

Report for: Homes Policy Development Group

Date of Meeting:	21 st November 2023
Subject:	MID DEVON HOUSING TENANCY INSPECTION POLICY REVIEW
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing and Property
Responsible Officer:	Simon Newcombe - Corporate Manager for Public Health, Regulation and Housing
Exempt:	None which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All
Enclosures:	Annex A – Tenancy Inspection Policy Annex B – Tenancy Inspection Policy Equality Impact Assessment

Section 1 – Summary and Recommendation

The purpose of conducting tenancy inspections is to check the property condition, reduce tenancy fraud to ensure homes go to those in most need and identify tenancy management issues including tenants who require additional support to sustain their tenancies.

The Tenancy Inspection Policy aims to ensure that tenants are aware of the circumstances when Mid Devon Housing (MDH) will seek access to their properties and the tenant's responsibility in providing that access. Furthermore, it sets out the approach to obtaining access to our tenanted properties, including gardens and outside areas and explains the type of information collected and the action to be taken when concerns are raised.

Recommendation:

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

Section 2 – Report

1 Introduction

- 1.1 Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes.
- 1.2 Under the Homes Standard, the Regulator of Social Housing (RSH) requires all registered providers to provide a cost-effective repairs and maintenance service to homes and communal areas. It sets out that registered providers such as MDH must meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
- 1.3 The Tenancy Inspection Policy plays an important part in meeting these statutory consumer standards requirements. Overall, our tenancy inspections are important point of engagement with our tenants.
- 1.2 The Regulator of Social Housing expects registered providers to use a co-regulatory approach and they regard councillors as responsible for ensuring that providers' businesses are managed effectively and comply with all regulatory requirements. Consequently, it is important that councillors approve the relevant policy approaches adopted by MDH.
- 1.3 Social Housing (Regulation) Act has received Royal Assent, meaning the bill has now been enacted into law. This will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants.
- 1.4 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the White Paper and several are particularly relevant to the aims of this policy:
 - To be safe in your home (Chapter 1)
 - To know how your landlord is performing (Chapter 2)
 - To have your complaints deal with promptly and fairly (Chapter 3)
 - To have a good quality home and neighbourhood to live in (Chapter 6)
- 1.5 As part of the new consumer regulation regime, from April 2023, the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs)

creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measures include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance which will include responsible neighbourhood management.

1.6 Whilst the performance of MDH against many of the TSMs could potentially be influenced by our approach to tenancy inspections, examples of those most relevant include:

- TP01 – Overall satisfaction
- TP04 – Satisfaction that the home is well maintained
- TP05 – Satisfaction that the home is safe
- TP06 – Satisfaction that the landlord listens to tenants views and acts upon them
- BS01 – Gas Safety Checks
- BS02 – Fire Safety Checks

2 Review of the Tenancy Inspection Policy

2.1 There has been a Tenancy Inspection Policy in place for several years with the most recent version adopted in July 2016. It is therefore due to for review.

2.2 The review has taken into account the regulatory framework changes set out in Section 1 above, any new guidance from the regulators and other recent MDH or wider Council policy updates to ensure compliance and consistency.

2.3 This policy aims to ensure that tenants are aware of the circumstances when MDH will seek access to their properties and the tenant's responsibility in providing that access.

2.4 Overall the policy outlines Mid Devon Housing's (MDH) approach to obtaining access to our tenanted properties, including gardens and outside areas and explains the type of information collected and the action to be taken when concerns are raised.

2.5 One of the main reasons for Tenancy Inspections, also referred to as Tenancy Home Checks, is for MDH to understand if tenants have any vulnerabilities and require help to sustain their tenancies.

2.6 Under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014 MDH also has a duty to prevent the fraudulent subletting of their properties.

2.7 Social housing is a valuable asset that provides security and stability to people in housing need. All local authorities have a duty to make the best use of public resources and ensure existing stock is properly managed.

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

- 2.9 The purpose of conducting Tenancy Home Checks is to check the property condition, reduce tenancy fraud to ensure homes go to those in most need and identify tenancy management issues including tenants who require additional support to sustain their tenancies.
- 2.10 The frequency of checks at a specific property and with regard to a particular tenant will vary in accordance with the priorities set out in 8.5 of the Policy.
- 2.11 MDH will visit properties in the housing stock regularly in order to carry out tenancy home checks. Regular inspections allow MDH to:
- Provide support to tenants who are vulnerable;
 - Check where there are safeguarding or welfare concerns;
 - Increase customer profiling information;
 - Check who is living at the property;
 - Identify opportunities for service improvement and tenants who wish to become involved;
 - Raise concerns about the condition of a property or safeguarding issues following an inspection;
 - Check that tenants are complying with the terms and conditions of their tenancy;
 - Investigate alleged tenancy fraud;
 - Identify abandonment and non-occupancy of a property;
 - Prevent unauthorised subletting or assignment; and
 - Identify concerns around property condition, such as potential health and safety risks such as hoarding and disrepair.
- 2.12 Tenants will be asked to provide identification during the Tenancy Home Check to ensure that the correct person is living in the property and that the tenant is using the property as their principle home.
- 2.13 The revision of the existing policy also includes further definition of responsibilities to ensure that all stakeholders are clear about accountabilities.
- 2.14 There are no other materially relevant changes to the policy.

3 Consultation

- 3.1 Tenants and all members were invited to comment on the draft policy between and 6 October and 6 November 2023.
- 3.2 No comments or concerns were received from either tenants or members.
- 3.3 Despite a lack of response to consultation, it is important that tenants are fully aware of the updated policy. To this end, should the policy be adopted, MDH will proactively signpost the policy on our webpages/Facebook pages and in the next tenant newsletter. Where relevant, particularly in relation to queries, service requests or complaints we will also ensure specific tenants or other stakeholders are also aware of the updated policy as required.

4 Safeguarding and vulnerable tenants

- 4.1 Tenancy Home Checks are prioritised when concerns have been raised about the welfare of our tenants. They are used to establish if there are any safeguarding concerns.
- 4.2 Neighbourhood officers will discuss with tenants any vulnerabilities they have and put in place reasonable adjustments so that the tenant is comfortable with the way the MDH interacts with them. The information is placed on the tenants record so that all departments and officers within MDH make these reasonable adjustments in dealings with the tenant or their household.

5 Recommendations

5.1 In accordance with the above:

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

Financial Implications

The Council is required to make the best use of its housing stock which includes managing it efficiently and taking steps to prevent tenancy fraud to avoid any financial losses.

There are no other direct financial implications arising from the update to this policy.

Legal Implications

See Section 2, Introduction with regard to Consumer Standards and new consumer regulation regime.

In accordance with the Localism Act 2011, the Council is required to publish a clear and accessible policy which outlines its approach to tenancy management which includes reference to the prevention of tenancy fraud.

The Council has a Tenancy Policy and uses tenant inspections as a means of preventing fraud.

Risk Assessment

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

Impact on Climate Change

This Policy will have no impact on the Council's climate change ambitions.

Equalities Impact Assessment

Mid Devon Housing collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants.

Tenancy Inspections enable our officers to provide support to vulnerable tenants and to put in place reasonable adjustments so that the tenant is comfortable in the way that MDH interacts with them.

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

Relationship to Corporate Plan

The Council must run the Housing Service efficiently and effectively in accordance with legislative requirements and the provisions of the regulatory framework.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 07 Nov 2023

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 07 Nov 2023

Chief Officer: Simon Newcombe

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

Date: 06 November 2023

Performance and risk: Steve Carr

Agreed by the Corporate Performance & Improvement Manager

Date: 08/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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

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Background papers:

Current Tenancy Inspection Policy July 2016

<https://www.middevon.gov.uk/media/191652/tenancy-inspection-policy-v18.pdf>