

## Homes Policy Development Group

**Tuesday, 28 January 2025 at 2.15 pm**  
**Phoenix Chambers, Phoenix House, Tiverton**

**Next meeting**  
**Tuesday, 18 March 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.**

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

Meeting ID: 348 902 167 030

Passcode: u22HW39b

### 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 meeting held on 19 November 2024.
- 5      **Chairman's Announcements**  
To receive any announcements that the Chairman may wish to make.
- 6      **Government 'Right to Buy' consultation - verbal update**  
To receive a verbal update from the Head of Housing & Health on the Government's 'Right to Buy' consultation.
- 7      **Mid Devon Housing Right to Buy Policy** (*Pages 15 - 46*)  
To receive 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 enable tenants to acquire their council homes under Right to Buy (RTB) is largely set by legislation, it is important that Mid Devon Housing (MDH) have a clear point of reference through a specific policy available for tenants.
- 8      **Mid Devon Housing Safeguarding Adults, Children and Young People Policy** (*Pages 47 - 70*)  
To receive a report from the Head of Housing & Health. In March 2024, a Consumer Regulation Health check advised that MDH establish a dedicated Safeguarding Policy to better manage risks associated with protecting vulnerable adults and children from abuse and neglect. Safeguarding is a crucial legal obligation for MDH. Whilst the existing corporate policy was widely updated in 2024 as an initial policy priority, it lacks detail on the role of MDH as a landlord as required by housing providers. This new MDH specific policy has been developed in the context of the updated corporate policy for consistency.

9 **Q2 MDH Service Delivery Report** (Pages 71 - 92)

To receive a report from the Head of Housing & Health in support of 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 enforcement. It also contains relevant information relating to performance as measured in line with the guidance relating to Tenant Satisfaction Measures (TSM's).

10 **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:

- Chair's Annual Report for 2024/2025
- Performance Dashboard for Quarter 3
- Tenant Involvement Strategy
- Tenancy Management Policy
- Variation to Standard Tenancy Agreement
- Tenancy Strategy (update for noting)
- Housing Strategy
- Downsizing Working Group Report
- Verbal update on Tenant Satisfaction Measures
- Quarter 3 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, 20 January 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](mailto: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](mailto: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 **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 19 November 2024 at 2.15 pm

**Present**

**Councillors**

S Robinson (Chair)  
C Adcock (Vice-Chair), J Cairney,  
C Connor, B Holdman, F W Letch, N Letch,  
and H Tuffin

**Apology**

**Councillor**

A Glover

**Also Present**

**Councillor**

S J Clist

**Also Present**

**Officers**

Stephen Walford (Chief Executive), Simon Newcombe (Head of Housing & Health), Tanya Wenham (Operations Manager for Public Health and Housing Options), Mike Lowman (Building Services Operations Manager), Dr Stephen Carr (Corporate Performance & Improvement Manager), Sam Barnett (Housing Initiatives Officer), Sarah Thomas (Housing Options Manager), Carole Oliphant (Housing Policy Officer), Laura Woon (Democratic Services Manager) and Sarah Lees (Democratic Services Officer)

**Councillors**

**Online**

J Buczkowski, G Czapiewski and J Lock

**Officer Online**

Richard Marsh

**Also in**

**Attendance**

Matt Dodd and David Hancock (Exeter University)

**36 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr A Glover who was substituted by Cllr B Holdman.

**37 PUBLIC QUESTION TIME**

There were no questions from members of the public.

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

No interests were declared under this item.

### 39 **MINUTES**

The minutes of the meeting held on 10 September 2024 were approved as a correct record of the meeting and **SIGNED** by the Chair.

### 40 **CHAIR'S ANNOUNCEMENTS**

The Chair had the following announcements to make:

- a) She welcomed Matt Dodd and David Hancock from Exeter University to the meeting. They were attending in relation to the Devon Housing Commission Report item.
- b) Mid Devon Housing had received a number of awards since the last meeting and she congratulated all those involved on this remarkable achievement.
- c) The March 2025 meeting already had a long list of agenda items programmed for it. In order to redistribute the workload so that it could be better managed, she proposed that a Special Meeting take place on 28<sup>th</sup> January 2025 to consider any items that could be brought forward. The Head of Housing and Health confirmed that several items could be brought forward. The Group **AGREED** therefore to holding a Special Meeting of the Homes Policy Development Group on 28<sup>th</sup> January 2025.
- d) She offered her congratulations to the Public Health and Housing Options Team for all the work they were doing in relation to Homelessness.

### 41 **DEVON HOUSING COMMISSION REPORT**

The Group received a presentation from Matt Dodd and David Hancock at Exeter University regarding the Devon Housing Commission Report.

This contained the following information:

- A huge data gathering exercise had been undertaken at the commencement of the project through site visits, seminars, online calls for evidence and working with local and central government agencies.
- Some key headlines included the fact that Devon was 'older' than the rest of England and was getting 'older' faster.
- Devon's homes were some of the most under-occupied in the country, they were also some of the poorest quality.
- There were fewer affordable homes in Devon than the rest of England and the number of bids per home on Devon Home Choice had doubled since 2019/20.

Some of the key recommendations in the report included the following:

#### For the Government

- A renewed and increased Affordable Homes Programme.
- Local Authority Housing Fund providing renewed and increased flexibility on temporary accommodation.



- Support for the Renter Reform Bill.
- Funding for Rural Housing Enablers.
- Support for being more robust on planning.

#### For Local Authorities

- Ensure Housing Enabling is at the heart of Local Authorities.
- Act on holiday lets/second homes.
- Ensuring the right type of homes were built – using the local plan process.
- Temporary accommodation – acquisition and remodelling.

#### For Other Bodies

- Homes England – work closely with Devon and develop rural and coastal housing strategies.
- Housing Associations – communicate on disposals strategies.
- Regulator of Social Housing – develop a charter on disposals.
- Promote and encourage construction skills and retrofit/green skills.
- Landowners and housing authorities working together.

#### Next steps

- Report focused on benefits of devolution.
- Working together between districts and between districts and county.
- Facilitation of that relationship.
- Strategic pipeline that Homes England want to develop.
- Devon wide housing strategy to support the delivery of housing ambitions.

#### Discussion took place regarding:

- A lot of this could be solved purely by freeing up bedrooms.
- 45% of Mid Devon's stock was under occupied.
- There needed to be a sufficient turnover of stock.
- Decanting people to other parts of the country would not be practical or appropriate. Flexibility was needed and it was about providing appropriate stock within the local area.
- There was a tension between developers providing houses at market price for people coming in from outside the area and local need.
- Considered design of new housing developments was vital.
- There was much work to do in terms of gathering data on downsizing.
- Government recommendations were aimed at stopping the actions of some less than scrupulous landlords.
- More needed to be done to encourage developers to 'build to rent' and the 'Renters Reform Bill' would be key in this process.
- Many landlords were leaving the rental sector and placing their properties on the market.
- The Local Planning Authority could be more prescriptive about what it would like to see, however, it was a difficult balancing act with what was happening with the open market.

**RECOMMENDED** to the Cabinet that:

The Devon Housing Commission report and recommendations are taken into account in the review of the MDDC Housing Strategy due in 2025.

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: Cllr C Connor declared a personal interest in that she was a landlord outside of the district. Cllr B Holdman also declared a personal interest in that he was a private sector tenant.

## 42 **PERFORMANCE DASHBOARD QUARTER 2**

The Group were presented with, and **NOTED**, two slides \* showing performance information in the housing area both under the General Fund and the Housing Revenue Account.

Since the Dashboard was last presented to this meeting, work had been ongoing to create a glossary. This contained all the measures used as part of the Dashboards and provided a definition for each. The definitions aimed to provide a fuller understanding of what was being measured and how. This was available on the Council's website.

Regarding the measures showing as red and amber it was explained that:

- Private Sector Housing service requests response rate was at amber. This was only just behind target, with just 2 cases falling outside the 5 working days target in Q2.
- Projected Outturn was also at amber - a small overspend of £13,000 currently predicted.
- Delivery of new Social Housing - the red status here was a little misleading, with 44 homes delivered against a target of 50 with several schemes about to come on line.
- New net-zero properties (red) - Shapland Place, Tiverton was now complete, but this would show in Quarter 3 data. Crofts Lapford would be complete ahead of schedule by Christmas so would also show in Q3. Several other schemes had now commenced, so overall, delivery was strong. Housing delivery could be more accurately assessed at the year end rather than on a quarterly basis due to the nature of delivery.
- Mid Devon Housing (MDH) - Complaints responded to within Complaints Handling Code timescales (amber) - 100% had met the target timescales in Quarter 2. The average performance across the financial year was therefore increasing.
- MDH Housing stock occupancy rate (amber): There had been a full and detailed report on Voids to the Scrutiny meeting on the 28 October. A number

of long term development voids were awaiting demolition and this was contributing to the lower occupancy rate.

- HRA – Projected Capital Outturn (amber): This underspend reflected both the revised timing of the projects and the revised programme of works themselves, with the deliverable budget amended as necessary.
- HRA – Capital Slippage % of development projects (amber): As the previous indicator – the programme had been revised with some projects slipping, some being accelerated and some no longer being taken forward.

Note: \* Slides previously circulated.

#### 43 **MEDIUM TERM FINANCIAL PLAN - GENERAL FUND (GF)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151 Officer) presenting the options to update the 2025/2026 budget for consideration / approval.

The following was highlighted within the report:

- The report provided a ‘refresh’ of the service areas falling under the umbrella of this Policy Development Group and showed the movement to date in the process of trying to set the budget for 2025/2026 and beyond.
- Costs in relation to Private Sector Housing and Temporary Accommodation were highlighted.
- A report going to Cabinet in December would present the very latest position ahead of Council needing to agree a budget in February 2025.

Note: \* Report previously circulated.

#### 44 **HOUSING INITIATIVES PLAN UPDATE**

The Group received, and **NOTED**, a report \* from the Operations Manager for Public Health and Housing regarding the Housing Initiatives Plan.

The contents of the report were summarised and consideration was given to:

- The Group were heartened by the amount of help and support that was offered to people in housing need.
- Congratulations needed to be extended to the Housing Options Team who were working hard to house people wherever possible.
- Council Tax information was helpful in identifying properties that were not occupied. Going forwards there would be a focus on work in this area.
- The team did link in with other local authorities in monitoring the movements of rough sleepers to check as much as possible that they were okay.

Note: \* Report previously circulated.

#### 45 **MID DEVON HOUSING (MDH) TENANT COMPENSATION POLICY UPDATE**

The Group had before it a report \* from the Head of Housing and Health presenting the revised Mid Devon Housing (MDH) Tenant Compensation Policy.

A summary of the report was briefly provided and discussion took place regarding:

- What would happen if there was a serious problem with a door entry phone?
- The Regulator advised that up to £50 could be paid as a 'good will' gesture under the right circumstances to avoid all parties having to go through a lengthy complaints procedure.

**RECOMMENDED** to that Cabinet that:

The Updated MDH Tenant Compensation Policy and Equality Impact Assessment contained in Annexes A and B respectively be adopted.

(Proposed by Cllr F Letch MBE and seconded by Cllr B Holdman)

Reason for the decision

As set out in the report

Note: \* Report previously circulated.

#### 46 **MID DEVON HOUSING (MDH) SERVICE STANDARDS UPDATE**

The Group received, and **NOTED**, a report \* from the Head of Housing and Health regarding the updated MDH Service Standards 2024-2029 as attached in Annexe A.

It was explained that this was a single document pulling together a range of standards across housing policies. It would allow for all the standards to be seen in one place. It was important that Members had sight of this. It provided a clear reference point setting out the expectations on both the landlord and the tenant.

Note: \* Report previously circulated.

#### 47 **REVIEW OF MID DEVON HOUSING ASSET MANAGEMENT STRATEGY**

The Group received a report from the Head of Housing and Health regarding a review of the Mid Devon Housing Asset Management Strategy.

The review had been necessary in order to comply with the Consumer Standards and regulations as set out by the Regulator for Social Housing. The environmental impact had been considered as part of developing the strategy. This included specific objectives regarding EPC (Energy Performance Certificate) standards and new net-zero homes within the HRA stock.

**RECOMMENDED** to Cabinet that:

The Updated MDH Asset Management Strategy in Annexe A be adopted.

(Proposed by Cllr F Letch MBE and seconded by Cllr B Holdman)

Reason for the decision

As set out in the report.

Note: \* Report previously circulated.

#### 48 **VARIATION TO THE STANDARD TENANCY AGREEMENT PROJECT PLAN**

The Group received, and **NOTED**, a verbal update from the Customer Engagement Coordinator regarding the Variation to the Standard Tenancy Agreement Project Plan.

The Tenancy Agreement document was having to be completely rewritten as a result of the new regulatory regime. The revised document was still in the phase of getting legal sign off but it was hoped the draft document could be brought before the Group at their March 2025 meeting with a view to the new Tenancy Agreement going live in late summer 2025.

Consideration was given to:

- The fact that MDH no longer issued Flexible Tenancies.
- Consultation with tenants would play a large part in finalising the new Tenancy Agreement.

#### 49 **APPOINTMENT OF CO-OPTED TENANT MEMBERS**

The Group had before it a report \* from the Head of Housing and Health providing some context around a proposal to recruit three suitable independent tenant members to the PDG. The purpose was to enable a more formalised mechanism for an established tenant voice and greater tenant scrutiny during the development of MDH policies and the consideration of housing service performance given the inherent impact matters have on the Council's residents.

The relevant details regarding the proposal were discussed and consideration was given to:

- The views of the local housing officers needed to be factored into part of the procedure for selecting prospective candidates.
- Whether the needs of tenants in towns and rural areas were the same or different?
- MDH needed a much stronger tenant 'voice' going forwards. It was important to reflect the independent views of tenants on policy matters.
- The aim was to have representative voices from the tenant community that were reflective of all ages, genders, backgrounds and family connections. It would also be important for representatives to have an ability to see issues from all angles not just their own.
- It was recognised that appointments may be difficult to manage and that it may take some time to get the right balance.
- Housing officers would be managing the appointments.
- Representatives would need to be adults who had signed a Tenancy Agreement with MDH, however, it was hoped that they would be able to bring the views and concerns of their wider families, including the younger generation.

- The Chair hoped that it might be possible to consider Care Leavers as potential candidates for the Co-Opted member role going forwards.

**RECOMMENDED** to Full Council that:

- a) The appointment of three Co-Opted Tenant Members to sit on the Homes Policy Development Group until April 2027 be approved;
- b) Delegated authority be given to the Head of Housing and Health in conjunction with the Cabinet Member for Housing Assets and Property for the appointment of each Co-Opted Tenant Member.
- c) Delegated authority be given to the Director of Legal, People & Governance (Monitoring Officer) to make the necessary amendments to the constitution, including the amendment to the scheme of Members Allowances to include a special responsibility allowance for this position(s).

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: \* Report previously circulated.

## 50 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

The items already listed in the work programme for the next scheduled meeting in March 2025 were **NOTED**. However, as discussed earlier in the meeting, a proposal to hold a Special Meeting on 28<sup>th</sup> January 2025 had been **AGREED** so that the long list of items could be more evenly split and the workload upon the Group better managed across two meetings rather than one.

It was also **NOTED** that a report from the Downsizing Working Group would need to be presented to one of these meetings and added to the work programme.

(The meeting ended at 4.40 pm)

**CHAIRMAN**



**Report for: Homes Policy Development Group**

---

Date of Meeting: 28 January 2025

Subject: **MID DEVON HOUSING RIGHT TO BUY POLICY**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing 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 – Right to Buy Policy

Annex B – Right to Buy Policy Equality Impact Assessment

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

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 enable tenants to acquire their council homes under Right to Buy (RTB) is largely set by legislation, it is important that Mid Devon Housing (MDH) have a clear point of reference through a specific policy available for tenants.

There have also been some key recent legal changes to RTB policy nationally which makes it timely to have an up to date policy in place.

This report therefore presents a new policy that outlines Mid Devon Housing's (MDH) approach to managing tenants' RTB of their council homes. It also covers specific additional scenarios for properties sold under RTB, including:

- **Right of First Refusal:** MDH's process for deciding on repurchase offers for properties resold within ten years of the original RTB purchase
- **RTB Discount Repayment:** The MDH procedure for reviewing requests to waive discount repayments if the property is sold within five years of purchase
- **Covenant Removal:** Restrictions to keep former council properties affordable for local buyers, with removal considered only in exceptional cases

### **Recommendation:**

**That the PDG recommends that Cabinet recommends that Council adopt the Right to Buy Policy and Equality Impact Assessment contained in Annexes A and B respectively**

## **Section 2 – Report**

### **1 Introduction**

- 1.1 Under Part V of the Housing Act (1985), RTB allows secure council tenants to purchase their rented homes with a discount based on caps set nationally and tenancy duration.
- 1.2 MDH has a dedicated team that takes receipt of and processes applications for the RTB of Council housing stock. This is done in-conjunction with the Council's Legal services team who lead on all conveyancing matters on behalf of the Council.
- 1.3 While MDH adheres to national legal requirements, this report clarifies discretionary elements to ensure consistent and efficient handling.
- 1.4 The Housing (Right to Buy) (Limits on Discount) (England) Order 2024 was introduced by the Government and came into force on 21 November 2024. This set a limit on the amount of discount that would be awarded to tenants. For Mid Devon (South West) tenants the maximum discount which can be applied is £30,000 and represents a significant reduction in available discount in comparison with previous legislation.
- 1.5 The maximum discount a MDH tenant can now get is whichever the lower is of:
  - 70% of the value of the property
  - the maximum discount for the region

### **2 Right of First Refusal**

- 2.1 Properties sold under RTB since 2005 carry a right of first refusal covenant, requiring owners to offer their home back to the Council if they sell within ten years.



2.2 In all cases, MDH's decision to make use of its powers to buy properties will be determined by the following factors:

- a) The property must previously have been sold by the council under the RTB and be available for purchase free of encumbrances;

AND

- b) Purchase of the property would free up land or enable access to a site suitable for the development of more council housing or other affordable housing;

OR

- c) Housing need and demand is established for the type of property being offered and in the area in which it is located; and
- d) The initial cost of any refurbishment work required to bring the property up to MDH's lettable standard is relatively minimal; and
- e) The property has a potential positive overall financial impact on the HRA Business Plan in the long-term

2.3 There may be additional, property specific circumstances where a decision is made to buy-back a previous RTB property e.g. acquiring a leasehold property where the Council already holds the property freehold and other residential units within the block.

2.4 Where the Council wishes to purchase a property it has been offered, it must agree the market value with the owner through a competent, independent property valuation. If a price cannot be agreed through this process it will be determined by the District Valuer (the Government will pay the costs of employing a District Valuer).

2.5 The Operations Manager assesses repurchase proposals in line with policy criteria, with final approval sought from the Head of Housing and Health in consultation with the Cabinet Member for Housing and Property.

### **3 Repayment of Discount**

3.1 Discount repayment may be waived in exceptional cases, such as:

- Medical conditions requiring relocation
- Financial hardship that limits ability to repay the discount

3.2 Applicants must provide relevant financial or medical documentation for review.

3.3 The Operations Manager or the Head of Housing and Health makes waiver decision recommendations following policy guidelines, again in consultation with the Cabinet Member for Housing and Property.

## **4 Removal of Covenant**

- 4.1 MDH will not normally waive its right to a covenant and potential Right to Buy and owners should be aware that the restrictions imposed may affect the future sale of their home which may not sell at full market value or take longer than average to sell.
- 4.2 If a property with such a restriction has remained unsold for 12 months or more, MDH may consider relaxing the restriction if it is shown that the covenant is the reason the property remains unsold. MDH will not consider relaxing the restriction if the property has been unsold due to an inflated market valuation.
- 4.3 The Operations Manager or the Head of Housing and Health will make a determination on whether the covenant may be removed. If so approval will be sought from the Corporate Manager in consultation with the Cabinet Member for Housing and Property.

## **5 Historical Information**

- 5.1 It should be noted that purchases can take many months or over a year to complete.
- 5.2 No. of RTB Applications received in 2023/24 = 22
- 10 have been sold and 1 application is still active
  - 2 Applications were denied
  - 9 Applications were withdrawn
- 5.3 No of RTB Applications received to date in 2024/25 = 53
- 4 have been sold and 38 are still active
  - 3 Applications were denied
  - 8 Applications were withdrawn
- 5.4 No of RTB Applications received post 21/11/2024 = 3
- NB: Two of these applications came in on 21/11/2024 so just missed the cut off for consideration under the old legislation and just one application has been received after 21/11/2024.

## **6 Policy review**

- 6.1 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.
- 6.2 In addition to those legal changes already recently introduced, it is noted that the Government is undertaking a wider review of national (England) policy on RTB which may result in further changes. As such, this policy will be automatically reviewed once the national review has concluded.

6.3 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 on any non-legislative changes.

## **7 Recommendation**

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

- That the PDG recommends to Cabinet that it recommends to Council that the MDH Right to Buy Policy and Equality Impact Assessment be adopted (Annexes A and B respectively).

### **Financial Implications**

A decision to buy back a former RTB property can only be made if a capital budget is available and approved for this purpose within the Housing Capital Programme.

Decisions to waive some or all of the RTB discount will be made in consultation with Operational Managers, Corporate Managers and the Cabinet Member for Housing and Property as this will result in a net cost to the Housing Revenue Account.

### **Legal Implications**

The RTB scheme is governed by the Housing Act 1985 and subsequent amendments, with regulations for repurchase and discount limits. MDH complies with the Housing (Right of First Refusal) Regulations 2005 and the recent discount cap introduced in November 2024.

### **Risk Assessment**

A clearly defined policy minimises the risk of legal and financial repercussions by ensuring MDH meets legislative timeframes.

### **Impact on Climate Change**

There is no impact on Climate Change

### **Equalities Impact Assessment**

MDH's housing policies ensure fair and consistent service delivery, addressing tenant diversity to meet regulatory standards. Information is available in accessible formats, and multiple routes for complaints are provided per the Housing Ombudsman's guidelines.

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

### **Relationship to Corporate Plan**

The Corporate Plan includes advocating for changes to RTB policies, though MDH complies fully with current laws and must support tenants wishing to exercise this right.

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

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 15 January 2025

**Statutory Officer:** Maria de Leiburne

Agreed on behalf of the Monitoring Officer

**Date:** 15 January 2025

**Chief Officer:** Richard Marsh

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

**Date:** 14th January 2025

**Performance and risk:**

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 09 January 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](mailto:snewcombe@middevon.gov.uk) / [mLOWMAN@middevon.gov.uk](mailto:mLOWMAN@middevon.gov.uk)

Telephone: 01884 255255

**Background papers:**

[Right to Buy – Owning your Council Home](#)

[Housing Act 1985 – Part V](#)

[The Housing \(Right to Buy\) \(Limits on Discount\) \(England\) Order 2024](#)



## Right to Buy Policy 2024

This policy was produced in 2024 and is version 1.00

This policy was adopted by Council on xxxx

Review Frequency: 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	Relevant Legislation .....	4
5	Help with Right to Buy .....	4
6	Exemptions from Right to Buy .....	5
7	Discounts.....	6
8	Admitting or denying an application.....	7
9	Making the Offer to Sell.....	7
10	Delay Procedure.....	8
11	Conditions, Covenants and Rights .....	9
12	Solar Panels.....	11
13	Requests for Permission under a Covenant and/or Removing a Covenant.....	12
14	Repayment of Discounts and Requests to Waive Repayment of a Discount .....	13
15	Statutory Buy Backs .....	14
16	Complaints .....	16
17	Equality Impact Assessment .....	17

DRAFT

## 1 Introduction

- 1.1 The Housing Act 1985 (as amended) gave secure social housing tenants certain rights to buy their council homes.
- 1.2 This policy provides Mid Devon Housing's (MDH) approach to Right to Buy and details the statutory requirements.

## 2 Aims and Objectives

### Aim

To provide tenants who wish to exercise the right to buy their council home details of what is involved and covenants that will be placed on the sale of any home owned by Mid Devon Housing.

### Objective

To provide tenants with a balanced view on the expectations and restrictions which may occur when they exercise their right to buy.

## 3 Legal Framework and Context

- 3.1 The Regulatory Framework for Social Housing is made up of regulatory requirements, codes of practice and regulatory guidance that must be met by registered providers of social housing, which is governed by the Regulator of Social Housing (RSH).
- 3.2 The Social Housing (Regulation) Act 2023 has impacted the regulatory framework for social housing and introduced a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the Act was to ensure that providers of social housing, such as the Council treats its tenants fairly and with respect.
- 3.3 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and for them to see exactly how well their landlord is performing by giving tenants a stronger voice.
- 3.4 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 a number of tenant perception surveys setting out tenants views on our performance.
- 3.5 The TSM's associated with this Policy are:
  - TP01 – Overall Satisfaction
  - TP08 - Agreement that the landlord treats tenants fairly and with respect
  - TP09 - Satisfaction with the landlord's approach to handling of complaints

## 4 Relevant Legislation

- Housing Act 1985 (as amended) Part V – Right to Buy
- Housing (Preservation of Right to Buy)(Amendment) Regulations 1999
- Housing (Right of First Refusal)(England) Regulations 1999
- The Fraud Act 2006
- Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
- The Leasehold Reform Act 2022
- The Housing (Right to Buy) (Limits on Discount) (England) Order 2024

## 5 Help with Right to Buy

5.1 There are a number of resources available to support tenants who wish to exercise their right to buy their Council home. These include:

- GOV.UK website: [Right to Buy: buying your council home](#)
- [Own Your Home website](#) including an eligibility quiz, discount calculator tools and FAQs
- [The Knowledge Hub](#)
- The Right to Buy Team email address: <mailto:RTB@levellingup.gov.uk>
- [Citizens Advice](#)

5.2 MDH also signpost tenants to the Right to Buy Agent service, which is the official government helpline:

- [Right to Buy: Contact an agent](#)
- Email: <mailto:enquiry@righttobuyagent.org.uk>
- Telephone: 0300 123 0913

5.3 The Right to Buy Agent service offers free advice on:

- the Right to Buy and Preserved Right to Buy process;
- the eligibility criteria;
- how to complete the Right to Buy application form;
- where tenants can get financial and legal advice;
- what tenants can do if their application is delayed.

5.4 MDH provides all new secure tenants with a Right to Buy information document and provides the document to all secure tenants every 5 years.

5.5 The Right to Buy Information document provides tenants with:

- The circumstances in which the Right to Buy can and cannot be exercised;
- The exceptions to the Right to Buy;
- The procedure for claiming to exercise the Right to Buy;
- The price payable for the dwelling-house by a tenant exercising the Right to Buy;



- Delay notice procedures for landlords and tenants set out in sections 140, 141, 153A and 153B of the Housing Act 1985;
- The fact that initial costs are likely to be incurred by a secure tenant exercising the Right to Buy, with specific reference to costs in respect of:
  - Stamp duty.
  - Legal and survey fees.
  - Valuation fees and costs associated with taking out a mortgage.
- The fact that a secure tenant will be likely to have to make regular payments as an owner of a dwelling-house, with specific reference to payments in respect of:
  - Any mortgage or charge on the dwelling-house.
  - Building insurance, life assurance, and mortgage payment protection insurance.
  - Council tax.
  - Water, sewerage, gas, electricity, and other utility services.
- The risk of repossession of the dwelling-house if regular mortgage payments are not made;
- The fact that in order to keep the property maintained and in good repair, the owner of the dwelling-house will be likely to have to incur expenditure, which may include payment of service charges in respect of major works.

## 6 Exemptions from Right to Buy

6.1 Not all tenants have the right to buy the MDH home they live in. Schedule 5 of the Housing Act 1985 provide that the following circumstances are exempt from the tenant's right to buy:

- a) where the landlord is a trust or certain type of housing association;
- b) where the landlord does not own the freehold and the remaining lease is:
  - 21 years or less if your home is a house/bungalow; or
  - 50 years or less if it is a flat/maisonette. (in both cases, this relates to the date when the tenant serves the RTB1 (application form)
- c) where the property is within the boundaries of a building held by the landlord for purposes other than housing and was let to the tenant (or a predecessor) for the purposes of employment;
- d) where the property is let for the purpose of housing disabled persons or elderly persons or persons with a mental disorder; and has substantially different features to ordinary dwellings;
- e) where the property is held by the landlord on a tenancy from the Crown;
- f) where a final demolition notice is in place.

6.2 There are some circumstances where tenants themselves are exempt from exercising their right to buy. These are:

- a) if the tenant or someone they hold the tenancy with is subject to an order of the court for possession of the property
- b) if the tenant or someone who is joining in the Right to Buy with them:

- is subject to a bankruptcy order;
- has a bankruptcy petition pending;
- is an undischarged bankrupt;
- has made an arrangement with a creditor the terms of which remain unfulfilled;
- benefits from a moratorium period under a debt relief order; or
- is subject to a suspension period under an order made under section 121A of the Housing Act 1985 due to anti-social behaviour.

## 7 Discounts

- 7.1 The Housing (Right to Buy) (Limits on Discount) (England) Order 2024 was introduced by the Government and came into force on 21<sup>st</sup> November 2024. This set a limit on the amount of discount that would be awarded to tenants. For Mid Devon tenants the maximum discount which can be applied is £30,000.
- 7.2 The maximum discount tenants can get is whichever is lower:
- 70% of the value of your property
  - the maximum discount for your region
- 7.3 A secure tenant of a house will accrue a discount of 35% after they have been a public sector tenant for between 3 and 5 years. After 5 years the discount will go up 1% every year that they have been a public sector tenant, until a maximum of 70% of the property value, up to a maximum of £30,000.
- 7.4 A secure tenant of a flat will accrue a discount of 50% after they have been a public sector tenant for between 3 and 5 years. After 5 years the discount will go up 2% every year that they have been a public sector tenant, until a maximum of 70% of the property value, up to a maximum of £30,000.
- 7.5 The discount figure can consist of partial years added together with joint tenants exercising their right to buy. The monetary value of this percentage is deducted from the market valuation of the property.
- 7.6 Where a tenant has exercised their right to buy in the past, or where one joint tenant has exercised their right to buy in the past, the discount shall be reduced to take into any previous discount awarded under section 130 of the Housing Act 1985.
- 7.7 If, in order to meet the minimum tenancy period to qualify for the Right to Buy, an application has relied on the qualifying years of a joint tenant who has chosen not to join in the Right to Buy, that tenant may only use their own qualifying years when calculating their discount entitlement.

## 8 Admitting or denying an application

- 8.1 The first stage of the Right to Buy process begins with the receipt of an application form Notice Claiming the Right to Buy (RTB1) from a tenant. MDH are required to respond to the tenant with a Section 124 notice Right to Buy: Notice in Reply to a Tenant's Claim (RTB2) advising them whether their application has been accepted or denied.
- 8.2 The date that the RTB1 is received by MDH is referred to as the 'relevant time' and sets the date for valuation and calculation of the sale price. It is also the date used to calculate the admittance or denial statutory timescale.
- 8.3 MDH must admit or deny an application within 4 weeks of receiving the application or within 8 weeks, if the tenant has had a tenancy with any other landlord.
- 8.4 If MDH do not meet the statutory timescale for accepting or denying an application, the applicant is entitled to use the delay procedures to claim compensation for any delay caused by MDH.

## 9 Making the Offer to Sell

- 9.1 Once an application has been admitted and MDH have sent a Section 124 notice (RTB2) to the tenant telling them they have the Right to Buy, MDH must send a Section 125 offer notice which gives the purchase price and the terms and conditions of the sale.
- 9.2 The time limit for this is normally 8 weeks for a freehold property (house/bungalow). If the property is leasehold (flat/maisonette) the time limit is 12 weeks. In a few cases, houses and bungalows are also leasehold and the time limit of 12 weeks will also apply where this is the case.
- 9.3 If MDH do not meet the timescale set down in legislation, the applicant can use the delay procedure to claim compensation for any delay caused by MDH.
- 9.4 Once the applicant's Right to Buy has been admitted, MDH will need to calculate the sale price for the property (section 126) and to do this we will need to:
  - Establish a value for the property;
  - Calculate the level of discount to be applied;
  - Establish any applicable leasehold charges; and
  - Identify any previous public sector discounts which the applicant(s) may have received.

- 9.5 MDH will determine any Cost Floor amount which may affect the discount entitlement. As part of the calculation of the sale price of the property MDH will need to determine the Cost Floor figure. This is the amount spent on an individual property in the 30 year period prior to receipt of RTB1 regardless of when the property was built or acquired.
- 9.6 A Cost Floor amount should include the costs of:
- a) The construction of the dwelling, including site development works and acquisition of land;
  - b) The acquisition of the dwelling;
  - c) Those works initially required following the acquisition of the dwelling by the landlord to put it into good repair, or to deal with any defects (exceptions apply where the property was acquired under Part XVI of the ACT);
  - d) Those works of repair or maintenance: or works to deal with any defect affecting the property (except works in paragraph c above). Costs can only be included in the Cost Floor where the aggregate of those costs exceeds the sum of £5500: the figure that is included in the costs is the amount in excess of £5500 (i.e. the first £5500 cannot be included in the Cost Floor Calculation).
- 9.7 Once MDH have all this information MDH will then be able to complete and issue a Section 125 Offer Notice which is the formal offer to sell the property under the Right to Buy scheme.
- 9.8 Should a tenant wish to escalate a dispute or challenge following receipt of their Section 125 offer, they will need to place this request in writing. MDH will then escalate this request onto the Valuation Agency Office (District Valuer) who will progress with their dispute.
- 9.9 Following receipt of the outcome decision from the District Valuer, MDH will then reissue the tenants S125 Offer Notice in accordance to the valuation figure supplied. The tenant will then have a further 12 weeks from the date of their reissued offer to decide if they wish to purchase.

## 10 Delay Procedure

- 10.1 If an applicant has applied to exercise the Right to Buy their home and believes that their landlord is in some way delaying the process, they are able to use the delay procedures prescribed in legislation.
- 10.2 The tenant can use the procedure at any time when the landlord is causing delay. There are statutory timescales set for the first two stages in a Right to Buy sale where the delay process may become relevant.

- 10.3 Once the tenant has applied to exercise their Right to Buy, MDH must send them a Section 124 notice (RTB2) telling them whether or not they have the Right to Buy. We must do this within 4 weeks of receiving their application or within 8 weeks if the tenant has not been our tenant for the full qualifying period.
- 10.4 Once it has been established that the applicant has the Right to Buy, MDH must send a Section 125 Offer Notice which gives the purchase price and the terms and conditions of sale. The statutory timescale allowed for this is 8 weeks for a freehold property and 12 weeks for a leasehold property, from the date the RTB2 was served.
- 10.5 Once the tenant has received the Section 125 Offer Notice, they must tell MDH whether they wish to go ahead with the Right to Buy sale.
- 10.6 If the tenant decides to go ahead, MDH will pass the file to the Council's legal services to complete the sale of the property when the offer has been accepted by the tenant.
- 10.7 Once the Right to Buy application has been approved and the process is in progress, the Council will only perform emergency repairs. The property will be excluded from any capital projects, and all scheduled works will be suspended.

## 11 Conditions, Covenants and Rights

### Conditions

- 11.1 There are two types of conditions which are applied to all sales of council homes under the right to buy legislation. Only one of these will be applicable to the property and is dependent upon whether the property is located in a rural area or one of the three main towns in Mid Devon, i.e. Tiverton, Crediton or Cullompton
- For properties outside Tiverton/Crediton/Cullompton (these are designated rural areas by the Secretary of State), a restriction under section 157 of the Housing Act 1985 limiting the class of person (see below explanation) to whom the property can be resold and to whom it may be leased or licenced in the interim.
  - The condition is a prohibition on disposals without the consent of the Council until such time as it may notify the purchaser that it is waiving its rights under the covenant, if it ever chooses to waive these rights. Consent is not to be withheld if the disposal is to a person who has, throughout the period of three years preceding the application for consent (a) has their place of work and/or (b) has their only or principal home in the region of Devon.
  - MDH may consider consenting to a sale to a person who does not meet these criteria, on a discretionary basis. For example, in situations where a seller is able to demonstrate with sufficient evidence that they have not been able to sell their property for a significant amount of time, but they have found a potential buyer who resides close to the border of Mid Devon.

- For properties in Tiverton/Crediton/Cullompton a condition that there is no transfer or lease of the registered estate within 10 years of the date of the original sale unless the transfer or lease complies with the requirements of section 156A Housing Act 1985 which relates to the right of first refusal (detailed in section 14 of the Policy).

11.2 In both of these situations a restriction will automatically be registered against the title register of the property when it is registered into the tenant's name by their solicitor at the Land Registry.

### Covenants

11.3 Additional covenants might be imposed which relate to the current and future enjoyment of the property. These may include:

- Not to use the property other than as a single private dwelling-house;
- Not to carry on any trade or business upon the property;
- Not to obstruct estate roads, footpaths, lay-bys or entrances to car parking areas;
- Not to use parking areas for any purpose other than the parking of a single motor vehicle;
- Not to park a motor vehicle on the property except in a proper garage or on a hardstanding properly constructed to the satisfaction of the Council;
- Not to park any trailer, caravan, boat or item of mechanical plant or equipment on the property without the previous written consent of the Council;
- Not to allow any wall fence hedge or gate associated with the property to fall into a state of disrepair;
  - To maintain open plan gardens as an open plan feature;
  - To repair and maintain nominated boundary features;
- Where applicable to pay a maintenance charge comprising a reasonable proportion of the expenditure which the Council has incurred or will incur in:
  - maintaining and keeping in repair roads, paths, lay-bys, parking areas and any other areas referred to in the transfer including amenity/grassed areas maintained by the Council; and
  - works and management including (but not limited to) maintaining, repairing, emptying, renewing, replacing and relocating any septic tank/treatment plants benefitting the property
- To indemnify the Council against breach of any covenants or other matters to which the Council's title to the property may be subject;
- To maintain in good repair order and condition any wall fence hedge or gate on a boundary marked with an inward facing "T" on the Plan;
- To maintain cleanse repair renew and relay when necessary all conducting media serving the Property and laid in on over or under the Property and to bear with the owners of the adjoining properties in equal proportion the costs charges and expenses of maintaining cleansing and repairing renewing and relaying any

Conducting Media and any other things used in common as need shall require.  
Please note that this includes sewage treatment plants;

- Not to dispose of the property or any part of it or grant any interest in it to any person to occupy it without obtaining from such person covenants in favour of the Council to observe and perform the covenants in the Transfer. A restriction will also be placed on the property to ensure future owners are bound by this provision.

#### Rights Granted and Reserved

11.4 The property may be granted permanent rights which a tenant currently enjoys in connection with their use of the property, such as pedestrian access over shared footpaths, vehicular access over roads and parking areas. These rights may be subject to a fair proportion of future contributions by the purchaser towards its upkeep and maintenance by the Council.

11.5 The property may be sold subject to rights that are being reserved by the Council, for example, a property may be sold with a footpath included in the boundary of it which is subject to rights being reserved for shared access by the Council and neighbouring occupiers/owners. These rights will be subject to a fair proportion of future contributions by the Council towards their upkeep and maintenance by the purchaser.

#### Flats

11.6 Where a top floor flat is purchased under the right to buy the loft space does not form part of the property being sold. It remains within MDHs ownership as with the other common parts of the building. Tenants are not permitted to use, access or obstruct access to these areas.

## 12 Solar Panels

12.1 If a tenant exercises their Right to Buy (RTB) and have Solar Panels (PV or Photovoltaic Panels) installed on their roof which belong to a third party solar panel provider, they will need to be aware of the following:

12.2 The tenants of houses with solar panels will have three choices when they come to exercise the right to buy

- They can grant a lease of the roof space to the solar panel provider (currently Anesco Mid Devon) for the period left on the current lease with MDH. The tenant will continue to receive the benefit of the free electricity supply.
- They can buy the solar panels outright from MDH; they then become the tenant's property and their responsibility. The tenant will still receive free electricity and also an income called a Feed in Tariff which would help pay back for their investment.
- They can have the solar panels removed. They will no longer receive the free electricity supply that they currently benefit from. The removal of the panels will take place before completion of the purchase, but only when a completion date has been agreed.

- 12.3 Tenants of flats will not have an option to grant a lease, purchase or remove the panels when exercising their right to buy. This is because the roof space of all MDH blocks of flats remains in the ownership and control of MDH. Owners of flats will continue to receive the benefit of the free electricity supply.
- 12.4 If a tenant exercises their RTB and have Solar Panels (PV or Photovoltaic Panels) installed on their roof which belong to the Council, the solar panels will be valued as part of the property during the application stage and they will be included in the sale. There is no option to remove the solar panels from properties where the equipment is owned by the Council.

Further information can be found in our Questions and Answers leaflet.

### 13 Requests for Permission under a Covenant and/or Removing a Covenant

- 13.1 Covenants are imposed on sold properties in order to protect the general amenity of the area in which a property is situated and used and enjoyed by other occupiers in the estate.
- 13.2 MDH will not normally waive its right to a covenant and potential right to buy owners should be aware that the restrictions imposed may affect the future sale of their home which may not sell at full market value or take longer than average to sell.
- 13.3 Some covenants may specifically allow an owner to proceed with certain proposals, such as parking a vehicle on their property, with the prior written consent of the Council. A tenant will be advised on the effect of the covenants being imposed in their offer notice and by their solicitor. MDH will take a consistent and reasonable approach when considering requests to waive or remove a covenant affecting a property and it will take into account the effect the removal of the covenant may have on the Council's retained estate.
- 13.4 In order to apply for consent under a covenant, or for the permanent removal of a covenant which is absolute, an application with full proposals, plans and specifications will need to be submitted to MDH for consideration. An example of a covenant which is absolute is '*not to use the property as anything other than a single private dwellinghouse*'. This type of covenant prevents owners from building second dwellings within their property and there is no scope for the Council providing written consent. In this situation a formal application to remove or waive the covenant will need to be submitted to the Council.
- 13.5 Where a covenant states that permission from the Council is required, an administration fee will be payable on submission of the application. A legal fee will be payable if formal consent is granted at a later stage. The fee will be determined by the nature and effect of the application.



- 13.6 Where a covenant is absolute and the request is for its removal, a formal valuation using an accredited RICS Surveyor is required in order to assess the impact the removal of the covenant will have on the Council's retained estate and this may result in a payment to the Council. The Surveyor's fee will be met by the owner and will be payable on submission of the application in addition to the administration fee.
- 13.7 The Operations Manager(s) will make a determination on whether the covenant will be removed. If so approval will be sought from the Corporate Manager in consultation with the Cabinet Member for Housing and Property.
- 13.8 An application for permission under, or for the removal of a covenant can be made on the Council's website.

## 14 Repayment of Discounts and Requests to Waive Repayment of a Discount

- 14.1 Right to Buy homeowners will have to pay back some or all of the discount received if they sell their Right to Buy home within 5 years of buying it. The total amount of pay back is:
- 1 year – 100%
  - 2 years – 80%
  - 3 years – 60%
  - 4 years – 40%
  - 5 years – 20%
  - +5 years – 0%
- 14.2 The amount paid back depends on the market value of the property at the time it is being sold. However, if the home's value has increased due to carrying out improvements since the Right to Buy purchase, these should be disregarded and not reflected in the property value when considering how much discount must be repaid.
- 14.3 The requirement to repay the discount will only be waived in exceptional circumstances and the decision is investigated by the Operations Manager. A two part test will be considered when assessing an application to waive all or part of a discount in accordance with Government Guidance on the use of discretionary powers on the repayment of discounts.

14.4 The Operations Manager(s) will make a determination on whether the discount will be waived in line with the guidance referred to at 13.3. If so approval will be sought from the Corporate Manager in consultation with the Cabinet Member for Housing and Property.

## 15 Statutory Buy Backs

15.1 All council properties sold under the Right To Buy which are situated in one of the three main towns i.e. Tiverton, Crediton or Cullompton (or sold voluntarily at a discount by the Council) are subject to the covenant of the 'right of first refusal'.

15.2 If an owner wishes to sell their property within 10 years of purchase, they must first offer the property back to the Council by submitting a formal offer notice.

15.3 In all cases, MDH's decision to make use of its powers to buy properties will be determined by the following factors:

a) The property must previously have been sold by the Council under the Right To Buy and be available for purchase free of encumbrances;

AND

b) Purchase of the property would free up land or enable access to a site suitable for the development of the affordable housing;

OR

c) Housing need and demand is established for the type of property being offered and in the area in which it is located; and

d) The initial cost of any refurbishment work required to bring the property up to MDH's lettable standard is relatively minimal; and

e) The property has a potential positive financial impact on the Housing Revenue Account Business Plan in the long-term.

15.4 There may be additional, property specific circumstances were a decision is made to buy-back a previous RTB property e.g. acquiring a leasehold property where the Council already holds the property freehold and other residential units within the block.

15.5 Whilst the Council is not obliged to buy back properties offered to it in this way, it will determine whether or not a property will be repurchased by considering the following factors:

- Capital funds are available;
- Purchase of the property supports wider regeneration or development objectives;
- Purchase of the property will avoid a future compulsory purchase order (CPO);

- Housing need and demand is established for that property type in the locality it is being offered;
  - Assists in meeting housing need for those requiring supported living such as bringing bungalows or other level access properties into Housing Revenue Account stock;
  - Supports the Council's wider objectives as a landlord of social housing for making best use of stock and meeting housing need;
  - Where it is being added to MDH's portfolio of Council housing, additional costs for refurbishment work to bring it up to the Decent Homes Standard is minimal;
  - Purchase of the property offers value for money.
- 15.6 Where the property is available for purchase the decision to proceed would be subject to the property being sold with vacant possession.
- 15.7 The process for offering a property back to the Council is governed by the Housing (Right of First Refusal) (England) Regulations 2005. It requires the owner to make a formal offer to be made to the Council.
- 15.8 If the Council decides that it does not wish to purchase the property, it will serve a rejection notice on the owner before the expiry of eight weeks following receipt of the offer notice. The owner is then permitted to sell the property as they see fit.
- 15.9 If the owner does not sell the property before the expiry of twelve months following service of the rejection notice, and the property is still subject to the ten year restriction, the owner must offer the property back to the Council again before they are able to sell it. The right of first refusal process will start again from the beginning.
- 15.10 If the Council decides to accept an offer (following a valuation and/or survey, as appropriate), it will serve an acceptance notice on the owner before the expiry of eight weeks following receipt of the offer notice. The Council may decide to nominate another eligible social/authorised landlord to accept the offer on the Council's behalf.
- 15.11 An acceptance of an offer is not a legally binding contract. The Council is under no obligation to proceed with a purchase until a binding contract has been entered into.
- 15.12 A contract will only be entered into once the purchase price has been agreed between both parties, or it has been determined by the District Valuer. The purchase price as stipulated in section 158 of the Housing Act 1985 is the current market value. If there is any discount repayment due to the Council it will be deducted from the purchase price.

15.13 If the Council fails to serve either an acceptance notice or a rejection notice on the owner before the expiry of eight weeks following receipt of the offer notice, the owner is entitled to dispose of the property as they see fit. If the owner is still the owner of the property following the expiry of one year after the original eight week deadline, and the property is still subject to the ten year restriction, the owner must offer the property back to the Council again before they sell it. The right of first refusal process will start again.

15.14 An offer form can be obtained by the Council by emailing <mailto:housingfpt@middevon.gov.uk>

15.15 The Operations Manager will make a determination on whether the property will be repurchased in line with the criteria set out at 14.3 and 14.4. If so approval will be sought from the Corporate Manager in consultation with the Cabinet Member for Housing and Property.

## 16 Complaints

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

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

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

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

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

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

- 16.5 Where a tenant considers that the Council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved 'there and then' by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.
- 16.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, 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.
- 16.7 MDH's complaints procedure is detailed on Council's website: [Feedback and Complaints](#)

## 17 Equality Impact Assessment

- 17.1 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 Right to Buy Policy		
Job title of the person(s) undertaking the assessment:	MDH Policy Officer		
Council service:	Mid Devon Housing		
Date of assessment:			
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?			
<p>This policy provides Mid Devon Housing's (MDH) approach to Right to Buy and details the statutory requirements.</p> <p>The aim is to provide tenants who wish to exercise the right to buy their council home details of what is involved and covenants that will be placed on the sale of any home owned by Mid Devon Housing.</p> <p>The objective is to provide tenants with a balanced view on the expectations and restrictions which may occur when they exercise their right to buy.</p>			
Who may be affected by the policy/ decision?	All tenants		
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	<p>Consultation exercise was undertaken between 1<sup>st</sup> February 2024 – 1<sup>st</sup> March 2024 which included:</p> <ul style="list-style-type: none"> <li>• Tenants</li> <li>• Members of the Homes PDG</li> </ul>		
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	MDH reviews its practices as lessons learned when dealing with complaints raised by tenants		
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"/>	Having a clearly defined policy ensures consistency of approach and ensures that no tenant or resident is treated more fairly or unfairly than any other.
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"/>	



Characteristic	Positive	Negative	Neutral	Comments
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?**

**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.**

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

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

**Where a tenant is considered vulnerable MDH will collaborate closely with them to avoid possession action where possible, and each case will be referred to the Neighbourhood Team Leader Income and/or other support services before any eviction order is sought.**

**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.

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?
<b>Sex</b>			
No Impacts/Issues or opportunities identified			
<b>Age</b>			
No Impacts/Issues or opportunities identified			
<b>Disability</b>			
No Impacts/Issues or opportunities identified			
<b>Religion or Belief</b>			
No Impacts/Issues or opportunities identified			
<b>Race</b>			
No Impacts/Issues or opportunities identified			
<b>Sexual Orientation</b>			
No Impacts/Issues or opportunities identified			
<b>Gender Reassignment</b>			

No Impacts/Issues or opportunities identified			
<b>Pregnancy/ maternity</b>			
No Impacts/Issues or opportunities identified			
<b>Marriage and Civil partnership</b> (Applies only to Employment and the duty to give regard to the elimination of discrimination)			
Not applicable			

**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. There were no mitigating actions to be taken to promote equality.

**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: 03 January 2025**

This page is intentionally left blank



**Report for: Homes Policy Development Group**

---

Date of Meeting: 28 January 2025

Subject: **MID DEVON HOUSING (MDH) SAFEGUARDING ADULTS, CHILDREN AND YOUNG PEOPLE POLICY**

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

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 Safeguarding Adults at Risk, Children and Young People Policy

Annex B – MDH Equality Impact Assessment Safeguarding Adults at Risk, Children and Young People Policy

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

In March 2024, a Consumer Regulation Health check advised that MDH establish a dedicated Safeguarding Policy to better manage risks associated with protecting vulnerable adults and children from abuse and neglect. Safeguarding is a crucial legal obligation for MDH. Whilst the existing corporate policy was widely updated in 2024 as an initial policy priority, it lacks detail on the role of MDH as a landlord as required by housing providers. This new MDH specific policy has been developed in the context of the updated corporate policy for consistency.

## **Recommendation:**

**That the PDG recommends that Cabinet recommends that Council adopt the MDH Safeguarding Adults at Risk, Children and Young People Policy and Equality Impact Assessment contained in Annexes A and B respectively**

## **Section 2 – Report**

### **1 Introduction**

- 1.1 The current MDDC corporate safeguarding policy addresses safeguarding generally across council services but lacks specific clarity on legal provisions outlined in the Care Act 2014 and the responsibilities of social landlords.
- 1.2 A comprehensive safeguarding policy for both children and vulnerable adults is necessary to ensure MDH meets its specific statutory obligations under Section 11 of the Children Act 2004 and the Care Act 2014.
- 1.3 Under the revised, statutory consumer standards issued by the Regulator of Social Housing (RSH) there is a greater emphasis on supporting our tenants and protecting their wellbeing. In the context of safeguarding, the Transparency, Influence and Accountability Standard requires MDH to consider the diverse needs of our tenants in relation to the housing and landlord services we provide and any matters of hate crime, discrimination or risks to vulnerable tenants. Furthermore, the Neighbourhood and Community Standard specifically sets out that landlords should understand the significant impact that domestic abuse and other safeguarding matters can have both on tenants experiencing it and their household members. In achieving this outcome MDH should have a victim-centred approach to assisting tenants who experience abuse.
- 1.4 Safeguarding is therefore an essential part of MDH's housing responsibilities.
- 1.5 The new MDH policy includes distinct sections focused on both adults and young people.

### **2 Current practice**

- 2.1 MDH is committed to actively safeguarding vulnerable adults residing in its properties by collaborating openly with other agencies. This multi-agency approach is intended to prevent abuse, exploitation, and neglect of vulnerable adults.
- 2.2 Effective safeguarding is integral to our work practices and not seen as an "additional" task. Staff interacting with tenants play a crucial role in safeguarding, so mechanisms are established for them to report concerns confidently, supported by clear documentation and follow-up processes.
- 2.3 Staff are provided with training and internal procedures for managing safeguarding matters, including relevant referral forms.



### **3 Historical information**

3.1 The following information provides detail of safeguarding referrals raised by MDH staff and contractors;

#### 2023-24

MDH started central collation of information on referrals made by MDH staff and contractors from September 2023

14 Safeguarding cases

Cases relate to: self-neglect, hoarding, financial & material abuse, sex abuse and other (mental health)

#### 2024-25

3 Safeguarding cases

Cases relate to: other mental health, suicidal thoughts and neglect & acts of omission

### **4 Recommendation**

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

**That the PDG recommends that Cabinet recommends that Council adopt the MDH Safeguarding Adults at Risk, Children and Young People Policy and Equality Impact Assessment contained in Annexes A and B respectively**

#### **Financial Implications**

While the policy has no direct financial implications, it is suggested that staff receive in-person training to enhance awareness and understanding of safeguarding roles and best practices. East Devon District Council has found this approach effective, and training will be delivered by the MDDC Specialist Lead in Community Safety & Safeguarding.

#### **Legal Implications**

As a registered social housing provider, MDH has a statutory responsibility to safeguard the welfare of children and vulnerable adults in line with the Children Act 2004 and the Care Act 2014.

#### **Risk Assessment**

Maintaining an up-to-date safeguarding policy is essential, as MDH are legally obligated to ensure adequate procedures are in place. A failure to meet statutory duties could expose MDH to legal consequences if a safeguarding incident occurs without the appropriate measures being followed. This would represent a wider failure to protect vulnerable tenants and other household members from harm.

## **Impact on Climate Change**

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

## **Equalities Impact Assessment**

The safeguarding policy is designed to protect the entire community, with particular emphasis on vulnerable individuals who may be at greater risk due to age, disability, or other support needs.

## **Relationship to Corporate Plan**

The policy contributes to Objective 3.4 outlined in the 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

**Date:** 15 January 2025

**Statutory Officer:** Maria de Leiburne

Agreed on behalf of the Monitoring Officer

**Date:** 15 January 2025

**Chief Officer:** Richard Marsh

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

**Date:** 14th January 2025

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 09 January 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](mailto:snewcombe@middevon.gov.uk)

Telephone: 01884 255255

### **Background papers:**

[mddc-corporate-safeguarding-policy.pdf](#)

[Care Act 2014](#)

[Children Act 2004](#)



# Safeguarding Adults at Risk, Children and Young People Policy

This policy was produced in 2025 and is version 1.00

This policy was adopted by Council on xxxx

Review Frequency: 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 Associated Policies .....	3
4	Definitions of Safeguarding.....	4
5	Types of Abuse and Neglect.....	4
6	Responsibilities for Safeguarding.....	5
7	Contractors and Service Providers.....	6
8	Staff Recruitment and Training .....	6
9	Staff and Contractor Behaviour .....	7
10	How we will respond.....	8
11	Children and Young People at Risk .....	8
12	Adults at Risk.....	8
13	Whistleblowing .....	10
14	Sharing Information .....	10
15	Complaints .....	12
16	Equality Impact Assessments.....	12

## 1 Introduction

- 1.1 This Policy aims to compliment and work in tandem with the Mid Devon District Council Corporate Safeguarding policy and guidance.
- 1.2 It draws on and reflects the relevant legislation and guidance on safeguarding for both children and adults at risk and sets out the housing management service's aims, role and responsibilities for ensuring effective safeguarding in partnership with other agencies. It includes:
  - Definitions of safeguarding and those who may be at risk.
  - Types of abuse and neglect.
  - Responsibilities for Safeguarding within the Council and Housing Service.
  - How we will respond to instances of abuse and neglect.
  - How we will share information and work with others.

## 2 Aims and Objectives

- 2.1 The aims of the Policy are to clarify the roles and responsibilities of Housing Officers and contactors employed by MDH when dealing with concerns about safeguarding of tenants or anyone living in or visiting our homes.
- 2.2 The objective is to provide employees and contractors with the processes needed to promote the welfare of and action to enable all children, young people and adults with care and support needs who live in or visit our homes to have the best life outcomes.

## 3 Legal Framework and Associated Policies

- 3.1 As a social housing provider working with children, young people, and families, MDH have specific statutory duties under Section 11 of the Children's Act 2004, to promote the welfare of children and young people, and ensure they are protected from harm. MDH also have statutory responsibilities for safeguarding adults, for example from the Human Rights Act (1998); the Mental Capacity Act (2005), and the Care Act (2014).
- 3.2 This policy should be read in conjunction with the following documents:
  - MDDC Corporate Safeguarding Policy
  - MDDC Disciplinary Procedure
  - MDDC Grievance Procedure
  - MDDC Whistleblowing Policy
  - MDDC IT Acceptable Use Policy
  - MDDC Equality and Diversity Policy
  - MDDC Complaints & Feedback Procedure
  - MDDC Dignity at Work Policy
  - MDDC Health & Safety at Work guidance
  - MDDC Disclosure & Barring Policy

### 3.3 Additional online resources:

[Home - Devon Safeguarding Adults Partnership](#)

[Report your concern - Devon Local Authority boundaries - Devon Safeguarding Adults Partnership](#)

[The Devon Safeguarding Children Partnership \(Devon SCP\)](#)

[Devon has a duty to keep vulnerable adults safe and away from harm](#)

[Domestic violence and abuse - Domestic and Sexual Violence and Abuse](#)

[Safeguarding - MIDDEVON.GOV.UK](#)

## 4 Definitions of Safeguarding

### 4.1 The NHS definition of safeguarding states:

*'Safeguarding means protecting a citizen's health, wellbeing and human rights; enabling them to live free from harm, abuse and neglect. It is an integral part of providing high-quality health care. Safeguarding children, young people and adults is a collective responsibility,*

### 4.2 Those most in need of protection include:

- Children and young people
- Adults at risk, such as those receiving care in their own home, people with physical, sensory and mental impairments, and those with learning disabilities.

## 5 Types of Abuse and Neglect

5.1 Physical abuse- the use of force that results in pain, injury or deterioration in the person's physical state. Examples include: Punching, hitting, pinching, burning, and misuse of medication, excessive restraint and forced feeding.

5.2 Sexual abuse- sexual activities when the individual does not want the activity, or they have not consented, they do not understand/have the capacity to understand or they are under 16 years old. Examples include: rape or sexual assault, inappropriate touch, sexual teasing or innuendo, sexual harassment, indecent exposure and sexual photography or forced use of pornography.

5.3 Psychological abuse- has a harmful effect on the emotional, health and/or development of an adult or child at risk. Examples include: threats, intimidation, humiliation, bullying, harassment, verbal abuse, enforced isolation, preventing access to services, preventing choice and opinion and addressing someone in an infantile or patronising way. This can include psychological abuse suffered by children who witness the abuse of a parent, guardian or carer.

- 5.4 Financial or material abuse- using property, assets, income of adults who are vulnerable without their consent and making financial transactions for adults who do not have mental capacity. Examples include: theft of money or possessions, fraud, preventing a person access to their own money, pressure or threat in connection with money, loans, wills or property.
- 5.5 Discriminatory abuse- service or care given influenced negatively by an aspect of the individuality of the adult at risk. Examples include: a) unequal treatment based on age, disability, gender, reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation. b) verbal abuse, derogatory remarks, exclusion. c) hate crime, antisocial behaviour.
- 5.6 Neglect and acts of omission- not meeting basic or specific social and medical needs. Examples include:
- a) Failure to provide food, shelter, clothing, heating, personal or medical care.
  - b) Withholding medication as prescribed.
  - c) Failure to allow choice i.e. visitors, meeting cultural or religious needs.
  - d) Ensuring privacy and dignity.
- 5.7 Institutional abuse- the mistreatment of people brought about by poor or inadequate care or support. Examples include: lack of leadership and supervision, lack of respect and dignity, not providing assistance with activities of daily living, not offering choice or promoting independence and failure to respond to complaints.
- 5.8 Self-neglect- this covers behaviour relating to neglecting to care for one's health, personal hygiene and surroundings, and behaviour like hoarding.
- 5.9 Modern Slavery – when an individual is exploited by others, for personal or commercial gain. Whether tricked, coerced, or forced, they lose their freedom. This includes but is not limited to human trafficking, forced labour and debt bondage. This can also include individuals who are forced to work in pop up brothels.
- 5.10 County Lines - a term used to describe networks of gangs and organised crime groups, who use children, young people and vulnerable adults to carry out illegal activity on their behalf.

## 6 Responsibilities for Safeguarding

- 6.1 Every member of staff, including contractors, are responsible for raising any safeguarding concerns they have and making sure that they are alert to issues.
- 6.2 MDH will ensure that where safeguarding concerns have been raised that we put the safety and wellbeing of victims at the heart of everything we do.

- 6.3 MDH recognises that we cannot manage safeguarding concerns in isolation and we will seek assistance from partners and professionals in a timely manner when required to do so. This is an important consideration for the council which owns and manages housing across the local authority area.
- 6.4 MDH will work alongside our partner agencies Care Direct, Devon County Council via Early Help, multi-agency safeguarding hub (MASH) and other branches, Doctors and the Police to ensure the best outcome that we can for victims.
- 6.5 As a provider of social housing and support services we will build and maintain partnerships and effective referral procedures with other local authorities, agencies and organisations to safeguard children and adults at risk.

## 7 Contractors and Service Providers

7.1 Contractors and service providers for frontline services on our behalf need to make sure their staff:

- Are suitable to provide frontline services;
- Comply with contractual requirements; and
- Are aware of who to contact with any safeguarding concerns.

7.2 Contractors must also:

- Notify us of all safeguarding concerns; and
- Fully co-operate with any investigation into received allegations within reason and whenever possible.

7.3 They are responsible for working with employees of the council, to the same standard, in ensuring the safety and well-being of children and adults with care and support needs within their scope.

7.4 They are responsible for participating in any training or development opportunities offered to them to improve their knowledge of skills in this area where practicable.

## 8 Staff Recruitment and Training

8.1 MDH ensures that it recruits trustworthy and reliable staff who are capable of managing these delicate and sensitive issues. We have clear and robust safer recruitment practices in place that support our approach to safeguarding adults and children.

8.2 At recruitment, MDH assesses the skills, experience and previous training of the applicant in order to appoint the most suitable person for the job. Training needs are reviewed at the recruitment of new starters and then formally on an annual basis during appraisals.



- 8.3 All employees will be inducted in the contents of this Policy with particular emphasis on their personal responsibilities.
- 8.4 All new employees also receive a mandatory general safeguarding induction. This will either take the form of an E-learning course or will be delivered by a Team Leader. This training is required irrespective of whether the individual has undertaken recent similar training in another role.
- 8.5 Where an individual takes on specific safeguarding responsibilities, for example Safeguarding Champions, they will receive relevant safeguarding training in these responsibilities.
- 8.6 All staff will be required to undertake mandatory refresher training every three years.

## 9 Staff and Contractor Behaviour

- 9.1 The Children Act 2004 places a duty upon organisations to promote the wellbeing of children and young people. All adults have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people and adults at risk, with whom they work or come into contact with. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the general public and of their colleagues.
- 9.2 Staff and those who work on our behalf, working with our residents, may have contact with children, young people and adults at risk. They are responsible for their own actions and behaviours and should avoid any contact which could lead to someone questioning their motives and intentions or allegations being made.
- 9.3 It is acknowledged that people may have concerns about the possibility of an allegation being made against them, and for that reason it is important that they familiarise themselves with behaviours that may be considered as constituting misconduct or gross misconduct, and those which would be considered illegal.
- 9.4 Example circumstances where misunderstandings may arise:
- Dress and appearance
  - Gifts, rewards, and favouritism
  - Communication with individuals (including the use of technology and /or social media platforms)
  - Social contact
  - Physical contact
  - Sexual contact
  - Children, young people, and adults at risk in distress

## 10 How we will respond

- 10.1 We aim to action each report of safeguarding as appropriate. This is monitored by the Safeguarding Champions and a quarterly report is produced and discussed to identify trends and put in place supportive actions.
- 10.2 We will provide a tailored approach where possible to each individual concern and all persons involved. This will include the provision of specific communication methods where required. If MDH is not able to assist, the appropriate sign posting to other organisations will be provided.
- 10.3 Emergency cases, for example life at risk or if a member of staff feel the need for urgent action will be immediately referred to the Police and/or Ambulance Service whether or not the victim has consented to a referral.
- 10.4 If a member of staff feels that urgent action is required they are encouraged to seek support whether or not they have gained consent of the person.

## 11 Children and Young People at Risk

- 11.1 Provided it is safe to do so, we will always talk to the family at risk about their concerns before making a safeguarding referral, involving the family in decisions about them and taking their views and wishes into account. We will consider the individuals capacity to understand the safeguarding concern.
- 11.2 The exception is when we believe that contacting the parent/carer could place a child or another adult at risk of harm. In these exceptional circumstances, or if consent is refused or cannot be obtained, we will contact the multi-agency safeguarding hub for advice.
- 11.3 Consent is not required when considering making a safeguarding referral for a Child, however in the appropriate circumstances, speaking with the parent/guardian prior to referrals is seen as best practice. We recognise the importance of the wishes and feelings of a child, however these may sometimes be contradicted in order to act in the child's best interests.

## 12 Adults at Risk

- 12.1 The Care Act 2014 The Act sets out six key principles that underpin all adult safeguarding work:
  - Empowerment- personalisation and the presumption of person-led decisions and informed consent
  - Prevention- it is better to take action before harm occurs
  - Proportionality- proportionate and the least intrusive response appropriate to the risk prevented
  - Protection- support and representation for those in greatest need

- Partnership- local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
  - Accountability- accountability and transparency in delivering safeguarding
- 12.2 At risk includes those who are unable to take care of or protect themselves; and whose independence and well-being is at risk without support because they are vulnerable through:
- Age;
  - Having a long-term limiting illness or condition;
  - Being in an abusive relationship;
  - Having a physical, learning or mental health disability;
  - Frailty; or
  - Having been in care, prison or other institution.
- 12.3 An adult under the scope of this policy means any person who is 18 years of age or over, and who is or may be in need of community care services by reason of for example. a physical or mental disability, a learning difficulty, reduced physical or mental capacity due to old age, dependency on drugs, alcohol or medication and who is or may be unable to take care of him/herself, or unable to protect him/herself against significant harm or serious exploitation.
- 12.4 Provided it is safe to do so, we will always talk to the adult at risk about our concerns before making a safeguarding referral, involving the adult in decisions about them and taking their views and wishes into account. An officer can raise a safeguarding concerns if they feel that the adult does not have capacity to agree to a safeguarding referral.
- 12.5 Consent is a legal requirement for safeguarding adults, unless the adult either lacks capacity; is at significant risk of harm; a crime could be prevented or an employee is an alleged perpetrator of the suspected abuse.
- 12.6 Where significant risk exists an update to the Care Act in 2018 allowed referrals to be made without consent. For example:
- If there is a risk to other people (including children or other adults at risk);
  - If a crime has been committed, or action is needed to prevent a crime being committed;
  - If seeking their consent would put them at further risk;
  - The adult lacks mental capacity to understand the risks to them, and it is in their best interests to take action;
  - If we believe the person is refusing support because they are being influenced or coerced by someone else; or
  - There has been abuse or neglect by a person in a position of trust, such as a carer or health professional.

- 12.7 If verbal consent has not been received by a vulnerable adult at risk, consent should be sought before sharing information outside the organisation such as via a referral. If consent is not given, the colleague should discuss with their line manager if risks to the person's safety or another person are high. This may make it appropriate to override the need for consent. A record should be kept of the conversation and the reasons for overriding consent.

## 13 Whistleblowing

- 13.1 Mid Devon District Council has robust whistleblowing and disciplinary procedures and would take action to investigate where staff are or are alleged to be engaged in any form of abuse or exploitation of adults or children at risk.
- 13.2 There may be exceptional instances when a staff member is involved in the abuse of an adult at risk or a child. All staff members take responsibility to report any concerns immediately via the MDDC Whistleblowing Policy. Normal disciplinary procedures would apply to investigate any allegation.
- 13.3 In addition, if any staff member has a concern regarding a colleague and their wellbeing they should report immediately to their line manager, or another available manager.

## 14 The Local Authority Designated Officer (LADO) process

- 14.1 The LADO is a statutory role which sits within Devon County Council Children Services. The LADO is responsible for co-ordinating the response to concerns that an adult who works with children may have caused them or could cause them harm. The LADO also gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people. Included in this group are volunteers, agency staff and foster carers as well as people who are in a position of authority and have regular contact with children.
- 14.2 The LADO should be alerted to all cases in which it is alleged that a person who works with children has:
- Behaved in a way that has harmed, or may have harmed, a child;
  - Possibly committed a criminal offence against children, or related to a child;
  - Behaved towards a child or children in a way that indicated they may pose a risk of harm to children; or
  - Behaved or may have behaved in a way that indicates that they may not be suitable to work with children.

- 14.3 Allegations of non-recent abuse should be referred in the same way as contemporary concerns.
- 14.4 If a Council staff member or Member becomes aware of a situation as outlined in 14.2 above they should immediately alert the Corporate Safeguarding Lead (and in his absence the Chief Executive or a Director) and either:
- The Corporate Manager for People, Governance & Human Resources where a member of staff is involved, or
  - The Monitoring Officer where an elected member is involved, or
  - The Head of Housing and Health (where different to their Corporate Safeguarding Lead role) in cases which involve a licence issued by the Council,

who will then inform the LADO within 1 working day.

- 14.5 Having assessed the referral the LADO may arrange one or more Managing Allegations Meetings liaising with the police and other agencies as necessary. Attendance at a LADO Managing Allegations Meeting should always be made by two officers together to ensure that if total confidentiality is required (e.g. to safeguard an ongoing police investigation) the weight of responsibility does not fall to one officer alone.

## 15 Sharing Information

- 15.1 MDH will process personal information in connection with tenants in accordance with the Data Protection Act 2018 and UK GDPR 2020.
- 15.2 MDH will ensure that all housing management staff understand government guidance for sharing information with other professionals and that information is shared effectively and efficiently to support early identification and assessment of any concerns.
- 15.3 MDH will ensure the information it shares is necessary for the purpose for which we are sharing it, it is shared only with those who need to have it, is accurate and up to date and shared securely.
- 15.4 MDH will be open about what and with whom information will or could be shared unless by doing so puts the adult at increased risk of harm, seeking consent and respecting confidentiality except where we consider safety or wellbeing of the adult or others to be at risk.

## 16 Complaints

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

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

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

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

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

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

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

16.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, 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.

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

## 17 Equality Impact Assessments

17.1 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.

## 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:	Safeguarding Adults at Risk, Children and Young People Policy
Job title of the person(s) undertaking the assessment:	MDH Policy Officer
Council service:	Mid Devon Housing
Date of assessment:	1 <sup>st</sup> January 2025
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?	
<p>In essence the Council has a duty to work with other agencies and the policy reminds us of the Council's responsibility under the Children's Act 2004, the Care Act 2014 and other legislation, which is essentially to ensure that our functions are discharged with regard to the need to safeguard and promote the welfare of children and other vulnerable groups.</p> <p>We have a shared responsibility with a variety of statutory agencies to protect children and vulnerable adults from harm, ensure their safety, and prevent impairment of their health or development. As a partner agency we appreciate that safeguarding is not just the duty of Devon County Council Adult Social Care and child protection specialists.</p> <p>The aims of the Policy are to clarify the roles and responsibilities of Housing Officers and contactors employed by MDH when dealing with concerns about safeguarding of tenants or anyone living in or visiting our homes.</p> <p>The objective is to provide employees and contractors with the processes needed to promote the welfare of and action to enable all children, young people and adults with care and support needs who live in or visit our homes to have the best life outcomes.</p>	
Who may be affected by the policy/ decision?	The Policy gives guidance and policy framework for staff and Members, and our contractors and volunteers, based on our legal obligations, good practise and local organisational arrangements in Devon. The policy will support our own staff and Members who may find themselves at risk or vulnerable. The policy supports our service users (including tenants) particularly those who are vulnerable adults with care needs, and children and young people under 18 where we have specific legal duties.
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	<p>Tenants and Members were consulted between 29 November and 31 December 2024.</p> <p>The MDDC Specialist Lead for Community Safety &amp; Safeguarding was consulted to ensure that this policy aligns with the Corporate Policy.</p>



Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	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.		
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 checked="" type="checkbox"/>	
3. Foster good relations between different groups	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Policy covers domestic violence and abuse which has a disproportionate impact on women.
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The purpose of the Policy is to demonstrate the Council's commitment to safeguarding from harm all children, young people and adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the Council, our partners and contractors.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Policy has two key purposes, one of which is to demonstrate the Council's commitment to safeguarding from harm all adults with care and support needs using any Council services and involved in any of their activities, and to treat them with respect during their dealings with the Council, our partners and contractors.
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts

Characteristic	Positive	Negative	Neutral	Comments
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Policy includes actions to protect people experiencing cultural issues such as forced marriage and Female Genital Mutilation which tend to affect young people from ethnic minority backgrounds disproportionately.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts

\*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.**

The Policy is overwhelmingly positive in terms of equalities with no negative impacts identified. It specifically sets out how the Council will meet its legal duties and also apply best practice in safeguarding vulnerable children and adults.

**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.

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?
<b>Sex</b>			
<b>Age</b>			
<b>Disability</b>			
<b>Religion or Belief</b>			
<b>Race</b>			
<b>Sexual Orientation</b>			
<b>Gender Reassignment</b>			

<b>Pregnancy/ maternity</b>			
<b>Marriage and Civil partnership</b> (Applies only to Employment and the duty to give regard to the elimination of discrimination)			

**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: 03 January 2025**



**Report for:** HOMES POLICY DEVELOPMENT GROUP

---

Date of Meeting: 28 January 2025

Subject: **MID DEVON HOUSING SERVICE DELIVERY REPORT FOR Q2 2024-25**

Cabinet Member: Councillor Simon Clist, Cabinet Member for Housing and Property

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: Quarter 1 and 2  
 Annex B: Tenancy Enforcement Activities – performance data for 2024-25: Quarter 1 and 2  
 Annex C: Rent Recovery – performance data for 2024-25: Quarter 1 and 2  
 Annex D: Building Repairs and Maintenance – performance data for 2024-24: Quarter 1 and 2

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

This report is presented in support of 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 enforcement.

It also contains relevant information relating to performance 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 the 2023/24 outturn. In year, management data for relevant TSMs is available and therefore

provided for the first two quarters of this year (Q1 and Q2), however the perception survey data is not yet available.

In total, three separate TSM perception surveys will be completed in 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, there is no TSM perception survey results provided for this report. It is anticipated that draft results may be available from Q3 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.

### **Recommendation:**

**That the PDG notes the outturn performance for Quarter 2 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 second quarter of 2024/25 ending 30 September 2024. Q1 results previously reported are provided for comparison.
- 1.3 Data for Q1 and Q2 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 RPs are required by the RSH to provide effective assurance to Members and this should include relevant, updated performance data relating to service delivery.
- 2.2 The RSH takes a co-regulatory approach which means that Councillors are responsible for ensuring that MDH is meeting their standards. There are currently four consumer standards, recently updated through the Social Housing (Regulation) Act 2023. RPs, such as MDH, must have due regard to the required outcomes and specific 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, 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 which will be made to the RSH during the first quarter of 2025/26.
- 2.6 In line with the new regulatory requirements, perception survey data will be collected this year. For 2024/25, MDH are conducting three surveys instead of a single winter survey as undertaken for the first TSM return for 2023/24 in order to obtain better, more representative data. The first of this year's surveys went live in August for a two-week period and the second survey was completed over the autumn period. Draft data may be available from the end of Q3 if an adequate number of responses is received. The final verified data for 2024/25 will be available in April 2025. Going forward, it is intended to complete surveys every quarter/4 times annually with verified data being available after the year end.
- 2.7 In the surveys, individual tenants can provide limited 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 in this way.
- 2.8 This work was procured by a partnership involving MDH and two other local authority providers with retained housing stock. As a result, there will 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, recently introduced, 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.

2.12 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 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 survey this year indicates an improvement in 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 for the perception satisfaction questions.

- 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 this area of work 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 and service staffing levels in front-line roles were at lowest point for around 10-years during Q1 and Q2. This, combined with long term sickness, can have an impact on the ability of the team to manage the priorities. For these 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.
- 4.2 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 were completed within target for the first quarter and very close to target for Q2, even if 100% of repairs could not be completed on time or at first visit and performance is upper quartile in comparison with the social housing sector average.
- 4.3 The service has taken steps through role re-evaluation and re-grading to address some of the recruitment and retention issues and has recruited new building services trade apprentices. The positive benefits of this should be seen within Q3 and Q4 performance.
- 4.4 Customer satisfaction within planned maintenance remains strong despite some challenging performance issues associated with a very limited number of contractors.

4.5 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 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 report compliance on these figures.

However, we are expecting that Social Rent properties will be brought in line with these regulations soon with a minimum five-year transition period and the

Government may introduce a new TSM for electrical safety. 'Housemark' nationally have changed the way we report with them already and are only recording EICRs.

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

Until the regulations and a potential TSM has been confirmed we are not formally reporting data, nonetheless, for assurance purposes it can be confirmed that as of November 2024 performance stood at close to 45%. MDH will continue with the roll out of EICRs and ongoing monitoring as set out above

#### 4.8 RSH review of 2023/24 TSM management data

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 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. The condition of the properties being returned has, on occasions, continued to be poor, and it remains a combination of these factors which has impacted the ability of the team to achieve set targets. Standard and major voids have been prioritised in order to ensure that the supply of available homes is maintained. However, some work, including that relating to decarbonisation, has taken longer than hoped due to external resourcing issues and therefore the target relating to the turnaround time for these properties was missed.

5.2 Notwithstanding this, there has been between a 20-40% improvement (reduced turnaround times) in key void categories as set out in Annex D compared to the outturn for 2023-24.

### 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 a period of holding a vacancy in the team, a new Officer has been recruited and commenced work during Q1 of 2024-25. This brought the team back up to capacity 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 tools 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 Tackling fraud continues to be a priority with several cases opened during Q1 and Q2. 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 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 Q2, debt stood at 2.29%, comparable with the overturn for 2023/24 and better than the performance for the equivalent period last year (2.48%). This is also well within target. Just four evictions have come forward on the basis of rent arrears during the first two quarters of 2024/25.
- 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.

Historic rent error and rent arrears

- 7.3 In the short-term, a decision was made in Q3 to hold on 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.

- 7.4 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 of course placed on hold for long periods of time through national legislation.
- 7.5 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.
- 7.6 Where rent arrears were the sole or primary factor in any historic evictions then we have identified further mitigations:
- 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
  - Overcharge 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

## **8 Recommendation**

8.1 The following recommendation is made:

- That the PDG notes the outturn performance for Quarter 2 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  
**Date:** 15 January 2025

**Statutory Officer:** Maria de Leburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 15 January 2025

**Chief Officer:** Richard Marsh  
Agreed by or on behalf of the Chief Executive/Corporate Director  
**Date:** 14th January 2025

**Performance and risk:** Stephen Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 08 January 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](mailto: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 \(www.gov.uk\)](https://www.gov.uk)

Tenant Satisfaction Measures:

[Tenant Satisfaction Measures Standard - GOV.UK \(www.gov.uk\)](https://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 \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

**Annex A: Tenant Satisfaction Measures (TSMs) – performance data for 2024-25: Quarter 1 and 2**

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

<b>Keeping Properties in Good Repair</b>						
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>	<b>Comments</b>
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%			0.89%	Target 0%. There are 26 properties that are outstanding, all of which are on a future list of works.
RP02: Repairs completed within target timescale	98.27%	99.25%			98.73%	This is combined figure for emergency repairs (Target 100%) and non-emergency repairs (Target 95%).

						<p>The 1.27% not completed within target is an improvement on Q1 but remains slightly below target. 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. 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.</p>
--	--	--	--	--	--	--

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%			100%	Target 100% - on target
BS02: Fire safety checks	100%	100%			100%	Target 100% - on target
BS03: Asbestos safety checks	79.53%	82.71%			82.71%	Target 80% (2024-25) therefore the in-year target has already been met. 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%	Target 100% - on target
BS05: Lift safety checks	100%	100%			100%	Target 100% - on target

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

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	15			29	The number of complaints received during the first two quarters of this year is lower than the previous year but this is not expected to continue and initial data for Q3 shows an increase. The rent error issue may also have an exceptional adverse impact on the outturn for this measure for 2024-25 once Q3 and Q4 data is added.
CH02: Complaints responded to within Complaint Handling Code timescales	95.0%	100%			97.6%	Target 100% - below target  Two complaints which were not responded to within the timescales during Q1, 100% performance was achieved in Q2.

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			5.76	This equates to four new cases in Q1 and thirteen new cases in Q2.

**Annex B: Tenancy Enforcement Activities – performance data for 2024-25: Quarter 1 and 2**

<b>Neighbourhood &amp; Community Standard – Housing Revenue Account – Estates Team</b>						
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>	<b>Comments</b>
Fraud cases opened	2	0			2	Still awaiting feedback 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 six 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			2	
Acceptable Behaviour Agreements signed	0	0			0	
Good Neighbourhood Agreements signed	0	0			0	
Community Protection Notice warnings issued	9	0			9	
Community Protection Notices issued	2	4			6	
Possession Actions commenced on grounds of ASB	0	2			2	
Closure Orders – obtained	0	0			0	
Injunctions sought	0	0			0	



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

### Annex C: Rent recovery – performance data for 2024-25: Quarter 1 and 2

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%			<5%	2.29%	Current rent cases are managed weekly to ensure early contact to keep arrears to a minimum and support tenants to maintain their rent and avoid escalating actions.
Notice of Seeking possession served	51	19			N/A	70	Notices served 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.
Judgement obtained	1	2			N/A	3	Most common order is a suspended possession order whereby the tenant is advised to pay current weekly rent plus an agreed amount on top towards the arrears. If maintained the tenancy continues. Once arrears and court costs paid back the court order is deemed satisfied and removed from the tenants' records.
Warrants issued	0	0			N/A	0	Tenants failing to maintain their court order will be taken back to court for breach of the order. The District Judge will issue a warrant to evict based on the failure to meet the terms of the court order. Tenants in this position can apply for a 'Stay of Execution', whereby the District Judge can suspend the warrant to evict and agree new payment terms.

Evictions on grounds of rent arrears	3	1			N/A	4	Evictions are always a last resort, but this shows that the tenants in these cases failed to comply with a previous court order and/or did not take up an offer of advice/signposting to avoid eviction and make an arrangement to repay the debt they owed.
--------------------------------------	---	---	--	--	-----	---	--

**Annex D: Building Repairs and Maintenance – performance data for 2024-25: Quarter 1 and 2**

<b>Homes and Neighbourhood &amp; Community Standards – Housing Revenue Account – Building Services</b>						
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>	<b>Comments</b>
Decent Homes Standard %	99.28%	99.11			99.11%	Target 100% - slightly below target There are 26 properties that are outstanding, all of which are on a future list of works
Emergency repairs completed on time %	100%	99.2%			99.6%	Target 100% - slightly below target, see section 4.0 of the main report
Urgent repairs completed on time %	97.7%	98.9%			98.3%	Target 95% - above target
Routine repairs completed on time %	98.5%	99.4%			98.9%	Target 95% - above target
Repairs completed first visit %	98.8%	98.4%			98.6%	Target 95% - above target
Gas safety checks %	100%	100%			100%	Target 100% - on target
Fire risk assessments %	100%	100%			100%	Target 100% - on target
Water safety checks (Legionella) %	100%	100%			100%	Target 100% - on target

**Voids\***

<b>Voids performance – Housing Revenue Account – Building Services and Allocations Teams</b>						
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>	<b>Comments</b>
Standard voids including temporary accommodation	44.24	44.05			44.13	Target 35 working days – below target.  Whilst slightly outside of target there is an improvement on last year’s figures where we finished the year with an average of 53.99 days.
Major voids including temporary accommodation	61.13	125.35			92.25	Target 55 working days  Whilst outside of target there is an improvement on last year’s figures where we finished the year with an average of 111.57 days.
Decent homes voids including temporary accommodation	141.00	161.20			149.08	Target 90 working days  This type of Void is where MDH struggle the most due to current resourcing issues and the amount of works required to bring properties up to the Decent Homes standard.
Development voids	N/A	N/A			N/A	Target 1 calendar year
Occupancy rate (whole stock)	97.09%	96.82%			96.95%	Target 97% - slightly below target

\* Definitions and targets as per adopted Voids Management Policy 2023