

CABINET

20 DECEMBER 2024

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

A.9 CONSIDERATION AND ADOPTION OF HOUSING POLICES ON GAS SAFETY, ELECTRICAL SAFETY, FENCING & PAVING AND EMPTY COUNCIL HOMES MANAGEMENT

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the following draft policies prepared in relation to the maintenance and operation of the Council's retained housing stock:

- Gas Safety Policy
- Electrical Safety Policy
- Fencing and Paving Policy
- Empty Council Homes Management Policy

EXECUTIVE SUMMARY

In response to the Regulator for Social Housing having its powers enhanced under the Social Housing (Regulation) Act 2023, new Consumer Standards and Tenant Satisfaction Measures have been introduced and which took effect on 1 April 2024.

Although the adoption of these policies is not of itself mandatory, there are legal and regulatory standards for performance which these policies aspire to formalise compliance with.

The Gas Safety Policy sets out Tendring District Council's aim to ensure all gas systems within the housing stock are properly managed and operate safely. All new installations, maintenance and safety checks are carried out in accordance with our duties as landlords as required by the Gas Safety (Installation and Use) Regulations 1998 and the Gas Safety (Installation and Use) (Amendment) Regulations 2018.

The Electrical Safety Policy sets out Tendring District Council's approach to its responsibilities to comply with relevant legislative and associated guidance on the installation, inspection, repairs, testing and certification of electrical systems in dwellings and associated communal areas which it owns and manages.

Fencing and Paving Policy outlines Tendring District Council's aim to ensure that its properties benefit from an appropriate standard of security and appearance through provision and effective maintenance and replacement of fencing and paving.

The Empty Council Homes Management Policy will not only ensure that procedures are in place that reduce the length of time that a property is empty but also ensure that a forward looking and strategic approach is in place.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a) adopts the Gas Safety Policy, Electrical Safety Policy, Fencing & Paving Policy and Empty Council Homes Management Policy;
- b) authorises their direct and immediate implementation, subject to call in; and
- c) authorises the Corporate Director (Operations and Delivery) to make future updates or amendments to the Policies in consultation with the Portfolio Holder responsible for Housing.

REASON(S) FOR THE RECOMMENDATION(S)

In order to set in place clear policies to inform future maintenance and management activities and such policy framework to evidence compliance with regulatory standards.

ALTERNATIVE OPTIONS CONSIDERED

Not setting in place policies in these areas – not proposed.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

These policies contribute to a number of themes within the Corporate Plan 2024-28:

Pride in our area and services to residents

“We want to put residents’ first, by promoting clean and tidy communities, providing decent housing that everyone deserves...We also want to promote pride in our communities by encouraging everyone to take responsibility for keeping their area a pleasant place in which to live and work.”

These policies are promoting and embedding the management of our homes and achieving high standards.

Raising aspirations and creating opportunities

“Tending is ambitious and our residents will be supported to reach their potential and realise their opportunities...”

Quality housing is considered to be one of the determinants of health and success. These policies are aimed at enhancing homes and embedding quality standards in the stock that the Council controls.

Championing our local environment

“We believe our environment is special, it is the space where we live and work, and therefore deserves protection. We will be tough on those who do not respect our environment. We want to create and maintain spaces for leisure, wellbeing and healthy lifestyles, and deliver access to open spaces and community resources.”

These policies are promoting and embedding the management of our homes and achieving high standards.

Working with partners to improve quality of life

“We want to promote safer, healthier, well connected and inclusive communities...”

Quality housing is considered to be one of the determinants of health and success. These policies are aimed at enhancing homes and embedding quality standards in the stock that the Council controls.

Financial Sustainability and openness

“To continue to deliver effective services and get things done we must look after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on...”

These policies are aimed at dealing effectively with empty homes and property conditions, with financial openness with our tenants and leaseholders. They also aim to embed practices in line with the new consumer standards as outlined in the social housing regulatory framework.

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

Consultation and engagement has been undertaken with members of the Council’s Tenants Panel who will also be involved in the ongoing monitoring of all housing related policies. Their comments were sought on the Gas Safety, Electrical Safety, Fencing & Paving and Empty Council Homes Management Policies by post on 15th November 2024 with no comments received back at the date of writing this report. In the event that comments are received prior to the Cabinet meeting officers will distribute them at the meeting itself.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input checked="" type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	22 October 2024

There are legislative and regulatory requirements that set the standards that social housing must be maintained to:

The Social Housing Regulation Act 2023 builds upon the existing regulatory framework for housing and introducing revised standards and tenant satisfaction measures which came into force on 1 April 2024. These standards contain specific expectations registered providers of

social housing must comply with and detail the outcomes that providers are expected to achieve.

Landlord and Tenant Act 1985: Section 11 of this legislation imposes an obligation on landlords to carry out basic repairs, covering the structure and exterior of the property and installations for the supply of water, gas and electricity and for sanitation and space heating and heating water. There is also an implied covenant to maintain the property in good order.

The Housing, Health and Safety Rating System (HHSRS) was introduced in 2006 to provide an assessment tool for the 'Minimum Standard for Housing' (Criterion A of the Decent Homes Standard). It is a risk assessment tool designed to identify the risk to occupants in domestic properties.

Announced in 2000, updated in 2006 with a further update pending, the Decent Homes Standard sets expectations for registered providers of social housing to provide tenants with quality accommodation and a cost-effective repairs and maintenance service. According to the standard, for a home to be considered 'decent' it must:

- Meet the current statutory minimum standard for housing
- Be in a reasonable state of repair
- Have reasonably modern facilities and services
- Provide a degree of thermal comfort
- Homes (Fitness for Human Habitation) Act 2018

This amended the Landlord and Tenant Act 1985 with the aim of ensuring that all rented accommodation is fit for human habitation. Whilst it did not create new obligations for landlords, it required them to ensure that their properties, including any common parts of the building are fit for human habitation at the beginning of and throughout the tenancy. Where a landlord fails to do this the tenant has the right to take action in the courts for breach of contract.

The Council operates within the statutory requirements of the 'Right to Repair Scheme', implemented in accordance with Section 96 of the Housing Act 1985 (as amended). This covers certain small, urgent or routine repairs costing up to £250, which are likely to jeopardise the health or safety of the tenant.

There are also specific regulations that relate to certain repair and maintenance aspects and these include (but are not limited to):

- Gas Safety (Installation and Use) Regulations 2018
- British Standard 7671 (Electrical Installations)
- Control of Asbestos Regulations 2012
- Regulatory Reform (Fire Safety) Order 2005
- Water Supply (Water Fittings) Regulations 2018

Defective Premises Act 1972; Section 4 of this Act places a duty on landlords to take reasonable care to ensure that anyone who might be expected to be affected by defects in a property is reasonably safe from injury or damage to their property resulting from defects. Right to Repair regulations.

The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

Whilst adopting and reviewing policies and procedures is regarded as best practice and sets out the necessary expectations, the Council must follow the requirements of the various pieces of legislation to ensure compliance and the keeping good quality records, monitoring against these duties and taking action where needed, are all functions forming service delivery of the social housing landlord on which we are measured.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The provision of housing services is mainly self-funding with other separate processes for the General Fund functions. However, the wider effects of regulation, Tenants' Charter and potential changes to Decent Homes Standard as well as Minimum Energy Efficiency Standards have yet to be fully understood. Initial funding has been agreed separately to facilitate stock condition monitoring and enhanced estates functions. Further additional costs are inevitable as the demands on the service increase. These will be managed through the 30 year business plan.

In relation to empty Council Homes the Council will manage its resources by making an initial assessment of empty homes with regard to the Housing Asset Management Plan and the Acquisitions and Disposal Policies, which it is planned will be formalised in early 2025. The objective of the assessment is to determine whether reinstatement works or some other course of action would be optimal.

Prompt action within the aspirations of the Empty Council Homes Policy is important to achieve a 2% maximum revenue loss which is a key assumption in the 30 year business plan.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council has an adopted Financial Strategy.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Council has a mature constitutional structure and framework of policy for decision-making. It is intended that the appended policies will augment that framework.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and	The Council has an adopted Financial Strategy.

performance to improve the way it manages and delivers its services.	
MILESTONES AND DELIVERY	
<p>If Cabinet is minded to adopt the policies, they will come into immediate effect, subject to any call-in. Work to implement physical improvements and maintenance will be ongoing throughout the business plan period.</p> <p>The review of the procedures will be carried out periodically as indicated in each of them.</p>	
ASSOCIATED RISKS AND MITIGATION	
<p>The policies are intended to set a compliant standard for maintenance and management of the stock.</p> <p>Failure to maintain and manage the stock appropriately has potential regulatory and other legal consequences. It is also essential to the health and wellbeing of our residents.</p> <p>The adoption and implementation of the policies is aimed at minimising the risks of harm and non-compliance.</p> <p>The increasing standards for maintenance and management are likely to impose increasing costs within the Housing Revenue Account which will be managed within the 30 year business plan.</p>	
EQUALITY IMPLICATIONS	
<p>The appropriate maintenance and management of the housing stock is an important progressive factor in enhancing equality.</p>	
SOCIAL VALUE CONSIDERATIONS	
<p>The appropriate maintenance and management of the housing stock is an important progressive factor in enhancing the social wellbeing through creating healthier and more resilient communities.</p>	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
<p>The appropriate maintenance and management of the housing stock is a contributory factor in reducing energy use. Other measures linked to stock condition and other ongoing work are key contributing factors and will be evaluated within the 30 year business plan.</p>	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p>	
Crime and Disorder	<p>The appropriate maintenance and management of the housing stock is an important progressive factor in addressing the causes of crime and disorder.</p>
Health Inequalities	<p>The appropriate maintenance and management of the housing stock is an important progressive factor in terms of health equalities.</p>

Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	The Council will follow subsidy control legislation and regulations, where applicable in relation to the content and implementation of these policies.
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council has retained its housing stock owning and managing over 3,000 dwellings in addition to significant numbers of leasehold flats, garages and community property. The Council has historically attained high tenant satisfaction levels with strong compliance with decent homes standard.

In response to high profile events which have highlighted aspects of social housing repair and management, The Social Housing (Regulation) Act 2023 was enacted on 1 April 2024. The Act allows the Regulator of Social Housing to take action against social landlords holding such landlords to account with regular inspections. Through the introduction of the new social housing Consumer Standards, the Secretary of State has power to require social landlords to investigate and rectify serious health hazards. These Consumer Standards contain specific expectations registered providers of social housing must comply with and detail the outcomes providers are expected to achieve. Therefore as a social housing landlord, it is important that Tendring District Council is fully equipped to meet the increased demands and the need to establish a proactive consumer regulation regime with active oversight on our performance.

Although the adoption of these policies is not of itself mandatory, there are legal and regulatory standards for performance which these policies aspire to formalise compliance with. The proposed policies appended are therefore intended to augment the Council's policy framework.

PREVIOUS RELEVANT DECISIONS

The following Policies were approved by Cabinet in November 2023:

- Damp and Mould
- Repairs and Maintenance
- Fire Safety

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A – Gas Safety Policy
Appendix B – Electrical Safety Policy
Appendix C – Fencing & Paving Policy
Appendix D – Empty Council Homes Management Policy

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