

# Public Document Pack

Mid Devon District Council

## Homes Policy Development Group

Tuesday, 11 September 2018 at 2.15 pm  
Exe Room, Phoenix House, Tiverton

Next ordinary meeting  
Tuesday, 13 November 2018 at 2.15 pm

Those attending are advised that this meeting will be recorded

## Membership

Cllr W J Daw  
Cllr Mrs E M Andrews  
Cllr Mrs H Bainbridge  
Cllr D R Coren  
Cllr Mrs G Doe  
Cllr R J Dolley  
Cllr P J Heal  
Cllr F W Letch  
Cllr J D Squire

## A G E N D A

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

- 1      **Apologies and Substitute Members**  
To receive any apologies for absence and notice of appointment of substitutes.
- 2      **Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 3      **Minutes (Pages 5 - 8)**  
Members to consider whether to approve the minutes as a correct record of the meeting held on 17 July 2018.
- 4      **Chairman's Announcements**  
To receive any announcements that the Chairman may wish to make.
- 5      **Performance & Risk for 2018-19 (Pages 9 - 20)**  
To receive a report from the Director of Operations providing Members with an update on performance against the Corporate Plan and local

service targets for 2018/19 as well as providing an update on the key business risks.

6 **Financial Monitoring**

To receive a verbal update from the Accountant in respect of the income and expenditure so far in the year.

7 **Review of Building Services Gas Safety Policy** (Pages 21 - 38)

To receive a report from the Group Manager for Building Services advising Members of the revised Gas Safety Policy.

8 **Review of Building Services Recharges Policy** (Pages 39 - 56)

To receive a report from the Group Manager for Building Services advising Members of the revised Recharges policy.

9 **Neighbourhood Management Policy** (Pages 57 - 68)

To receive a report from the Group Manager for Housing. The Housing Services Neighbourhood Management Policy is due for review during 2018 and the revised draft contains a number of changes regarding the distribution of communal keys, the use of communal gardens and responsibility for the maintenance of gardens. The suggested amendments should reinforce the Housing Services' commitment to keeping its neighbourhoods and communal areas clean and safe.

10 **Housing update** (Pages 69 - 74)

To receive a briefing paper from the Group Manager for Housing providing a written briefing on the latest developments relating to social housing.

11 **Identification of items for the next meeting**

Members are asked to note that the following items are already identified in the work programme for the next meeting:

- Performance and Risk
- Financial Monitoring
- Draft General Fund Budget 2019/20
- Draft HRA Budget 2019/20
- Corporate Asbestos Policy
- Void Management Policy
- Severe Weather Emergency Protocol and Extended Winter Provision protocol
- Supply and Demand Policy

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

**Stephen Walford**  
Chief Executive  
Monday, 3 September 2018

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

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Tel: 01884 234310  
E-Mail: [slees@middevon.gov.uk](mailto:slees@middevon.gov.uk)

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 17 July 2018 at 2.15 pm

### **Present**

#### **Councillors**

W J Daw (Chairman)  
Mrs H Bainbridge, D R Coren, Mrs G Doe, R J Dolley,  
P J Heal, F W Letch and J D Squire

### **Also Present**

#### **Councillors**

C J Eginton and R L Stanley

### **Present**

#### **Officers**

Andrew Pritchard (Director of Operations), Claire Fry (Group Manager for Housing), Joanne Nacey (Group Manager for Finance), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Mark Baglow (Group Manager for Building Services) and Sarah Lees (Member Services Officer)

## 15 **Apologies and Substitute Members**

There were no apologies for absence.

## 16 **Public Question Time**

There were no members of the public present.

## 17 **Minutes**

The minutes of the meeting held on 22 May 2018 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

## 18 **Chairman's Announcements**

The Chairman informed the Group that there would be a short informal meeting after the close of this meeting and he hoped as many of the Group could remain as possible.

## 19 **Performance and Risk (00:01:38)**

The Group had before it, and **NOTED**, a report \* from the Director of Operations providing members with an update on performance against the Corporate Plan and local service targets for 2018/19 as well as providing an update on the key business risks.

It was explained that this was the first report for the current municipal year.

Consideration was given to:

- Whether the target in relation to ‘the average number of days to re-let’ was unrealistic at 14 days and whether this should be set at a higher number. It was explained that this was a challenging target but challenges had driven the business forward and if 14 days was not achievable the target could be reviewed in future.
- The review of the Homelessness Strategy in ‘early’ 2018. The question was asked as to whether this work had been completed yet since we were now half way through the year. The Group Manager for Housing explained that new legislation in this area had been introduced in April 2018 and that this had resulted in a large volume of work to enable to Council to be in a position to manage its duties. A review was on the ‘to do list’ and would be forthcoming as soon as possible.

Note: \* Report previously circulated; copy attached to the signed minutes.

## 20 **Revenue and Capital Outturn Report for 2017/18 (00:08:30)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (151) presenting the revenue and capital outturn figures for the financial year 2017/18.

The Group Manager for Financial Services briefly outlined the contents of the report stating that there had been an overall underspend on the General Fund in 2017/18 of £159k and for the Housing Revenue Account (HRA) the underspend had been £255k. Approval had been given to carry forward some of the capital budget. The underspend on the HRA meant that money could be transferred across to support the 30 year modernisation plan.

Discussion took place regarding:

- A variance of £377k under Property Services. This was a complicated area with lots of ins and outs throughout the year. It was requested that a full breakdown be provided to the Group as to how what made up this amount.
- The variance of £48k under Grounds Maintenance and why this was. It was explained that the relevant factors in relation to this included having to replace equipment that had been stolen and costs incurred by the relocation to Carlu Close. The Group were reassured that 24hr security surveillance was now in situ and that equipment was kept in locked containers.
- Variances in relation to the Tiverton Town Hall and the Crediton Office Building. It was requested that a full breakdown showing the makeup of these figures be provided to the Group.
- The effect that a proposed new superstore may have on the centre of Tiverton.

Note: \* Report previously circulated; copy attached to the signed minutes.

## 21 **Policy principles (00:18:57)**

The Director of Operations introduced the item seeking an open discussion regarding the bringing of policies to the Group going forwards. It was explained that there

needed to be a more consistent message across all of the housing policies with any ambiguities removed. There was a difference between the 'what', 'where' and 'how'. Pure policy needed to be separated from operational elements. Some policies had, over the course of time, morphed into procedural notes.

Discussion took place with regard to:

- The fact that the Group was a 'Policy Development Group' and the Members of it did want to continue to see some of the 'how' as they were the people that were answerable to the electorate if something went wrong.
- It was suggested that 'the policy' could set out the left and right arc of the principle under consideration. It could set the tone without the need for the mechanics to be as detailed.
- The example was provided of the relationship between the landlord and the tenant needing to be one of mutual trust and respect. As the 'landlord' the council had an obligation to ensure all gas appliances were safe, however, sometimes tenants refused to let officers have access. A revised policy would set out what would then happen in terms of legal intervention and the recovery of costs so that the landlord and tenant were clear from the outset of their responsibilities and what would happen if there was an issue of non-compliance. In this way a recharge policy needed to be consistent with a gas policy so that they were providing the same message to the tenant. Currently there was some ambiguity across particular policies and this was fair neither to the tenant nor the landlord.
- The need for Members to attend eviction panels when it relates to a situation in their ward.

In summary, it was explained that two policies would be brought to the Group in September regarding gas safety and recharges. These would set out what would happen if there was a situation of non-compliance. These revised policies would provide better clarity and would be more consistent. They would be written in a set template and set style that would be consistent with any other policies coming forward in the future.

## 22 **Identification of items for the next meeting (00:41:55)**

In addition to the items already listed in the work programme for the next meeting the following was requested to be on the agenda:

- Verbal update regarding 'hot topics in housing' (this to become a regular feature going forwards)

(The meeting ended at 3.57 pm)

**CHAIRMAN**

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## HOMES PDG

11 SEPTEMBER 2018:

### PERFORMANCE AND RISK REPORT FOR 2018-19

**Cabinet Member**

Cllr Ray L Stanley

**Responsible Officer**

Director of Operations, Andrew Pritchard

**Reason for Report:** To provide Members with an update on performance against the corporate plan and local service targets for 2018/19 as well as providing an update on the key business risks.

**RECOMMENDATION(S):** That the PDG reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern to the Cabinet.

**Relationship to Corporate Plan:** Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

**Financial Implications:** None identified

**Legal Implications:** None

**Risk Assessment:** If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

**Equality Impact Assessment:** No equality issues identified for this report.

## 1.0 Introduction

- 1.1 Appendix 1 provides Members with details of performance against the Corporate Plan and local service targets for the 2018/19 financial year.
- 1.2 Appendix 2 shows the section of the Corporate Risk Register which relates to the Homes Portfolio. See 3.0 below.
- 1.3 Appendix 3 shows the profile of all risks for Homes for this quarter.
- 1.4 All appendices are produced from the corporate Service Performance And Risk management system (SPAR).

## 2.0 Performance

- 2.1 Regarding the Corporate Plan Aim: **Build more council houses:** No new **Council Houses** were completed; however work is progressing on Birchen Lane (4), due September 2018, Burlescombe (6) due March and Palmerston Park (26) due June 2019.

- 2.2 Regarding the Corporate Plan Aim: **Facilitate the housing growth that Mid Devon needs, including affordable housing:** Last year was very successful with both measures well above target. The Affordable homes delivered figure is reported quarterly. Bringing empty homes into use is again above target.
- 2.3 Regarding the Corporate Plan Aim: **Planning and enhancing the built environment: Performance Planning Guarantee determined within 26 weeks** is now on target for Q1 and all 4 speed and quality measures were well above the required target.
- 2.4 Local Plan update: The Inspector has confirmed that the preliminary hearings into Policy J27 Land at Junction 27 and associated policies SP2 Higher Town, Sampford Peverell and TIV16 Blundells School, will take place on 20 and 21 September 2018.
- 2.5 **Average Days to re-let:** This is a very challenging target; having achieved <16 days for the last 3 years the target has been reduced to 14 days. Whilst this has not been reached yet our performance on voids has been so good that peers have asked how we have achieved this.
- 2.6 **Rent Arrears:** It has been predicted for some time that rent arrears are likely to increase with welfare reform. Although outside target, performance remains in the top quartile when compared to that of other providers. Officers are currently devoting more time to income collection and are giving it greater priority.
- 2.7 When benchmarking information is available it is included.

### **3.0 Risk**

- 3.1 The Corporate risk register has been reviewed by Group Managers' Team (GMT) and updated. Risk reports to committees include risks with a total score of total score of 10 or more. (See Appendix 2)
- 3.2 Appendix 3 shows the risk matrix for MDDC for this quarter. If risks are not scored they are included in the matrix at their inherent score which will be higher than their current score would be.

### **4.0 Conclusion and Recommendation**

- 4.1 That the PDG reviews the performance indicators and risks for 2018/19 that are outlined in this report and feeds back any areas of concern to the Cabinet.

**Contact for more Information:** Catherine Yandle, Group Manager for Performance, Governance and Data Security ext 4975

**Circulation of the Report:** Management Team and Cabinet Member

### Corporate Plan PI Report Homes

Monthly report for 2018-2019  
 Arranged by Aims  
 Filtered by Aim: Priorities Homes  
 For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data	Well below target	Below target	On target	Above target	Well above target
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\* indicates that an entity is linked to the Aim by its parent Service

#### Corporate Plan PI Report Homes

##### Priorities: Homes

##### Aims: Build more council houses

Performance Indicators																			
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Group Manager	Officer Notes	
<u>Build Council Houses</u>	0 (5/12)		26	0	0	0	0	0									Angela Haigh	(May) Birchen Lane due May (CY)	

##### Aims: Facilitate the housing growth that Mid devon needs, including affordable housing

Performance Indicators																			
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Group Manager	Officer Notes	
<u>Number of affordable homes delivered (gross)</u>	26 (1/4)		80	n/a	n/a	14	n/a	n/a		n/a	n/a	n/a	n/a	n/a			Angela Haigh		
<u>Deliver 15 homes per year by bringing Empty Houses into use</u>	23 (4/12)		72	13	19	26	29										Simon Newcombe		

##### Aims: Other

Performance Indicators																			
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Group Manager	Officer Notes	
<u>% Decent Council Homes</u>	99.9% (4/12)		100.0%	97.3%	99.9%	99.7%	99.9%										Angela Haigh		
<u>% Properties With a Valid Gas Safety Certificate</u>	99.82% (4/12)		100.00%	99.69%	99.78%	99.73%	99.91%										Angela Haigh		
<u>Rent Collected as a Proportion of Rent Owed</u>	96.87% (4/12)		100.00%	95.34%	96.76%	97.09%	97.72%										Angela Haigh		
<u>Current Tenant Arrears as a Proportion of Annual Rent Debit</u>	1.30% (4/12)		1.00%	1.13%	1.17%	1.29%	1.34%										Angela Haigh		
<u>Dwelling rent lost</u>	0.5% (4/12)			0.71%	0.67%	0.70%	0.65%										Angela Haigh		

Corporate Plan PI Report Homes																		
Priorities: Homes																		
Aims: Other																		
Performance Indicators																		
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Actual to Date	Group to Manager	Officer Notes
<u>due to voids</u>																		
<u>Average Days to Re-Let Local Authority Housing</u>	15.8days (4/12)		14.0days	16.6days	15.9days	16.1days	15.6days											Angela Haigh

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Print Date: 03 September 2018 11:01

## Homes PDG Risk Management Report - Appendix 2

Report for 2018-2019  
For Homes - Cllr Ray Stanley Portfolio  
Filtered by Flag: Include: \* CRR 5+ / 15+  
For MDDC - Services

Not Including Risk Child Projects records or Mitigating Action records

### Key to Performance Status:

Risks: No Data (0+) High (15+) Medium (6+) Low (1+)

## Homes PDG Risk Management Report - Appendix 2

**Risk: Affordable and Council Housing Demand** Housing supply does not meet local demand or reflect demographic shifts like increased demand for single occupancy

**Effects (Impact/Severity):**

- Increased costs for paying for private accommodation to house homeless
- Increase in number of homeless people in Mid Devon

**Causes (Likelihood):**

- Impact of economic downturn and reduced funding has reduced number of affordable housing units being built
- Under-occupation in existing stock
- Reduction in number of Right to Buys results in less HRA funding available for new builds

**Service: Housing Services**

**Current Status: Medium (9)**

**Current Risk Severity: 3 - Medium**

**Current Risk Likelihood: 3 - Medium**

**Service Manager: Claire Fry**

**Review Note:** An increase in the construction of affordable homes has resulted in a reduced likelihood

**Risk: Asbestos** Health risks associated with Asbestos products such as lagging, ceiling/wall tiles, fire control.

**Effects (Impact/Severity):**

**Causes (Likelihood):**

**Service: Housing – Building Maintenance**

**Current Status: Low (5)**

**Current Risk Severity: 5 - Very High**

**Current Risk Likelihood: 1 - Very Low**

**Service Manager: Mark Baglow**

**Review Note:**

## Homes PDG Risk Management Report - Appendix 2

**Risk: Evictions** Tenants being evicted could become violent.

**Effects (Impact/Severity):**

**Causes (Likelihood):**

**Service: Housing Services**

**Current Status: Medium (10)**

**Current Risk Severity: 5 - Very High**

**Current Risk Likelihood: 2 - Low**

**Service Manager: Claire Fry**

**Review Note:** The assessment of the risk remains the same, as the Housing Service is required to house vulnerable people with complex needs who may exhibit challenging behaviour if they feel threatened. An eviction can be a very traumatic event for such people.

**Risk: Five year housing land Supply** Risk: Housing land supply. Inability to demonstrate the required 5 year housing land supply (+20% ) until Local Plan Review approved

**Effects (Impact/Severity):** Effects (Impact /severity):

- Receipt of speculative housing applications in unplanned locations with less community benefit and less infrastructure / coordination compared with allocated sites.
- Objections
- Pressure on major application appeal performance (Government indicator of quality of decision making). Risk of intervention: loss of fee and less local control over major application decision making.

**Causes (Likelihood):** - Lack of sufficient housing completions, housing market conditions.

**Service: Planning**

**Current Status: Medium (12)**

**Current Risk Severity: 4 - High**

**Current Risk Likelihood: 3 - Medium**

**Service Manager: Jenny Clifford**

**Review Note:** LT review

**Risk: Hoarding** Some tenants are known hoarders but we have policies in place and we do regular inspections.

**Effects (Impact/Severity):**

**Causes (Likelihood):**

**Service: Housing Services**

**Current Status: Medium (10)**

**Current Risk Severity: 5 - Very High**

**Current Risk Likelihood: 2 - Low**

**Service Manager: Claire Fry**

**Review Note:** The assessment of the risk remains the same but it should be noted that the Housing Service works closely with partners including the Devon and Somerset Fire and Rescue Service to help those who hoard to understand the possible consequences of their behaviour and to help them to commence addressing the issues.

## Homes PDG Risk Management Report - Appendix 2

**Risk: Homelessness** Insufficient resources to support an increased homeless population could result in failure to meet statutory duty to provide advice and assistance to anyone who is homeless.

**Effects (Impact/Severity):** - Dissatisfied customers and increase in complaints.

- This will involve an increase in officer time in dealing with Homelessness prevention and early intervention.
- Possible increase in temporary accommodation usage.

**Causes (Likelihood):** - Social and economic factors like the recession and mortgage repossessions increase the number of homeless.

- Lack of private sector housing.

**Service: Housing Services**

**Current Status: Medium (12)**

**Current Risk Severity: 4 - High**

**Current Risk Likelihood: 3 - Medium**

**Service Manager: Claire Fry**

**Review Note:**

**Risk: Impact of Welfare Reform and other emerging National Housing Policy** Changes to benefits available to tenants could impact upon their ability to pay. Other initiatives could impact upon our ability to deliver our 30 year Business Plan.

**Effects (Impact/Severity):**

**Causes (Likelihood):**

**Service: Housing Services**

**Current Status: Medium (12)**

**Current Risk Severity: 4 - High**

**Current Risk Likelihood: 3 - Medium**

**Service Manager: Claire Fry**

**Review Note:**

**Risk: New Homes** A low housing build rate would equal less affordable housing resulting in a reduction in potential New Homes Bonus

**Effects (Impact/Severity):** - Loss of Affordable Housing Income Section 106

- Failure to meet targets in Development Plan
- Potentially unallocated sites being developed as 5-year housing supply reduces

**Causes (Likelihood):**

**Service: Planning**

**Current Status: Medium (12)**

**Current Risk Severity: 4 - High**

**Current Risk Likelihood: 3 - Medium**

**Service Manager: Jenny Clifford**

**Review Note:**

**Risk: Reputational re Council Housing Stock** Handling a disaster/mistake properly would prevent any reputation damage.

**Effects (Impact/Severity):**

**Causes (Likelihood):**

## Homes PDG Risk Management Report - Appendix 2

Service: Housing Services

**Current Status: Medium (10)**

**Current Risk Severity: 5 - Very High**

**Current Risk Likelihood: 2 - Low**

Service Manager: Claire Fry

**Review Note:** the assessment of the risk remains the same but there are adopted policies and procedures which should mitigate the risk of a disaster happening. Furthermore, we have trained and experienced staff.

**Risk: Stress** The physical and mental well-being of Officers could be affected by work environment and pressures caused by work demands and work relationships.

**Effects (Impact/Severity):**

**Causes (Likelihood):**

Service: Housing Services

**Current Status: Medium (12)**

**Current Risk Severity: 4 - High**

**Current Risk Likelihood: 3 - Medium**

Service Manager: Claire Fry

**Review Note:** In the case of potential stress and related conditions, Managers should undertake regular supervision meetings to monitor the situation and provide support.

**Risk: Tenants with Complex Needs** As our housing stock shrinks, the proportion of such tenants will increase.

**Effects (Impact/Severity):**

**Causes (Likelihood):**

Service: Housing Services

**Current Status: Medium (12)**

**Current Risk Severity: 4 - High**

**Current Risk Likelihood: 3 - Medium**

Service Manager: Claire Fry

**Review Note:** Good links with other partners including the Police, Social Services, support agencies etc.

**Risk: Widespread fire in block of flats** Fire in our multiple occupancy properties, could result in widespread damage, injury or even death

**Effects (Impact/Severity):**

**Causes (Likelihood):**

Service: Housing – Building Maintenance

**Current Status: No Data**

**Current Risk Severity: 5 - Very High**

**Current Risk Likelihood: 1 - Very Low**

Service Manager: Mark Baglow

**Review Note:** All flats are subjected to an annual fire risk assessment and recommendations implemented. All alarms, emergency lighting and other fire prevention equipment is tested in accordance with legislation. We have introduced a new fire risk policy for the flats that requires all stairwells and common area to be kept clear with no storage or flammable items including floor coverings. All external cladding has been tested and found to present a trivial risk of fire.

## Homes PDG Risk Management Report - Appendix 2

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Print Date: 31 August 2018  
16:02

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# Risk Matrix Homes Appendix 3

## Report For Homes - Cllr Ray Stanley Portfolio Current settings

<b>Risk Likelihood</b>	<b>5 - Very High</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>
	<b>4 - High</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>
	<b>3 - Medium</b>	<b>No Risks</b>	<b>No Risks</b>	<b>1 Risk</b>	<b>6 Risks</b>	<b>No Risks</b>
	<b>2 - Low</b>	<b>No Risks</b>	<b>No Risks</b>	<b>1 Risk</b>	<b>2 Risks</b>	<b>3 Risks</b>
	<b>1 - Very Low</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>3 Risks</b>
	<b>1 - Very Low</b>	<b>2 - Low</b>	<b>3 - Medium</b>	<b>4 - High</b>	<b>5 - Very High</b>	
	<b>Risk Severity</b>					

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## HOMES POLICY DEVELOPMENT GROUP 11 SEPTEMBER 2018

### REVIEW OF BUILDING SERVICES GAS SAFETY POLICY

**Cabinet Member:** Cllr Ray Stanley  
**Responsible Officer:** Mark Baglow, Group Manager Building Services

**Reason for Report:** To advise members of the revised Gas Safety Policy

**RECOMMENDATION(S):** That Cabinet adopts the revised Gas Safety Policy

**Relationship to Corporate Plan:** The Gas Safety Policy is fundamental to delivering the statutory landlords duty as identified within the requirements of the Gas Safety (Installation and Use) (Amendment) Regulations 2018.

**Financial Implications:** The financial implications will be contained within the Housing Revenue Account. It is important to prioritise financial management of this account to ensure the all available funds are used to the best effect.

**Legal Implications:** It will be necessary to ensure that the Gas Safety Policy addresses all the legal obligations the Council has as a Landlord for the housing estate.

**Risk Assessment:** The management of circa 3000 homes for some of our most vulnerable tenants contains many risks. These risks are managed at a service level.

#### 1.0 Introduction

- 1.1 MDDC is landlord to circa 2200 domestic properties [on-gas grid] and must deliver the statutory requirements as identified within the Gas Safety (User & Installer) Regulations 1998 (GSUIR).
- 1.2 To deliver this requirement the council employs a gas servicing contractor.
- 1.3 To ensure the safe and continued operation of gas appliances the existing 3 Star contract provides for all repairs and maintenance, including a reactive service that operates 24/7.
- 1.4 The main aim of this review is to reflect changes to industry standards and within the 3 Star contract which has been reassigned since the previous policy was issued.
- 1.5 The previous concerns of the Scrutiny Committee have been taken into consideration and hopefully will be alleviated with the contents of this policy review

#### 2.0 Proposed Changes to the Policy

- 2.1 If accepted, the proposal is for the policy to be published for officer use and tenant reference.
- 2.2 This policy has been better aligned with the Recharges policy.
- 2.3 In April 2018 there was a significant amendment to the GSUIR (Regulation 36). This change relates to the requirement for an inspection to be completed within 12 months of the previous visit. These changes are included in full as Appendix 2 within the policy document.
- 2.4 Adoption of [GSUIR] 36A will have beneficial outcomes with regard to the continued maintenance of compliance and have a positive impact on the cost to deliver this requirement.
- 2.5 Regulation 36A is also referred to as the MOT style of servicing. As with a car MOT, a level of flexibility has been introduced to the timing of the service and retention of the LGSR renewal date.
- 2.6 Landlords may now inspect and reissue the LGSR up to 2 month before the current certificate expiry date. Rather than start the access process at 11 months, MDDC can start the process of requesting access at the 10 month point. Provided access is gained and a new certificate issued within those 2 months, the original expiry date can be retained.
- 3.0 **Tenant Consultation**
- 3.1 The Housing 'Tenants Together' group have been consulted on this policy and their comments taken into consideration.
- 4.0 **Implementation of the Gas Safety policy**
- 4.1 Implementation of this policy will be supported by action from both housing repairs and housing tenancy teams.
- 5.0 **Financial Context**
- 5.1 To deliver the landlord requirement under the existing policy requires MDDC to begin access, servicing and inspection earlier than actually required. Adoption of GSUIR 36A would reduce the cost to the council.
- 5.2 The existing contract agreement allows for these changes to be made without any financial liability even though the outcome is to reduce their income
- 5.3 Clarification of this policy and strict adherence to it should contribute to further improvement of the existing high levels of gas safety within council properties without additional resource implications.

**Contact for more Information:**

Mark Baglow, Group Manager Building Services  
mbaglow@middevon.gov.uk  
Tel 01884 233011

**Circulation of the Report:**

Director of Operations  
Cabinet Member for Housing  
Tenants Together Group  
Group Managers  
Leadership Team  
Homes Policy Development Group

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**Mid Devon District Council**

**Gas Safety Policy**

Policy Number: OBS 001

**September 2018**

## Version Control Sheet

**Title:** Gas Safety Policy

**Purpose:** To set out the council's policy for the management of gas safety within domestic properties it owns and/or manages.

**Owner:** Group Manager Building Services  
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Telephone number 01884 233011

**Date:** September 2018

**Version Number:** V8.0

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**Review Frequency:** Every 4 years or sooner if required and in accordance with changes in good practice and legislation

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**Consultation:** This document was sent out for consultation to the following:

Director of Operations  
Cabinet Member for Housing  
Tenants Together Group  
Group Managers  
Leadership Team

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Director of Operations		
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Homes Policy Development Group		
Cabinet		

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## **1.0 Introduction**

1.1 The failure to adequately maintain, test for gas safety or repair gas pipework, gas appliances and associated flues, could result in the following:

- Death or injury to residents
- Destruction or damage to property
- The exposure of Mid Devon District Council to:
  - prosecution
  - fines
  - regulatory downgrades
  - prosecution and imprisonment of employees

1.2 Mid Devon District Council will check and maintain all of its domestic gas appliances so that any risk to tenants, employees, contractors or others are minimised.

1.3 Mid Devon District Council will check tenant owned gas appliances to ensure they are safe but will not service or maintain them.

## **2.0 Scope**

2.1 This policy applies to all domestic properties within the ownership or control of Mid Devon District Council in its capacity as Landlord. It sets out how the council will address issues related to gas safety and the delivery of its statutory responsibilities.

## **3.0 Related Documents**

- Mid Devon District Council Tenant Compensation Policy
- Mid Devon District Council Recharges Policy
- Mid Devon District Council Tenancy Policy
- Homes & Communities Agency Home Standard
- Homes & Communities Agency Tenancy Standard

## **4.0 Definitions**

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

- **CP12** – document used to record the landlord [annual] gas safety inspection (LGSR)
- **RIDDOR** – we have a statutory duty under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1998 to notify the Health & Safety Executive of certain unsafe situations

- **Emergency Service Provider** (Gas Emergency Services **0800 111 999**) - responsible for the gas supplies to Mid Devon District Council properties and dealing with gas emergencies
- **Gas Safe®** – responsible for gas safety in Great Britain since 2009 previously this role was undertaken by **CORGI®**
- **Gas Safe Technical Bulletins** – Gas Safe provides the gas industry with technical updates and **Health & Safety Executive** directives on gas safety issues
- **IGEM** – Institution of Gas Engineers & Managers
- **Open Flue** – all gas appliances require an air source to ignite and for cooling. An open flue appliance draws this combustion air from the room in which it is situated and therefore it is not sealed from this space or room, whereas a balanced flue gas appliance (otherwise known as a room sealed appliance) draws its combustion air directly from outside and has a much lower risk of carbon monoxide entering a habitable space

## 5.0 Legislation

5.1 This policy is written to ensure that Mid Devon District Council is compliant with the following legislation in respect of gas safety as at April 2018:

- Health and Safety at Work Act 1974
- The Gas Safety (Installation and Use) (Amendment) Regulations 2018
- Construction Design & Management Regulations 2015
- Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013

## 6.0 General Duty

6.1 Mid Devon District Council has a duty to ensure that gas heating and hot water appliances and gas installation pipework are maintained in a safe condition. All Mid Devon District Council owned flues and chimneys into which gas appliances are installed are also maintained in safe condition.

## 7.0 Servicing and inspection

7.1 MDDC will inspect and issue the record in accordance Part F, Regulation 36A of the Gas Regulations as amended (April 2018) in order to ensure delivery of our requirements as a landlord. A full description of this amended regulation has been included in this policy as Appendix 2.

7.2 Mid Devon District Council has entered into a contract with a Gas Servicing Contractor, who is a Gas Safe registered company, to meet this obligation using an agreed appointment procedure.

7.3 For tenants with Introductory or Flexible Tenancy's, Mid Devon District Council will review the status of tenants who continually / year on year refuse access for the purposes of carrying out the annual service. Where appropriate Mid Devon District

Council will take action to gain possession of the dwelling, or downgrade the tenancy status.

- 7.4 A copy of the CP12 certificate (Landlords Gas Safety Record) will be provided to any person in lawful occupation of the property within 28 days of the annual safety check.

## **8.0 Void Properties**

- 8.1 Prior to reissuing a tenancy agreement a gas safety check will be carried out to all properties when they are void to ensure the system is safe. At the void stage all gas appliances belonging to the previous tenant will be removed, including gas fires. All gas cooker points will be plugged / capped to ensure that only a Gas Safe registered engineer is able to connect a new cooker.

- 8.2 All void properties not under active management, including those within the Homeless Project portfolio, will have the supply capped at the meter outlet to ensure no accidental release of gas.

## **9.0 Mutual Exchanges**

- 9.1 A gas safety check will be carried out on all Mid Devon District Council properties with a gas meter involved in a mutual exchange. The check will be carried out on the day the tenants' move.

- 9.2 When the tenant leaves the property the gas meter will be capped. All gas pipework not connected to an appliance will be plugged. No mutual exchange is to take place unless a gas safe engineer is present to plug the gas outlets. It is the responsibility of the incoming tenant to arrange and pay for a competent engineer to connect their appliances and provide Mid Devon District Council with evidence of this.

- 9.3 Where there is not an immediate transfer between households the supply outlet of the meter will also be capped. Engineers will return to uncap, test and issue the GSR once the new householder is present.

- 9.4 Mid Devon District Council will charge the tenant any costs associated with organising the necessary safety checks and/or remedial works where:

- A tenant has created an unsafe situation
- A gas appliance has been removed and/or installed without certification

## **10.0 Evictions**

- 10.1 A gas engineer will attend all evictions and make safe the gas appliances at the property by capping the meter at the supply outlet. Depending on the length of time before the current Landlords Gas Safety Record (LGSR) expiry and access restrictions imposed by Housing tenancy, the engineer may decide to issue a new LGSR before the anniversary.

## **11.0 Record Keeping**

- 11.1 Mid Devon District Council retains electronic copies of the annual gas safety certificates for a minimum of two years from the date of the issue to ensure hard copies can be produced when required.
- 11.2 The Gas Servicing Contractor stores all gas safety records including certificates electronically. The Gas Servicing Contractor keeps accurate records of all their efforts to obtain access to carry out the annual gas safety check. All failed access attempts and the dates and times these occurred are passed to Mid Devon District Council. This will include records/copies of all letters, appointment cards, telephone calls etc. These may be used as part of the evidence pack when seeking access or possession via a court order.

## **12.0 Quality Audit**

- 12.1 Mid Devon District Council's Gas Database Administrator undertakes a monthly desktop 10% audit of CP12s. An independent auditor carries out an annual post works review of all gas servicing and installations; between 5 – 10%.

## **13.0 Failure to allow access**

- 13.1 Failure by the tenant to allow Mid Devon District Council or the Gas Servicing Contractor access into the property to carry out the service will result in Mid Devon District Council's solicitors issuing County Court proceedings to obtain an Injunction ordering the tenant to give access to the Gas Servicing Contractor pursuant to the Gas Safety (Installation and Use) (Amendment) Regulations 2018. After court action and we receive the Injunction Notice, where a tenant does not provide access, we will, if necessary force entry into the property to carry out the safety check and leave the property secure. Where possible we will request that the order extend to all request for access and span several years.
- 13.2 In addition to an injunction Mid Devon District Council will also seek possession of the property, which will run concurrently with the injunction.
- 13.3 The legal process will be stopped only when the CP12 has been completed / issued. Under these circumstances it is the intention to ensure that a new LGSR is issued no longer than four months after the existing certificate has expired.
- 13.4 Mid Devon District Council has previously approved the use of Gas Inhibitors (Service Interval timers) for interrupting the electrical supply to the boiler so it is disabled for a specified period. Once access has been granted, these devices will be fitted to all properties that enter into the 'No Access' process. Mid Devon District Council will ensure detailed electronic records of all properties that have been installed with a device are kept.
- 13.5 Mid Devon District Council will always seek to recover the actual cost associated with these procedures from the tenant.
- 13.6 Where follow on works are identified as part of the annual service visit a separate appointment will be arranged. Where the tenant fails to allow access at this appointment the contractor will hold open the job for 5 working days to enable the householder to contact them and arrange an alternative. Where the tenant fails to make contact within the expected timescale the contractor will cancel the works and return any parts to the supplier. In the case of an "At Risk" situation the job will be left open until resolved. Failure to allow access will result in the application of the no access process, which may result in legal action. See 14.3 to confirm MDDC

action in the event that the At Risk appliance belongs to the tenant. If the appliance is “Immediately Dangerous” it will be isolated.

#### **14.0 Unsafe Situations and RIDDOR**

14.1 Registered gas engineers (under the Gas Safe Register,) must report details of any gas appliances or fittings that they consider to be dangerous, to such an extent that people could die, lose consciousness or require hospital treatment. To require a report under RIDDOR the danger (due to the design, construction, installation, modification or servicing of that appliance or fitting) is one likely to cause:

- An accidental leakage of gas
- Incomplete combustion of gas or
- Inadequate removal of products of the combustion of gas

14.2 It is the discovering engineer’s duty to report issues not the client’s. Mid Devon District Council’s Gas Administrator will be informed of these incidents and pass the details on to the Mid Devon District Council Health & Safety Officer.

14.3 Where an “At Risk” notice has been issued for an unsafe situation involving a tenant owned appliance but the tenant has refused to have the appliance switched off, Mid Devon District Council will write to the tenant explaining the need for them to carry out repairs within 5 working days. If the tenant fails to carry out these works Mid Devon District Council will take action, either to complete the works and recharge the tenant or to insist that the appliance is isolated. This may involve Gas Emergency or legal action. Where the appliance is “Immediately Dangerous” is it isolated; if a tenant refuses to allow the engineer to isolate the appliance it is treated as a Gas Emergency and Wales & West Utilities (WWU) are contacted. If the tenant still refuses the appliance to be isolated WWU may choose to isolate the gas supply to the property. This may include excavations in the street, for which the tenant will be recharged

#### **15.0 Gas Fires**

15.1 Mid Devon District Council’s annual safety checks and servicing will include the inspection and testing of tenants’ own gas fires, where they are installed on a flue or chimney belonging to a Mid Devon District Council property. It will not include the servicing or repair of any tenant owned appliance, which is the tenants’ responsibility.

15.2 Mid Devon District Council have properties that contain gas fires which are flued through chimneys or that pass through neighbouring flats. In these cases, the Gas Safety Check will include an inspection of the other flats sharing the same chimney, and the lofts, to ensure that there is no leakage.

15.3 Mid Devon District Council will continue to inspect gas fires until they become unserviceable or irreparable. When this happens, Mid Devon District Council will:

- Disconnect and cap off the appliance so that the gas fire cannot be used.
- Where the gas fire was provided by Mid Devon District Council, we will remove it and make good.

- Where the gas fire belongs to the tenant, we will leave this disconnected and in place; Mid Devon District Council are not responsible for the service and repair of any tenant owned appliance.
- Mid Devon District Council will not install a replacement gas fire, except where the gas fire is the primary source of heating. However our preference will always be to install a full gas central heating system.

15.4 If Mid Devon District Council is unable to gain access to neighbouring properties to inspect the entire flue length we are legally bound under the Gas Safety (Installation and Use) (Amendment) Regulations 2018, to leave the gas fire disconnected, even if the gas fire is sound. If after subsequent attempts access has not been achieved to complete the flue inspection, we will:

- Provide a temporary alternative form of heating, where the gas fire is the primary source of heating.
- Where the gas fire is either the primary or the secondary source of heating and was provided by Mid Devon District Council, we will remove it and make good. We will not install a replacement gas fire.
- Where the gas fire belongs to the tenant, Mid Devon District Council will leave it disconnected and in place, although we may remove it if the tenant agrees to pay for this.

15.5 Gas fires left behind when a tenant vacates a property will be removed regardless of age and condition.

## **16.0 Carbon Monoxide (CO) Detectors**

16.1 It is not yet a general legal requirement to install CO detectors in social housing properties where gas is present. However, Mid Devon District Council will install hard-wired carbon monoxide detector(s) to all rooms that contain a Mid Devon District Council gas appliance and any room where a flue passes through.

## **17.0 Gas cookers and hobs**

17.1 Where there is a gas cooker/hob in the property (regardless of ownership), the connection to the appliance up to the gas controls is included in the Gas Safety Check. The engineer will also inspect the overall condition and ensure all safety features operate effectively.

17.2 Where the gas cooker has a lid or cover, a check is made that the automatic gas shut off mechanism works when this is closed. If the appliance belongs to the tenant the check will not include a service of the cooker, since this is the tenant's responsibility.

## **18.0 Leasehold properties**

18.1 Each year during Gas Safety week (September) the Gas Administrator will write to all leasehold flats, regardless of occupation by the leaseholder or a sublet tenant, to make them aware of the importance of gas safety and the dangers of carbon monoxide. This will include information for both tenants and landlords to ensure that

both understand the statutory requirements. It will also serve as a general reminder to private residents to consider the consequences of poorly maintained gas appliances and the potentially lethal outcomes. The letter will contain a self-addressed return envelope to allow them to respond.

## **19.0 Monitoring and reporting**

19.1 We regularly monitor our performance on gas servicing and provide regular updates on the following performance indicators:

- Properties in receipt of a valid CP12                      100%
- Tenant satisfaction with gas servicing                      95%

19.2 We monitor tenant feedback and satisfaction levels for servicing via survey questionnaires.

19.3 Where MDDC officers visit properties on gas safety related issues an All Attendance Notes will be generated. This will be clearly marked with the date, time and address of the contact. A concise record of the action and outcome should be recorded. Notes should be signed. A hand written version is acceptable. The original copy should be forwarded to the Gas Administrator.

19.4 Any information about the tenant that may be useful or affect the method in which the authority responds to the no access status should be made available as soon as it comes to light.

## Appendix 1 – Summary of additions and revisions

<i>Policy Ref</i>	<i>Description</i>	<i>Date</i>
7.3	<i>Inclusion of suggested additional sanction(s).</i>	<i>v.8.0 Jul' 18</i>
8.1	<i>Confirmation that all gas cooker points in void properties will be plugged/capped to ensure that only a Gas Safe registered engineer can subsequently install a cooker.</i>	<i>v.8.0 Jul' 18</i>
8.2	<i>Clarification that the gas meter in all void properties, including those in the Homeless Project portfolio, will be capped if left unoccupied.</i>	<i>v.8.0 Jul' 18</i>
9.2	<i>Clarification that properties will have the gas meter capped during the MEX process whenever there is a void period.</i>	<i>v.8.0 Jul' 18</i>
9.4	<i>Inclusion of condition to cater for the introduction of charges to tenants where they have created a potentially unsafe gas installation</i>	<i>v.8.0 Jul' 18</i>
10.1	<i>Inserted confirmation that an engineer will attend all evictions [on gas grid] and make safe.</i>	<i>v.8.0 Jul' 18</i>
12.1	<i>Correction of the percentage monthly audit to be carried out by the Gas Administrator.</i>	<i>v.8.0 Jul' 18</i>
13.5	<i>Confirmation that all costs incurred as a result of a household being placed on the No Access register, up to and including legal costs associated with securing an injunction will be reclaimed as per the Recharges policy.</i>	<i>v.8.0 Jul' 18</i>
14.0	<i>Updates to the RIDDOR procedure to reflect changes in national policy</i>	<i>v.8.0 Jul' 18</i>
14.3	<i>Clarification of process to be followed in the event that a tenant owned appliance is identified as 'At Risk' as per TB001, Edition 7a</i>	<i>v.8.0 Jul' 18</i>
15.5	<i>Confirmation that all gas fires will be removed at the void stage regardless of age and condition.</i>	<i>v.8.0 Jul' 18</i>
18.1	<i>Inclusion of provision to raise awareness of gas safety to leaseholders during Gas safety week (Held in September each year).</i>	<i>v.8.0 Jul' 18</i>
19.0	<i>Removal of KPI relating to applications for injunctions. This is not a current KPI. Also, injunctions form a necessary part of the No Access procedure.</i>	<i>v.8.0 Jul' 18</i>

## Appendix 2

# Safety in the installation and use of gas systems and appliances

## Gas Safety (Installation and Use) (Amendment) Regulations 2018

### Regulation 36A Determination of date when next safety check is due under regulation 36(3)

#### Summary of regulation 36A

This regulation sets out when the next safety check must be completed in order to retain the existing deadline date. It also sets out a one-off flexibility that landlords can use to align the date of an appliance check with that of other appliances at the same premises.

*(1) Where a safety check of an appliance or a flue made in accordance with regulation 36(3)(a) or (b) is or was completed within the period of 2 months ending with the deadline date, that check is to be treated for the purposes of regulation 36(3)(a) and (b) as having been made on the deadline date.*

*(2) Subject to paragraph (3), the landlord may ensure that an appliance or flue is checked for safety within the 2 month period beginning with the deadline date, instead of checking it within the 12 month period ending with that date.*

*(3) The discretion conferred by paragraph (2) may be exercised –*

*(a) only once in relation to each appliance or flue in the relevant premises; and*

*(b) only in order to align the deadline date in relation to the next safety check of that appliance or flue with the deadline date in relation to the next safety check of any other appliance or flue in the same relevant premises.*

*4) In this regulation “the deadline date”, in relation to a safety check for an appliance or flue, means the last day of the 12 month period within which the check is or was required to be made under regulation 36(3) (a) or (b).<sup>1</sup>*

304 The changes set out in regulation 36A aim to offer more flexibility in the gas safety checking regime – however, it is not compulsory for landlords to take advantage of this change. If they prefer, landlords can continue with their current regime of gas safety checking, as long as it meets the legal minimum requirements as set out in regulation 36.

305 With the introduction of the new regulation 36A from 6 April 2018 landlords will be able to have gas safety checks carried out any time from 10 to 12 *calendar months* after the previous check but still retain the original deadline date as if the check had been carried out exactly 12 months after the previous check

### Record keeping

306 To benefit from this new flexibility and retain the deadline date, the landlord will have to demonstrate that they have complied with the law and carried out the gas safety checks within the required timescales. The record will need to be kept until two further gas safety checks have been carried out.

307 Where a landlord cannot provide the necessary audit trail/documentation, *including the two previous gas safety records*, the expiry date of the current gas safety check will be taken as 12 months from the date of the last gas safety check.

308 This demonstration that they have complied with the law may take the form of a computerised database or a paper file or other means as long as there are records showing the dates of previous gas safety checks, the date of the latest check, and the preserved deadline date (resetting this as and when necessary – see section below on ‘resetting the clock’), along with copies of the landlord’s gas safety records from the previous two years.

309 There is no legal requirement to include: (a) an expiry date of the landlord’s gas safety record; or (b) the earliest date you can have your next gas safety check (and retain the deadline date)

on the gas safety records, but landlords may find it helpful to include these details to:

- (a) ensure they can demonstrate the necessary audit trail to show that consecutive gas safety checks have been carried out in the prescribed 10–12-month window, thereby retaining the deadline date;
- (b) give tenants confidence and clarity over the period of validity of the gas safety record.

310 Even if the engineers include this information on the gas safety records, the legal duty remains with the landlord to be able to demonstrate that gas safety checks have been made within the required timescales.

### **Resetting the clock**

#### **Gas safety check carried out less than 10 months since the previous check**

311 Where a gas safety check is carried out at *less than 10 months* after the previous gas safety check, this will have the effect of ‘resetting the clock’ and the deadline date will now be 12 months from the date of this latest check.

#### **Gas safety check carried out after the preserved deadline date**

312 Where the property remains tenanted it is an offence to have no current gas safety check record in place.

#### **Gas safety check carried out after the preserved deadline date (ie where the property was vacant when the previous gas safety check expired)**

313 Where a gas safety check is carried out *more than 12 months* after the previous gas safety check, this will have the effect of ‘resetting the clock’ and the new deadline date will be 12 months from the date of this later gas safety check.

#### **One-off flexibility to bring dates of safety checks on different gas appliances in the same premises back into line**

314 There is a one-off flexibility to allow landlords to realign the date of the annual gas safety check on an appliance with other appliances in a property. It can only be applied once to each appliance, and the maximum amount of time that the gas safety check for the appliance can be extended is 2 months. For example, if an appliance is found to be faulty and is replaced at the time of the actual check, the annual gas safety check on the new appliance can take place for the first time at the same time as the next annual gas safety check on any other appliances in the same property.

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## HOMES POLICY DEVELOPMENT GROUP 11 SEPTEMBER 2018

### REVIEW OF BUILDING SERVICES RECHARGES POLICY

**Cabinet Member:** Cllr Ray Stanley  
**Responsible Officer:** Mark Baglow, Group Manager for Building Services

**Reason for Report:** To advise members of the revised Recharges Policy

**RECOMMENDATION(S):** That Cabinet adopts the revised Recharges Policy

**Relationship to Corporate Plan:** The Recharges Policy will be key to managing the council housing stock efficiently.

**Financial Implications:** The financial implications will be contained within the Housing Revenue Account (HRA). It is important to prioritise financial management of this account to ensure the all available funds are used to the best possible effect.

**Legal Implications:** It will be necessary to ensure that the Recharges Policy addresses all the legal obligations the Council has as a Landlord for the housing estate.

**Risk Assessment:** The management of circa 3000 homes for some of our most vulnerable tenants contains many risks. These risks are managed at a service level.

#### 1.0 Introduction

1.1 During the 2016/17 financial year, the repairs service invoiced for rechargeable repairs to a value of £54,545 of which £11,378 was recovered and £15,681 'written off' by the end of that period. The remainder of the debt is still current and in some cases payment plans have been put in place.

1.2 During the 2016/17 financial year, the repairs service invoiced for handyman repairs to a value of £18,857 or which £18,090 was recovered and £244 'written off' by the end of that period.

1.3 The Housing Revenue Account processes and allocates any payments received in line with a previously agreed hierarchy. The 'rent account' always takes priority, therefore if a tenant is in arrears and make a payment towards rechargeable repairs that have been carried out by the Building Services team the payment will automatically be diverted to the rent account in order to pay off any arrears. Therefore although the tenant may have paid the debt due, the rechargeable repairs income cost centre will show a loss as the money has been diverted elsewhere.

1.4 Due to the nature of our business it is very difficult to get a former tenant to pay their debts; this is particularly prevalent where a void property has been left in poor condition. A high proportion of our unrecovered debt relates to void

properties and although we endeavour to allocate the ex-tenant this can be very difficult. Add in the fact that the tenant may be deceased with no estate and the debt ends up being written off.

- 1.5 The rechargeable repairs and the handyman service is a significant part of the annual budget, in terms of both income and expenditure. As such, it is important that this money is efficiently managed.
- 1.6 The main aim of this review is to action recent feedback from both tenants and officers alike, particularly that the policy should include clear examples for reference.
- 1.7 The timing of this review has been brought forward to coincide with the recently reviewed Compensation Policy, in order to ensure that the balance of responsibility borne by both the tenants and also Mid Devon District Council is fair and transparent.

## 2.0 **Proposed Changes to the Policy**

- 2.1 If accepted, the proposal is for the minor changes to the policy to be published for officer use and tenant reference.
- 2.2 This policy has been better aligned with the tenant compensation policy.
- 2.3 We have also addressed tenant feedback, comments and complaints received since this policy was last reviewed. The main area of improvement is to clarify and give more examples of typical recharges, as well as clarifying that any lists are non-exhaustive.
- 2.4 The proposed policy addresses and clarifies our new position and practice of charging for missed appointments.

## 3.0 **Tenant Consultation**

- 3.1 The Housing 'Tenants Together' group have been consulted on this policy and their comments taken into consideration.

## 4.0 **Implementation of the Recharges Policy**

- 4.1 There is little change to the policy content, only a clarification of existing policy details. The points of clarification are intended to benefit tenants as much as it is the council.
- 4.2 Implementation of this policy will be supported by action from both the Building Services and Housing teams.

## 5.0 **Financial Context**

- 5.1 Maintaining the Councils housing stock is the largest ongoing element of the Councils capital programme.

- 5.2 Within the annual budget there are increasing targets relating to income generation from handyman chargeable repairs.
- 5.3 Clarification of this policy and strict adherence to it should contribute to high levels of chargeable repair income recovery, improvement in recovery rates for rechargeable repairs, and a reduction in recharge write-offs. There are no additional resource implications as a direct result of this policy.

**Contact for more Information:**

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**Circulation of the Report:**

Director of Operations  
Cabinet Member for Housing  
Tenants Together Group  
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Homes Policy Development Group

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**Mid Devon District Council**

**Recharges Policy**

Policy Number: OBS 002

**September 2018**

## Version Control Sheet

**Title:** Recharges Policy

**Purpose:** To review the Recharges Policy in accordance with good practice and relevant legislative requirements.

**Owner:** Group Manager for Building Services  
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**Next review date:** September 2022

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Director of Operations  
Cabinet Member for Housing  
Tenants Together Group  
Group Managers  
Leadership Team

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## **1.0. Introduction**

- 1.1. This policy statement outlines Mid Devon District Councils, Building Services approach to the recovery of recharges. These are costs for any repairs/work that the Council have been required to carry out to a Council property following damage, unauthorised or non-compliant DIY, neglect, misuse or abuse by tenants, residents, members of their household, or visitors to their home, and leaseholders or the leaseholders tenants.
- 1.2. In addition, it covers the cost of clearing redundant possessions left when a property is vacated, any work carried out by Mid Devon District Council 'the Council' to repair or maintain the property that is the resident's responsibility, or any costs relating to non-statutory works requested by the tenant or leaseholder such as the Handyman Scheme.

## **2.0. Scope**

- 2.1. This policy explains how we will deal effectively with recharges, including those arising from damage, non-standard alterations, or for the cost of clearing redundant possessions left by tenants. The rationale behind this policy is to ensure that payment is received for services carried out on behalf of the tenant, resident or leaseholder.
- 2.2. This policy covers the following items:
  - Tenant's responsibilities
  - Unauthorised and substandard alterations
  - Neglect, misuse and wilful damage to property
  - Accidental, deliberate or criminal damage
  - Misreporting of repairs
  - No access given / 'carded' appointments
  - Assignments – mutual exchanges
  - Other recharges
  - Collection of recharges
  - Exceptional circumstances
  - Reducing occurrences
  - Appeals
  - Complaints

## **3.0 Related Documents**

- Tenancy agreement
- Lease
- Garage and GGRP (Garage Ground Rent Plot ) Tenancy Agreement
- Income Management Policy
- Improvements to Council Properties Policy
- Garage Management Policy
- Car Park Management Policy
- Pets and Animals Policy
- Hoarding Policy
- Fire risk in Communal areas Policy
- Anti-social Behaviour Policy
- Neighbourhood Management Policy
- Tenancy Changes Policy
- Leaseholder's Handbook
- Tenant's Handbook
- Repairs Handbook
- Former Tenant Procedure
- Gas Safety Policy and Electrical Safety Policy
- Corporate Debt Policy and Debt Recovery Procedure

#### 4.0 Definitions

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

- **Tenant** – means any person, or registered provider of social housing that has a tenancy agreement with the Council or is a leaseholder with the Council
- **Council Property** – means any land/property owned by the Council either as the freehold or leasehold owner
- **Wilful Damage** – damage caused to Council Property intentionally
- **Neglect** – damage caused to Council Property due to neglect
- **Misuse** – damage caused to Council Property/land by incorrect or improper use, for example, damage to doors and graffiti to walls
- **Accidental damage** – damage caused to Council Property/land accidentally, for example, knocking a light fitting with a ladder when decorating
- **Emergency repair** – a repair that is required to remove immediate danger to people, avoid flooding or major damage to the property, make the property secure, or restore total loss of heating in the winter

- **Tenancy Agreement** – any tenancy agreement with the Council's Housing Service, including Council house/flat tenancies, garage tenancies, garage ground rent plot agreements, tenancy at will agreements and any other agreement whereby a person is in occupation of housing land owned by the Council
- **Uncontainable leak** – a leak that cannot be contained by the largest container capable of being placed underneath the leak or cannot be contained by using an isolation valve (excluding the mains stop tap). NB. If the container is filling to the top within 12 hours this is deemed to be uncontainable

## **5.0 Tenant's Responsibilities**

- 5.1 Tenancy Agreements relating to Council houses set out which repairs Tenants are responsible for. It advises Tenants that they must keep their home in a reasonable condition, and leave it clean and tidy when they end their tenancy. It states that we will recharge the Tenant for the cost of making good any damage they have caused and clearing any damage they may have caused and cleaning any items left behind.
- 5.2 All other types of Tenancy Agreements set out the Tenant's responsibilities for repair and maintenance of land/property they are occupying

## **6.0 Unauthorised and Substandard Alterations**

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

## **7.0 Neglect, Wilful Damage and Misuse of the Council Property**

- 7.1 Where the Council has clear evidence that a defect or damage to any Council Property has been caused by Neglect, Misuse or Wilful Damage by the Tenant, or by members of the household including visitors to their home, the Tenant will be held responsible and will be recharged for costs incurred. In extreme cases the Council will commence legal proceedings. Neglect for example would include failing to dispose of rubbish properly, losing keys, putting nappies, baby wipes and other inappropriate items down the toilet. Wilful damage for example would include damaged doors or windows, DIY which has damaged the fabric/ structure of the property or its internal parts.

## **8.0 Accidental, Deliberate or Criminal Damage**

- 8.1 Where works are required because the Tenant, a member of their household or a visitor to their home has deliberately or accidentally caused damage to the property, the Tenant will be recharged. This includes damage to any Council property for example fixtures and fittings in their home, gardens, garages or any communal fixtures or fittings owned by the Council and that are the responsibility of the Tenant to replace or repair if lost and/or damaged.
- 8.2 If the property has been damaged due to criminal activity for example a damaged window or door, provided there is a valid crime reference (not a call log number) from the Police, the repair will not be recharged to the Tenant.
- 8.3 We will liaise with the Police after the crime has been logged to ensure that they are satisfied that a crime has been committed, but if the incident has been incorrectly reported, and the crime was committed by a Tenant or the Tenant refuses to press charges, the Council will recharge the Tenant for the repair.

## **9.0 Damage Caused by the Police or Emergency Services**

- 9.1 Where the Police are executing a warrant and/or have a justified reason to forcibly enter a property, any damage caused during this process will be recharged to the Police, unless a criminal activity is discovered during the entry of the property. In this case the Tenant would be recharged for any damage caused in executing the warrant.
- 9.2 Where the Police or other emergency services undertake a forced entry of the property for the health and welfare of any adult occupant(s), then no recharge will be applied and the cost will be absorbed by the Council.
- 9.3 Where the Police or other emergency services undertake a forced entry of the property for animal or child welfare reasons then the Tenant will be recharged for any damage caused during the entry.

## **10.0 Misuse of Reporting Repairs**

- 10.1 Genuine emergencies must be reported to ensure Tenants are safe and secure in their homes. However, if the repair is not an emergency or not as urgent as they stated, or it is for work which is not considered to be the Council's responsibility, the Council will recharge the Tenant any additional costs incurred for making this visit.
- 10.2 Tenants are referred to the 'Repairs Handbook' for further information on the definitions of emergency and urgent repairs. Alternatively, further information can be found on the Council's website site at [www.middevon.gov.uk](http://www.middevon.gov.uk).
- 10.3 Examples of misuse of reporting repairs could include\*:

- Requesting an emergency repair for a loss of power where trip switches have not been reset or appliance check has not been completed
- Requesting an emergency repair for a loss of power where there is no credit on the meter
- Requesting an emergency repair for a boiler repair where there is no credit on the gas meter
- Requesting an emergency repair for a boiler where the system has been over pressurised by the Tenant, Tenant's family or other member of the household or friend/visitor
- Describing a containable leak as un-containable
- Reporting a blocked waste where the Tenant has not tried clearing it themselves with a plunger and the visiting operative is able to clear it with a plunger
- Reporting an emergency repair to a door that is secure and functional
- Requesting an emergency or urgent repair on the basis that there is no secondary source of heating or hot water when there is
- Requesting a repair to a light fitting, where the Tenant has not yet attempted to fit a new bulb, tube or starter
- Reporting a faulty lock where the issue is actually a lost key

*\*Please note that this is not an exhaustive list*

10.4 The customer service team or housing technical support team member will issue a verbal recharge warning during the repair reporting process in order to allow the Tenant to consider their description/request. This will enable to Tenants to avoid unnecessary recharges or alternatively employ the services of the 'Handyman Service'.

#### **11.0 'No Access' and 'Carded' Appointments**

11.1 Where the Tenant has had suitable notice and refused access for the Council or its appointed contractor to carry out our statutory obligations, for example the annual gas service or cyclical electrical test, the Council will recharge the Tenant for any costs incurred with the aborted visit and any subsequent attempts to gain access. This will include lost officer time, travel costs, administration fees, and court costs where applicable.

11.2 If a Tenant is out or does not answer the door when we visit for a pre-arranged repair appointment, the Council will recharge the Tenant for any costs incurred with the aborted visited.

#### **12.0 Assignments – Mutual Exchanges**

12.1 Prior to Tenants mutually exchanging Council properties, the Council will carry out an inspection of the property to identify necessary repairs and any Tenant improvements, fixtures or fittings, and potential damage which are not the Council's responsibility and also comply with any statutory duties.

12.2 The Council will advise the incoming Tenant that in assigning or surrendering their old tenancy they accept the new property in its existing condition. The Tenant will be required to sign a disclaimer to this effect that places the costs of works arising from the exchange to fall on them as the in-coming Tenant. In particular the Tenant will be informed in writing of:

- Any fixtures and fittings installed by the outgoing Tenant which are not the Council's responsibility
- Defects caused by the outgoing Tenant which are not the Council's responsibility, for example broken door handles or holes in walls

12.3 It will not always be possible for Council Officers to identify every non-standard fixture and fitting, poor DIY job or damage to property. The responsibility therefore lies with the incoming Tenant to carry out a full inspection with the outgoing Tenant.

12.4 The Council will not accept liability for non-standard items, DIY or damage on the basis that it was not apparent during the inspection.

### **13.0 Other Recharges**

13.1 We will recharge the Tenant for any costs incurred by the Council in\*:

- Replacing any lost or broken door entry key fobs or keys and for changing locks
- Storing Tenant's belongings following vacating the Council Property
- Removing graffiti and rectifying any damage
- Relation to vandalism to Council Property, where the Court has prosecuted the perpetrator or where the individual has admitted the damage
- Taking legal action where the Tenant has prevented us from carrying out our legal obligations
- Clearing items from communal areas
- Damage identified following routine property inspections
- Removal of trees or hedges which are not the Council's responsibility, if these are deemed to be dangerous or overgrown
- Tidying of gardens including shrubs and trees that have been neglected or are overgrown
- Wilful damage caused to the solar PV system where it is installed

- Use of the Council's Handyman scheme to carry out specified works on the Tenant's behalf
- Damage caused by excessive hoarding of items within the property/land
- Clearing dog fouling
- Garage or garage ground rent plot evictions (to include clearance costs and lock changes)
- Damage to car parking areas and the removal of unauthorised vehicles
- Removing abandoned or non-roadworthy vehicles
- Damage to fences and gates owned by the Council
- Damage to the structure of the building
- Attending a power failure caused by blown light bulbs or faulty appliances
- Attending a blocked waste where the Tenant has not tried to clear it themselves, or where the cause of the blockage is deemed to be through neglect or misuse
- Removing rubbish or items left at the property/land on ending a Tenancy Agreement
- Damage to communal TV aerials
- Excessive cleaning required to a property/land due to Neglect
- Emptying septic tanks and associated costs, such as administration costs
- Unnecessary water damage caused to a Council property where a Tenant has refused to turn the stop tap, or refused access to remedy a leak
- Carrying a gas safety check as a result of two or more Tenants wishing to undertake a mutual exchange
- Carrying an electrical safety check as a result of two or more Tenants wishing to undertake a mutual exchange
- Any other circumstances that cause an unreasonable cost to the Council

*\*Please note that this is not an exhaustive list*

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

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

## 14.0 Key Component Lifespans

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

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

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

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

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

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

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

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

- Bathroom 22 to 27 years old = 25% of replacement cost
- Bathroom 28 to 30 years old = No Charge

## 15.0 Collection of Charges

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

tenancy debts will be pursued in line with the Housing Services Income Management Policy and the Corporate Debt Policy.

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

### **16.0 Exceptions**

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

### **17.0 Reducing Occurrences**

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

### **18.0 Appeals / Disputes**

- 18.1 Tenants have a right to dispute or appeal a recharge if they feel that the recharge has not been raised in line with the recharges policy, or if there is evidence that has not been considered.
- 18.2 Disputes can be dealt with informally by phone, email or letter, should a Tenant wish to discuss this with their Neighbourhood Officer or a Repairs Officer.

18.3 Disputes can be formally dealt with as a service request.

18.4 First time disputes or appeals cannot be dealt with as formal complaints in the first instance.

18.5 Disputes will be considered regardless of whether payment has been made by the Tenant.

## **19.0 Complaints**

19.1 Were a Tenant is dissatisfied with the outcome of their response to their formal service request then the formal complaints process can be initiated.

19.2 We will deal with any complaints about our service in accordance with our Complaints Procedure. Details are available on the Council's website at [www.middevon.gov.uk](http://www.middevon.gov.uk) or available by telephone on 01884 255255.

## **20.0 References**

- Environmental Protection Act 1990
- Waste (England and Wales)(Amendment) Regulations 2012
- Equality Act 2010

## **21.0 Equality and Diversity**

21.1 The Housing Service will tailor its services to meet the diverse needs of individuals. We foster good relations with people when providing services to eliminate discrimination and to promote equality of opportunity.

## **22.0 Review**

22.1 This policy has been written in line with current relevant legislation. The policy will be reviewed and revised to reflect any legislation requirements and/or other guidance or good practice. The next review of this policy is due September 2022 and every 4 years thereafter.

**HOMES PDG  
11 SEPTEMBER 2018**

## **REVIEW OF HOUSING SERVICE NEIGHBOURHOOD MANAGEMENT POLICY**

**Cabinet Member(s):** Councillor Ray Stanley  
**Responsible Officer:** Mrs Claire Fry, Group Manager for Housing

**Reason for Report:** The Housing Services Neighbourhood Management Policy is due for review during 2018 and the revised draft contains a number of changes regarding the distribution of communal keys, the use of communal gardens and responsibility for the maintenance of gardens associated with tenancies. There is a regulatory requirement to have a policy and the suggested amendments should reinforce our commitment to keeping our neighbourhoods and our communal areas clean and safe.

**RECOMMENDATION:** The Homes PDG is asked to agree the revised policy relating to neighbourhood management and to recommend to Cabinet that it is adopted.

**Relationship to Corporate Plan:** The efficient and effective management of our housing stock is a priority within the corporate plan and this policy supports work to achieve this and to ensure compliance with the regulatory framework for social housing.

**Financial Implications:** There are budgets in the Housing Revenue Account to support effective neighbourhood management. This includes budgets for repairs and maintenance, improvements, the management of anti-social behaviour and adequate staffing to ensure that our statutory and regulatory obligations are met.

**Legal Implications:** The Council has a duty of care and has statutory obligations relating to health and safety; in addition, the Neighbourhood & Community Standard within the regulatory framework for social housing, operated by the Regulator for Social Housing, requires registered providers (RPs), such as the Council, to keep the neighbourhood and communal areas associated with the homes that they own clean and safe. It also contains a specific expectation that RPs will have a policy for maintaining and improving the neighbourhoods associated with their homes.

**Risk Assessment:** Failure to have a neighbourhood management policy in place would put the Council in breach of the regulatory framework. Failure to have adequate arrangements in place for housing management could result in the Council failing to meet its statutory and contractual obligations

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

maintain their gardens and the Neighbourhood team will endeavour to signpost those affected to voluntary organisations which may be able to provide help.

## **1.0 INTRODUCTION**

- 1.1 It is important for the Housing Service to have clearly defined policies in place to help staff to understand their responsibilities. In this way, they have a clear point of reference and do not need to seek guidance from more senior Officers.
- 1.2 The Homes & Communities Agency requires the Council to have a neighbourhood management policy.
- 1.3 The revision of the existing policy includes further definition of responsibilities to ensure that all stakeholders are clear about accountabilities.
- 1.4 Keeping our estates clean and safe is a priority as well as a regulatory requirement and some of the new provisions within the revised draft policy have been designed to address issues which have been identified as hazards in the past; and to reduce risk.
- 1.5 In addition, the revised draft policy describes arrangements for periodic inspections of estates, known as Neighbourhood Walkabouts, and regular inspections of communal areas, in order to ensure that Officers, tenants and other stakeholders, including leaseholders, private tenants and owner occupiers, are all clear about how the Council will manage its estates and take a pro-active stance towards housing management.

## **2.0 CHANGES TO THE EXISTING POLICY**

- 2.1 It was not possible to provide one document showing tracked changes to the existing neighbourhood management policy on the basis that the original had been saved on a different template to the one now in use; in the interests of consistency, all policies now need to be written on a revised corporate template. However, for the purposes of comparison, a link to the existing policy which is held on the housing pages of the Council's website has been included at the end of this report.
- 2.2 A number of changes have been made in the revised draft of the policy and this report contains information on these.
- 2.3 It is important to maintain the security of our blocks of flats. For this reason, the revised draft policy states that additional keys for communal doors will not be provided to residents as a matter of routine; or key codes if there is a door entry system.
- 2.4 However, replacement keys will be available and the cost of providing these will be recharge to the tenant.
- 2.5 The revised draft policy states that permission for community activities such as garden clubs, community social events and wildlife gardens must be

sought. Housing Officers realise that such initiatives can help to support community cohesion and tenancy sustainability. However, it is important that the Housing Service understands what is happening on our estates and is able to monitor the impact. Any such activity should be open to all those living in the area and not just for the selected few; therefore we need to ensure that any suggested projects or events are inclusive. There are also legal and regulatory obligations relating to consultation around the use of communal areas and, for this reason, the policy provides for the Council having the final decision relating to the use of communal gardens should there be a dispute between those who may be affected by any activity in one.

- 2.6 The mitigation of risk is also a key consideration here. For this reason, the revised draft policy states that the Council will not be held liable for any injury which may occur at an event organised by a private individual. It also draws attention to the fact that public liability insurance may be required for any community events organised by private individuals. The Council has its own insurance which applies if Officers organise an event following consultation with residents.
- 2.7 Charities are required to provide relevant documentation proving that they have appropriate insurance cover if they are planning an event and seeking permission to hold it on communal land belonging to the Housing Service.
- 2.8 Residents are able to have barbeques in accordance with the fire safety in communal areas policy. The revised draft policy relating to neighbourhood management goes further and states that these must be located away from the property and its boundaries to minimise the risk of damage; and that other residents must be consulted to minimise the risk of complaints relating to anti-social behaviour involving nuisance and disturbance. Furthermore, the policy states that barbeques must not be placed directly on the ground.
- 2.9 External Christmas decorations will not be permitted in accordance with the policy. In the past, Neighbourhood Officers have identified hazards arising from the placing of such decorations in communal gardens. These have included trip hazards, fire hazards arising from the use of domestic extension leads not suitable for external use and overloading of sockets on such extension leads. Whilst this provision may seem very draconian to some stakeholders, the Housing Service has obligations relating to health and safety which are likely to be strengthened in the near future following events at Grenfell Tower last year. It is expected that the Housing Green Paper due to be published during July 2018 will provide more information about the new responsibilities.
- 2.10 The revised draft policy contains several provisions relating to toys. These can be dangerous if those using them are not properly supervised. In addition, they can impede routine grounds maintenance work if they are left in situ overnight and for longer periods. Their use also has a potential to cause nuisance and annoyance to neighbours. For this reason, it is proposed that the use of large toys is prohibited in communal gardens; and that the Housing Services does not permit any toys being kept outside in such areas.

- 2.11 Small toys will be allowed if their use is supervised and if they are not kept in the garden overnight or for longer.
- 2.12 It should be noted that the revised draft policy states that children must be supervised at all times when playing in communal gardens; and also clarifies the position regarding liability relating to any injury resulting from the use of toys belonging to tenants which have been placed on communal land. It states that the Council will not be liable.
- 2.13 The revised draft policy also states that residents will not be given permission to erect a shed on communal land; this provision has been added for management reasons. The Housing Service needs to have clear and transparent procedures relating to the granting of permissions and the inclusion of this clause will give Neighbourhood Officers a point of reference when discussing such matters with tenants.
- 2.14 The decision not to permit the erection of sheds in communal areas is justified on numerous grounds. For example, there can be issues relating to grounds maintenance if a shed provided for the sole use of one resident is located in a communal garden.
- 2.15 Furthermore, the addition of one or more sheds could cause conflict; there may not be enough room available to allow for every existing or future resident at a scheme to have their own shed. Communal land must also be protected for the use of all residents and not just for specific residents; and the Housing Service needs to treat everyone in the same way. Any permission granted to one tenant but refused to another on the grounds that there is not enough room could result in accusations of favouritism based on a subjective ground. There could also be issues relating to ownership of land if permission is granted for one or more individuals to have sole use of a particular area, which could have implications for the future use of that land.
- 2.16 The revised draft policy also states that the person responsible will be liable for any damage caused to communal areas. This makes it clear that the Housing Service will take a proactive approach to the management of our estates and will look to recover the costs of making good any damage, whether it was caused accidentally or intentionally, from those who have caused it.
- 2.17 The revised draft policy also reflects the provisions contained within our standard tenancy agreement with regard to the maintenance of gardens. Tenants with gardens associated with their tenancies are responsible for maintaining them in good order. Tenants are responsible for keeping plants, trees, boundary hedges or large shrubs neat and tidy; and for ensuring that they do not become dangerous or overgrown, cause nuisance to neighbours or damage to property. The inclusion of reference to this in the revised draft policy reinforces our approach to estate management and the advice currently given to tenants generally. In all matters relating to garden maintenance tenants should refer to their tenancy in order to ensure that decision making is clear and transparent; and to ensure consistency. In this way, we can ensure that the policy is fair and that there can be no allegations of favouritism.

### 3.0 **CONSULTATION**

- 3.1 The Neighbourhood and Community Standard states that: “Registered providers shall consult with tenants in developing a published policy for maintaining and improving the neighbourhoods associated with their homes. This applies where the registered provider has a responsibility (either exclusively or in part) for the condition of that neighbourhood. The policy shall include any communal areas associated with the registered provider’s homes”.
- 3.2 This policy was emailed to members of the Tenants Together for comment and any feedback will be relayed to the PDG at the meeting.

### 4.0 **DECISION**

- 4.1 Members are asked to approve the revised policy and to recommend to the Cabinet that it is adopted.

**Contact for more Information:** Mrs Claire Fry, Group Manager for Housing. Tel: 01884 234920 cfry@middevon.gov.uk

**Circulation of the Report:** Councillor Ray Stanley, Leadership Team

**List of Background Papers:**

<https://www.middevon.gov.uk/media/85031/neighbourhood-management-policy.pdf>

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**Mid Devon District Council**

**Neighbourhood Management Policy**

Policy Number: HSG{number}

{HSG – Housing & Property Services}

**September 2018**

## Version Control Sheet

*Title:* Neighbourhood Management Policy

*Purpose:* To identify how we manage our neighbourhoods and how this work contributes towards a proactive housing management service.

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*Version Number:* v3

*Status:* DRAFT

*Review Frequency:* **Every 4 years or sooner if required and in accordance with relevant statutory and regulatory frameworks and/ or good practice.**

*Next review date:* **September 2022**

*Consultation* **This document was sent out for consultation to the following:**  
Cabinet Member

## Document History

This document obtained the following approvals.

<b>Title</b>	<b>Date</b>	<b>Version Approved</b>
Leadership Team*	28 August 2018	V3
Tenants Together	By email	V3
PDG*	11 September 2018	V3
Cabinet*	27 September 2018	V3

\*- Delete if not applicable

## **1. Introduction**

Mid Devon District Council (MDDC) understands the importance of ensuring that tenants have quiet enjoyment of their homes, which are in a safe, clean and secure environment that they can take pride in.

## **2. Scope**

This policy applies to our estates and sets out how the Housing Service will work with tenants and other residents to keep them as clean and tidy as possible.

## **3. Related Documents**

- 3.1. MDDC tenancy agreements
- 3.2. Housing service recharges policy
- 3.3. Housing service garage management policy
- 3.4. Housing service fire risks in communal areas policy
- 3.5. Housing service car parking management policy
- 3.6. Housing service improvements to Council properties policy
- 3.7. Housing Service tenant involvement strategy
- 3.8. Housing Service tenant involvement policy
- 3.9. Housing Service leasehold management policy

## **4. Responsibilities**

In implementing this policy, the Council's overall objectives are to:

- Identify areas in need of attention or improvement and undertake measures to resolve them
- Enable tenants to get involved with neighbourhood management by them suggesting improvements and initiatives to prevent anti-social behaviour
- Ensure tenants and private occupiers are made aware of, and accept, their responsibilities regarding estate management.

In this policy, the term "tenant" is used to describe both tenants and leaseholders.

Tenants must seek permission if they wish to install hanging structures such as hanging baskets or bird feeders in communal areas, especially those in blocks of flats; these must be positioned in such a way as to avoid damage to the structure of the building. If they are to be installed in blocks of flats, other tenants living on lower levels should be consulted, where possible, and there should be evidence of this before permission will be given. Tenants must be mindful of the impact of such items on other people living within the scheme. Tenants will need to take account of the conditions of their tenancy or lease agreement when seeking permission and if, at any time, the neighbourhood officer identifies a breach of tenancy relating to the cultivation of plants in hanging baskets, then permission will be withdrawn.

The housing service is committed to the provision of a safe and secure environment for our tenants. Additional keys for main entry doors to tenants resident in blocks of flats will not be provided although replacement keys may be available in appropriate circumstances. If replacement keys are required, any costs relating to this will be recharged to the tenant. This is to ensure that security is maintained. For the same reason, communal key codes in blocks where there is a door entry system will only be given to employees and contractors to enable them to carry out their duties.

Grassed areas located on communal land on an estate are provided as an amenity for the benefit of all tenants. Therefore, tenants should seek permission regarding the use of external communal areas; this is particularly important if there is a proposal to establish a gardening club, or to create a wildlife garden, or to run a community social event, for example. It should be noted that public liability insurance may be required in relation to a community social event if it is organised by private individuals and not the housing service. The Council cannot be held liable for any damage or injuries which may occur at such an event which has been organised by private individuals. Anyone planning such an event is advised to seek advice from their neighbourhood officer before requesting permission.

The housing service may consider allowing a charity to hold an event on communal land but a written agreement will be required indemnifying the Council in the event of any claims. Decisions made regarding such events will take account of all relevant factors and the housing service will require sight of all relevant insurance and other documents in these circumstances.

Barbecues are allowed in communal gardens provided they are not placed directly on the ground (a stand should be used). They must not prevent the use of the garden by other tenants. They must be located a safe distance away from the property and its boundaries during use and other residents will need to be consulted so as not to cause a nuisance or annoyance. If the Council considers any items have been used which pose a hazard, permission for the use of barbecues in the garden will be withdrawn. Nothing else which may pose a fire risk or is combustible is allowed in communal gardens and this includes external Christmas decorations.

Large toys such as trampolines or slides may not be kept by residents in communal gardens but those with children may bring small toys into these areas provided they supervise the use of such items. This is in order to minimise the risk of injury arising due to inappropriate use. The Council cannot be held liable for any injuries arising from the use of such toys which may include (but is not limited to) small paddling pools, small tricycles, scooters and wheeled items. These items must be removed at the end of the day as failure to do so could prevent our contractor from undertaking necessary grounds maintenance work in the garden.

Children playing in communal gardens must be supervised by an adult at all times.

Individual tenants will not be permitted to erect their own sheds in communal areas. Should storage be an issue, tenants should seek advice from the neighbourhood team.

Those responsible for any damage which arises in communal areas whether or not it was accidental or deliberate, will be liable for the costs of making good this damage and recharged.

The housing service is required to consult all residents affected regarding a major change in the use of the communal area. We will make the final decision if there is any dispute regarding the use of communal space where agreement cannot be reached locally. Any such decisions will take into account legal obligations, policy, local feedback and any other considerations which may be relevant.

## **5. Gardens**

In accordance with their contractual obligations, tenants with gardens associated with their tenancy are responsible for maintaining those gardens in a clean and tidy condition.

In particular, they must ensure that plants, trees, boundary hedges or large shrubs do not become dangerous or overgrown, cause nuisance to neighbours or damage to any property. If a tenant fails to comply with their conditions of tenancy or leasehold agreement, the housing service may undertake work to rectify the tenancy breach and recharge the full cost of this to the tenant.

## **6. Neighbourhood Areas**

The housing service has neighbourhood officers who are responsible for estate management on specific geographical areas within the District's boundaries. Information regarding neighbourhood areas is available on our website, which can be found at <https://www.middevon.gov.uk/residents/housing/council-housing/your-neighbourhood/>

Where tenants do not have internet access, they are able to contact the neighbourhood team for more information by telephoning 01884 255255.

Any queries regarding the neighbourhood management of our estates should be directed to the neighbourhood officer for that particular geographical area.

## **7. Neighbourhood Walkabouts**

Tenants, councillors (both district and parish) and other agencies such as the police are welcome to join neighbourhood officers when an estate in their area is inspected to raise any concerns and share ideas for improvement. A schedule of neighbourhood walkabouts is available on our website.

Neighbourhood walkabouts enable neighbourhood officers to identify issues surrounding the following:

- Breaches of tenancy
- Grounds maintenance issues, including hedges, trees and boundaries, grassed/planted areas
- Repairs
- Any health and safety issues; for example, any deterioration to pathways that could be trip hazards
- Communal areas – internal and external
- Car parks and garages
- Security issues, including fencing/ boundaries, security doors
- Tenancy issues, including property condition, property improvements, untidy gardens, pets
- Anti-social behaviour, including graffiti/vandalism, drugs, abandoned cars, fly-tipping

This is not an exhaustive list.

Where concerns are identified, the tenant(s) to which the issue relates will be contacted and, if applicable, will be advised to remedy the issue. If necessary, other agencies will also be contacted.

In addition to ad hoc visits undertaken by neighbourhood officers, neighbourhood walkabouts are undertaken at a minimum of every six months.

## **8. Communal Inspections**

In addition to neighbourhood walkabouts, inspections of communal areas are undertaken on a monthly basis by neighbourhood officers where any issues are identified and acted upon.

As stated in the fire risk in communal areas policy, the housing caretaker also inspects communal areas and fire risk assessments are completed on a regular basis.

Checklists are completed in order to identify if there are any areas of concern for both internal and external communal areas in order for these to be followed up. This includes communal areas being free from items which are not permitted to be there and identifying slip, trip and fire hazards.

## **9. Environmental Budget**

The housing service has an allocated annual environmental improvement fund to help improve the security and general appearance of our estates.

Tenants are encouraged to offer suggestions to the housing service for ideas of work/projects to be carried out and for which this fund can be used.

**HOMES PDG  
11 SEPTEMBER 2018**

## **HOUSING UPDATE**

**Cabinet Member(s):** Councillor Ray Stanley  
**Responsible Officer:** Claire Fry, Group Manager for Housing

**Reason for Report:** To provide a written briefing on latest developments relating to social housing

**RECOMMENDATION: Members to note the report.**

**Relationship to Corporate Plan:** Homes are a priority for the Council and this includes increasing supply in the District and also ensuring that those homes in our ownership are managed efficiently and effectively.

**Financial Implications:** None arising from this briefing

**Legal Implications:** None arising from this briefing

**Risk Assessment:** None arising from this briefing

**Equality Impact Assessment:** None arising from this briefing

### **1.0 Introduction**

1.1 Members agreed that it would be helpful to receive a regular briefing on matters relating to social housing.

1.2 The week commencing 13 August 2018 was designated: "Housing Week" by the Government and several announcements were made. Information about these and other relevant matters is provided in this briefing note.

### **2.0 Social Housing Green Paper 2018**

2.1 On 14 August 2018, the Government published a Green Paper entitled: "A new deal for social housing" which set out a proposed strategy for reforming social housing. The Green Paper contained a number of long-awaited proposals for social housing. More than 8,000 people had already been consulted and more views are being sought during the consultation period, which is due to run until 6 November 2018. Many of the proposals contained within the document are broad statements of intent; however, in some cases, the Government has suggested different options as a way forward in relation to a particular issue.

2.2 The proposed strategy is based around five key themes:

- Ensuring homes are safe and decent
- Effective resolution of complaints
- Empowering residents and strengthening the regulator
- Tackling stigma and celebrating thriving communities

- Expanding supply and supporting home ownership
- 2.3 With regard to the provision of a safe and decent home, the Green Paper sets out a commitment relating to this and suggests a review of the Decent Homes Standard, which has remained unchanged since 2006. This may also apply to private sector residents and might include new requirements relating to energy efficiency and fire safety to mirror those recently introduced in the private sector.
  - 2.4 It also proposes implementing the recommendations from the Hackitt Review of building regulations and fire safety, and the implementation of legislation to reform the current system.
  - 2.5 The paper also proposes the establishment of a pilot with a group of social landlords in order to trial options aimed at the improvement of communication and engagement with residents on safety issues. It looks at the best model for on-going maintenance of properties and this includes looking at stock transfers from local authorities to housing associations.
  - 2.6 With regard to increasing tenancy engagement, the Green Paper includes a commitment to deliver greater involvement for tenants. To this end, there are suggested changes to the complaints process which are designed to speed up the process. This may be, for example, by asking the Regulator for Social Housing (RSH) to set out some suggested timings in a code of practice. In addition, there are some suggestions relating to the use of mediation between landlords and tenants with a view to supporting dispute resolution. There are also some suggestions relating to the accessibility of the complaints process and raising awareness among tenants of their rights and the options available to them if they wish to make a complaint regarding their landlord. In particular, there is a suggestion relating to the removal of the requirement that complainants have to escalate their complaint to a “designated person” once the landlords own internal complaints process has been exhausted.
  - 2.7 There are proposals to make regulation relating to the consumer standards more pro-active. Members will recall that the consumer standards are those relating to tenant involvement and empowerment; homes; tenancies; and neighbourhoods and communities. In accordance with the proposals, the RSH would be able to commence enforcement action even if no “serious detriment” had occurred. A separate call for evidence has also been published in connection with this.
  - 2.8 There is a proposal to introduce league tables and landlords would be required to provide data on a number of key performance indicators (KPIs). Performance between different landlords could then be compared. It is widely anticipated that these KPIs will cover repairs related issues including safety, complaints, resident engagement, and also neighbourhood management. In addition, it should be noted that this could perhaps inform decisions relating to the allocation of funding to support the development of new homes.
  - 2.9 The Green Paper also contained options to give tenants more influence on policy issues at a national level with the establishment of a representative body being suggested.

- 2.10 In addition, a number of options are suggested in relation to the promotion of more community ownership, or community leadership of social landlords.
- 2.11 Another potential change could include giving the RSH new powers to review the governance arrangements of local authorities, to ensure that all social housing residents have the same protection.
- 2.12 There is a pledge contained within the Green Paper to legislate to protect lifetime tenants who are survivors of domestic abuse with lifetime tenancies in new homes.
- 2.13 The Government has proposed a number of other initiatives to support work to reduce the stigma associated with social housing. These include publishing further guidance relating to the National Planning Policy Framework (NPPF) to encourage new affordable homes to be designed to the same standard as other tenures and ensuring these are well-integrated within developments. In addition, there is reference to the encouragement of greater levels of professionalism and a “customer service culture” within the social housing sector and the provision of support for community events and initiatives.
- 2.14 Increasing the supply of housing is a key priority for the Government.
- 2.15 The Green Paper contains proposals to give local authorities greater flexibility to spend monies raised through right to buy sales on new homes. A separate consultation has been launched in relation to this.
- 2.16 In addition, the policy relating to the sale of high value Council stock has been formally abandoned.
- 2.17 Furthermore, plans to require councils to offer all new tenants a tenancy for a fixed term have also been shelved although local authority landlords will still be able to use fixed term tenancies at their own discretion.
- 2.18 The Green Paper also discusses the development of more community-led house building; and working with housing associations in arrangements to provide certainty over funding for new homes.
- 2.19 There are also proposals to review the way in which social housing is allocated in different areas. This is in order to ensure that the best use of housing stock is being made. The Government is proposing to collect evidence to facilitate a review of how local authorities are exercising their ability to determine qualification criteria and priority in terms of the allocation of social housing. In addition, this review would look at how housing associations work with local authorities; and at the role of local authorities in lettings generally and also more specifically the choice available to housing applicants.
- 2.20 There is a pledge to develop a scheme which offers tenants the right to buy 1% of their home each year. In addition, there is a proposal relating to an options appraisal to make it easier for new shared owners to increase their percentage of ownership of their home in the future which might include, for

example, allowing them to buy much smaller increments than are usually possible.

### **3.0 Grenfell Tower – issues arising**

3.1 Matters arising from the fire and subsequent events continue to generate considerable media interest. It would appear that the Green Paper was influenced to a great extent by a desire to prevent such a tragedy ever happening again.

3.2 On 18 July 2018, the Housing, Communities and Local Government Committee suggested that a ban on flammable cladding for new high-rise buildings, being considered by the Government following the fire, should be extended to include existing buildings, residential homes, hospitals, student accommodation and hotels.

3.3 On 31 July 2018, the BBC reported that suppliers of fire doors have been told to make changes after five products failed safety tests. Tests on the fire door used in the Grenfell Tower block showed that it could only resist fire for half the time expected. All doors known to have failed to meet safety standards have been withdrawn from sale. Some of the doors which are supposed to withstand fire for at least 30 minutes, failed within 19 minutes. Communities Secretary, James Brokenshire, ordered door manufacturers to have an urgent meeting and said that they must devise a “clear plan of action to rectify existing problems and ensure such failures are not repeated in the future.”

### **4.0 Review of consumer regulation**

4.1 In the introduction to their Review of Consumer Regulation for 2017/18, the RSH said in the introduction: “Complying with health and safety obligations remains the most fundamental responsibility for governing bodies of registered providers (RPs) (boards and Councillors). It is essential that RPs are able to demonstrate that they are meeting their health and safety obligations, and that tenants are not at risk in their homes.”

4.2 As stated, the Council must comply with four regulatory standards, known as the consumer standards.

4.3 In the review, the RSH reported that it had received 543 consumer referrals during the year, 204 of which were considered by its consumer regulation panel. Of these, 77 were investigated. Referrals are only considered if the RSH judges that issues raised fall within their remit and if it considers that there has been a breach of a consumer standard. It found breaches of the consumer standard in just five cases.

### **5.0 Universal Credit**

5.1 Full service of Universal Credit has been rolled out in Mid Devon. Members will recall that this is a benefit which replaces several others including Jobseekers Allowance and Housing Benefit. It is a fully digital service and claimants need to make claims online and to communicate with their Job Coaches online, as well.

5.2 There are concerns that the current system could exacerbate domestic abuse. Single payments are usually given to one family member but this could give an abusive partner easier control over the family's entire source of income. On 1 August 2018, the Commons Work and Pensions Committee released a report which said that the Government had a "moral duty" to ensure that the benefits system did not facilitate abuse.

## 6.0 **Rough sleeping initiative**

6.1 On 13 August 2018, James Brokenshire launched a £100 million strategy aimed at ending rough sleeping by 2027. The strategy has three strands: prevention, intervention and recovery.

6.2 The prevention strand will involve understanding the issues that lead to rough sleeping and providing timely support for those at risk. The Government is proposing to engage with different sections of society to understand how they experience homelessness. As an example, they talk about how homelessness may impact those in the lesbian, gay, bisexual and transsexual community.

6.3 The intervention strand will involve helping those already sleeping rough with tailored support. In addition, there is a proposal to put in place "navigators", that is, specialists who will act as trusted confidants and help people sleeping rough access the appropriate services and accommodation. Funding is being made available to Streetlink and this will support the public, business and communities to engage positively with people who sleep rough through an improved app.

6.4 In the narrative relating to the recovery strand, the Government has acknowledged that a stable home is an essential element in supporting rough sleepers to move on and that flexible support tailored to individual needs is important if they are to sustain their recovery. £50 million of funding is being made available to increase the supply of housing outside of London for people who have slept rough or those who are ready to move on from hostels or refuges and need additional support. There is also finance being provided for support; and a new approach to funding homes for people who sleep, or are at risk of sleeping, rough.

## 7.0 **Plymouth – Clarion development**

7.1 Clarion Housing Group submitted a planning application to Plymouth City Council on 23 July 2018 to undertake a large regeneration programme on the Barne Barton Estate. The programme is expected to cost £22 million and will regenerate what was once the largest Naval estate in Britain, changing the layout of the estate, providing new homes and enhancing community spaces. The project is also designed to create opportunities for home ownership.

**Contact for more Information:** Claire Fry, Group Manager for Housing, Tel: 01884 234920 [cfry@middevon.gov.uk](mailto:cfry@middevon.gov.uk)

**Circulation of the Report:** Councillor Ray Stanley

**List of Background Papers:**

<https://www.gov.uk/government/consultations/a-new-deal-for-social-housing>

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/housing-communities-and-local-government-committee/news/building-regulations-fire-safety-report-published-17-19/>

<https://www.bbc.co.uk/news/uk-45024375>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/730021/Consumer\\_Regulation\\_Review\\_2017-18\\_20180727.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730021/Consumer_Regulation_Review_2017-18_20180727.pdf)

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news-parliament-2017/universal-credit-domestic-abuse-report-publication-17-19/>

<https://www.gov.uk/government/publications/the-rough-sleeping-strategy>

<http://www.clarionhg.com/news-research/2018/july/planning-submitted-for-22m-transformation-of-plymouth-estate/>