) Policies have been reviewed and updated in line with recent legislation changes and the introduction of the Social Housing (Regulation) Act 2023. The changes made are also not reflected in the current 2016 Agreement.

Recommendation:

That the Homes PDG recommends to Cabinet that the procedure for the variation of tenancy conditions and updating the standard Tenancy Agreement, including formal consultation with tenants, commence in line with the Housing Act 1985 (sections 102 & 103).

Section 2 – Report

1 Introduction

- 1.1 It should be noted that there has been significant change since November 2016 when the Tenancy Agreement was last reviewed and the amended, current version came into use. Since then, the fire at Grenfell Tower, subsequent legislative and regulatory changes, the pandemic and the cost of living crisis have all impacted the work of MDH as a landlord.
- 1.2 It is important that the tenancy agreement in use reflects the external operating environment. In particular, the implementation of the Social Housing (Regulation) Act 2023 has brought about significant changes, with the aim of putting tenants at the heart of the work of Registered Providers and setting new, mandated consumer standards under a wider updated consumer regulation regime. Recent policy reviews have taken account of some of the required changes and the Tenancy Agreement also needs to be updated to ensure that conditions of tenancy are aligned with policy commitments.
- 1.3 The Homes PDG set up a working group to look at tenure reform, as a result of this a recommendation was made to Cabinet that the use of flexible tenancies be halted. This means that we will need to issue a new Tenancy Agreement which reflects this new approach.
- 1.4 At the June 2024 Homes PDG, members received an update on the project plan relating to tenure reform and the update of the current standard Tenancy Agreement for our tenants. The action plan was dependant on the work of the tenure reform working group and was noted and agreed.
- 1.5 The agreed action plan has been followed since with several verbal updates to the PDG in the interim. These updates noted a delay in action plan due to an extended legal review of the proposed draft updated Tenancy Agreement. This legal review is now complete and any further amendments have been incorporated into a draft document that is now ready for formal consultation with tenants as set out within the action and further outlined below for clarity.

2 Legislative and regulatory requirements

- 2.1 Sections 102 and 103 of the Housing Act 1985 contain specific provisions relating to the variation of tenancy conditions and sets out the procedure to be followed where landlords are planning to do these. These provisions relate to secure and introductory tenancies only.

2.2 It should be noted that the variation procedure set out in the Act must be adhered to. However, if it has, then tenants are not required to sign the new agreement.

3 Formal consultation

3.1 The formal consultation process on the draft updated Tenancy Process will adhere to the legal requirements of this action as well as following best practice in terms communication with tenants to ensure as wide an engagement and response as possible.

3.2 Sections 102 and 103 of the Housing Act 1985 details that all secure and introductory tenants must be consulted on any tenancy changes. If commencement of the variation procedure be approved the following consultation exercise will be implemented:

- All secure and introductory tenants will be sent (in the post) a preliminary notice of variation providing them with the formal consultation period and informs tenants of the Council's intention to serve a Notice of Variation. The consultation will run for 28 days.
- Tenants will be provided a 'Tenancy Agreement changes at a glance' leaflet which explains the main changes affecting tenants. They will be provided with a consultation form which they can complete with their comments. They will be provided with pre-paid envelopes to ensure that they can complete and return their responses at no cost to themselves
- Partners and Members will also be invited to comment on the revised agreement during the consultation period
- A series of open sessions will be held in Tiverton, Crediton, Cullompton, and online via Teams with tenants being invited to attend and comment on the proposals
- The consultation will be available through our dedicated consultation hub on the website
- An online survey will be launched on Let's Talk Mid Devon and promoted through our social media pages offering tenants a chance to respond to the consultation
- We will promote the consultation through our community cuppa events

3.3 Once the preliminary consultation has been completed, Officers will collate all the responses received and present these back to Members before authorisation is sought to serve a Notice of Variation. The Council must consider any comments made by secure tenants within the consultation period before deciding to serve the Notice of Variation.

3.4 The new tenancy agreement will come into force 28 days after the Notice of Variation has been served.

4 Flexible tenancies

4.1 Legislation under Sections 102 and 103 of the Housing Act 1985 provides that a Registered Provider may vary the terms of a secure tenancy only. There is

no legislation which allows for the variation of a flexible tenancy during the term of the tenancy.

- 4.2 In accordance with legislation only current secure tenants will be given notice of the variation.
- 4.3 As per the decision of Cabinet on 9th July 2024 no new flexible tenancies have been issued by MDH since that date.
- 4.4 Legislation does not allow Registered Providers to unilaterally move all current flexible tenancies onto a secure tenancy before the end of their flexible fixed term. The process would involve surrendering the current flexible lease and re-granting of a new one under secure terms. Where flexible tenants have rent arrears changing from flexible tenancy to secure also causes problems. If the variation operates as a surrender and re-grant then the Council will not be able to seek possession after the re-grant of the tenancy for rent arrears that accrued under the flexible tenancy.
- 4.5 When a flexible tenancy expires if the Council has taken no action to renew it then the flexible tenancy automatically becomes a secure periodic tenancy and there is no need to surrender the tenancy and re grant it. One way to change flexible tenants into secure tenants is to simply wait for the flexible tenancy to expire.
- 4.6 Therefore, existing flexible tenancies will no longer be renewed onto new fixed term arrangements when their flexible tenancy expires, they will instead be rolled onto a periodic secure tenancy at this point. Tenants will not be required to sign a new standard tenancy agreement as a result.
- 4.7 Once a flexible tenant moves onto a periodic secure tenancy they will be bound under the terms of the standard tenancy agreement in force at the time. Flexible tenants will be informed in writing when their tenancy becomes a periodic secure tenancy.

5 Recommendation

- 5.1 In accordance with the above, the following recommendation is made:
 1. That the Homes PDG recommends to Cabinet that the procedure for the variation of tenancy conditions and updating the standard Tenancy Agreement, including formal consultation with tenants, commence in line with the Housing Act 1985 (sections 102 & 103).

Financial Implications

The landlord service is funded through the Housing Revenue Account (HRA) which is a ring-fenced account. The main income into this account is derived from the rent paid by tenants, and the HRA must balance. The work involved in a tenure review and also a review of the standard conditions of tenancy will be contained within existing budgets in the HRA.

Legal Implications

As a registered provider (RP) of social housing, the Council is obliged to take account of the standards contained within the revised regulatory framework which is administered by the Regulator of Social Housing (RSH). This states that RPs should meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

The Social Housing (Regulation) Act 2023 is designed to strengthen the regulatory framework for social housing and to introduce a new proactive, consumer-led regulation regime focussed on meeting the needs of tenants.

Section 102 and 103 of the Housing Act 1985 provides that in England and Wales the terms of a secure tenancy (other than those implied by statute) may be varied, therefore correct compliance with legislation is a requirement to prevent any legal challenges.

Section 105 of the Housing Act 1985 sets out the Council's duties relating to consultation with tenants on matters of housing management. Following any consultation, the MDH will be obliged to give a minimum notice period of 4 weeks in advance of any change.

Risk Assessment

It is good practice to review tenancy agreements on a regular basis to take account of changes to legislation, regulatory requirements, policy and good practice. RPs also need to ensure that those responsible for housing management can rely on a robust tenancy agreement which can be used in support of efficient and effective management of tenancies and the housing stock.

Impact on Climate Change

The Housing Act 1985 requires local authority landlords to undertake consultation and also to print out various documents and to send these through the post when reviewing conditions of tenancy. This will, of course, have an impact upon emissions but cannot be avoided, in line with legislative requirements.

Equalities Impact Assessment

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

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

An Equality Impact Assessment (EIA) has been drafted and no significant impacts have been identified at this stage. However, the tenant consultation set out herein may

result in additional responses and consideration that need to be taken into account regarding protected characteristics. As such, when the final tenancy agreement comes forward for adoption it will include an EIA, updated as required.

Those tenants who may have difficulty using standard means of written communication, including those who with literacy issues or whose first language is not English can request alternative forms of communication, including telephone calls, face to face contact and alternative formats including information in large print. The consultation exercise will highlight and support these alternatives.

Relationship to Corporate Plan

Homes and social housing are a clear priority within the Corporate Plan. We will work closely with our tenants to ensure they feel safe, secure and happy in their homes. It is also important that the obligations on tenants and MDH as the landlord are clearly defined and this is where an up to date, clear standard Tenancy Agreement is important.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 6 March 2025

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 6 March 2025

Chief Officer: Stephen Walford

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

Date: 6 March 2025

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 04 March 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe – Head of Housing & Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Current Tenancy Agreements: [Tenancy Agreements - MIDDEVON.GOV.UK](#)

[Housing Act 1985](#)

This page is intentionally left blank



Report for: Homes Policy Development Group

Date of Meeting: 18th March 2025

Subject: **FINAL REPORT OF DOWNSIZING INCENTIVES WORKING GROUP**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing, Assets and Property

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Final Report of the Downsizing Incentive Working Group

Section 1 – Summary and Recommendation(s)

The Homes PDG established a Downsizing Incentives Working Group to investigate potential incentives that might encourage tenants to move from larger properties. The group was tasked with gathering tenants' perspectives on desirable incentives and providing recommendations for an incentive scheme. The recommendations of the working group are set out below.

Recommendation(s):

The Working Group recommends that the Homes PDG recommends to Cabinet that the Downsizing Incentives be developed by Officers and added as an addendum to the Allocations Policy with the following provisions:

1. **A maximum financial incentive of £1,000 for tenants downsizing by one bedroom**

2. **A maximum financial incentive of £2,000 for tenants downsizing by two or more bedrooms**
3. **Tenants could use the financial incentive to offset any recharges they might owe on their current property or to cover costs for moving, new carpets and/or redecoration in their new property. If no recharges are owed, they would receive the full incentive amount to use at their discretion**
4. **A direct let option for existing tenants to allow MDH to consider downsizing moves into newly void properties in specific circumstances in accordance with wider allocation policy**
5. **A communication plan including targeting of hard-to-reach tenants**
6. **One-to-one support for completing Devon Home Choice applications if relevant**
7. **A 12-month pilot scheme, followed by a review to assess the scheme's success and determine next steps.**

Section 2 – Report

1 Background

- 1.1 On 9th July 2024 the Cabinet agreed, after a recommendation of the Homes PDG that use of Flexible tenancies be halted. The Homes PDG agreed to set up Working Group to explore the possible introduction of an incentive scheme to encourage and support tenants who were willing to move out of larger accommodation if they were under occupying them.
- 1.2 MDDC had used Flexible tenancies since 2013, one of the reasons that they were originally introduced by the Localism Act 2011 was that these tenancies could be reviewed on a periodic basis. The legislation that brought in Flexible tenancies gave the ability for registered providers to end a Flexible tenancy if the tenant was found to be under occupying at a review. In reality the legislation was not comprehensive and did not consider a tenants rights when a registered provider wanted to end the tenancy for the sole reason of under occupancy. Any decisions relating to the renewal of a flexible tenancy must account for the long term health needs and disabilities found in each household. Since they were introduced not one flexible tenant has been made to move home because their tenancy was not renewed due to under occupancy.
- 1.3 The new Regulator of Social Housing (RSH) Tenancy Standard states that Registered Providers must develop and deliver services to address under-occupation and overcrowding in their homes. These services should be focused on the needs of tenants.
- 1.4 The Devon Housing Commission Report (July 2024) recognises that Devon's homes are some of the most under-occupied in the country. With secure tenure under legislation, local authority social housing is particularly impacted by under occupation of stock.

2 Tenant Consultation

- 2.1 In October and November 2024, tenants living in properties with 3 or more bedrooms were invited to complete a survey to gather feedback on whether they agree with a downsizing incentive and what incentives would appeal to them most. The survey was successful in that it received 76 responses. The survey was sent via the post and emailed to those that MDH hold an email address for. Of the 76 responses, 46 were completed online and 30 were returned via post.

53 tenants (around 70%) agreed that MDH should offer an incentive. 21 disagreed and 2 skipped the question. This showed there was overall support to offer a downsizing incentive.

The survey results showed that tenants attitude towards a downsizing incentive is positive and would encourage them to consider downsizing. Whilst there is clear support, the feedback also highlighted the complexity and diversity of tenant needs.

3 Other Considerations

- 3.1 The Head of Housing and Health highlighted that we could not offer tenants rent free periods or council tax exemptions as had been suggested by some tenants as this was against legislation and would not be legal.

MDH could provide aids and adaptations in a new property if needed, supported by an existing robust process to facilitate this. While the current practice involves installing adaptations after the tenant has moved in, arrangements could be made to complete them prior to the move if the requirements were known in advance. However, he noted that not all properties would be suitable for adaptations.

Regarding internal transfers, tenants could be offered a direct let option. This would allow MDH to match tenants with more specific requirements for a new home, such as location or necessary adaptations where particularly suitable properties become available through the normal void process. This approach could also help relocate tenants to more suitable homes, facilitating the redevelopment of existing properties that are nearing the end of their lifespan where are wider redevelopment opportunities.

- 3.2 The Head of Housing and Health explained to the Group that no dedicated budget had been allocated yet. However, there would be a need to develop a financial model based on a specific number of properties, with an initial proposal to model for 30 properties per year. The financial model would need to account for all financial incentives, including payments, recharges, and the cost of officer resources if one-to-one support were to be provided.

The Group carried out an exercise to estimate the potential financial cost of implementing all six proposed incentives. The cost per property, assuming the relinquishment of two bedrooms, was calculated at approximately £7,000. This

would result in an annual cost to the HRA of £210,000, based on 30 properties per year.

The Group agreed that offering all 6 incentives was not financially viable and suggested that the results of the survey be used to offer those incentives which were seen as most important to our tenants.

4 Rationale for Recommendations

- 4.1 Members had considered the views of MDH tenants and taken into consideration that the majority voted yes for a downsizing incentive. Members took their views of what types of incentives they valued the most into the recommendations.
- 4.2 Members recognised the need for tenants who were under occupying a home to downsize to enable larger homes to be released for families in need.
- 4.3 The downsizing incentive would provide the RSH with assurance that MDH are actively considering ways to support tenants to move into properties which were more suitable for their needs and to address under occupation.

Financial Implications

The proposed incentives will affect the Housing Revenue Account (HRA). Any costs associated with the recommendations in this report that are not covered by savings elsewhere or existing staffing budgets will need to be drawn from the HRA Minimum Working Balance.

Legal Implications

No secure tenant is required to relinquish possession of their home without a court order. The proposed incentive scheme is entirely voluntary, allowing tenants to freely choose whether to participate. Tenants may opt to enter into a new agreement with the council by surrendering their current property and accepting a tenancy for a smaller alternative, with the council providing a payment based on an approved scheme. While individuals are generally presumed to have the legal capacity to make decisions, officers should remain mindful that some tenants, due to age or other disabilities, may lack the capacity to make informed decisions and manage their affairs.

Risk Assessment

Formulation of a Downsizing Incentive Scheme will encourage and support tenants to move to suitable accommodation. Tenants who are in receipt of benefits are affected by the 'bedroom tax' which provides a financial disincentive to remaining in a home which is larger than they need. Promotion of mutual exchange scheme will encourage moves. Improved data collection on households will enable targeted contact with tenants under occupying.

Risks associated with this scheme have been considered although assessment will need to continue throughout the early life of the scheme. Whether the payment is

sufficient to incentive downsizing remains to be seen, although with the number of tenants looking to reduce numbers of bedrooms in their properties expected to increase, another risk is that HRA resource is being paid to support moves which would have happened anyway.

Impact on Climate Change

This report does not have any effect on Climate Change

Equalities Impact Assessment

The introduction of the scheme should have a positive impact on older people, who may currently be residing in properties that are too large for them to heat and maintain; but have chosen not to downsize due to the fear of potentially not having a spare room for a future live in carer or a family member to support their needs.

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

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

Those tenants who may have difficulty using standard means of written communication, including those who with literacy issues or whose first language is not English can request alternative forms of communication, including telephone calls, face to face contact and alternative formats including information in large print.

Relationship to Corporate Plan

We will work closely with our tenants to ensure they feel safe, secure and happy in their homes.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 6 March 2025

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 6 March 2025

Chief Officer: Stephen Walford

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

Date: 6 March 2025

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 04 March 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe – Head of Housing and Health or Cllr Andrew Glover
(HPDG member/Chair of Downsizing Incentives Working Group

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

Telephone:

Background papers:



Downsizing Incentive

March 2025

A review to explore the possible introduction of an incentive scheme to encourage and support tenants who are willing to downsizing.

1	Introduction	3
2	Working Group Members	3
3	Rationale	3
4	Tenant Involvement.....	4
5	Statistical Information.....	5
6	Considerations	5
7	Recommendations	6
8	Rationale for Recommendations	7

1 Introduction

- 1.1 On the 9th July 2024, the Cabinet agreed, after a recommendation of the Homes PDG that the use of flexible tenancies be halted. The Homes PDG agreed to set up a Working Group to explore the possible introduction of an incentive scheme to encourage and support tenants who were willing to move out of larger accommodation if they were under occupying them.
- 1.2 MDDC had used flexible tenancies since 2013 after being introduced by the Localism Act 2011. It meant tenancies could be reviewed on a periodic basis and gave registered providers the ability to end a tenancy if the tenant was found to be under occupying at the point of review. However, the legislation was not comprehensive enough and did not consider tenants' rights when a registered provider wanted to end the tenancy for the sole reason of under occupancy. Since introduction, not one flexible tenant was made to downsizing due to under occupancy.
- 1.3 The Regulator of Social Housing (RSH) states that Registered Providers, under the Tenancy Standard, must develop and deliver services to address under-occupancy and over crowding in their homes. These services should be focused on the needs of tenants.
- 1.4 Work already takes place to assist families who need to move into larger homes including the Devon Home Choice Policy which allows those wishing to downsize to be awarded a high housing need band (Band B) which enables a high need property to be released which aids the wider management of the social housing rented stock. MDH also has a comprehensive development program which aims to deliver 500 additional social housing units.

2 Working Group Members

- 2.1 The Working Group was made up of the following Members:
 - Cllr A Glover
 - Cllr C Connor
 - Cllr M Tuffin
- 2.2 Cllr A Glover was duly elected Chairman of the Working Group
- 2.3 The Working Group met on two occasions 06/08/2024 and 17/12/2024.

3 Rationale

- 3.1 Within the district, as is the case nationally, there are high numbers of tenants who are under occupying their current general needs rented accommodation. Many are older tenants occupying family houses where family members have grown up and left home.

- 3.2 Many tenants in this situation may find it increasingly challenging to look after a large property alongside other factors such as rent levels being higher for larger properties, with benefits not covering additional and unused bedrooms.
- 3.3 Due to the high demand for all MDH properties, and in particular, larger family homes, actions need to be taken in order to ensure that additional properties are made available for families whilst at the same time looking after the health and wellbeing of older tenants who may be struggling with looking after and affording a larger property.
- 3.4 Although a tenant may struggle to look after or afford a larger property, they may also find it daunting to downsize or may not have the financial means to do this.

4 Tenant Involvement

- 4.1 In October and November 2024, tenants living in properties with 3 or more bedrooms were invited to complete a survey to gather feedback on whether they agree with a downsizing incentive and what incentives would appeal to them most. The survey was successful in that it received 76 responses. The survey was sent via the post and emailed to those that MDH hold an email address for. Of the 76 responses, 46 were completed online and 30 were returned via post.
- 4.2 53 tenants (around 70%) agreed that MDH should offer an incentive. 21 disagreed and 2 skipped the question. This showed there was overall support to offer a downsizing incentive.
- 4.3 Among the tenants that agreed, several key themes emerged:
 1. Tenants emphasised that downsizing must be voluntary, without pressure or penalties.
 2. The new homes must meet personal needs, including location, accessibility and family connections
 3. Many highlighted that larger homes are essential for families, particularly those facing overcrowding or caring for children with disabilities so this led to support of an incentive to free up homes for those that need them.

Among the tenants that disagreed, the key themes that emerged were:

1. Many tenants have spent years and sometimes thousands of pounds making their homes comfortable.
2. Moving disrupts established friendships and support networks, particularly for long-term tenants.
3. Tenants with homes that have been adapted for disabilities may struggle to find suitable replacements.

4.4 To better understand tenant priorities they were asked to rank 6 potential incentives. Those most important incentives according to the survey are:

1. Financial incentives
2. New carpets and or redecoration of the new property
3. Prioritisation for internal transfers
4. No recharges for repairs in the home being vacated.

The least important were a pick and pack service to assist with moving and end to end support with a dedicated Officer. This shows that while financial support is the top priority, practical assistance with preparing for a new home is also valued.

4.5 When asked specifically about financial incentives, the response varied but several key themes emerged. Lump sums were the most popular suggestion but many felt that the incentive should cover moving costs, including removal vans, decorating and new carpets. Support for tailored incentives was also strong, particularly for tenants with disabilities who need homes with specific adaptations.

5 Statistical Information

5.1 Members noted statistics relating to the amount of homes that came available in Mid Devon according to bedroom size. From the 1st April 2023 – 31st March 2024, Mid Devon Housing let 99 1 x bedroom properties, 79 2 x bedroom properties, 32 3 x bedroom properties and 3 4+ bedroom properties.

5.2 Members noted that of 18 Devon Home Choice partners, 6 offer tenant downsizing incentives.

5.3 Members noted the results of 76 responses received in the tenant survey.

6 Considerations

6.1 Officers confirmed that the Regulator of Social Housing requires registered providers to address under occupying and support tenants to move to properties which were more suitable for their needs.

6.2 Officers explained that the cost of a downsizing incentive is borne by the Housing Revenue Account (HRA) after a discussion regarding the cost of housing families in temporary accommodation, the costs of which are borne by the General Fund.

6.3 It was highlighted that MDH could not offer tenants rent free periods or Council Tax exemptions as an incentive as this would be against legislation and would not be legal.

- 6.4 Officers explained that MDH could provide aids and adaptations in a new property if needed, supported by an existing robust process to facilitate this. While the current practice involves installing adaptations after the tenant has moved in, arrangements could be made to complete them prior to the move if the requirement is known in advance. However, it was noted that not all properties would be suitable for adaptations.
- 6.5 It was highlighted that tenants could be offered direct lets which would allow MDH to match tenants with more specific requirements for a new home such as location or necessary adaptations where particularly suitable properties become available through the normal void process. This approach could also help relocate tenants to more suitable homes, facilitating the redevelopment of existing properties that are nearing the end of their lifespan where there are wider redevelopment opportunities.
- 6.6 It was explained that a variety of channels will be used to advertise any incentives including social media, My Mid Devon, newsletters, through tenant conversations with Officers. Tenant Involvement staff will also be available to talk to tenants on a one to one basis and assist with Devon Home Choice applications.
- 6.7 Discussions took place regarding a budget and whilst no dedicated budget has been allocated yet, a financial model would need to be developed to account for all financial incentives including payments, recharges and the cost of officer resources. The group carried out an exercise to estimate the potential financial cost based on 30 properties per year implementing all six proposed incentives which were offered to tenants in the survey. The group agreed that offering all 6 incentives was not financially viable due to the cost per property was calculated at approximately £7,000. This would result in an annual cost to the HRA of £210,000 based on 30 properties per year. Instead, it was suggested that the results of the survey be used to offer those incentives which were seen as the most important to tenants.
- 6.8 The group suggested the incentive would be piloted for 12 months initially to establish take up and whether the incentives would need to be altered to be more attractive to tenants.

7 Recommendations

- 7.1 The Working Group recommends that the Homes PDG recommends to Cabinet that a downsizing incentive would be added as an addendum to the current Allocations Policy with the following provisions:
1. A maximum financial incentive of £1,000 for tenants downsizing by one bedroom.
 2. A maximum financial incentive of £2,000 for tenants downsizing by two or more bedrooms.
 3. Tenants could use the financial incentive to offset any recharges they might owe on their current property or to cover costs for moving, new carpets and/or

re-decoration in their new property. If no recharges are owed, they would receive the full incentive amount to use at their discretion.

4. A direct let option for existing tenants to allow MDH to consider downsizing moves into newly void properties in specific circumstances in accordance with wider allocation policy.
5. A communication plan including targeting of hard-to-reach tenants
6. One-to-one support for completing Devon Home Choice applications if relevant
7. A 12-month pilot scheme, followed by a review to assess the scheme's success and determine next steps.

8 Rationale for Recommendations

- 8.1 Members had considered the views of MDH tenants and taken into consideration that the majority voted yes for a downsizing incentive. Members took their views of what types of incentives they valued the most into the recommendations.
- 8.2 Members recognised the need for tenants who were under occupying a home to downsize to enable larger homes to be released for families in need.
- 8.3 The downsizing incentive would provide the Regulator of Social Housing assurance that MDH are actively considering ways to support tenants to move into properties which were more suitable for their needs and to address under occupation.

This page is intentionally left blank



Report for: Homes Policy Development Group

Date of Meeting: 18th March 2025

Subject: **MID DEVON HOUSING UPDATED TENANT INVOLVEMENT STRATEGY**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing, Assets and Property

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Annex A – MDH Tenant Involvement Strategy
Annex B – MDH Tenant Involvement Strategy Equality Impact Assessment

Section 1 – Summary and Recommendation(s)

Under the Regulator of Social Housing’s Transparency, Influence and Accountability Standard Registered Providers (RPs) must take tenants’ views into account in their decision-making about how landlord services are delivered.

Recommendation(s):

That the PDG recommends that Cabinet adopt the updated Mid Devon Housing Tenant Involvement Strategy and Equality Impact Assessment contained in Annexes A and B respectively

Section 2 – Report

1 Introduction

- 1.1 Mid Devon Housing (MDH), in its role as a social landlord, is required to deliver compliance with the four Consumer Standards within the Regulatory Framework for Social Housing.
- 1.2 The Transparency, Influence and Accountability Standard was introduced in April 2024 and requires social landlords to work much more closely with tenants and other residents to take their views into account when decisions are made about how landlord services are delivered.
- 1.3 The Regulator of Social Housing (RSH) regard councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements.
- 1.4 Since the previous Strategy was agreed in 2021, MDH have introduced a dedicated Tenant Involvement Team whose purpose is to connect with tenants across different platforms and in other ways. This includes hard to reach tenants and those who have previously not engaged with MDH.
- 1.5 The overall aim of the Strategy is to empower our tenants through:
 - Transparency
 - Accountability
 - Influence

To ensure this happens then we must have a clear Strategy that provides a 'golden thread' of engagement. This is supported by our wider commitment to provide access to information and data, undertake clear communication and be open to monitoring and scrutiny through a number of different forums.

2 Review of Tenant Involvement Strategy

- 2.1 Tenant Involvement is the active participation of tenants in the decision making processes and activities that affect their housing and community. It plays an important part of housing management and is vital for building trust. Engaging with tenants ensures voices are heard, needs are met and communities are improved. Our Tenant Involvement Strategy 2025-2030 consists of four principles which feed into an action plan and link to the Transparency, Influence and Accountability Standard.
 - Strengthening engagement, participation and empowering tenants
 - Communication and insight - i.e. providing information so tenants can use landlord services, communicating effectively, improve consultations etc.
 - Accountability - scrutiny, monitoring impact of decisions, welcoming feedback
 - Fairness, respect and diversity - delivering fair and equitable outcomes for all tenants, treating all tenants with fairness and respect, increase the

diversity of involved tenants, making sure diverse needs are taken into account.

- 2.2 Tenant Involvement is essential for enhancing the quality of service tenants receive by promoting transparency and community. When tenants get involved, it enables us to tailor our service to better meet the needs of tenants and provide real, positive outcomes for residents, communities and for Mid Devon Housing (MDH).
- 2.3 There should be an opportunity for meaningful engagement at a level that suits all tenants. A full list of involvement opportunities is included within the Strategy.

3 Consultation

- 3.1 Tenants and members of the Homes PDG were invited to comment on the draft Strategy between 20th December 2024 and 31st January 2025. The consultation was shared on MDDC's engagement hub Let's Talk Mid Devon, the website and shared regularly on social media. A copy was shared with an Estate Representative, however no comments were received.
- 3.2 No queries or concerns were raised during the consultation.
- 3.3 Despite no response to the consultation from tenants, it is important that tenants are fully aware of the updated policy. To this end, should the Strategy 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.

4 Equality and diversity

- 4.1 MDH recognises that there are some circumstances whereby a tenant's disability, language, cultural background or characteristics protected under legislation may make it more difficult for them to engage, understand or exercise their rights as set out in this Strategy and associated regulations. We tailor our service to support such tenants.

5 Recommendations

- 5.1 In accordance with the above, the following recommendation is made:
 - 1. That the PDG recommends that Cabinet adopt the updated Mid Devon Housing Tenant Involvement Strategy and Equality Impact Assessment contained in Annexes A and B respectively

Financial Implications

All involvement activities delivered will be assessed to ensure they are for the benefit of our tenants and leaseholder population and those accessing the housing service where appropriate.

We will work with our tenants to identify more efficient ways of working, such as moving to digital channels enabling us to maximise the resources available.

The costs associated with tenant involvement activity and the delivery of the Tenant Involvement Strategy will be met within existing financial resources within the Housing Revenue Account.

Legal Implications

As a registered provider (RP) of social housing, the Council is obliged to take account of the standards contained within the revised regulatory framework which is administered by the Regulator of Social Housing (RSH). This states that RPs must take tenants' views into account in their decision-making about how landlord services are delivered.

Risk Assessment

Without a robust Tenant Involvement Strategy and structure in place, the Council would be open to challenge by the Social Housing Regulator in not meeting the new Consumer Standards.

Failure to engage with tenants effectively can risk a breakdown in relationship between the council and tenant population where transparency, accountability and the ability for the tenant to have influence is diminished.

Impact on Climate Change

There are limited implications and environmental impact arising from this strategy. However, employees will give due regard to potential impacts on the environment when conducting activities that require travel through tenant involvement activity. The introduction of digital engagement methods will reduce travel, production of mail and other publications, however this must be balanced with the requirement to meet different needs and engage with harder to reach tenants and where best, meet with tenants in their homes, estates and community venues away from our main office.

Equalities Impact Assessment

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

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

Relationship to Corporate Plan

Homes and social housing are a clear priority within the Corporate Plan. We will work closely with our tenants to ensure they feel safe, secure and happy in their homes.

We will monitor and continue to improve overall tenant satisfaction and work with our tenants through engagement events and the broader Tenant Involvement Strategy.

This will ensure they are informed and have clear opportunities to comment on and shape the housing service they receive.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151 Officer
Date: 6 March 2025

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 6 March 2025

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 6 March 2025

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 04 March 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Sophie Richards, Customer Engagement Coordinator or Simon Newcombe, Head of Housing and Health
Email: srichards@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers:

[Tenant Involvement Strategy \(middevon.gov.uk\)](https://www.middevon.gov.uk/tenant-involvement-strategy)

This page is intentionally left blank



Draft Tenant Involvement Strategy

2025-2030

This Strategy was produced in 2025 and is version 2.0

This strategy was adopted by Cabinet on xxxx

Review Frequency: MDH will review this Strategy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Strategy as required by legislative changes, formal guidance or local operational considerations

Tenant Involvement Strategy 2025-2030

1	Introduction	3
2	Aims and Objectives.....	4
3	Measuring Success	6
4	Opportunities to get involved.....	6
5	Providing training and other support for both tenants and staff.....	9
6	Action Plan	9

1 Introduction

1.1 Welcome

At Mid Devon Housing (MDH) we believe that tenants should have a central role in shaping the services they receive. This Tenant Involvement Strategy (the Strategy) is our vision to give everyone the opportunity to influence and shape our services for the next five years and is designed to ensure that tenants have a central role in shaping MDH and to help enhance the quality of life in our communities. The Strategy focuses on four principles which all link to the Transparency, Influence and Accountability standard set by the Regulator of Social Housing (RSH), these will feed into the actions which MDH will commit to over the next five years.

1.2 What is Tenant Involvement?

Tenant Involvement is the active participation of tenants in the decision making processes and activities that affect their housing and community. It plays an important part of housing management and is vital for building trust. Engaging with tenants ensures voices are heard, needs are met and communities are improved.

1.3 Why is it important?

Tenant Involvement is essential for enhancing the quality of service tenants receive by promoting transparency and community. When tenants get involved, it enables MDH to tailor services to better meet the needs of tenants and provide real, positive outcomes for residents, communities and for MDH.

1.4 Regulatory context

Since the events of Grenfell Tower and high-profile cases of disrepair (such as Awaab Ishak), there has been a call and focus for more accountability and transparency within the social housing sector. As a registered provider of social housing, MDH is regulated by the RSH to ensure it meets the Regulatory Standards, including the Consumer Standards, and complies with the Social Housing (Regulation) Act 2023.

2 Aims and Objectives

2.1 Principles

There are 4 principles or objectives that the actions feed into, these all link to the [Transparency, Influence and Accountability Standard](#).

1. Strengthening engagement, participation and empowering tenants.
2. Communication and insight - i.e. providing information so tenants can use landlord services, communicating effectively, improving consultations etc.
3. Accountability - scrutiny, monitoring the impact of decisions, welcoming feedback.
4. Fairness, respect and diversity - delivering fair and equitable outcomes for all tenants, treating all tenants with fairness and respect, increasing the diversity of the involved tenants, making sure diverse needs are taken into account.

Overall, these principles or objectives are there to ensure we are transparent and accountable with our tenants and we provide adequate and clear means to influence decisions about the housing service they receive.

2.2 Strengthening engagement, participation and empowering tenants

The aim of MDH is to create numerous opportunities for tenants to get involved and participate in decision-making processes and empower them to influence the service they receive. MDH aims to do this by creating a positive resident-centred culture and installing the right foundations.

To enable tenants to get involved, MDH will:

- Continue and strengthen the advertisement of training available;
- Continuously listen and learn to reflect the changing needs of tenants and acknowledge the support needed for community led change;
- Through continued collaboration and partnership working MDH aims to provide better, safer communities that feel recognised and empowered to get involved and have their say;
- Provide an opportunity for meaningful engagement at a level that suits all tenants. A full list of involvement opportunities is included within this Strategy.

2.3 Communication and insight

MDH recognises the importance of communication and being transparent. The aim is to provide the relevant information to allow tenants to monitor performance in a clear and concise way that is easy to understand. MDH will do this through:

- Quarterly newsletters and annual reports;
- Developing a performance hub which contains up to date quarterly performance information that matters to tenants;

- Recognising that different tenants have different preferences for how they receive information. MDH will use this to enhance information access and to encourage feedback to be shared;
- Fostering a culture of active listening through two way communication and ensuring tenant concerns and suggestions are taken seriously and addressed promptly;
- Regularly review and monitor the effectiveness of communication.

2.4 Accountability

MDH is accountable to the tenants that live in our homes, so it is essential they are at the heart of everything that MDH does. MDH wants to empower tenants to be able to hold it accountable and influence the service they receive. This will be done by:

- Welcoming feedback in order to help improve the service, whether this is positive or negative;
- Being more proactive in sharing MDH's performance and information, with the aim to provide better transparency in order for tenants and leaseholders to scrutinise the services delivered by MDH;
- Focus on regulatory compliance through co-opting tenants onto the Homes Policy Development Group;
- Allowing regular honest feedback through surveys and the Tenant Satisfaction Measures and acting on this feedback through focus groups and action plans.

2.5 Fairness, respect and diversity

MDH aims to take an inclusive approach to Tenant Involvement. This will be done by providing meaningful and impactful ways for tenants to get involved, and by removing barriers that prevent tenants engaging. MDH aims to tailor the approach so it fits everyone, empowering all to have their say. MDH has used the Chartered Institute of Housings (CIH) Equality, Diversity and Inclusion Framework to inform this. The aim is to:

- Recognise, value and draw on a wide range of perspectives to ensure MDH delivers the best service by consulting regularly with tenants and communities, providing clear channels for feedback and using this to inform change;
- Ensure language, policies and procedures are clear, transparent, inclusive and represent our communities; and that information is provided in alternative or accessible formats where required;
- Pro-actively use customer data to develop insight and information to tailor our service making it fair and accessible for all;
- Through the identification of reasonable adjustments, ensure that support is available for all that need it;
- Ensure that Officers will recognise, value and draw on a wide range of perspectives to deliver the best service and outcomes for tenants.

3 Measuring Success

3.1 Through tenant feedback, co-opting tenants onto the Homes Policy Development Group and annual performance targets for Tenant Involvement, MDH will be able to regularly measure how well it is performing with regards to engagement. The progress of Tenant Involvement is discussed internally at regular performance meetings which allows MDH to monitor progress. MDH will continue to develop and refine methods for capturing outcomes and the impact of all our involvement activities and so enabling it to demonstrate the value of the involvement.

3.2 To MDH, success looks like:

- Increasing opportunities for tenants to get involved;
- Increasing the number of tenants actively involved;
- Increased satisfaction through the Tenant Satisfaction Measures and other satisfaction surveys;
- Allowing everyone to have a voice;
- Tenants holding MDH accountable and driving service change;
- Tenants feeling their voice is heard and their involvement makes a difference.

4 Opportunities to get involved

4.1 'Tenant Involvement' can mean different things to different people and covers a range of activities. The activities can be informal (for example, giving feedback as a compliment, complaint, comment or suggestion) or more formal, such as focus group or co-opting tenants onto the Homes Policy Development group. Whether the involvement is informal or formal, long term or short term, it gives MDH vital information about what matters to you in your homes and communities.

MDH knows that some tenants do not get involved because they do not believe that MDH will listen and act on what they tell it. MDH will aim to develop a 'you said, we did' approach that will help tenants and staff to see where feedback has made a difference to the way things are done.

The below menu of involvement is not limited to those detailed and will be developed over time as greater understanding of what MDH tenants and leaseholders want and need is gained.

Formal Engagement	
Focus groups	When there is a common topic or theme identified MDH will hold focus groups to gather feedback, develop ideas and create change.
Co-opting tenants onto the Homes Policy Development Group	Tenants will have the opportunity to scrutinise the development of MDH policies and performance
Local meetings	Sometimes MDH will host a meeting in your area if a specific topic or issue requires this.

Informal Engagement	
Community events	MDH hosts regular coffee mornings in the largest towns and organises ad hoc events around the District. From rural roadshows, neighbourhood matters events and police street surgeries, attending one if you can is a great way to get involved.
Satisfaction surveys	Completing a survey is a quick and easy way to get involved and provide feedback.
Neighbourhood Walkabouts	Meet with MDH Officers twice yearly and join them on an estate walkabout. It is a great way to engage in your local area.
Mid Devon in Bloom	Enter our yearly gardening competition.

Online Engagement	
Consultations	When MDH make a change that affects you it will consult with you. This could be a change to your communal garden or a bigger change such as the terms and conditions of your tenancy agreement. MDH usually sends you a survey to complete to share your views or will publish policy consultations online. Completing these is a good way to get involved and have your say.
Annual report and newsletters	Each year MDH publishes an annual report which reflects the performance and achievements over the last financial year. Even just reading this report is getting involved. Every quarter MDH publishes the Mid Devon Housing News, this is sent to all tenants.
Social media	Follow MDH on Facebook so you can keep up to date with the latest housing news and advice. Search for Mid Devon Housing.
Website	MDH has an array of information on the Council's website to help you understand the service from complaints, repairs or previous copies of newsletters. You should be able to find everything you need here.
Let's Talk Mid Devon	Join MDH's engagement hub to get involved in consultations, take part in surveys, add ideas or share your thoughts on forums.

Join Tpas	Tpas is England’s leading tenant engagement experts. They promote, support and champion tenant involvement across social housing in England. By signing up to Tpas you can access an array of resources to help you as an involved tenant. MDH can also pay for you to complete training with Tpas if you feel is beneficial to you.
-----------	--

Activities and Tools	
Mystery shopping	MDH will ask you to test the quality of one of our services such as repairs and let us know how it did.
Training and support	Attending training courses or conferences to help better your understanding of social housing related topics.
Tenant Representatives	<p>MDH has four tenant rep volunteer roles available:</p> <p>Complaints Representative: Actively review MDH’s approach to complaints received from tenants, residents and leaseholders. You will work with the housing team to look at complaints, ensure MDH is being fair, is putting things right and learning from outcomes. You will have a desire to promote positive service development. You can expect to attend quarterly meetings lasting 1 hour.</p> <p>Estate Representative: The Estate Champion’s role involves the monitoring of grounds maintenance, and if applicable, communal cleaning and communal fire alarm testing, in your area. You will be asked to carry out inspections and report back to MDH once a month. This will take 1 - 2 hours of your time each month.</p> <p>Publications Representative: Work with the MDH team on tenant/resident publications including the Housing Newsletter and Annual Report. You can expect to attend quarterly meetings lasting 1 hour.</p> <p>Sustainability Representative: Work with MDH in its commitment to achieving zero carbon by 2030. MDH is looking for tenants and leaseholders who care about the future and are willing to support in making green improvements to their home and community. You can expect to attend quarterly meetings lasting 1 hour.</p>

5 Providing training and other support for both tenants and staff

5.1 MDH wants to work with tenants and staff to create the very best opportunities for tenants to influence the decisions which impact on their lives. To do this MDH will:

- Ensure that staff are aware of the role of involvement, are skilled in delivering effective involvement and supported to achieve clear performance targets;
- Offer training, learning and support to all involved tenants to develop the skills and confidence to be effective in their involvement;
- Maximise networking and benchmarking opportunities to share best practice with tenants, partners and colleagues with a view to developing involvement and the housing service offer.

6 Action Plan

6.1 MDH will produce an annual action plan each year of the strategy which will be communicated to tenants outlining its approach to tenant involvement each year and what is being done to ensure tenants are continually put at the heart of what MDH does.

6.2 Progress against the action plan will be monitored and communicated to tenants throughout the year on the performance hub section of the Council's website.

6.3 The annual action plan will be published alongside this Strategy and will be available on the Council's website.

	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
Strengthening engagement and empowering tenants				
	Strengthen the advertisement of the training available to tenants. Consult with tenants to understand any barriers and what training tenants need.	Ongoing	Customer Engagement Coordinator	To better understand the needs of tenants and what MDH can do as a landlord to facilitate their involvement.
	Expand collaboration and partnership working with various charities and partnerships i.e. The Police.	September 2025	Customer Engagement Coordinator/Neighbourhood Team Leader for Estates	Joint working creates an overall better service for tenants, more efficient use of resources, enhanced community engagement. Trust, improved tenant health and wellbeing.
	Host housing matters events once a quarter with different themes i.e. repairs, complaints etc.	Ongoing	Customer Engagement Coordinator	Creates more opportunities for tenants to speak to MDH about the things that matter most to them.
	Co-opt tenants onto the Homes Policy Development Group	June 2025	Customer Engagement Coordinator/Head of Housing and Health	Tenants will have the opportunity to scrutinise the development of MDH policies and performance
	Evaluate our offer of engagement by utilising data collected through the getting to know you project to understand what we offer our diverse tenants and those with additional needs	Ongoing as GTKY data is returned	Customer Engagement Coordinator	Tenants will have an opportunity to get involved no matter their circumstances
	Complete a rural roadshow annually every September visiting 4 rural towns and villages for pop in events with housing and partnerships.	Annually	Customer Engagement Coordinator	Higher engagement and satisfaction with our hard to reach rural tenants

	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
	Complete annual surveys of involved tenants to assess their satisfaction with their involvement and to identify any improvements	December 2025	Customer Engagement Coordinator	Feedback will inform future action plans and ensure we are offering the best service possible
	Utilise Let's Talk Mid Devon to strengthen engagement through surveys, polls, consultations and forums	Ongoing	Customer Engagement Coordinator	Higher engagement, more feedback, better service changes
	Develop and implement ideas to communicate with our hard to reach tenants i.e. the youth, those not online etc.	July 2025	Customer Engagement Coordinator	Higher engagement with hard to reach tenants who can often feel left out
	Develop local road/estate based resident groups i.e. Tenant Resident Associations	Ongoing	Customer Engagement Coordinator	Creates a more localised tenant voice, improves estates and gets more tenants/leaseholders involved.
Information and communication				
	Get at least 1-5 tenants involved in the Annual Report to contribute to what data they think tenants would like to see. Have involved tenants approve the final version.	May 2025	Customer Engagement Coordinator	The Annual Report will be better tailored to the information that interests tenants rather than what we think interests them
	Include 2 new features in future newsletters – tenant recipes and 'tenant time'. Show casing the good things our tenants do from painting to charity work.	Ongoing	Customer Engagement Coordinator	More tenants will read the newsletter as well as further positive engagement by sharing good news stories.
	Design and print Tenant Involvement leaflets for sign up packs, to hand out at events and give to other Officers to hand out at visits.	February 2025	Customer Engagement Coordinator	Tenants are made aware of how to get involved, we are able to recruit new tenants
	Create a day in the life of a Neighbourhood Officer so tenants can understand what they get up to on a day to day basis. Every day is different but this can capture some of their vast workload	April 2025	Customer Engagement Coordinator/Estates Team Leader	Tenants can better understand job roles, especially Neighbourhood Officers. Helps to manage expectations and gives an insight into how MDH works.

	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
	Send quarterly Tenant Involvement updates to Housing Officers and Members of the Homes Policy Development Group.	Ongoing	Customer Engagement Coordinator	Keeping Officers and Members up to date should allow for better involvement internally to help understand the importance of Tenant Involvement.
	Develop a leaseholder forum on Let's Talk Mid Devon to ensure they have an opportunity to have their say. Alongside this, create a tailored annual report and newsletter to leaseholders	Ongoing	Customer Engagement Coordinator	Leaseholders are more engaged and have the opportunity to have their say.
	Build a notification system into My Mid Devon which allows tenants to register their interest to get involved.	June 2025	Customer Engagement Coordinator	Tenants can easily express an interest in Tenant Involvement
	Complete a full review the housing pages on the MDDC website, particularly the Tenant Involvement pages.	April 2025	Customer Engagement Coordinator	Website is improved and content tailored.
	Continue to promote My Account and how it can benefit tenants	Ongoing	Customer Engagement Coordinator	Provides an accessible route for tenants to pay rent and other upcoming service request i.e. pet permission, ASB diary sheets etc.
Accountability				
	Raise more awareness of our complaints procedure, who the Housing Ombudsman is and how they can help	Ongoing	Customer Engagement Coordinator	Awareness is raised of how tenants can hold us accountable
	Develop the performance hub section of the website with relevant data.	April 2025/ongoing	Customer Engagement Coordinator	Allows tenants to hold us accountable and access the information that matters to them.
	Create TSM focus groups so tenants can get involved with outcomes related to the TSMs	May 2025	Customer Engagement Coordinator	Tenants will help scrutinise feedback from the TSMs and improve the housing service

	How will this be achieved?	Target date for completion	Lead Officer	Expected Outcomes
	Create a better ‘improvements we have made’ campaign, potentially change the title. Create more communication on this to raise awareness of what we can do with tenant feedback	May 2025	Customer Engagement Coordinator	Gains tenants trust that when we receive feedback we will act upon this where possible
	Explore using a contractor to conduct complaints and anti-social behaviour (ASB) satisfaction surveys at the point of case closure and explore repairs satisfaction surveys.	March 2025	Customer Engagement Coordinator	Gather further insight into tenant satisfaction and how we can improve with ASB and repairs
Fairness, respect and diversity				
	Continue to listen and learn to reflect the changing needs of tenants through the getting to know you project and other communication channels.	Ongoing	Customer Engagement Coordinator	Service is tailored to meet tenants’ needs
	Publicise our accessibility through the newsletter, social media, website, leaflets and word of mouth. Ensuring all Officers are aware of recognising vulnerabilities.	Ongoing	Customer Engagement Coordinator	Raises awareness of our accessibility and how we can tailor our service to meet individual needs
	Publicise that tenants and prospective tenants can be supported by a representative or advocate in interactions with MDH	April 2025/ongoing	Customer Engagement Coordinator	Awareness of accessibility is raised
	Identify and explore the creation of groups for underrepresented communities	August 2025	Customer Engagement Coordinator	Ensures all tenants feel involved and represented
	Improve digital inclusion for tenants and leaseholders. Try and work with Learn Devon again to set up digital training courses.	May 2025	Customer Engagement Coordinator	More tenants can get online and access more of our services
	Develop a new volunteer role for diversity and inclusion.	March 2025	Customer Engagement Coordinator	We are held accountable for our accessibility

This page is intentionally left blank

Equality Impact Assessment

Purpose of the Equality Impact Assessment process:

The Equality Act (2010) introduced the [Public Sector Equality Duty](#) (PSED) requiring public bodies to give due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

Consideration must be given to the protected characteristics covered by the Equality Act (2010). Assessments should consider relevant evidence relating to persons with protected characteristics in relation to assessments of potential impact.

The purpose of an Equality Impact Assessment (EIA) is to ensure that policies, functions, plans or decisions (hereafter referred to as 'policy/ decision') do not create unnecessary barriers for people protected under the Act. Where negative impacts are identified these should be eliminated or minimised, and opportunities for positive impact should be maximised. An EIA is not required for a decision in relation to an individual.

Screening is a short exercise to determine whether a policy/ decision is relevant to equalities, and if so, whether a full EIA should be conducted.

Section 1: Equality Impact Assessment Screening

Title and description of the policy/ decision:	Tenant Involvement Strategy
Job title of the person(s) undertaking the assessment:	MDH Policy Officer
Council service:	Mid Devon Housing
Date of assessment:	13.02.2025
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?	
<p>At Mid Devon Housing (MDH) we believe that tenants should have a central role in shaping the services they receive. This Strategy is our vision to give everyone the opportunity to influence and shape our services for the next five years and is designed to ensure that tenants have a central role in shaping MDH and to help enhance the quality of life in our communities. The strategy focuses on four principles which all link to the Transparency, Influence and Accountability standard set by the Regulator of Social Housing, these will feed into their own actions which we will commit to over the next five years.</p> <p>There are 4 principles or objectives that the actions feed into, these all link to the Transparency, Influence and Accountability Standard.</p> <ol style="list-style-type: none"> 1. Strengthening engagement, participation and empowering tenants 2. Communication and insight - i.e. providing information so tenants can use landlord services, communicating effectively, improve consultations etc. 3. Accountability - scrutiny, monitoring impact of decisions, welcoming feedback 4. Fairness, respect and diversity - delivering fair and equitable outcomes for all tenants, treating all tenants with fairness and respect, increase the diversity of involved tenants, making sure diverse needs are taken into account 	
Who may be affected by the policy/ decision?	All MDH Tenants and Leaseholders
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	Tenants and members of the Homes PDG were invited to comment on the draft Strategy between 20/12/2024 and 31/01/2025.
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	MDH will review this Strategy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations

To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:			
	Yes	No	Details
1. Eliminate unlawful discrimination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advance equality of opportunity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Foster good relations between different groups	<input type="checkbox"/>	<input type="checkbox"/>	

Which of the protected characteristics is the policy/ decision relevant to?

Tick and briefly describe any likely equalities impact (positive, negative, or neutral)

Characteristic	Positive	Negative	Neutral	Comments
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MDH recognises that there are some circumstances whereby a tenant's age may make it more difficult for them to understand or exercise their rights as set out in this Strategy and associated regulations. We tailor our service to support such tenants.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MDH recognises that there are some circumstances whereby a tenant's disability may make it more difficult for them to understand, attend events or exercise their rights as set out in this Strategy and associated regulations. We tailor our service to support such tenants.
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MDH recognises that there are some circumstances whereby a tenant's cultural background may make it more difficult for them to understand or exercise their rights as set out in this Strategy and associated regulations. We tailor our service to support such tenants.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Characteristic	Positive	Negative	Neutral	Comments
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

*Applies only to Employment and the duty to give regard to the elimination of discrimination.

Decision by Corporate Manager to recommend this policy/ decision for an Equality Impact Assessment?

No

If the answer is “Yes”, please continue to the Section 2 and complete the Equality Impact Assessment. If the answer is “No”, please give a brief reason here.

We aim to take an inclusive approach to Tenant Involvement, rather than exclusive. We will do this by providing meaningful and impactful ways for tenants to get involved, by removing barriers that prevent tenants engaging. We aim to tailor our approach so it fits everyone, empowering all to have their say. We have used the Chartered Institute of Housings (CIH) Equality, Diversity and Inclusion Framework to inform this.

EIA Screening Complete

Section 2: Equality Impact Assessment

Evidence and Consultation
<p>What existing sources of information have you gathered to help identify how people covered by the protected characteristics may be affected by this policy/ decision? E.g. consultations, national or local data and/or research, complaints or customer feedback. Please identify any gaps in the available information that might make it difficult to form an opinion about the effect of the policy on different groups.</p>

Please complete this table for all the Protected Characteristics. If you have identified any negative impacts you will need to consider how these can be justified or where possible mitigated either to reduce or remove them. (Please add rows where needed)

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
There have been no negative impacts identified in relation to this Strategy			
Age			
There have been no negative impacts identified in relation to this Strategy			
Disability			
There have been no negative impacts identified in relation to this Strategy			
Religion or Belief			
There have been no negative impacts identified in relation to this Strategy			
Race			
There have been no negative impacts identified in relation to this Strategy			
Sexual Orientation			
There have been no negative impacts identified in relation to this Strategy			

Gender Reassignment			
There have been no negative impacts identified in relation to this Strategy			
Pregnancy/ maternity			
There have been no negative impacts identified in relation to this Strategy			
Marriage and Civil partnership (Applies only to Employment and the duty to give regard to the elimination of discrimination)			
N/A			

Please provide details of arrangements to monitor and review the policy/ decision and any mitigating actions or actions to promote equality:

MDH will review this Strategy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations

Please state where the EIA will be published (e.g. on the Mid Devon District Council website):

MDH Website

=====

Equality Impact Assessment Sign off

For completion by Corporate Manager

Are you prepared to agree and sign off the EIA?

Yes **No**

If "No", provide details of why and next steps:

Name: Simon Newcombe

Job Title: Head of Housing and Health

Date: 13/02/25



Report for: HOMES POLICY DEVELOPMENT GROUP

Date of Meeting: 18th March 2025

Subject: **MID DEVON HOUSING RENT ERROR UPDATE**

Cabinet Member: Councillor Simon Clist, Cabinet Member for Housing and Property and Councillor James Buczkowski, Cabinet Member for Governance, Finance and Risk

Responsible Officer: Andrew Jarrett, Deputy Chief Executive (S151) and Simon Newcombe, Head of Housing and Health

Exempt: None

Wards Affected: All wards

Enclosures: None

Section 1 – Summary and Recommendation(s)

This report provides an update on the corrective measures completed and next steps in order to rectify an identified historic rent setting error.

Recommendation(s):

- 1. That Homes PDG note tasks that have been further progressed in order to correct this situation**
- 2. That Homes PDG recommends that Cabinet approve the overarching approach to the review of historic MDH possession proceedings (evictions) where rent overpayments were made as set out in section 2 of this report**

Section 2 – Report

1 Introduction

- 1.1 Members will have noted the Housing Rents 2024 report provided to Cabinet on 10 December 2024 setting out the background to the historic tenant’s rent error.
- 1.2 The Cabinet report set out that during the first year’s audit with our new incumbent auditor, Bishop Fleming, it was identified that one integral part of a historic formula used to calculate tenant’s rents had been incorrectly applied. This has resulted in all tenant’s rents being incorrectly set for a number of years.
- 1.3 Several years ago the Government introduced a national ‘formula’ for the calculation of social housing rents. This required housing providers such as the Council to apply a number of factors to calculate housing rents in its area for different sized properties. Within this formula were valuations for our properties where the Council incorrectly averaged some of our data, resulting in the wrong base rent being set at the time and the historic over or under charge situation has emerged as a legacy of that miscalculated valuation. Since this initial error, the Council has correctly applied further annual increases or decreases in its rent as set by the Government each year, but our rent base required recalculation so all rents are correct in future.
- 1.4 As soon as this isolated error was identified and evaluated we have; self-referred ourselves to the Regulator for Social Housing (RSH) and are having ongoing discussions with; the RSH, the Department for Work & Pensions (DWP), Bishop Fleming (BF), the Devon Audit Partnership (DAP) the Valuation Office (VOA) and have secured an external legal opinion from a KC.
- 1.5 In addition to these regular meetings with external partners, we have also set up a dedicated officer group to manage the recovery process and consider all aspects of how the corrections can be delivered in the most timely and effective manner, whilst considering any additional support our tenants may require during this process.

2 Corrective actions

- 2.1 The December Cabinet report set out a series of actions and decisions, which have been updated below to reflect progress since.

Table 1 - Actions taken, completed or ongoing

Actions	Date/Decisions
<i>Immediate</i>	
1 - Self-referral to RSH	17/9/24
2 - Set up weekly key officer recovery group (1)	19/9/24
3 - Contact DWP + other bodies (2)	14/10/24

4 - Confirm beacon values with VOA (3)	1/11/24
5 - Secure KC legal advice (4)	14/10/24
6 – Plan Communication strategy (5)	Ongoing
<i>Current and Next Steps</i>	
7 - Model over/under charges at summary level (6)	Completed
8 - Model aggregate potential impact on HRA (7)	Completed
9 - Detailed modelling of individual tenants positions	Ongoing
10 - Issue initial letters to tenants – split between over/unders	Completed
11 - Consider staff resourcing requirements	Completed
12 - Any new tenancies charged at corrected rates	Completed
13 - Correct current overcharged tenancies	Completed
14 - Issue refunds where applicable (8)	Completed
15 - Consider extra support to vulnerable tenants	Ongoing
16 - Design/agree new control process of updated rents	Completed
17 - External review of modelling and new controls (9)	Completed
18 - Provide RSH with additional information as requested	Ongoing
19 - Stand up dedicated officer technical working group (1)	Completed
20 - Agree and commence recruitment of additional resources into 18 (1)	w/c 24/02/25
21 - Review potential overcharged tenants compensation in-line with adopted HRA Tenant Compensation Policy	Completed
22 – Detailed engagement with other LAs currently working on similar rent error issues (e.g. Cambridge)	Ongoing
<i>Decisions</i>	
18 - Agree on quantum/period of correction (4)	Cabinet 10/12/24
19 - Leave undercharged tenancies unchanged (10)	Cabinet 10/12/24
20 - Approach to the review and mitigation of any former tenant evictions where accounts have been historically overcharged	Cabinet 1/4/25

Notes:

1 – group made up of officers from; housing, finance, legal, benefits, customer first, communications and regular updates provided to relevant Cabinet members. This initial group has now morphed into a dedicated, technical officer working group with a project tracker. Oversight is provided by LT and CMT (Andrew Jarrett, Dean Emery and Simon Newcombe). Additional resources have been agreed to support the ongoing work and this approach has been discussed with the RSH who in turn support this approach

2 – as referred to in para. 1.3 and other Councils and Housing Associations

3 – reaffirm all of our “beacon” housing values back to source data with the VOA

4 – to follow legal advice from KC to apply the statutory limitation of going back 6 years based on the aggregate financial quantum estimated.

5 – to include press releases, FAQs on the website and all other communications with our tenants and organisations that assist them (e.g. Churches House Action Trust (CHAT), CAB, Involve, Moneywise, etc).

6 – initial modelling at a gross exposure level (i.e. excluding Universal Credit, Housing Benefit, Council Tax Reduction, previous write offs, arrears, changes in tenancies, etc. Total value required for planning next steps

- 7 – assessment required to establish total financial quantum and how it could be financed and what impact it may have on future viability of the HRA.
- 8 – refunds are likely to be processed in tranches, focusing on current tenants. This will be fully communicated to our tenants.
- 9 – procuring external support from the Housing Quality Network (HQN) to review our correction strategy and any new processes/controls once finalised
- 10 – this position will only change upon a change in tenancy

External assurance on corrected rents

- 2.2 In January 2025 we commissioned Housing Quality Network (HQN) to undertake an independent, external Formula Rent review.
- 2.3 HQN have provided a written report that provides relevant external assurance that the formula rents which were applied to the January 2025 recalculation and correction are fully compliant with regulatory standards. The Council are therefore fully compliant going forward and rents have been corrected in the right way.
- 2.4 There are two assumptions in the report; firstly that we have applied the correct historic property valuations and as discussed at the meeting, as set out above, we can confirm that the Valuation Office Agency (VOA) has checked and assured these separately. Secondly; that correct bedroom weightings have been applied. On this latter point we further can confirm that bedroom data has been exported directly from our housing management system and cross-matched with council tax and other stock data. Where queries arose relating to a very limited number of properties due to bedroom conversion works, the bedroom weightings have been verified by direct inspection before the formula rents were updated. None of our bedroom data was ultimately found to be incorrect.

Historic rent error and rent arrears

- 2.5 As the PDG will be aware, a decision was made in Q3 to put on hold any pending possession/eviction proceedings for current tenants whilst the historic rent error issue is resolved (see Cabinet report of 10 December 2024). This decision only applies to those tenants who have been overcharged historically and normal casework will resume as soon as refunds have been issued and the arrears adjusted accordingly. It does not impact tenants who have historically benefitted from a rent undercharge and these rent levels and rent collection arrangements will be unchanged for any current tenants in this group.
- 2.6 As noted within the MDH Service Delivery report provided at the previous PDG, as a consequence of the historic rent error, a review of historic rent arrears evictions has been undertaken and MDH are satisfied that the rent overpaid amounts have not been a material factor in any evictions. MDH place a high priority on tenancy sustainment where evictions are a last resort. As such, rent arrears evictions are rare with an average of just over 5 each year prior to and since the Covid pandemic, which is less than 0.5% of the number of

overcharged tenancies. During the pandemic, evictions were placed on hold for long periods of time through national legislation.

- 2.6 Where rent arrears were a factor in evictions, in many cases there were also other tenancy issues. For example; anti-social behaviour; crime; property damage; unauthorised use of the property (e.g. sub-letting, running of a business or selling of sexual services); or other factors such as tenancy fraud. In some cases, evictions have been taken forward with several such breaches where rent arrears were therefore only part of a wider issue. Alternatively, there are some cases where wider issues were sufficiently evidenced but the level of rent arrears were such that it was cost-effective and expedient for MDH to have pursued eviction on rent grounds only.
- 2.7 Where rent arrears were the sole or primary factor in any historic evictions then we have identified further mitigations as set out previously:
- Rent levels were set in good faith at the time and agreed with the tenant
 - The tenant signed a legally binding tenancy agreement to pay the rent
 - Overcharged amounts on a weekly/ monthly basis are relatively low and overall rent levels were still set at typical social-rent levels well below affordable or market rents
 - All overcharged rents were still within Local Housing Allowances, therefore up to 100% rent support was available through benefits for low income, eligible tenants
 - The eviction process is a multi-staged one with many points of contact with tenants and efforts to engage in early prevention of arrears, payment plans and signposting/facilitation of access to benefits plus other support
 - The level of rent arrears are typically of a magnitude much higher than any historic overpayment amount and many cases have involved zero payment of rent for many months
 - In a number of cases, tenants refused to engage with our income officers and did not access benefits or other support despite facilitation
- 2.8 We have identified that we hold records for approximately 70 eviction cases where rent arrears were a sole or contributory factor where there has been an historic over payment. These are historic cases that will be reviewed once the current cases and repayments have been resolved. As such, each case will be reviewed against the overarching mitigation factors set out above. In the unlikely event any fall outside of these factors then they will subject to a specific legal review and any next steps agreed on a case by case basis.
- 2.9 As part of officers rolling dialogue with the RSH over the rent error, the regulator has appreciated the clarity provided around these mitigations and process. As such has highlighted that a clear Council decision on the approach to historic evictions would be valuable. Consequently, a relevant recommendation has been made for the PDG to consider with regard to a Cabinet decision as set out above.

DWP information

- 2.10 Under the DWP's own rules they are presently unable to share information on current and historic tenancies where Universal Credit claims have been made. As such, the Council have no certainty who had been a potential claimant at any point in their tenancy - thus we cannot apportion what is tenant refund and potentially DWP monies. There will need to be a legal change made by DWP to allow relevant information to be shared.
- 2.11 Furthermore, the DWP are not yet able to confirm how they will calculate any overpayment and agree a process for any Universal Credit repayments.
- 2.12 If this remains the case once we have completed our work to confirm refund amounts, we will still be unable to provide a reliable timeline for refunds to tenants until the DWP have been able to advise on this.
- 2.13 This is a national issue and the DWP have confirmed that matters around information sharing and incorrect rents are being raised at 'treasury' level due to the complexity of the problem and circa 20 Councils are flagging similar rent issues with them. Local DWP officers have been very supportive and are currently helping the Council to set up a meeting with senior DWP officers at a national level so we can identify a way forward.

3 Further considerations

- 3.1 This is still very much a "live" situation on the basis we are still in the process of securing external advice from third parties, therefore there are still further items that will then need to be considered. In order to provide current reassurance some of these items are identified below and indicate a direction of travel of what officers are either: planning to do; need to consider further; or may need to procure further advice on.
- Continue to have diarised regular ongoing meetings with: RSH; DWP; and BF
 - Focus activity on current tenants first – then move on to former.
 - The refunds may need to be dispatched in tranches – i.e. non benefit cases will probably go out first – dependent on when we receive further advice from the DWP (see paragraphs 2.10-13)
 - Identify vulnerable tenants and tailor ongoing communications accordingly
 - Procure further external specialist legal advice if required
 - Continue to discuss live solutions with other councils and Housing Associations who have encountered similar issues
 - Continue to confirm policy compliance with the regulator to ensure actions taken are appropriate.
- 3.2 In addition to the above considerations, as reported previously, we will need to continually ensure that decisions recommended at an aggregate financial quantum are compared against HRA cash balances and available reserves to

demonstrate long term financial viability has been considered. This will also need to reflect on how the totality of refunds may impact on operational delivery and statutory requirements (e.g. H&S, current and new legislative requirements including the new consumer standards regulatory regime, decarbonisation works, 30 year maintenance and modernisation plans, etc.). This financial modelling, at the outset and when it can be further refined, based on decisions from third parties, will need to be kept to evidence/demonstrate our thinking and hence decision making. We need to share this information with other parties, for instance the RSH, who have already made a number of additional information requests in confidence to support their understanding and decision-making within this evolving situation. Ultimately this will also inform the final regulatory judgement by the RSH on the matter.

- 3.3 This detailed financial modelling will need to include the impact on housing benefit, universal credit and council tax reduction and will also need to consider tenancy arrears, write offs, any outstanding recharges etc. There may also be instances where tenants have moved into our stock and have potentially been over/under charged, so this will need to be netted off. This work, by its very nature, will be time consuming and will clearly impact the timeliness of the refund process, even when the DWP position and guidance has been received.
- 3.4 Initial and further, very top level financial modelling indicates that the overall HRA refund exposure, based on a number of criteria and variables set the aggregate quantum of this correction remains around £1.8m. This is just within the boundary of the current HRA reserve balance, but we would clearly need to agree a strategic recovery programme, within future budgets, in order to replenish this reserve over the coming years in order to provide assurance on meeting developmental ambitions alongside existing liabilities.
- 3.5 Prior to and during the refund process we will need to proactively communicate with our tenants to establish how they wish to be repaid and work with them and the DWP to ensure this process doesn't have any associated impacts/consequences with current or future benefit calculations/ entitlements.
- 3.6 As set out above, with the ongoing delay in receiving further guidance from DWP nationally, then we may have to shortly write to all overcharged tenants advising them of the unavoidable delay in being able to process payments. We had scheduled further communication with all impacted tenants in April, so this can be aligned and may have movement from the DWP in the meantime that changes what information we can provide. Our website FAQs will also be updated in a timely way as a priority to reflect the current position.

4 Conclusion

- 4.1 Due to the complex and therefore time consuming nature of this corrective work it is currently envisaged that further updates will be provided to members at regular intervals.
- 4.2 During this corrective work stream we will of course continue to keep our tenants regularly updated and the support groups that they regularly reach out to for support. In addition we will continue to have structured progress meetings with all third party organisations involved.

Financial Implications

The activity of MDH is funded through the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls.

Significant financial modelling has been undertaken in order to reach some of the key decisions being put forward in the Cabinet report in December 2024. We have also reflected on current balances and reserves held by the HRA and other legislative requirements that have to be delivered when evaluating how to correct this historic rent setting error. This modelling continues to be refined and further work is largely now dependant on further guidance and advice from the DWP as set out within the report.

While the current analysis shows that the majority of those affected have been historically undercharged, the position previously agreed is unchanged and there is no intention or ability to recover lost funds.

Therefore, it continues to be the case that the totality of the impact is experienced as a cost to the HRA rather than a rebalancing.

Legal Implications

External KC advice has been secured which has been used to underpin the recommendations made in the December Cabinet report and continues to be applicable.

Risk Assessment

As set out above, the precise quantum of this exposure can only be estimated at this current time. Allowing the HRA balance to drop below its minimum agreed balance for a period of time clearly reduces its ability to withstand any unknown economic/legislative/climatic shocks. Securing and following external legal advice should reduce some of the HRA's risk exposure.

Impact on Climate Change

Depending on the final quantum of this aggregate refund some decarbonisation works

may have to be reprioritised. If this was to be the case further reports and decisions would be required.

Equalities Impact Assessment

There are no specific Equality and Diversity implications. However, due to the vulnerability of some of our tenants we will provide additional support to ensure effective engagement with residents and their families.

Relationship to Corporate Plan

Depending on how this issue is rectified it may jeopardise the Council's plans to ensure it delivers new affordable and social homes annually, improving and maintaining the existing stock to the highest standards.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 6 March 2025

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 6 March 2025

Chief Officer: Stephen Walford

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

Date: 6 March 2025

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 03 March 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Andrew Jarrett, Deputy Chief Executive (S151) / Simon Newcombe, Head of Housing and Health

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

Telephone: 01884 255255

Background papers:

This page is intentionally left blank

Homes PDG Chair's Annual Report

Spring 2025

My personal thanks to everyone who has attended and/or supported this group during the past year. We have achieved a great deal, not just in the completion of quite so many policies, but also with some notable achievements for our tenants.

MDH has almost 3000 homes on its current list, and approximately the same number of people applying for a home of their own. There are bold intentions to increase our housing stock, and with that goes the desire to see more people safely settled in a home of their own, and during the next 12 months.

Tenant security and happiness is at the forefront of our minds, and most of the policies seek to support and to help this. Similarly, we hope to welcome some tenant representatives onto this group in the very near future, and our downsizing working group has developed some innovative ideas to encourage families to at least consider vacating a home that is now too big for their needs, in order to facilitate another big family having the necessary space for their lives.

Devon's Housing Commission Report (Lord Best and Exeter University) was released in 2024, and raised multiple issues and opportunities. We are fortunate that MDDC has been so very forward thinking in its work with MHD. Our Labour Government has set out its intentions regarding both Social and Affordable housing stock, and its views on Right to Buy are becoming clearer – again we are fortunate that MDDC and MDH were already embarked upon appropriate plans and timescales.

MDH has a draft budget in place that covers 2022-2026, and which we believe is entirely manageable. Our Performance Dashboard data is published quarterly, and is becoming more useful as its lifetime extends. Our Communications Team has been doing an excellent job of offering help, support and advice to our tenants. Our Neighbourhood Officers do a magnificent job of knowing each and every tenant, and in offering help and support where they deem this to be necessary.

MDH has won a wide range of awards and commendations for the work that is being done despite not having a full complement of appropriately trained staff in all areas of its work. We hope to put that right in this next year, and to begin to offer a wider range of apprenticeships also.

I must also mention the Housing Options Team, and the wider Public Health Team also. They have been doing a really great job regarding the prevention of homelessness in Mid Devon by increasing the stock of dedicated temporary accommodation that can be used, and is owned, by Mid Devon. An example is the recently refurbished Belmont Road property, which is fully occupied by residents who would otherwise be homeless or living in B+B.

As a Policy Development Group we have a positive and constructive working relationship with the Cabinet having recommended a number of policies to it for approval over the past 12 months.

These have included:

- Hoarding
- Repairs and Maintenance
- Asbestos Management
- Tenure Reform and Tenancy Agreements
- Housing Initiatives' Plan
- Tenant Compensation
- Service Standards (updated)
- Asset Management
- Tenancy Agreement Project Plan
- Tenancy Management
- Housing Strategy
- Tenancy Strategy
- Tenant Involvement Strategy
- HRA Asset Management Strategy
- Variation to Standard Tenancy Agreement

Cllr Sue Robinson

Chair Homes Policy Development Group