

**DECENT & AFFORDABLE HOMES PDG
1 DECEMBER 2015**

IMPROVEMENTS TO COUNCIL PROPERTIES POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Housing Services Manager

Reason for Report: To review the Improvements to Council Properties Policy.

RECOMMENDATION(S): The Cabinet approves the revised Improvements to Council Properties Policy.

Relationship to Corporate Plan: The Council provides homes for the most vulnerable in society.

Financial Implications: If a tenant completes an unauthorised improvement, the Council will recharge the cost of making good the property. However, rechargeable repair costs can be increased further if there is damage and these may prove difficult to recover.

Legal Implications: Having a clearly defined policy ensures consistency of approach and ensures that no tenant or resident is treated any more fairly or unfairly than any other.

Risk Assessment: The Council needs to ensure that the housing stock it owns remains in good condition. The fabric of a dwelling may be damaged to a great extent if a tenant undertakes an unauthorised improvement. When we approve improvement works we will check if the Asbestos Survey has highlighted any risks at the property. Failure to provide this information could lead to a threat to health and safety. Some improvements will require planning permission and/or building regulations and tenants may fail to seek the appropriate consents prior to commencing work. If they understand that they must seek approval for any proposed work, then incidents such as these will be minimised.

Failure to provide housing management staff with policies to use in the course of their day to day activities could result in a less consistent and effective service.

1.0 Introduction

- 1.1 The review of this policy reflects changes in good practice and allows for any legislative changes to be updated accordingly. It will provide a framework for staff which sets out how they will respond to and manage queries relating to carrying out alterations or improvements to a property at tenant's expense and for dealing with unauthorised works that have been carried out and identified.
- 1.2 Secure tenants of the Council have a statutory right to make improvements. However, introductory and flexible tenants are given a discretionary right to apply for permission to carry out alterations for health and safety purposes.

- 1.3 The tenancy agreement states that all improvement requests must be made in writing and should only be carried out once written consent has been granted.
- 1.4 The tenancy agreement also states that the Council will not unreasonably withhold consent but that permission is subject to a number of conditions. In particular, tenants must ensure that work complies with planning and/or building regulation consents; they must also ensure that the work is carried out by a qualified contractor with all electrical and gas works carried out by registered installers and copies of the relevant certificates provided.
- 1.5 In addition, the tenancy agreement states that the tenant must pay the Council for any extra work that may be necessary if the completed work is not of a good standard, or if it is unsafe or is a breach of any other regulation. Tenants become responsible for repairing and maintaining any improvements, fixtures and fittings that they or their household have installed at the property. Furthermore, the agreement states that they will be liable to return the property to its original condition apart from general wear and tear, if they make any unauthorised alteration or improvements, unless we have agreed otherwise.
- 1.6 The Improvements to Council Properties Policy was adopted at the meeting of the Decent and Affordable Homes Policy Development Group in August 2011. The policy is due to be reviewed by October 2015.
- 1.7 Tenants Together approved the draft Improvements to Council Properties Policy at their meeting on 11 June 2015.

2.0 Proposed policy changes

- 2.1 The reviewed policy puts the onus on the tenant to instruct a qualified and approved asbestos surveyor to carry out a Refurbishment and Demolition Asbestos Survey. This is required before any refurbishment or demolition work, internal or external structural changes or improvements are to be carried out, unless a survey has recently been carried out and a copy supplied to the tenant.
- 2.2 The policy gives greater clarity on granting and refusing permission requests to ensure that any improvement works carried out meet our requirements and comply with provision of the tenancy agreement.
- 2.3 An additional clause about laminated and wooded flooring has been included so that the type of property is taken into account and its suitability before permission is granted. This is to ensure that this type of flooring will not contribute to or increase noise nuisance to neighbours, therefore reducing the number of complaints received.
- 2.4 Emphasis has been placed on the tenant to carry any improvements to a satisfactory standard. Failure by a tenant to satisfy a condition imposed will be treated as a breach of the tenancy agreement. It will also result in

arranging for work to be undertaken to put the property right. The tenant will be recharged for the full cost of reinstating the property or the cost of rectifying any defects or damage resulting from the works.

- 2.5 Freehold and leasehold improvement requests will be considered in line with their conveyance or lease. They are reminded that they are responsible for checking if planning permission and/or building regulations are required and be responsible for any costs associated with the works.

Contact for more Information: Claire Fry, Housing Services Manager (01884 234920 cfry@middevon.gov.uk)

Circulation of the Report: Councillor Ray Stanley, Management Team

List of Background Papers: A copy of such papers to be made available for public inspection and included on Website