

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>