

Report for: Cabinet

Date of Meeting: 9 July 2024

Subject: **DELEGATED DECISIONS FOR MID DEVON HOUSING (MDH) POLICIES WITH MINOR AMENDMENTS**

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

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

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

Wards Affected: All

Enclosures: Annex A – Homes PDG Policy Framework

Section 1 – Summary and Recommendation(s)

Due to legal requirements including the new consumer regulation regime for social housing providers, the MDH housing policies framework is one of the most extensive in the Council. This new regulatory regime means policies are must be under an accelerated period of review to reflect the current legal position.

Currently all changes or amendments to current MDH Policies however minor or necessitated by legislation and statutory guidance changes (for example the updated consumer standards published by the Regulator of Social Housing) must be presented to the Policy Development Group for recommendation to Cabinet.

The current process of approving all MDH policy changes can mean that there are significant delays to implementing policy amendments and demonstrated to the Regulator and our tenants that MDH policies are current and aligned with the new regulatory regime. This can take away key policy discussion times at PDG or

Cabinet for new or significantly updated policy changes where the key oversight and focus should be. With such an expansive policy framework requiring review and fewer PDG meetings annually, making best use of member's time is all the more important.

In line with other Council services, such as Licensing and Regulatory, MDH is requesting a change to current process so that minor or legally required changes can be delegated to the Head of Housing and Health (in consultation with the Cabinet Member for Housing).

Examples of minor or legally required changes are set out below for context.

Recommendation(s):

- 1. That Cabinet approves that Head of Housing and Health is given delegated authority to make minor amendments to current MDH Policies as listed in Annex A in consultation with the Cabinet Member for Housing, Assets & Property Services) as required by legislative changes, formal guidance or local operational considerations as recommended by Homes PDG.**

- 2. That Cabinet approves that Head of Housing and Health is given delegated authority to make minor amendments to new MDH Policies as listed in Annex A or developed in due course following first adoption, in consultation with the Cabinet Member for Housing, Assets & Property Services) as required by legislative changes, formal guidance or local operational considerations as recommended by Homes PDG.**

Section 2 – Report

1 Introduction

- 1.1 Currently any change to a Policy must be presented to the Policy Development Group for recommendation to Cabinet.
- 1.2 Where minor amendments are required these could be delegated so to enable best use of member time and focus on policy development.
- 1.3 The revised approach will also expedite a challenging policy review programme triggered by the new regulatory and consumer standards changes.
- 1.4 All significant policy updates and new policies will continue to be presented to the PDG and Cabinet (and Council where relevant) for full consideration. They will also be subject to full tenant consultation. Annex A provides the current Homes PDG Policy framework and details all policies due to come before the PDG/Cabinet in 2024-2025.
- 1.5 A record of all delegated decision making will be held including consultation with the Cabinet member.

- 1.6 In addition to normal communications around major policy changes, all policies subject to minor updates will be published on the MDDC MDH webpages and tenants will also be notified through existing communication channels e.g. social media, quarterly newsletters and case-by-case as policy implementation requires.
- 1.7 Separate arrangements are also in place to notify all relevant MDH staff through a combination of engagement on the policy change and notifications of policy changes in a central policy library.

2 Example delegated policy changes

- 2.1 Examples of minor amendments where delegated powers could be used:
- Changes to job titles, especially where these apply to specific roles within policies
 - The current revision of the Homes Safety Policy presented at this meeting due to clarification on the use of Bioethanol fires/space heaters and naming of the legally required health & safety duty holder under the Social Housing Regulation
 - The revision of the Garages, GGRP and Car Parking Spaces Policy because of changes to the VAT rules
 - Changes to mandatory Consumer Standards titles by the Regulator of Social Housing
 - Revisions to current legislation which place an absolute duty to do or have regard to something where current policy is in conflict
 - Revisions to operational processes due to process improvements

Financial Implications

There are budgets in the Housing Revenue Account to support effective housing management. This includes budgets for policy development and implementation to ensure that our statutory and regulatory obligations are met.

Legal Implications

MDH must ensure that its published policies are up to date and compliant to current legislation. This includes the ability to swiftly make changes as required by legislative changes, formal guidance or local operational considerations.

Delays to implementing legally required changes pose a risk to the Council.

Risk Assessment

Failure to have up to date policies in place would put the Council in breach of the regulatory framework. Failure to have adequate arrangements in place for managing changes to policies could result in the Council failing to meet its statutory and contractual obligations.

Impact on Climate Change

This decision will have no direct or obvious indirect impact on climate change.

Equalities Impact Assessment

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

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

Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

The Housing Ombudsman Service Complaints Handling Code which MDH adhere to also requires landlords to have an awareness of accessibility so residents are easily be able to access the complaints procedure via several routes.

Relationship to Corporate Plan

There is no direct link to this change and the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Paul Deal

Agreed by or on behalf of the Section 151

Date: 31 May 2024

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 31 May 2024

Chief Officer: Simon Newcombe

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

Date: 13 May 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 24 May 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Head of Housing and Health

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Background papers: None