



Agenda for Housing Review Board Thursday, 20th June, 2019, 2.30 pm

Members of Housing Review Board

Councillors: T McCollum (Chairman), P Sullivan, M Berridge, C Drew, P Gore, C Summers, A Williams, I Hall, D Ledger, H Parr and K Bloxham

Venue: Council Chamber, Exmouth Town Hall, Exmouth EX8 1AW

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Tuesday, 11 June 2019

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1 Public speaking

Information on [public speaking](#) is available online

2 Appointment of Vice Chairman

3 Minutes of the previous meeting (Pages 3 - 14)

4 Apologies

5 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

6 Matters of urgency

Information on [matters of urgency](#) is available online

7 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which officers recommend should be dealt with in this way.

8 Housing Review Board forward plan (Pages 15 - 16)

9 Housing Review Board induction (Pages 17 - 33)

10 Housing Review Board 2018/19 annual report (Pages 34 - 39)

11 Integrated asset management contract update (Pages 40 - 46)

12 Housing Revenue Account Year End 2018/19 Year End position (Pages 47 - 61)

- 13 Tenancy agreement changes (Pages 62 - 63)
- 14 Tenancy policy update (Pages 64 - 80)
- 15 Social housing regulator consumer standards (Pages 81 - 86)
- 16 Homes legislation (Pages 87 - 91)
- 17 Housing complaints (Pages 92 - 95)
- 18 Designated persons leaflet (Pages 96 - 98)
- 19 Construction, design and management regulations (Pages 99 - 113)
- 20 Future rent policy and rent standard (Pages 114 - 144)
- 21 Countryside outreach project (Pages 145 - 148)
- 22 Quarterly performance indicator report (Pages 149 - 163)

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Housing Review Board held at Council Chamber, Exmouth Town Hall, Exmouth EX8 1AW on 28 March 2019****Attendance list at end of document**

The meeting started at 2.35 pm and ended at 4.40 pm

63 Public speaking

There were no questions raised by members of the public.

64 Minutes of the previous meeting

The minutes of the Housing Review Board meeting held on 24 January 2019 were confirmed and signed as a true record.

The Chairman informed the Board that there would be a modular homes workshop starting at 10:30am on 24 April 2019 in Exmouth Town Hall and invited members to attend.

65 Declarations of interest

Pat Gore: Personal interest - housing tenant.

Peter Sullivan: Personal interest – housing tenant.

Cat Summers: Personal interest – housing tenant.

Cllr Steve Gazzard (non Board member): Personal interest – housing tenant.

66 Matters of urgency

There were no matters of urgency raised at the meeting.

67 Confidential/exempt item(s)

There were no confidential or exempt items.

68 Introduction to Ian Williams Ltd

The Chairman introduced and welcomed Jane Cox, Operations Director, and Claire Harris, Project Manager, from Ian Williams Ltd to the meeting. They explained that Ian Williams Ltd was a family business first established in 1946. It was privately owned and had a turnover of £80m. It was a stable business with 15 offices nationwide and contracts of £300m to 2033.

Ian Williams Ltd invested in people and their staff. They had Investors in People (IIP) gold status and had recently received the RoSPA president's award. It employed 850 people and had more than 10% apprentices. In the South West Ian Williams had long term relationships with:

- Exeter City Council
- Plymouth Community Homes
- Teign Housing

They had over 100 employees, 9 apprentices, 4 trainee surveyors and 50 local small to medium enterprises (SME). They were the Price Waterhouse Cooper (PWC) South West Business of the year in 2017.

The Ian Williams Ltd contract with EDDC would start on 1 July 2019. To begin with it would be for repairs, voids and compliance, with planned works in the future. There would be seven office staff based at Woodbury Business Park, with desk space available for EDDC employees. A Business Manager had been appointed through internal promotion and other vacancies would be advertised locally. There would be 25 site staff, with 2 apprentices. Employees of the incumbent contractors could transfer under TUPE.

The commitments to EDDC tenants requesting a repair were:

- Appointments made on the first call
- Risk assessments and emphasis on safety.
- Photographs (before and after the repair).
- Signature of completion & satisfaction questionnaire on every job.
- Job update cards for follow on appointments.
- Confirmation of follow up appointment from site before operative leaves the property.
- Follow up on feedback.
- Post inspections jointly with EDDC.

The Ian Williams Academy offered employee development and knowledge expansion. It was award winning and in 2018 had 6.5 training days per employee. For EDDC the IW Academy would provide

- 1 additional apprentice per annum
- 1 additional trainee surveyor every 3-4 years
- Annual engagement with schools & colleges
- Upskilling existing workforce

Ian Williams Foundation was established in 2016 and aimed to support local communities. It was an employee led team, with over £50,000 a year in donations. With EDDC the IW Foundation would provide:

- Active resident representation
- Resident trade training days
- Attendance at resident workshops
- Community sponsorship and donation

On behalf of the Board the Chairman thanked Jane Cox and Claire Harris for their informative presentation.

69 **Integrated asset management contract update**

The Acting Service Lead's report summarised progress on the mobilisation of the new integrated asset management contract, and introduced the structure and timetable for the process.

The revised start date for the contract, which had been awarded to Ian Williams Ltd, was 1 July 2019. Six sub groups had been set up to carry out specific tasks to ensure mobilisation was carried out as seamlessly as possible. These were:

- Delivery sub group
- ICT sub group
- Commercial sub group

- Communications sub group
- Health and safety group

All subgroups would contain both Ian Williams and EDDC staff. There were tenants on most of the sub groups too. A steering group would oversee the work of the six sub groups and had overall management of the 'live' mobilisation project plan. The communications sub group was key to how the contract worked on a day to day basis and how the change of contractors was communicated to tenants. The group were looking at innovative ways to communicate the change with tenants.

ICT integration was the biggest challenge of the project and also related to the majority of the milestones. In order to ensure critical milestones were met and in line with some internal staffing challenges (absence of some key roles) the Acting Housing Service Lead outlined additional consultancy support was being considered to assist with the final stages of the project.

The Vice Chairman thanked the Acting Housing Service Lead for her presentation and for attending the Tenant Involvement Forum to keep them informed. Tenants had been involved in the new contract from the start.

RESOLVED: that the progress made in the mobilisation of the new integrated asset management contract be noted by the Housing Review Board.

70 **Housing Review Board Forward Plan**

The Acting Housing Service Lead presented the forward plan and advised Members that the forward plan acted as a reminder of agenda items to come forward to future meetings. Members were reminded that they could add further issues to the next forward plan by informing either herself or the Democratic Services Officer.

The following items were added to the forward plan:

- Presentation on modular homes – 10:30am, 24 April 2019, Exmouth Town Hall.
- Report on the Homes (Fitness for Human Habitation) Act 2018.

RESOLVED: that the forward plan be noted and updated.

71 **Homelessness Strategy 2019 -2023**

The Housing Needs and Strategy Manager presented the Homelessness and Rough Sleeping Strategy 2019 – 2023. This was a statutory requirement, as directed by the Homelessness Act 2002, and a general fund matter that has already been adopted at Cabinet.

The previous strategy has been reviewed alongside the current homelessness data and new responsibilities for action to prevent homelessness introduced by the Homelessness Reduction Act 2017. This placed a statutory duty on local authorities to assist individuals and households who were homeless. The definition of being threatened with homelessness has been extended from 28 days to 56 days.

It explained why the strategy had been prepared, the strategic context and influences on homelessness locally and nationally, and why it mattered to the Council.

As outlined in the strategy, the key priorities were to:

- Maximise prevention activities and outcomes
- Increase accommodation options
- Minimise rough sleeping
- Improve health and wellbeing

The strategy had been prepared in consultation with members, officers and housing teams internally, and representatives of local partnership and homelessness support agencies externally. Individuals who had experienced homelessness had also been interviewed. Following adoption of the Strategy, the Council would:

- Set up a steering group of member, customer and officer representatives to oversee implementation.
- Design and publish the strategy including pictures and quotes from customers and case studies.
- Develop an action plan with SMART objectives to progress our key priorities.
- Report progress against outcome and evaluation measurements.

The Housing Needs and Strategy Manager explained that the Council had purchased a house of multiple occupation to provide temporary accommodation and also announced two successful bids to combat rough sleeping. The detail of the successful bids was currently being refined as both bids were joint projects with other authorities. The Housing Needs and Strategy Manager outlined the concept of Housing First principles and that one project was considering an approach that could see the designation of two to three EDDC properties being used for this purpose. It was agreed that the Portfolio Holder would be kept up to date with progress being made and that decisions and approval may need to be sought prior to the next Housing Review Board meeting. The Board were also informed of the recent bid submission that has been made for the provision of a specialist mental health support worker to assist with tenancy sustainment work with tenants who suffered from more complex mental health conditions.

RESOLVED: that the information in the report be noted by the Housing Review Board.

72 **Poverty, Housing and Safeguarding**

Members of the Housing Review Board considered the report of the Strategic Lead – Housing, Health and Environment, which explored the links between social policy, increasing levels of poverty, homelessness and safeguarding. The safeguarding protocol for housing had been presented to the Devon Safeguarding Adults Board to highlight the concerns and ensure that the issues surrounding housing were reflected in the business plan and priorities of the Board.

The purpose of the report was to better understand how poverty was impacting on people and communities and to ensure that the Council's tenants and other housing customers were safeguarded through the adoption of up to date safeguarding practices.

Poverty was a growing problem across the country. 14 million people in the UK, a fifth of the population, lived in poverty. In East Devon some 18% of children were identified as being in poverty by the End Child Poverty 2014 Child Poverty Map of the UK. EDDC were working proactively on a local level to try and understand the poverty factors in the region and the Acting Housing Service Lead and Service Lead for Revenues and Benefits were currently working as part of a task group to look specifically at the East Devon situation. The Devon Strategic Partnership Welfare Task Group had been established initially to focus on East Devon and Exeter, to understand:

- the impacts of welfare reform at a local level,

- the actions the authorities could take to alleviate the effects of poverty on individuals and communities.

A future report on this would be brought back to the Board when more details were known.

RESOLVED: that the protocol for safeguarding in housing be adopted, and a report be invited back on the findings of the local research into poverty and the consequences.

73 **Housing Policy Note on the Mental Capacity Act 2005**

The Landlord Services Manager presented the draft Housing Policy Note on the Mental Capacity Act 2005 for approval by the Housing Review Board.

The Mental Capacity Act 2005 applied to anyone who had dealings with people that may lack capacity, and provided the legal framework for acting and making decisions on behalf of adults who lacked capacity to make some decisions themselves.

There were increasing numbers of vulnerable people living in the community whose mental capacity was inhibited by disease, mental ill health, injury, or disability, and the Council had a responsibility to safeguard their interests in line with the statutory requirements of the Mental Capacity Act and best practice set out in the Code of Practice.

The Housing Policy Note would be applied across the Housing Services to:

- Facilitate the necessary decisions to be made in relation to council housing services, including homelessness.
- Ensure the best interests of individuals whose mental capacity may be in doubt.
- Minimise recourse to litigation.

The Landlord Services Manager advised that there was training on the Mental Capacity Act for appropriate staff on 9 April. If there were remaining spaces these could be opened up to Board members on a first come first served basis if they wished to attend.

RESOLVED: that the Housing Policy Note be approved.

74 **Brexit preparations**

The Strategic Lead – Housing, Health and Environment's report looked at some of the implications that might occur on leaving the European Union and the potential impact on tenants and customers of the housing service. There was the opportunity to 'stress test' the Housing Revenue Account Business Plan using a number of different scenarios. This was a useful exercise to ensure it remained fit for purpose in adverse conditions.

EDDC was in contact with all contractors and suppliers seeking reassurance that they could continue to provide their service post Brexit.

It was noted that the situation in relation to Brexit was changing rapidly, but as a responsible landlord EDDC was assessing the risks.

RECOMMENDED: that a number of the housing plans be stress tested as part of the housing service's preparations for Brexit to ensure service continuity for tenants and customers.

RESOLVED: that ongoing communications with all contractors and partners currently being undertaken to prepare for the potential impact of Brexit be noted.

75 **Future Rent Policy**

The Strategic Lead – Housing, Health and Environment’s report outlined the Government’s position on future rent setting for social housing tenants. Following a period of rent reduction and a consultation exercise Government had confirmed a future rent increase of CPI + 1% for a period of five years. There would also be a rent standard published by the Social Housing Regulator that would be applicable to all local authorities.

The current business plan assumed an increase of 3% from 2020/21 onwards with CPI = 1% currently equating to 2.8% (as at January 2019). CPI + 1% would add an estimated £480,000 of income assuming the current stock and void levels.

RECOMMENDED: that Cabinet agree that future rent setting has regard to the national rent setting policy as set out in rents for social housing from 2020 published by the Ministry of Housing, Communities and Local Government.

76 **Review of Landlord Disabled Adaptation Policy**

In 2017 Members agreed a revised landlord adaptation policy. The Acting Housing Service Lead’s report set out a further review to the policy with a recommendation that going forward the policy was reviewed every two years or sooner if there is a significant legislative need to review the position. Tenants, staff and key stakeholders had been consulted with in order to test the policy.

The Policy provided a clear framework which set out the Councils approach to providing adaptations for tenants or their household members to help them live independently at home.

The Council was continuing to see a growing demand for adaptations to its stock. There was an increased demand for adaptations to general needs housing, not just in sheltered accommodation. The most common requests came from sheltered housing properties and were for wet room showers. It was recognised that these adaptations could be considered when sheltered properties became void, therefore preventing demand in the future.

Since the start of the 2018/19 financial year 327 requests had been received for adaptations. These were a mix of formal statement of needs (received from Occupational Therapists) as well as Mobile Support Officer requests for adaptations to tenants homes (mainly minor adaptations). In total for the year 2017/2018 353 adaptation requests were received. Properties currently in the Right to Buy process were not eligible for adaptations.

It was noted that on a day to day basis the policy had worked well, providing a solid framework for providing adaptations and ensuring consistency. Individual cases could be extremely complex, particularly when a household had a number of family members with individual needs that needed to be met. Strong partnership working with Occupational Therapists was vital and their presence at the internal adaptation panel meetings helped with the management of these cases.

Minor changes to the revised policy included;

- An additional clause to recognise adaptations that might be required as a result of a hospital discharge. Attempts would always be made to prioritise such cases where practical to do so although it was never guaranteed all needs could be met and any adaptations required would be reviewed on an individual basis by the Adaptations Officer.
- An increase in the minor adaptation cap from £1000 to £1200, to capture rising costs of building works.
- Installing wet room showers on all sheltered housing voids where a bathroom replacement was due.
- Where major adaptations were required and it was deemed alternative accommodation could be considered, if after a period of 3 months alternative accommodation had not been secured the case will be reviewed again.

The Board acknowledged that it was likely the demand for adaptations would continue to rise as there was a continuing shift in national policy that encouraged people to remain in their homes for longer. The revised policy would continue to ensure that all requests were treated consistently.

RECOMMENDED:

1. that Cabinet approve the revised Landlord Disabled Adaptation Policy to Council Homes.
2. that delegated authority be given to the Acting Housing Service Lead in consultation with the Portfolio Holder for Housing for any minor amendments to be made to the policy prior to its publication.

77 Use of shipping containers in social housing

Members had expressed an interest in learning more about the potential for using shipping containers as part of the Council's response to emergency accommodation and housing supply. The Housing Needs and Strategy Manager's report explained that a number of Councils were using shipping containers and porta cabins which had been converted to form self-contained living accommodation for emergency and temporary accommodation. This was in response to the rise in the number of rough sleepers and homeless applicants, the cost and reliance of using Bed & Breakfast and the lack of supply of suitable housing. The Councils who had taken this approach were mostly inner city Councils where rough sleeper numbers were high and the supply of affordable accommodation was low. In Bristol a social enterprise 'Help Bristol's Homeless' had been addressing the rise in numbers of rough sleepers by providing converted shipping containers as accommodation. This had been funded through donations and good will of local people, the land had been leased by Bristol City Council at a peppercorn rent.

Shipping containers were proving popular for the following reasons:

- Potential to reduce homelessness
- Reduce reliance on Bed & Breakfast accommodation
- Efficient use of space
- Cost, time and flexibility

Whilst there were many benefits there were also challenges and drawbacks to housing people in shipping containers. These could be summarised as:

- There had been reports that the containers are cold and inadequately heated.
- Whilst temporary in nature many people in containers in Ealing had been there for 18 months and had reported that they felt they were 'not living in a real home' and were 'feel contained'.

- There had also been problems with anti-social behaviour and residents not feeling safe as a result. Housing large numbers of people in a small area often resulted in anti-social behaviour especially if there were residents with additional support needs who led chaotic lives.
- Some re-purposed shipping containers have had problems and damage from previous rough handling and seawater. The previous use was also important as many containers could have been used to transport dangerous chemicals and biohazards.

The Housing Needs and Strategy Manager's report concluded that shipping containers offered a quick, affordable, flexible alternative to housing people where demand was very high and supply of suitable accommodation and land was limited. However it did not provide 'a home' and was only ever a temporary solution. The response to the rise in homelessness within East Devon was to purchase the House of Multiple Occupation which would be used as temporary, emergency accommodation rather than rely on Bed & Breakfast. This would be a test base to see if this type of accommodation worked and provided the stop gap that people needed to help them move on. It was also noted that the work of the Homelessness Strategy task group would review the opportunities that such initiatives presented and it was important that the Board kept up to date with innovation in the sector and what was going on around the country in this area.

RESOLVED: that the Housing Review Board note the information contained in the report.

78 **Garage Task and Finish Forum update**

The Garage Task and Finish Forum (TaFF) was set up in 2012 to review the Housing Revenue Account (HRA) portfolio. It considered which garages across the district should be retained, developed or disposed of. Two sites (Plymtree and Luppit) had been sold. Other sites identified by the TaFF were on going considerations and further details were contained in the report. Advice was being sought on how to redevelop some sites.

The Chairman suggested that Garage TaFF sites be revisited. The Acting Housing Service Lead advised that all garage sites would be included in the stock condition survey and although some good progress had been made this was an ongoing project.

RESOLVED: that the information contained in the report be noted by the Housing Review Board.

79 **Tenancy agreement changes update**

The Housing Needs and Strategy Manager's report updated members on the results of the tenant consultation on the proposed changes to the tenancy agreement and presented the final version of the 2019 tenancy agreement for approval.

The revised tenancy agreement was approved by the Housing Review Board in November 2018. A preliminary notice letter was sent to all tenants on 13 December 2018, this marked the start of a seven week consultation period. 53 responses were received in relation to the proposed changes and had been considered by the legal team. These would be responded to once the implementation of the revised tenancy agreement was approved. The three main areas that were raised were:

- Loft spaces
- Mobility scooters

- Permissions (CCTV and firearms)

The tenancy agreement was now ready to progress to the final stages and would 'go live' on 17 June 2019. The Final Notice of Variation and the tenancy agreement document would be sent to all tenants on 25 April 2019. An explanation of the proposed changes would also be included with the letter. In line with this the tenant handbook would be revised to reflect the changes to the tenancy agreement and the queries raised during the consultation period.

RECOMMENDED:

1. that Cabinet note the results of the consultation.
2. that Cabinet approve the implementation of the revised tenancy agreement in line with the process outlined in the report.

80 **Together with Tenants National Housing Federation**

The Strategic Lead – Housing Health and Environment's report drew the Board's attention to the National Housing Federation (NHF) publication and consultation – Together with Tenants. This document had been produced in response to the Housing Green Paper and the aftermath of the Grenfell tragedy. Whilst the document was intended for housing associations, it was suggested that the Board follow the project and use some of the recommendations to strengthen the work of the Housing Review Board and rejuvenate the tenant involvement processes.

The Government's Social Housing Green Paper – a New Deal for Social Housing was published on 14 August 2018 and was structured around five themes:

- Ensuring homes were decent and safe
- Effective resolution of complaints
- Empowering residents and strengthening the regulator
- Tackling stigma and celebrating thriving communities
- Expanding supply and supporting home ownership.

The Green Paper addressed a range of issues that affect housing associations, on issues such as safety, supply and the stigma of social housing tenants. However, at its heart was a desire to rebalance the relationship between social housing tenants and their landlords – looking at issues such as complaints procedures, transparency and accountability.

The Green Paper set out proposals of how those issues could be addressed, including through increased regulatory oversight and performance standards. It also referenced the Offer for Tenants work (now known as Together with Tenants) that was already being done as a sector, which offered an important sector-led response to the challenges around accountability and transparency. There was an opportunity for strengthening the relationship between housing associations and their tenants and residents. However, there was a lack of consistency between landlords and in some housing associations there was a lack of trust between residents and landlords.

The National Housing Federation have developed a draft plan for strengthening the relationship between housing associations and their tenants and residents. The overriding ambition of 'Together with Tenants' was to strengthen the relationship between housing associations and their tenants and residents. A four-point plan for delivering this ambition had been developed. The four actions were:

1. A new requirement in the Code of Governance for boards to be accountable to their tenants and residents.

2. A new charter setting out what tenants and residents can expect from their housing association landlord.
3. Tenant and resident oversight and scrutiny of the charter with a report on how their landlord is doing against charter commitments.
4. A closer link with regulation.

The Board noted the project and recognised the opportunity to link this with the work that was currently underway to revise the tenant involvement strategy.

RESOLVED: that the progress of the National Housing Federation project Together with Tenants be followed and good practice recommendations that were relevant to East Devon be imported.

81 **Housing Revenue Account update to end of February 2019**

The Housing Accountant's report provided the Board with the current position to February 2019 and details of the year end forecast of the draft Housing Revenue Account (HRA) for 2018/19. It was noted that due to year end work currently being finalised that some minor adjustments may still be made. The HRA showed the main areas of anticipated income and expenditure on landlord activities for the year ahead. Producing a HRA business plan had been a statutory requirement for Councils who manage and own their own stock for some time, and therefore a key document for the Board to influence.

The report also provided the position of the HRA capital programme for both affordable housing and other capital items outside of the HRA.

The notable items of budget variance were:

- Reduction in spending on gas related items due to a delay in the contract.
- Lower than budgeted requirement on asbestos spending.
- Lower than expected salary costs as recruitment continues.
- Higher than budgeted spend on voids and responsive maintenance.

The business plan included a programme of expenditure to replace properties lost through Right to Buy sales and ensure that Right to Buy receipts were invested and not returned to central government. It was noted that if Right to Buy sales declined this would have an impact on capital expenditure in future years.

RESOLVED: that the Housing Review Board approve the report on the Housing Revenue Account update to February 2019.

82 **Quarterly performance monitoring report**

The Board was presented with the Housing Service performance indicator report for quarter 3 2018/19, with details of selected indicators measuring performance across the Housing Service.

The Portfolio Holder for Sustainable Homes and Communities thanked tenants for paying their rent on time, providing high rent collection figures.

RESOLVED: that the performance of the Housing Service be noted by the Board.

83 **Devon Home Choice update**

The report of the Housing Enabling & Allocations Manager updated the Board on Devon Home Choice (DHC), which East Devon District Council had been a member of since 2010. EDDC and ten other Local Authorities and Registered Providers (RP's) made up the DHC Board.

DHC was an online based housing register that enabled individuals to register, then bid for suitable rented homes either with a RP or Local Authorities. DHC had been designed to allow applicants to register on line or if necessary over the phone. It bands individuals into housing need, the highest being band A (urgently need housing) the lowest Band E (no housing need). DHC was managed within the Council's Allocations Team which included a dedicated DHC Officer in addition to other team members that processed all enquiries and applications.

As of the 1 April 2018 there were 3915 applications on DHC compared to 3361 at the same time the previous year. Currently there are 4654 DHC applicants looking for a home in East Devon (including Band E applications). The total number of properties allocated so far this year was 445, this was an improved on the previous year's figure of 379.

The Council's Allocations Team were about to embark on a review of all applicants that had registered on DHC and not either bid for a property or accessed their DHC records within the past twelve months. Emails and letters would be sent to all the applicants concerned. The applications would be cancelled if there had been no change to the application after 14 days. If necessary, the applicant could reactivate the application at a later date.

Due to repeated and ongoing issues with the current software provider a decision was made by the DHC Board to source a new supplier. DHC Partners had continually experienced technical problems with the provider, including lack of processing capacity, protracted periods when the system had failed completely and other day to day 'back office' operational issues.

It was not clear at the present time as to the actual cost of switching to another provider. The DHC Board's reserves would cover any initial set-up costs incurred by the new provider. Currently EDDC contributed £1,000 per annum to the Board, plus £25 per advert that appeared in the newsletter and online. EDDC might have to contribute an additional amount to facilitate the new service, depending on the overall cost of employing the new software provider. If additional funding was required then a further report will be presented to the Board.

RESOLVED: that the report be noted.

84 **Homes (Fitness for Human Habitation) Act 2018**

The Chartered Institute of Housing's (CIH) briefing note on what you need to know about the Homes (Fitness for Human Habitation) Act 2018 was included on the agenda for the Board's information. A more detailed report on this would be brought to next meeting of the Housing Review Board.

Attendance List

Board members present:

Councillor Pauline Stott (Chairman)
Peter Sullivan, Tenant (Vice-Chairman)
Pat Gore, Tenant
Cat Summers, Tenant
Councillor Megan Armstrong
Councillor Brenda Taylor

Councillors also present (for some or all the meeting)

J Elson
S Gazzard

Officers in attendance:

Graham Baker, Senior Technical Officer Asset Management
Sue Bewes, Landlord Services Manager
Amy Gilbert-Jeans, Service Lead Housing
Tim Laurence-Othen, Housing Projects Officer
Andrew Mitchell, Housing Needs and Strategy Manager
Giles Salter, Solicitor
Rob Ward, Accountant

Councillor apologies:

Christine Drew, Independent Community Representative
Alek Williams, Tenant
Councillor Helen Parr

Officer apologies:

John Golding, Strategic Lead – Housing, Health & Environment

Chairman

Date:

HOUSING REVIEW BOARD – FORWARD PLAN

This forward plan identifies reports and other agenda items for future meetings of the Housing Review Board. It is also intended to assist agenda management and act as a reminder of items to come forward to future meetings.

Report title	Meeting date	Author
Housing Review Board Induction	June 2019	Strategic Lead – Housing, Health & Environment
Integrated Asset Management contract update	June 2019	Acting Housing Service Lead
Tenancy Agreement changes		Housing Needs & Strategy Manager
Tenancy Policy update	June 2019	Acting Housing Service Lead
Social Housing Regulator consumer standards	June 2019	Strategic Lead – Housing, Health & Environment
Housing complaints	June 2019	Landlord Services Manager
Designated Persons leaflet	June 2019	Landlord Services Manager
Construction, Design and Management Regulations	June 2019	Strategic Lead – Housing, Health & Environment
Future Rent Policy and Rent Standard	June 2019	Landlord Services Manager
Countryside Outreach report	June 2019	Strategic Lead – Housing, Health & Environment
Housing Review Board Annual Report	June 2019	Democratic Services Officer
Quarterly performance reports and regular reports		
Responsive repairs	Quarterly report	Asset and Property Manager
Letting of Council homes/voids	Quarterly report	Housing Needs and Strategy Manager
Devon Home Choice	Quarterly report	Housing Needs and Strategy Manager
Rent management	Quarterly report	Landlord Services Manager
Systems Thinking leading & lagging measures New Tenants Survey	Quarterly report	Strategic Lead – Housing, Health and Environment
Forward Plan	Every meeting	Strategic Lead – Housing, Health and Environment
Formal Complaints	Annual report	Landlord Services Manager

Benchmarking survey	Annual report	Strategic Lead – Housing, Health and Environment
Evaluating the achievements of the Board	Annual report	

Board Members can propose agenda items during meetings/debates that can be included on the Forward Plan for future meetings, or outside the meetings with the agreement of the Chairman and Vice chairman.



Report to: **Housing Review Board**

Date of Meeting: 20 June 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Housing Review Board (HRB) – Induction briefing**

Purpose of report: This report provides an introduction to the work of the Housing Review Board and is intended for new members of the Board, and a reminder for existing members. The report is a reminder of Housing Service priorities and the remit of the Housing Review Board. It is intended to help the Board focus on key activities and the areas of service that matter to tenants and service users.

Recommendation: **To use the contents of the report as part of the induction process for new Board members.**

Reason for recommendation: To assist new Board members play an active and effective part in the business of the Housing Review Board.

Officer: John Golding Strategic Lead – Housing, Health & Environment, jgolding@eastdevon.gov.uk

Financial implications: The report sets out the financial responsibilities of the HRB and will be supplemented by a specific financial presentation.

Legal implications: The report sets out the legal framework of the Board within the EDDC constitution. There are no further comments required.

Equalities impact: Low Impact

Risk: Low Risk

The induction is designed to assist the Board perform its business efficiently and effectively.

Links to background information: • .

Link to Council Plan: Encouraging communities to be outstanding.

1. Background and purpose of the Housing Review Board

1.1 The purpose of the Housing Review Board is to **oversee and steer the Council's housing landlord activities.**

- We are a local housing authority and a Registered Provider so have a series of legal responsibilities for housing, including those relating to homelessness; housing advice; housing register; housing strategy; and landlord services. We also run a number of discretionary services such as community development, Home HandyMan, and Home Safeguard.

- Tenant and other HRB members play a key role in ensuring that we meet our responsibilities and perform our duties.
- Constitutionally it operates like an Overview and Scrutiny committee.
- Many Councils have transferred their housing stock and their landlord responsibilities to a housing association. For example, in Devon it is just us Exeter and Mid Devon that have retained their housing.
- We have housing as a corporate priority (Encouraging communities to be outstanding) and have an aspiration of promoting excellent customer service.
- Establishing the HRB was innovative at the time and required an amendment to the Councils Constitution and establishing a co-option scheme to get tenants on the Board.
- The Board is involved in setting strategy, policy and procedure – direction of travel for landlord services.
- The HRB provides a mechanism to involve tenants in decisions affecting the management of their homes.
- HRB has a key role in driving continuous improvement.
- HRB oversees and monitors performance.
- HRB is involved in assessing and agreeing new housing and community development initiatives.
- Tenant members need to represent tenants and not personal interests.

1.2 The Housing Review Board was established in 2006 following our involvement in a national housing stock appraisal exercise. It was intended to replicate a housing association board translated into a local authority context. We were amongst the first in the country to establish this arrangement.

1.3 The **purpose** of the Housing Review Board is in summary to:

- Consider matters relating to the council's landlord and housing management functions;
- Advise the Cabinet on housing policy and operational practice, where this affects the council's tenants and leaseholders;
- Keep under review the housing stock options appraisal and monitor the conditions which will influence the future arrangements for the ownership and management of the council's housing stock;
- Promote good practice and monitor service delivery;
- Examine subjects and issues as directed by the Cabinet.

Full details of the Housing Review Board are set out in the constitution.

2. Terms of reference

2.1 Housing Review Board (Housing Overview and Scrutiny Committee)

Membership: The Housing Review Board will consist of **5 Council Member representatives; 5 tenant and leaseholder representatives; and 2 independent community representatives**. The non-councillor members will be co-opted members and shall have the right to vote.

Meetings: 5 times per year (or more frequently as required).

Quorum: 4 committee members.

2.2 Appointments:

Council shall appoint the Chairman. The Board will elect its own vice chairman.

Council Members and co-opted members on the Board will be appointed at the annual Council meeting.

Tenant and leaseholder representatives on the Board will initially be selected by interview (unless there is no need because the number of candidates equals the number of places) and serve a four year term. Should a vacancy occur during the four year term, the unsuccessful candidate who received the highest score in the last interview, within the previous six months, will normally be offered the appointment. All tenant and leaseholder appointments are subject to Council approval.

Normally non-councillor Board members will serve for a maximum of eight years, subject to annual reappointment by the Council, with the objective that every four years one quarter of the non-councillor members will stand down.

2.3 Role and purpose:

As previously stated the Housing Review Board is one of the Overview and Scrutiny Committees and will consider matters relating to the Council's landlord and housing management functions. The Board will advise the Council's Cabinet on housing policy and operational practice, where this affects the Council's tenants and leaseholders.

The Board will keep under review the housing stock options appraisal and monitor the conditions which will influence the future arrangements for the ownership and management of the Council's housing stock.

Council officers and others, where appropriate, will support the work of the Board.

3. Aim and purpose for Housing Services:

3.1 In Housing we aim to secure - ***A decent home for all.***

We have also adopted the following purposes where we have undertaken Systems Thinking reviews:

- *To match the right people with the right home (voids & allocations).*
- *Do the right repair at the right time, get it right first time, and stay fixed (responsive repairs).*
- *Do the right service/repair at the right time, and leave safe (gas servicing).*
- *To collect the right amount of rent at the right time (rent management).*
- *Deal with customer emergencies promptly (Home Safeguard).*
- *Better housing, better health (private sector housing).*

3.2 We have defined our Service Culture by reference to a series of service values, purpose(s), and operating principles.

Our values are:

- Customer focus – recognising we are here to provide a service for our customers.
- We aim to be:
 - Accountable;
 - Open ;
 - Listening ;
 - Caring;
 - Looking forwards
- Diversity – we welcome diversity and work to a series of diversity commitments.
- Strive for excellence in service delivery.
- Have pride and passion for our housing work.

4. Future challenges and opportunities for housing:

- Delivering new affordable housing
- Tackling homelessness
- Maintaining tenants homes and tenant safety
- Mobilising the new Integrated Asset Management contract
- Managing self-financing and our share of the national housing debt and running a 'fit for purpose' housing business.
- Dealing with Welfare Reform, rent reduction and supporting our tenants.
- Implementing the HRA Business Plan – maintaining decent homes and high levels of stock investment.
- Meeting tenant aspirations and effective tenant engagement.
- Achieving our Service Plan targets.
- Maintaining affordable homes delivery using the New Homes Bonus; LDF policies.
- Meeting the demand for affordable/social housing.
- Using Systems Thinking to drive further improvements.
- Exceeding the Regulator for Social Housing's requirements.
- Achieving continuous improvement in service delivery.

5. How we are organised as a Service:

- Staff numbers are about 100 with the majority dedicated to landlord services.
- We as a Service are organised into 4 teams covering **Housing Needs and Strategy; Landlord Services; Property and Asset management (Technical Services) and Private Sector Housing.**
- We then divide into a number of sections with section managers these being tenant participation; rents; estate management; repairs; support services; Home Safeguard; housing advice and homelessness; housing strategy & enabling; housing systems; housing register and allocations.
- The annual income and expenditure is strictly controlled in a ring-fenced Housing Revenue Account. The annual **turnover is £18 million**. We spend about £8 million a year on maintenance and improvements and £2.6 million on staffing and central costs. £1 million is spent on wardens, community centres, fences, ground maintenance etc. £3 million of our income is used to pay off loans taken out following the reform of the HRA. We are required to maintain a surplus of just over £3.1 million.
- Our Annual Report to tenants sets out a considerable amount of information on the Service – achievements, standards, facts and figures.

6. Housing Strategy summary

6.1 Our over-riding vision is to provide a decent home for all residents of East Devon (**annex 1**).

6.2 Our responsibilities are to:

- provide a housing options service for all who are homeless or threatened with homelessness
- to provide, maintain and manage our own council housing stock
- to work with housing developers and housing associations to deliver more affordable housing
- to regulate and improve other social rented, private rented and owner occupier housing

6.3 Our priorities fall into three categories:

Providing homes:

- prevent homelessness and make sure that suitable accommodation is found for those who do become homeless
- provide a range of affordable housing to meet housing needs
- widen the choice of housing, especially for those in priority need

Improving homes:

- bring sub-standard housing (of all tenure) up to current standards
- improve the use and safety of housing
- improve the sustainability and energy efficiency of housing and eliminate fuel poverty
- enable elderly people, disabled people and people with special needs to live as independently as possible, and where possible and practicable remain in their own homes if they so wish
- maintain and manage the council owned housing stock to a high standard, actively involving tenants in all aspects of the service.

Improving communities

- support the improvement and regeneration of local communities by encouraging social inclusion, involving children and young people with housing issues, and enabling residents to actively participate in their communities

Across all our priorities we aim to have consistently satisfied customers.

We produce an Annual Report to tenants and our latest report is shown in **annex 2**.

Our Housing Service Plan can be found on the Council's website

<http://eastdevon.gov.uk/media/2798602/housing-2019-20-final-2.pdf>

East Devon Housing Strategy 2016-2020

Our over-riding vision	A decent home for all residents of East Devon		
Our responsibilities	To provide a housing options service for all who are homeless or threatened with homelessness	To provide, maintain and manage our own council housing stock	
	To work with housing developers and housing associations to deliver more affordable housing	To regulate and improve other social rented, private rented and owner occupied housing	
Our priorities	To have consistently satisfied customers		
	Providing homes	Improving homes	Improving communities
	<p>prevent homelessness and make sure that accommodation is found for those who do become homeless</p> <p>provide a range of affordable housing to meet housing needs</p> <p>widen the choice of housing, especially for those in priority need</p>	<p>bring sub-standard housing (of all tenure) up to current standards</p> <p>improve the use and safety of housing</p> <p>improve the sustainability and energy efficiency of housing and eliminate fuel poverty</p> <p>enable elderly people disabled people and people with special needs to live as independently as possible and remain in their own homes if they so wish</p> <p>maintain and manage the council owned housing stock to a high standard, actively involving tenants in all aspects of the service.</p>	<p>support the improvement and regeneration of local communities by encouraging social inclusion, involving children and young people with housing issues, and enabling residents to actively participate in their communities</p>

1. The context

East Devon District Council has a role within the local housing market as

- a landlord of over 4200 properties
- a regulator of standards within the private rented and owner occupier sectors
- the planning authority with a duty to bring forward more homes including more affordable homes
- the provider of a housing options service to help those who are homeless or threatened with homelessness

Key conditions¹ within the housing market influence standards and provision

- house prices are high (the average house price for the district being £270,982) and continuing to rise
- annual earnings are low (£23,171)
- within the South West as a whole households would need an annual pay rise of more than £30,000 to afford an average home
- private rents are also high (average monthly private sector rents almost £700)
- there are insufficient new homes being built
- there are a high number of second homes in the district

2. The key challenges ahead

Welfare Reform and changes to government policy

We need to manage carefully the forthcoming changes to welfare benefits such as the introduction of universal credit, together with other likely further policy changes.

- As universal credit rolls out to all age groups there is the issue of claimants receiving payments directly and having to prioritise housing rent and charges above other demands. More council tenants may become overdue on their rent accounts which will have a negative effect on our income collection rates, and private sector tenants may also struggle to pay their rent on time. We may also see a rise in homelessness due to evictions arising from rent arrears.
- The government's policy of 1% rent reduction will continue to limit our income and therefore what we can achieve in terms of the aspirations we and customers have for the service.
- the government's drive towards home ownership is reducing the availability of social housing
- the government's likely move towards shorter term tenancies - we have already introduced flexible tenancies for some but if this becomes more widespread and secure/long term tenancies less common across social housing, there may be more pressure on the council as a provider of last resort

¹ National Housing Federation Home Truths 2015/16 The housing market in the South West

- the reduced funding available for some other services means that housing is seeing an increased work load with, for example, the increased need for temporary accommodation, and support for older and vulnerable people such as those suffering with mental health issues.

Ageing Population

This combined with our demographic profile will continue to shape our need for sheltered housing and excellent services to help maintain independence and sustain tenancies. We must keep ahead of this need and make sure we have the right accommodation and services to offer.

Developing alternative ways of delivering our services

We need to find new ways to make best use of funding opportunities and deliver more affordable housing, as well as delivering our responsive repairs service in the most cost effective way.

We must promote our services to networks of other professionals and agencies, inspiring officers from other departments or agencies to 'deliver differently'.

As council owned stock decreases through the right to buy process we will need to seek other sources of income and new opportunities to help people into housing.

Adapting to change and working differently

We must ensure that changes in our working environment, such as moving to different locations, working remotely and home working, do not adversely affect the service we offer to our residents and partners. This is also important with the introduction of more online facilities where residents can access our services from their own homes.

3. Meeting our priorities to 2020

a. Providing homes

We will work towards having no homeless individuals or households by:

- continuing to provide a wide range of housing options which are accessible to all
- maintaining our commitment to end rough sleeping
- addressing the wider causes and impact of homelessness
- providing help in finding rented accommodation in the private sector
- providing help to maintain tenancies or move to more appropriate housing
- providing permanent and accessible housing advice services in Exmouth and Honiton

We will work to make sure that our system for bidding for housing, Devon Home Choice, is constantly reviewed and updated

- the Devon Home Choice Management Board and the Operational Group meet bi-monthly and consist of representatives of all the social housing landlords that are signed up to Devon Home Choice

- there is now a mobile phone app for Devon Home Choice which alerts applicants if a suitable property becomes available
- we will activate and band all new applications well within the recommended time as set out within the Devon Home Choice Policy
- we will promote Devon Home Choice as the go to place for affordable housing
- we will support and assist individuals to complete their Devon Home Choice applications

We are setting up a new housing company to expand our offer of housing into a range of tenures

- The new local housing company, wholly owned by the council, will play a significant role in the local housing market and increase housing supply to meet the demand for good quality housing. Other key priorities for the new company will be to improve the quality of rented accommodation across the district, provide housing for sale and shared ownership, and setting standards for good housing design and management in the local housing market.

We will work with local communities especially in rural areas to provide more community led affordable housing

- use the community housing fund to provide 20-30 new community led housing dwellings across the district by 2020
- work with the Rural Housing Enablers to promote affordable housing in rural areas

We will continue to use right to buy receipts and Housing Revenue Account reserves to purchase ex-council and other similar properties to add to our existing council stock

- we aim to add approximately 20 homes per year each year to 2020
- we will consider providing alternative forms of accommodation, such as shared houses, where appropriate
- we will work in partnership with other providers to consider alternative forms of construction to deliver more affordable housing

We will work in partnership with our colleagues and other organisations

- with registered providers and developers to develop a range of sites in the district to deliver more affordable housing
- with our planning department to ensure policy compliant levels of affordable housing are provided and that the affordable dwellings meet the identified need in the district
- with other organisations working to tackle homelessness

- with other organisations to look at alternative tenures as proposed by Government (such as rent to buy and starter homes) and consider ways we can assess the need for these dwellings. This will enable us to make informed decisions on their inclusion in new developments

b. Improving homes

As a landlord

We will ensure that we have a repairs service which is forward thinking and meets tenants' aspirations by:

- The renewal of our repairs contracts and working with consultants, tenants and councillors to consider various delivery options to ensure we have a modern and efficient repairs service going forward
- working to our desired aims of 'right repair, right time' and 'fix and stay fixed'
- introducing the measurement of 'end to end times' for repairs to make sure we are addressing problems as quickly and efficiently as possible
- addressing the issues of greatest importance to tenants (identified during the tenant consultation for the renewal of the repairs contract) particularly better communication with tenants, a more flexible appointment system, calling or texting ahead of appointments, operatives calling when they say they will and requesting tenant feedback after repairs.
- bringing in new ways to measure customer satisfaction to make sure we collect and act on the views of tenants
- looking to introduce a new set of key performance indicators which will allow us to more accurately measure how well the repairs service is performing.

We will continue to improve our existing stock through difficult financial times, constantly demonstrating transparency and value for money

- Develop planned works programmes which will reduce expenditure and the number of ongoing reactive repairs
- Thinking more creatively and providing a range of attractive, energy efficient homes
- continuing to invest in our stock with the completion of a range of improvement programmes
- Adapting homes where necessary but also helping people to move to more suitable property where appropriate and possible

We will continue to make sure all our properties are safe, meet all health and safety requirements and comply with all relevant legislation by

- Carrying out an annual gas safety check in properties with a gas supply to ensure they meet current health and safety legislation
- Carrying out regular testing for legionella in our community centres and making sure our policy on legionella is fully implemented across all our housing stock

- Testing for asbestos when carry out work within our properties and implementing a programme to survey all properties for asbestos in the near future
- Regularly servicing such items as stair lifts, lifts, track hoists and other equipment installed in communal blocks or tenant’s properties
- Making sure that we meet all fire regulation standards and work with tenants to educate them on their responsibilities around fire safety

We will continue to increase our range of digital technology and telecare devices to meet individuals’ needs

- upgrade the alarm equipment on council schemes across the district, ensuring our sheltered stock is ready for digital advances as they happen
- provide a full range of telecare devices to customers (tenants and residents) so that our response service can be tailored to the needs of the individual, providing bespoke packages to help people retain their independence
- in conjunction with the NHS we will provide a ‘show home’ in Cranbrook to publicise what digital technology is available and the help this can give to people.

Within the private sector

We will continue to improve housing standards across the district by

- enforcing standards
- implementing licensing regimes where appropriate and in particular in houses of multiple occupation
- bringing empty homes back into use
- managing the rising demand for property adaptations and ensuring East Devon receives its share of the Better Care Fund allocation
- monitoring and improving the quality of private water supplies to keep people safe
- ensuring all mobile home sites are safe and meet the relevant licensing standards
- improving the energy efficiency of all homes, including mobile homes, to meet our aspiration of minimum level of energy usage
- regularly update our Private Sector Housing Plan

We will enable people to stay in their own homes for longer by

- Providing disabled facilities grants and loan assistance
- Delivering outstanding support services for all residents across the district
- dealing with customer emergencies promptly through our Home Safeguard service

c. Improving our communities

We will work in partnership with support agencies and other groups to improve the lives of all residents across the district

- continuing to support Early Help (previously called ‘Targeted families’) and helping people into work
- helping prepare young people for work through SWITCH job clubs
- work with the Council’s Countryside team to provide tenants with a range of experiences and activities they may not otherwise have
- facilitate connections between tenants and local services and build relationships with providers of services that benefit our communities, creating opportunities and building confidence and resilience.

We will organise events to build relationships with and earn the trust of residents living on our estates

- delivering programmes and events for young people, families, sheltered tenants and working age people across our tenanted areas
- creating repeated opportunities for residents of estates and blocks of flats to make new links with each other
- providing opportunities for residents to meet together and with local services, to help local people help themselves
- work to prevent social isolation within our elderly residents such as running IT lessons in our community centres and supporting the activities of the Mens’ Shed

We will work to make residents feel safer in their own communities

- tackling antisocial behaviour where it occurs on our estates
- working with the Antisocial Behaviour and Community Safety Coordinator and local police
- working with environmental health to serve community protection notices and public space protection orders where appropriate.

We will work to tackle fraud of all kinds; the harm caused by fraud is not just financial – it damages local people and communities, and denies people a home of their own.

- work with our corporate fraud resource and Devon Tenancy Fraud Forum to deter and prevent tenancy fraud
- seek Unlawful Profit Orders where appropriate
- data match with credit reference data to reveal where individuals are not living where they say they are
- require more comprehensive evidence of an applicant’s history and money as part of a right to buy process.

Our annual Housing Service Plan sets out how we will work to meet these priorities. This can be viewed on our website at

Related Policies

The Council Plan

The Council Local Plan

Housing Revenue Account Business Plan

Housing Service Plan

Homelessness Strategy

Temporary Accommodation Procurement and Allocation Policy

Private Sector Housing Plan

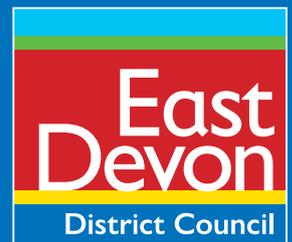
Empty Homes Strategy

Resident Involvement Strategy

Tenancy Strategy and Tenancy Policy



Annual report to tenants 2017/18



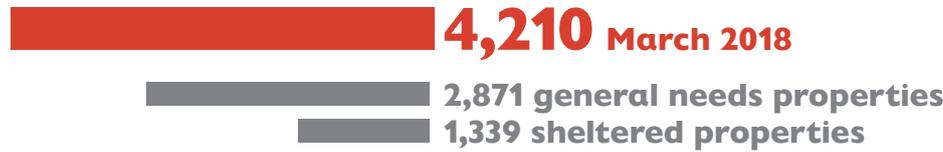
This report tells you what we do as part of our housing service. It gives our performance and covers April 2017 to March 2018. We want to keep you informed about how we're doing and how we're working to provide and maintain homes for you.

Above: a busy day in July 2017 at the free tenants' conference with a theme of 'healthy living and wellbeing', attended by tenants, leaseholders, council staff, councillors, charities and stallholders

Providing homes



Amount of properties we own:



28
Properties purchased

204
Properties allocated

3,915
People on waiting list

48
Mutual exchanges

29
People downsizing

Improving homes



11.4 avg.
Days to complete a routine repair

55
New kitchens fitted

65
New bathrooms fitted

250
Boilers replaced

318
Void properties refitted

41.7
Days to relet

100%
Properties with a valid gas safety certificate

3,153
Gas services carried out

88
Legionella risk assessments

2,402
Asbestos surveys

134
Fire risk assessments carried out

Managing our homes

318
Antisocial
behaviour
cases

0
Evictions for
antisocial
behaviour

6
Evictions for
rent arrears



Complaints

Total received:

32 March 2018

43 2016/17

40 2015/16

Complaints
were about:

6
Allocations

1
Antisocial
behaviour

5
Estate
services

3
Tenancy
management

7
Rent and
service charges

7
Repairs

3
Customer
service/staff

Improving communities

Tenant involvement

222
Tenants on
the Key Player
register

133
Tenants going
to free training
sessions

6
Community
initiative grants
allocated

75
People going
to the tenants'
conference

51
Tenants entered
the garden
competition

115
Tenants used the
home contents
insurance scheme

Events

900+ people
coming to
**community
festivals**

4 Nature and
seasonal
celebrations at
our community
orchards

**Many youth
projects and trips**
including SWITCH at
Millway, Honiton and
Exmouth, the South West
Youth Games and the
Easter residential camp

**Many health and
wellbeing events**
including mental health
initiatives, a veg garden
and the Right Track
Programme

16 Family,
sport and
relaxation
days

**Community
competitions**
including the annual
garden competition
and Scoop the Poop

**Christmas
events**
Light up
Lymebourne
and Broadclyst
Christmas Fair

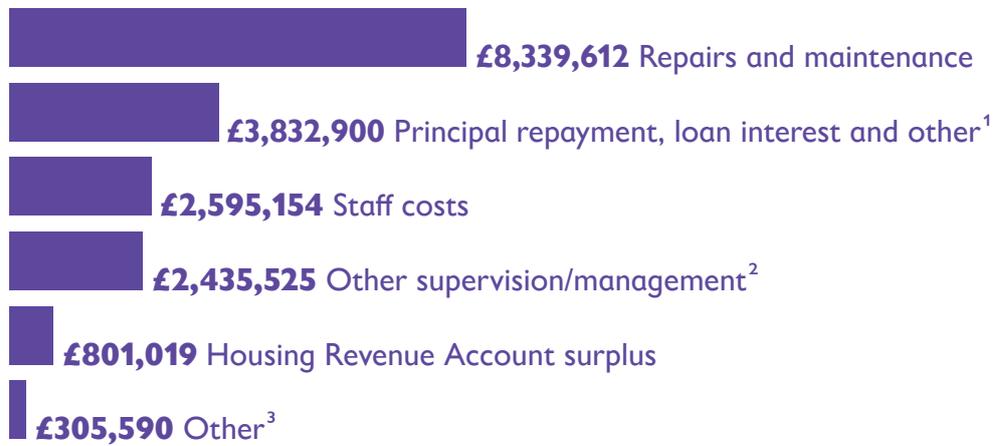
Financing



Income breakdown



Expenditure breakdown



¹ Includes principal loan repayments, loan interest and contribution to capital expenditure

² Includes costs for grounds maintenance, communal cleaning, staff transport, office costs and insurance

³ Includes tenant participation costs, road repairs, downsizing payments and community development

Contact us

Full contact details for all teams in the housing service can be found in your tenant handbook or at eastdevon.gov.uk

To request this information in an alternative format or language phone 01395 517453 or email tenantparticipation@eastdevon.gov.uk



Join thousands of other residents already using our East Devon App

Download for free at eastdevon.gov.uk/app

Annual report of the Housing Review Board 2018/19

The Chairman and Vice Chairman of the Housing Review Board were Councillor Pauline Stott and Peter Sullivan, respectively.

The Board welcomed new Board members Councillors Helen Parr and John O'Leary in June 2018 and new tenant representative members Alek Williams, Pat Gore and Cat Summers during the year. It also said goodbye to tenant representatives Pat Rous, Joyce Ebborn and Sue Saunders during the year.

Words from the outgoing Chairman

It's been a great privilege begin your Chairman for the last 10 years. I have really enjoy all the work that has gone on in housing over my last year. There are still lots of challenges ahead with the Universal Credit where we are trying to help people in lots of ways with all our tenants that have been affected by the changes. They have been visited and advice given, we also have two people at Exeter and Honiton job centres to advise them as well.

The homelessness is also a big challenge, with more people requiring accommodation. We have just purchased an 8 bedroom house for people needing this urgent accommodation. My thanks to all the people in that department for the fantastic work they do to try and help people. Now we have a great strategy on Homelessness, it's worth a read.

Exciting times for the tenants with the new repairs contact starting in July with Ian Williams. This I think will improve the services for repairs that we give our tenants.

My last duty as your chairman was to have a modular house workshop in which staff and councillors were invited. It was good to hear the pro and cons for these homes though it seems that they were no cheaper than a brick built home, but the advantage was they were cheaper to heat. I was hoping to run one on Mod boxes for single people as something like that is desperately needed.

I would like to thank all the tenants for all the work they contributed to the Housing Review Board, it's good to have all your input. Thanks. To all the staff you all do great work in housing. I am sure you are not appreciated enough, it's sometimes a very difficult job. Many thanks to John Golding and Amy Gilbert and her team, Sue Bewes, Andrew Mitchell and Paul Lowe to name just a few of the fantastic staff that keep this service going. I will miss you all thanks.

The Board

The remit of the Board covers:

- Advising the Cabinet on the Council's landlord activities and functions affecting tenants and leaseholders;
- Maintaining an active involvement in the on-going review of the options for the future ownership and management of Council owned homes, and to make recommendations;
- Promoting good practice and overseeing service improvements;
- Monitoring performance on core housing management activities and reporting to the Cabinet;
- Preparation of the Housing Revenue Account budget and Business Plan;
- Promoting tenant and leaseholder involvement and implementation of the Tenant and Council Partnership Statement;

- Consulting with the Tenant Involvement Forum, who liaise with tenant groups and representatives;
- Encouraging good practice in relation to equality and diversity issues, and ensuring that the needs of vulnerable tenants are satisfied;
- Advise on any other matters affecting the Council's landlord duties and responsibilities.

The Board has continued in its role of introducing service improvements and monitoring throughout the year, liaising with the Tenant Involvement Forum (TIF) as appropriate. Some examples from the HRB work programme are summarised below:

Draft Housing Revenue Account and Capital Budgets 2019/20

The draft Housing Revenue Account for 2018/19 was a key document for the Board to influence. The annual HRA was underpinned and influenced by the 30 year HRA Business Plan. 2012/13 saw the major reform to social housing finance and a move to self-financing, which involved the Council taking on debt rather than paying a subsidy to government from tenants' rents. As a result this showed a healthy HRA balance going into the 2018/19 financial year. The budget was produced in accordance with Housing Revenue Account Business Plan assumptions. The main sources of anticipated income for 2019/20 were rents, garage rents and support charges. It was the final year of the Government's four-year rent reduction policy. The greatest risk to income was the transfer of tenants to Universal Credit. The Board's attention was drawn the properties purchased during 2018/19.

Future rent policy

Following a period of rent reduction and a consultation exercise Government had confirmed a future rent increase of CPI + 1% for a period of five years. There would also be a rent standard published by the Social Housing Regulator that would be applicable to all local authorities. The Business Plan would be updated to reflect this and rent set with regard to national rent setting policy.

Draft Housing Service Plan 2019/20

The Service Plan is produced annually and sets out the key achievements over the past year and the forthcoming issues to be faced by the service. A range of service improvements were identified, performance data reported, consultation proposals outlined and budget information provided to the Board. Headlines from the service plan included a revision of the Housing Revenue Account Business Plan, integrated asset management contract, a focus on mental health and Home Safeguard expansion.

HRA financial monitoring reports

A summary of the overall financial position on the Housing Revenue Account (HRA), HRA Capital Programme and the Business Plan for 2018/19 has been regularly provided at meetings. Careful monitoring throughout the year indicated that the HRA was being maintained at/above the adopted level and the Business Plan position remained healthy. There was a surplus over the adopted range for the HRA balance and this was transferred to a Future Housing Development Fund.

Integrated asset management procurement and contract

A major piece of work throughout the year was the procurement and preparations for mobilisation of the integrated asset management contract. The Board were kept updated throughout the year on progress to renew the contract for day to day repairs and void work to council housing stock and the mobilisation process for the new contractor. Tenants were heavily involved in the process and officers attended Tenant Involvement Forum meetings to ensure that tenants were kept informed of progress.

The contract was awarded to Ian Williams Ltd and the new contract would commence on 1 July 2019. Representatives from Ian Williams Ltd attended a meeting in March 2019 to meet the Board and explain who they were and how the contract would work.

Homelessness in East Devon and Homelessness Reduction Act

Preparations were made throughout the year for changes as a result of the Homelessness Reduction Act, with more onerous homelessness duties being enacted. There were greater resource implications for the Council. Although the Homelessness Reduction Act fell outside of Housing Review Board's remit, the HRB were kept up to date with the new legislation to tackle homelessness, which required a complete review of current systems. EDDC were faced with challenges of rising levels of homelessness and securing temporary accommodation and long term affordable housing for homeless households. There was an extended set of statutory duties to tackle homelessness and an increase in homeless approaches, more complex cases and a reduction in available accommodation. This had implications on the Housing Revenue Account.

Homelessness Strategy

In March 2019 the Homelessness and Rough Sleeping Strategy 2019-2023 was presented to the Board. This was a statutory requirement, as directed by the Homelessness Act 2002 and a general fund had been adopted by Cabinet.

House of multiple occupation purchase, Exmouth

In September 2018 the Board considered the purchase of a property to use as a house of multiple occupation (HMO). Securing a suitable property to use as an HMO would save on B&B costs and was expected to generate savings for the Council. It also provided reliable and quickly accessible accommodation for those in greatest need without the disruption of moving between establishments on a regular basis. The Board agreed that this type of accommodation would be a beneficial addition to the Council's property portfolio.

Modular homes in social housing

The Board received a report in June 2018 on the potential for using modular homes as part of the Council's response to housing need. A further report was presented to the Board in March 2019 on the use of shipping containers as temporary accommodation.

Revision to the tenancy agreement

The Board were kept up to date with progress on the development of a revised tenancy agreement. There had been a project group to revise the tenancy agreement and ensure that it reflected changes in policy and legislation. Tenants were updated through the Tenant Involvement Panel and suggested amendments were received through the Tenant's Reader Panel. There was also statutory consultation with tenants. Housing policies were revised and updated to ensure they were consistent with the revised tenancy agreement. The new tenancy agreement would come into effect on 17 June 2019.

Universal Credit update

The Board were given latest information on the roll out of Universal Credit (UC) and the actions being taken to mitigate, as far as possible, the potential loss to Housing Revenue Account income. UC represented one of the biggest risks in the Business Plan. UC was introduced in the eastern area of East Devon in July 2018, followed by the western area in September 2018.

Poverty, housing and safeguarding

The Board considered a report which explained the links between social policy, increasing levels of poverty, homelessness and safeguarding. This was to better understand how poverty was impacting on people and communities and to ensure that the Council's tenants and other housing customers were safeguarded through the adoption of up to date safeguarding practices.

Fire safety

Fire safety was a regular theme in Housing Review Board meetings. A number of fire safety actions were being undertaken by EDDC to keep tenants safe as a housing authority and responsible landlord. EDDC's responsibility for fire safety in its buildings were outlined. In June 2018 Dame Judith Hackett's report on her review of Building Regulations and Fire Safety, following the Grenfell Tower tragedy was brought to the Board's attention. It acted as a reminder to EDDC as a housing authority and responsible landlord of its responsibility for fire safety in its buildings. In September 2018 the Board were shown a brief video which demonstrated working involving the commissioning an external specialist to inspect the installation of fire doors within the Council's housing stock – it was then published as part of fire door safety awareness week (24-30 September). In November 2018 the Board were asked to decide a programme of fire safety works.

Lift replacement at Poplar Mount, Axminster

In September 2018 the Board were asked to consider the urgent replacement of lifts to ensure tenants' homes were accessible at all times. Three options for the lift replacement were considered and the Board recommended that delegated authority be given to the appropriate officer to specify the most suitable option for lift replacement in accordance with an in-depth feasibility study of the site, cost implications, as well as the opportunity for tenant consultation to achieve an outcome favoured by the majority of tenants.

Roof replacement across various sites

The Board requested that additional funding be provided from the Housing Revenue Account to complete roof replacement works to a number of Council properties. Roof replacement was considered the best solution economically, rather than maintaining the roofs on a reactive basis.

Tenant Scrutiny Panel report – scrutinising community centres

The Tenant Scrutiny Panel presented their report to the HRB in June, which reviewed the recommendations of scrutinising community centres. There had been a vast improvement with evidence of efficient management and good organization in the running of the community centres.

Void performance

Improving the speed of turning void properties around for re-occupation was a priority and plans for improvement were identified. Key performance indicators would be embedded from the start of the new integrated asset management contract in terms of void turnaround times. Tenant inspectors would be empowered to continue their inspection visits in order to provide officers with reassurance that from a tenant's perspective the high standards tenants had come to expect were still being met.

Other issues reviewed by the Board during the year have included:

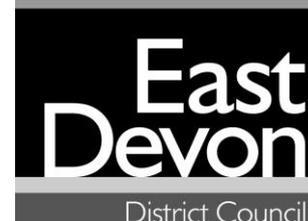
- Review of housing policies – which would be monitored for compliance, variations and application.
- Housing and safeguarding report to Devon Safeguarding Adults Board – the Board were presented with a report that had been produced for the Devon Safeguarding Adults Board on housing and safeguarding. Safeguarding was the core responsibility

and business for a housing provider. EDDC wanted to be seen as an exemplar in terms of good practice.

- Rent payment cards – this had been raised by a district councillor and council housing tenant and an explanation was given on of the change from the use of rent books to rent cards.
- Void property: 4 Camperdown Terrace, Exmouth - a decision was sought on how to deal with the void process of a council property when taking into consideration possible Exmouth regeneration aspirations.
- Extension to Homemaker contract – the primary purpose of Homemaker was to prevent homelessness and promote independence. They offered specialist advice and support to individuals and families who may be at risk of losing their home. They also offered support to people who may be moving into new accommodation and living independently for the first time.
- Community Development update – a presentation was received by the HRB informing them of the activities and projects that Community Development Workers had undertaken. Many of the events and opportunities were for the whole community, not just housing tenants. The team helped to make families 'better families'.
- Installation of defibrillators across East Devon – an opportunity was presented to the Board to install defibrillators across in community centres across the district.
- Housing Green Paper – a new deal for social housing. A report summarising the detail of the green paper and outlining suggestions to form the basis of EDDC's response was considered by the Board in September 2019.
- Consultation on the use of receipts from Right to Buy sales and EDDC's proposed response strongly advocating greater control over the use of Right to Buy receipts for local authorities.
- Legionella policy – approved a revised policy in relation the Council's responsibilities of legionella management within its housing stock.
- Adaptations to council properties – the Board received a report detailing progress being made in relation to ensuring the Landlord Disabled Adaptation Policy was being applied consistently and that tenants were being supported to live independently in their homes. A further report set out a further report recommending that the policy was reviewed every two years or sooner if there was a significant legislative need to review the position.
- Renewal of Advantage South West subscription – the Board noted the benefits of the membership of Advantage South West and recommended continuing membership to the organisation.
- Annual report to tenants 2017/18 – widely distributed to tenants, staff and councillors during autumn 2018.
- Compliance monitoring – the Board received a report raising awareness of compliance matters that related to management of the Council's housing stock.
- Quarterly monitoring reports – measuring performance across the housing service.
- HouseMark benchmarking report – housing costs and performance among peers was considered.
- Housing research study: Your wellbeing, your home – the Board were updated on the first stage of a joint three year project with the University of Birmingham and LiveWest, exploring the relationship between housing, wellbeing and landlord satisfaction.
- Policy housing note on the Mental Health Capacity Act 2015 – this would be used to facilitate the necessary decisions to be made in relation to council housing services,

including homelessness, ensure the best interests of individuals whose mental capacity may be in doubt, minimise recourse to litigation.

- Brexit preparations – the Housing Revenue Account Business Plan would be ‘stress tested’ using a number of different scenarios to understand the potential impact of Brexit on tenants and customers of the housing service.
- Together with Tenants National Housing Federation – this document had been produced in response to the Housing Green Paper and the aftermath of the Grenfell tragedy.
- Devon Home Choice update



Report to: **Housing Review Board**
Date of Meeting: 20 June 2019
Public Document: Yes
Exemption: None
Review date for release: None

Subject: **Integrated Asset Management Contract Mobilisation**

Purpose of report: This report summarises the final stage of progress on the mobilisation of the new integrated asset management contract

Recommendation: **That members note the progress made in the mobilisation of the new contract with confirmation that the new contracting arrangements will begin on the 1st July 2019**

Reason for recommendation: An update has been provided to the Housing Review Board at each meeting to ensure Members are informed of progress being made.

Officer: Amy Gilbert-Jeans, Acting Housing Service Lead, agilbert-jeans@eastdevon.gov.uk

Financial implications: All financial implications of the new contract are considered and evaluated in depth within the commercial sub group.

Legal implications: There are no legal implications identified

Equalities impact: Medium Impact

We have involved tenants throughout the process through the Housing Review Board, tenants groups and as part of the evaluation process. We have continued to involve tenants throughout mobilisation through tenant groups and through direct representation on a number of working groups.

Risk: Medium Risk

Medium Impact

. A Risk register has been used throughout the project and will continue to be used through mobilisation.

Links to background information:

- <http://eastdevon.gov.uk/media/2742359/combined-hrb-agenda-240119.pdf> (Item 10)
- <http://eastdevon.gov.uk/media/2602364/combined-hrb-agenda-200918.pdf> (Item 11)
- <http://eastdevon.gov.uk/media/2532954/combined-hrb-agenda-210618.pdf> (Item 13)
- <http://eastdevon.gov.uk/media/2317941/combined-hrb-agenda-110118.pdf> (item 11)
- <http://eastdevon.gov.uk/media/1973368/combined-hrb-agenda-120117.pdf> (item 14 and 15)
- <http://eastdevon.gov.uk/media/2022994/combined-hrb-agenda-090317.pdf> (item 11)
- <http://eastdevon.gov.uk/media/2140883/combined-hrb-agenda->

[150617.pdf](#) (item 9)

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<http://eastdevon.gov.uk/media/2197069/combined-hrb-agenda-070917.pdf>(item 10)

<http://eastdevon.gov.uk/>

<https://democracy.eastdevon.gov.uk//ieListDocuments.aspx?CId=152&MId=162&Ver=4> HRB March 2019

Link to Council Plan: Encouraging Communities to be outstanding

1. Background

- 1.1 The new integrated asset management contract was awarded to Ian Williams Ltd with a revised start date for the new service agreed as being 1st July 2019.
- 1.2 This report summarises the progress made since the last Housing Review Board meeting and provides reassurance to the Board that we are making excellent progress towards final preparations in order to commence our new contracting arrangements from the start of July.
- 1.3 As outlined in the report presented to the Board in March 2019, a number of specialist sub groups have been set up and have been working towards specific objectives and timescales in order to ensure we achieve everything required. The Steering group has been ensuring compliance with the project plan and a number of officers are now working solely on final preparation as we approach the start of the new contract arrangements.
- 1.4 As indicated at the March meeting, we have commissioned some additional resources from our procurement consultants, Echelon in order to support the mobilisation team with the final 3 months of preparation. Echelons expertise and extensive experience in the sector has proved particularly valuable and they have been able to support us through a time that we have seen some key vacancies within the management structure of the property and asset team. This has had the potential to cause significant disruption to the mobilisation process. Pleasingly we have also now recruited into the position of Property and Asset Manager, this has further strengthened the team.
- 1.5 The Ian Williams team are now present in the district, setting up office premises at Woodbury Business Park, just 4 miles from the centre of Exmouth. The position of Business Manager has been recruited into, usefully the Housing Service Lead was part of the interview panel with the recognition from Ian Williams that this is a key role in day to day delivery of the contract.

2. Demobilisation of current contractors

- 2.1 Demobilisation of the two existing contractors is challenging and we have been working towards a demobilisation plan in order to ensure mutual agreement of timeframes in relation to works orders ceasing, information exchange and final account processes being in place.
- 2.2 Recognising the risks involved and the potential impact this could have on the ability for us to manage the stock in the final few weeks, we have sought confirmation from Cabinet in order to agree an exemption from standing orders to set up a temporary arrangement with Ian Williams to assist us with labour in the run up to our start date. Our risk register identified two main issues at this stage, firstly the risk of the incumbent contractors losing labour as operatives may seek alternative employment. Secondly, the uncertainty of the level of 'tenant led' responsive repairs during the final few weeks/days of the contract, we

must be reasonable with expectations in relation to what the contractors are able to achieve. Setting up a transitional support arrangement ensures a safety net whereby the Property and Asset Manager can utilise the temporary arrangements as required. **Annexe 1** is a copy of the Cabinet report as presented to Cabinet on the 5th June. The reports sets out further detail in relation to this.

- 2.3 It is crucial for us to have a clear understanding of outstanding works in progress and communication with both contractors in relation to outstanding jobs in progress. This is a current area of focus for our team of maintenance surveyors with a view to ensuring tenants receive a realistic timeframe for the completion of repairs as we go through transitional arrangements. We are considering putting additional resources in place to deal with what may lead to an increase in tenants contacting us, Ian Williams are assisting also with increased support in the first few weeks in addition to the co-located employees that will be with us at Exmouth Town Hall on a permanent basis.
- 2.4 Ian Williams are liaising with our incumbent contractors to manage transfer of undertakings (TUPE). These discussions are ongoing and could be subject to change right up until the last day of the current contract. TUPE is not a matter that we get involved in directly, we expect all parties involved to ensure compliance with TUPE legislation in order to ensure support for front-line operatives through what can be an unsettling time.

3 Tenant communication

- 3.1 The communications sub-group has been responsible for all areas of communication including the content and frequency of communication to tenants. Helpfully we have had 3 tenant volunteers on the group to assist us with decision making in this area. The list below summarises the main methods of communication we have utilised;
- Regular briefings at the tenant involvement forum meetings as well as the repairs review group.
 - Mail out flyer to all tenants advising of new contract arrangements, including a fridge magnet with our contact details on.
 - Ian Williams have attended various resident association meetings across the district
 - Articles in each edition of the tenant magazine; Housing Matters
 - Various posts through social media, with the setup of a specific hashtag (#EDDCtenantshomerepairs)
 - Briefings for all housing staff recognising the need for staff across the service to be able to answer concerns and questions that tenants may have.
 - Verbal reminders are being given to all tenants who call up to report a repair, we have scripted this message to ensure consistency.
- 3.2 During August/September, we will be further enhancing the opportunity for tenant engagement with a series of roadshows that will seek to give all tenants the opportunity to meet contractors at a venue close to them. An event will be held in each community centre as well as consideration for hiring venues to ensure we can cover the whole district sufficiently. The events will be an informal opportunity for tenants to meet the Ian William's team as well as officers from the Property and Asset team. Dates and times will be circulated to all tenants once confirmed.

4 Post 1st July work

- 4.1 Comprehensive testing of new arrangements will be underway through-out June with a particular focus on ICT. There is the need for intensive training to be delivered to ensure staff are competent in new ways of working. In the run up to go live as well as the first week weeks after go live we will be ensuring increased management support of the front-line teams in order to be vigilant and aware of any early problems that we may encounter. Ian Williams will also be increasing staff presence within the town hall offices to assist with this. The Mobilisation team will hold weekly briefings for the first 4 weeks with the creation of a new post live issues log in order for us to keep a close overview on any early issues that may require quick resolution.
- 4.2 The format for meeting structures post live date has already been agreed and the board will receive a performance update specifically relating to the new contract arrangements at the September meeting.

Report to: Cabinet
Date of Meeting: 5 June 2019
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: To be completed by Democratic Services.

Subject: **Exemption from Contract Standing Orders for temporary arrangements to ensure the ongoing maintenance of Council Homes.**

Purpose of report: This report is written to seek Cabinet's approval to an exemption to Standing Orders in order to ensure continuity of repairs and maintenance to the Council's housing stock during a period of demobilisation of the current contract for day to day repairs and work to void properties. The temporary arrangements that are required are for a period of approximately 4 weeks as part of mobilisation of the new Integrated Asset Management Contract.

Recommendation: **That Cabinet approve the Exemption from Contract Standing Orders to ensure continuity of service to Council tenants and the protection of the Councils housing stock in relation to day to day repairs and void management.**

Reason for recommendation: An exemption from standing orders is appropriate in the circumstances.

Officer: Amy Gilbert-Jeans. Acting Housing Service Lead
agilbert@eastdevon.gov.uk

Financial implications: The amount highlighted in the report can be met from the existing budget approved.

Legal implications: As the EU procurement threshold has not been reached, Cabinet are permitted to grant an exemption from contract standing orders under Rule 3.1 of Contract Standing Orders. The logic and rationale for seeking the exemption here appears sound and so an exemption can be validly granted. There are no other legal implications requiring comment.

Equalities impact: Low Impact
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Risk: High Risk
A full risk assessment has been carried out as part of the award of the new Integrated Asset Management Contract. A key risk revolves around our ability to maintain tenant's homes during demobilisation of the current contract for day to day repairs and work to void property. The potential lack of labour has been recognised as a significant risk at this stage of the project. As mitigation officers have been discussing this exact scenario with Ian Williams Ltd and have agreed a short term contract to cover this risk period ahead of the main contract commencing with them.

Guidance is being sought from Communications around reputational risk and how best to ensure tenants/stakeholders are aware of the need for us to evoke this temporary arrangement. We will need to ensure clear, consistent information is provided and we will consider carefully how this is done.

Links to background information:

- <https://democracy.eastdevon.gov.uk/Data/Cabinet/20180905/Agenda/050918combinedcabinetagendaPublic.pdf>

Link to

Encouraging communities to be outstanding

Council Plan:

Reasons for an interim repairs and maintenance arrangement and exemption from Standing Orders.

1. Mobilisation work is currently underway to deliver our new Integrated Asset Management Contract. This contract will capture all responsive repairs, works to void properties, servicing schedules and a number of additional work streams to ensure maintenance and management of the Council's housing stock over the next ten plus years.
2. Due to the high value of the contract, this has been through a full EU procurement process and a Partnering Contract is ready to be entered into with Ian Williams Limited for a period of 10 years (plus 5 years) which commences on the 1st July 2019.
3. Mobilisation work has been underway for the past 6 months and we have been liaising closely with our incumbent contractors to ensure day to day business continues until the new contract commences. As part of the demobilisation of the two contractors currently contracted to undertake this work we are now liaising on a daily basis to keep constant track of labour levels and work in progress. We are also beginning to understand capacity with regards to what works orders they will not be able to take on, and work that they will not be able to complete prior to July 1st.
4. Our risk register highlighted a number of risks at this stage of the process, including the loss of labour that often comes as a result of the transfer of undertakings (TUPE) process.
5. We have had some ongoing concerns that one of the contractors in particular has been struggling to meet our service demand already, which we recognised through a build-up of outstanding orders, and we now feel this has the potential to put tenants at risk as well as have a reputational impact on EDDC.
6. We also need to be prepared for increasing customer demand at any time due to unforeseen circumstances. We must be reasonable with current contractors in relation to the point where they will no longer be able guarantee the completion of works prior to the end of the contract, for example a high demand in the final week of June will have the potential to cause significant disruption to tenants.
7. As part of managing the risks this situation presents, we have entered into discussion with Ian Williams Ltd about some additional support that can be provided in order to get us through the few weeks transition period before the new contract starts. This will include the provision of 4 operatives for two weeks (3 multi-trades and an electrician). The total value agreed with Ian Williams Ltd to cover this work is £28,428.82. It should be noted that Housing Revenue Account budget is already in place to cover responsive repairs and work to bring void property up to standard for re-letting.

8. We are continuing to work with incumbent contractors to understand any build-up of works in progress and discussions are continuing around what they are realistically able to complete prior to the 1st July. As a large proportion of the works is demand led by residents it is impossible to predict the exact level of demand over the coming few weeks prior to the 1st July, therefore setting up this temporary arrangement will give us certainty and ensure continuity of service, and limit any disruption to residents.
9. It is recommended that we agree this arrangement in order to allow the Property and Asset Manager to utilise this resource as and when required over the course of the next few weeks. This may or may not need to include the provision of out of hour's emergency cover. Setting up this temporary provision will mean immediate availability of resources for us to utilise to ensure a streamlined transition between the current repairs contract and the new Integrated Asset Management contract.
10. Under contract standing orders, a contract value of this level would normally require quotations to be obtained from three suppliers in accordance with a written tender. However, with Ian Williams taking over the contract on 1st July and being geared to take on the work and having been through rigorous due diligence for the main repairs contract, it is considered that they are best placed to handle this additional work in the short term, should it arise, and therefore the contract should be awarded to them and it is not therefore appropriate to follow contract standing orders in this instance.



Report to:	Housing Review Board
Date of Meeting:	20 June 2019
Public Document:	Yes
Exemption:	None
Agenda item:	XX
Subject:	Housing Revenue Account Draft Accounts 2018/19.
Purpose of report:	<p>This report provides the Housing Review Board with an extract from the draft statement of accounts for 2018/19 for items relating to the Housing Revenue Account (HRA).</p> <p>The HRA shows the main areas of anticipated income and expenditure on landlord activities for the year. Producing a Housing Revenue Account has been a statutory requirement for Councils who manage and own their housing stock for some time, and therefore a key document for the Board to influence.</p>
Recommendation:	<p>That the extract report from the 2018/19 Statement of Accounts relating to the Housing Revenue Account be noted.</p> <p>That the Housing Review Board agree the recommendation within the Narrative report from the Strategic Lead Finance to add the in-year surpluses to the Earmarked Reserve for Fire Related Building works.</p>
Reason for recommendation:	The report updates the board on the statement of accounts 2018/19 and invites the board to agree the recommendations put forward within the Statement of Accounts 2018/19.
Officer:	Rob Ward Accountant Ext 2357 rob.ward@eastdevon.gov.uk
Financial implications:	These are contained in the report.
Legal implications:	There are no legal implications
Equalities impact:	Low Impact
Risk:	Low Risk
Links to background information:	http://eastdevon.gov.uk/media/2343700/HRA-Business-Plan-2017-22.pdf
Link to Council Plan:	Delivering and promoting our outstanding environment.

1 Housing Revenue Account Narrative

The following is an extract of the Narrative report from the Strategic Lead Finance of the elements pertaining to the Housing revenue Account.

Housing Revenue Account

The Housing Revenue Account (HRA) is the ring-fenced account for providing council housing and associated services. This is shown separately on Income & Expenditure Statement.

The 2018/19 budget was set to achieve a surplus of £1.413m, the outturn position gives a surplus for the year of £1.187m; a variation of £0.226m, the main variations are given below.

HRA 2018/19 – Outturn variations against budget	Variation £000	Comment on Future budget implications
HRA income was extremely close to budget. A variance of only £16k on Council Dwelling income against a budget of £18.2m.	22	No implication
An increase of £8k has been made to the bad provision, not budgeted for as this is a year end assessment.	8	No implication
Supervision & Management saving of £165k of which £97k was through employee savings mainly from vacant posts (employee budget £3.3m).	(165)	No implication
Responsive repairs over budget by £0.476m (budget was reduced by £0.170m from previous year as it thought reductions could be made). This is an area where particular attention has been given in preparing and awarding of a new maintenance contract to be implemented in 2019/20, this will be based on a fixed price per property to control such costs.	561	This area will be monitored closely No implication
Major Repairs spending was £0.253m below budget, of which £0.160m is to be transferred to reserves to be used in 2019/20.	(93)	No implication
Savings in interest paid as internal resources utilised for house purchases	(69)	No implication

The updated position of the HRA Balance is given below.

HRA Balance	£000
Opening Balance 1/4/2018	(3,901)
Agreed surplus in 2018/19	(1,413)
Outturn variation 2018/19	226
Closing Balance 31/3/2019	(5,088)

£0.165m has been transferred to a Property Maintenance Reserve to undertake works which were budgeted in 2018/19 but will now be carried out in 2019/20, the work mainly relates to a programme of eave replacements. This transfer to reserves has been included in the outturn position.

The adopted minimum level for the HRA Balance is between £2.1m to £3.1m, based on £490 per property with headroom added of £1m. This leaves the HRA Balance at £1.988m above the adopted range.

The Council set an HRA surplus budget for 2018/19 with the option to repay a £1.581m loan due for repayment at year end or to refinance the loan and use the surplus to meet other key housing spending plans. Refinancing was undertaken giving the ability to obtain a fixed loan for a further 20 years at 2.5% taking advantage of still low fixed rates and taking into consideration the request from the Housing Review Board to urgently fund Fire Risk Assessment works and essential lift maintenance totalling £3.550m. The £3.550m cost will be met from the 2018/19 HRA Balance position above the adopted range now confirmed at £1.988m with the remaining sum of £1.562 being available from housing capital receipts. This will leave the HRA Balance at £3.1m

The year-end position on other Balances/Reserves held for the HRA are:

- **£1.6m in the HRA Business Volatility Fund.** The HRA self-financing business plan relies on a number of assumptions outside the control of the Council, with significant debt repayment schedules this reserve was established to mitigate this risk giving time if necessary to reshape the HRA budget to accommodate any negative changes.
- **£0.980m New Housing Development Fund.** Used for house purchases to meet 70% of the cost where 30% comes from Right to Buy receipts.
- **£1.901m capital receipts** available for general HRA capital expenditure, after allowing £1.562m committed in 3.5 above leaves £339m available.
- **£3.945m capital receipts** to be spent on Right to Buy replacements. If receipts are not spent within 3 years then they are required to be returned to Government together with an interest payment of 4% above base rate.

2 Explanation of Financial Statements

The following is an extract from the Explanation of Financial Statements presented within the statement of accounts relating to the HRA.

Housing Revenue Account (HRA) - Supplementary Financial Statements

The HRA is a record of revenue expenditure and income relating to the authority's housing stock. Its primary purpose is to ensure that expenditure on managing tenancies and maintaining dwellings is balanced by rents charged to tenants. Therefore the HRA is a statutory account which is ring-fenced from the rest of the General Fund so that rents cannot be subsidised from council tax or vice versa.

The HRA Income and Expenditure Statement shows the economic cost in the year of providing housing services in accordance with generally accepted accounting practices, rather than the amount to be funded from rents and government grants. Authorities charge rents to cover expenditure in accordance with regulations which may differ from the accounting cost. The (increase) or decrease in the year, on the basis of which rents are raised, is shown in the Movement on the HRA Statement.

3 Housing Revenue Income and Expenditure Statement for the Year Ended 31 March 2019

The following is an extract from the Explanation of Financial Statements presented within the statement of accounts relating to the HRA.

The HRA Income and Expenditure Statement shows the economic cost in the year of providing housing services in accordance with generally accepted accounting practices, rather than the amount to be funded from rents and government grants. Authorities charge rents to cover expenditure in accordance with regulations; this may be different from the accounting cost. The increase or decrease in the year, on the basis of which rents are raised, is shown in the Movement on the HRA Statement.

	HRA Note	2018/19 £'000	2017/18 £'000
Income			
Dwelling Rents (Gross)	1	(17,267)	(17,345)
Non Dwelling Rents (Gross)		(426)	(412)
Charges for Services & Facilities		(555)	(511)
Contributions Received Towards Expenditure		(105)	(42)
Sums Directed by Secretary of State that are Income in Accordance with the Code		0	0
Total Income		(18,353)	(18,310)
Expenditure			
Repairs and Maintenance		4,688	4,031
Supervision and Management		4,749	4,448
Rents, Rates, Taxes and Other Charges		25	37
Negative Subsidy – Payments to Secretary of State		0	0
Increase in Allowance for Bad and Doubtful Debts	2	8	(5)
Depreciation and Impairment of Fixed Assets	6	1,411	2,280
Other Comprehensive Income & Expenditure		235	290
Sums Directed by Secretary of State that are Expenditure in Accordance with the Code		0	0
Total Expenditure		11,115	11,081
Net Expenditure/(Income) of HRA Services as Included in the Comprehensive Income & Expenditure Statement		(7,238)	(7,229)
Non-distributable Costs – Pensions Past Service Cost		104	124
HRA Share of Corporate and Democratic Core		922	855
Net Expenditure/(Income) of HRA Services		(6,212)	(6,250)
HRA Share of Operating Income and Expenditure Included in the Comprehensive Income & Expenditure Account			
(Gain)/Loss on Disposal of Non-Current Assets		(43)	(1,160)
(Gain) or loss on revaluation of Non-Current assets		(1,650)	950
Interest and Investment Income		(47)	(27)
Interest Payments		2,520	2,527
Net Interest on the Net Defined Benefit Liability		292	318
Capital Grants and Contributions Received		0	0
(Surplus)/Deficit for the Year on HRA Services		(5,140)	(3,642)

Statement of Movement on the Housing Revenue Account for the Year Ended 31 March 2019

The HRA Income and Expenditure Statement shows the actual financial performance for the year, measured in terms of the resources consumed and generated over the last twelve months. However, the authority is required to raise rents on a different accounting basis, the main differences being:

- Capital investment is accounted for as it is financed, rather than when the property, plant and equipment are consumed.
- Retirement benefits are charged as amounts become payable to pension funds and pensioners, rather than as future benefits are earned.

These adjustments are reflected in the statement shown below.

HRA Note	2019/19 £'000	2017/18 £'000
Balance as at 1 April	(3,901)	(7,070)
Movement in Reserves:		
Surplus/(Deficit) on Provision of Services	(5,140)	(3,642)
Total Comprehensive Income & Expenditure	(9,041)	(10,712)
Adjustments Between Accounting Basis and Funding Basis Under Regulations:		
Capital Grants and Contributions Applied	0	0
Revenue Expenditure Funded from Capital Under Statute	0	0
Depreciation and Impairment of Non-current Assets	(1,411)	(2,280)
Reversal of Employee Leave Accrual	0	0
Reversal Revaluation & Impairment (Gains)/Losses on Property Plant & Equipment	1,650	(950)
Amounts of non-current assets written off on sale as part of the gain on disposal to the Comprehensive Income and Expenditure Statement	(7,758)	(2,002)
Transfer of cash sale proceeds credited as part of the gain/loss on disposal to the Comprehensive Income and Expenditure Statement	7,801	3,162
Revenue Contribution to Capital	0	0
Transfer to/(from) Major Repairs Reserve	4,152	4,315
Minimum revenue Provision	0	1,310
Reversal of items relating to retirement benefits debited or credited to the Comprehensive Income and expenditure Statement	(1,106)	(1,154)
Employer's Pension Contributions to Pension Fund Payable in the year	460	440
Amount by which officer remuneration charged to the Comprehensive Income and Expenditure Statement on an accrual basis is different from the remuneration chargeable in the year in accordance with statutory requirements	(1)	0
Total Adjustments Between Accounting Basis and Funding Basis Under Regulations	3,788	2,841
Net Increase/(Decrease) Before Transfers to Earmarked Reserves	3,788	2,841
Transfer (to)/from Earmarked Reserves	2,153	3,970
Increase/(Decrease) in Year	5,941	6,811
Balance as at 31 March	(3,100)	(7,070)

HRA Note 1. Rents

This is the total rent income collectable for the year after allowance is made for empty properties and irrecoverable amounts. Empty properties accounted for 1.01% (£178k) of the gross rents. In 2017/18 the figure was 1.44% (£255k).

The average weekly rent for dwellings was £79.25 in 2018/19 (£79.50 in 2017/18). The average weekly rent for garages was £11.10.

HRA Note 2. Rent Arrears

There was an increase of £26,000 in rent arrears and £8,000 increase in bad debt provision for the year ended 31 March 2019.

	2018/19 £'000	2017/18 £'000
Rents - Current Tenants	203	191
Rents - Former Tenants	64	50
Total Arrears	267	241
Provision for Bad and Doubtful Debts	-52	(44)
Total Housing Arrears	215	197
Arrears as a percentage of Total Rent Debit	1.25%	1.14%

HRA Note 3. Housing Stock

The authority was responsible for managing on average 4,196 dwellings during 2018/19. The stock at the year-end was made up as follows:

	31-Mar-18	Reclassified	Additions	Sales & Demolitions	31-Mar-19
Flats & Maisonettes	1,211	0	5	-2	1,214
Houses (including non-traditional)	2,000	0	10	-24	1,986
Bungalows	984	0	0	-1	983
House in multiple occupation	1	0	1	0	2
Other properties not used as dwellings	5	0	0	0	5
Total Dwellings	4,201	0	16	-27	4,190

HRA Note 4. Housing Property, Plant and Equipment

The Housing Stock and other Housing Revenue Account Assets are included in the Balance Sheet at 31 March 2019 at a value of £240.111m (£237.340m at 1 April 2018). A 5 year rolling revaluation of the authority's dwellings commenced as at 31 March 2018 and has resulted in the updated beacon values used in the accounts.

2018/19	Council Dwellings	Other Land & Buildings	Vehicles, Plant & Equipment	Infrastructure Assets	Community Assets	Assets Under Construction	Total Property, Plant and Equipment
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<u>Cost/Valuation</u>							
As of the beginning of the period	233,040	4,465	715	155	0	0	238,376
Additions	7,829	0	0	0	0	0	7,829
Depreciation written out to Gross Carrying Amount on Revaluation	-1,292	-10	0	0	0	0	-1,302
Revaluation increases/(decreases) recognised in the Revaluation Reserve	2,374	87	0	0	0	0	2,461
Revaluation increases/(decreases) recognised in the Surplus/Deficit on the Provision of Services	1,650	0	0	0	0	0	1,650
Impairment recognised in the Surplus/Deficit on the Provision of Services	0	0	0	0	0	0	0
Reclassifications	-2,833	0	0	0	0	0	-2,833
Disposals (to Assets Held for Sale)	-4,926	0	0	0	0	0	-4,926
Disposals (Other)	0	0	-16	0	0	0	-16
As of the end of the period	235,844	4,542	699	155	0	0	241,240
<u>Accumulated Depreciation</u>							
As of the beginning of the period	-14	-307	-715	0	0	0	-1,036
Depreciation charge	-1,278	-132	0	0	0	0	-1,411
Reclassifications	0	10	0	0	0	0	10
Depreciation written out to Gross Carrying Amount on Revaluation	1,292	0	0	0	0	0	1,292
Disposals (to Assets Held for Sale)	0	0	0	0	0	0	0
Disposals (Other)	0	0	16	0	0	0	16
As of the end of the period	0	-430	-699	0	0	0	-1,129
Net Book Value at 31 March 2019	235,844	4,112	0	155	0	0	240,111

2017/18

	Council Dwellings	Other Land & Buildings	Vehicles, Plant & Equipment	Infrastructure Assets	Community Assets	Assets Under Construction	Total Property, Plant and Equipment
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<u>Cost/Valuation</u>							
As of the beginning of the period	232,156	4,822	715	155	0	0	237,848
Additions	10,158	0	0	0	0	0	10,158
Depreciation written out to Gross Carrying Amount on Revaluation	(2,119)	(185)	0	0	0	0	(2,304)
Revaluation increases/(decreases) recognised in the Revaluation Reserve	696	(171)	0	0	0	0	525
Revaluation increases/(decreases) recognised in the Surplus/Deficit on the Provision of Services	(950)	0	0	0	0	0	(950)
Impairment recognised in the Surplus/Deficit on the Provision of Services		0					0
Reclassifications	0	0	0	0	0	0	0
Disposals (to Assets Held for Sale)	(6,901)	0	0	0	0	0	(6,901)
Disposals (Other)	0	0	0	0	0	0	0
As of the end of the period	233,040	4,466	715	155	0	0	238,376
<u>Accumulated Depreciation</u>							
As of the beginning of the period	(4,890)	(361)	(708)	0	0	0	(5,959)
Depreciation charge	(2,141)	(132)	(7)	0	0	0	(2,280)
Reclassifications	0	185	0	0	0	0	185
Depreciation written out to Gross Carrying Amount on Revaluation	2,119	0	0	0	0	0	2,119
Disposals (to Assets Held for Sale)	4,899	0	0	0	0	0	4,899
Disposals (Other)	0	0	0	0	0	0	0
As of the end of the period	(13)	(308)	(715)	0	0	0	(1,036)
Net Book Value at 31 March 2018	233,027	4,158	0	155	0	0	237,340

HRA Note 5. Vacant Possession Value of HRA Dwellings

Council dwellings had a valuation of £657.210 million as at 1 April 2019 on the basis of existing use value assuming vacant possession. To comply with the requirements of the Resource Accounting regulations, a regional adjustment factor of 35% has to be applied to the Existing Use Value for Social Housing (EUV-SH) valuation for all council dwellings apart from the Houses in Multiple Occupation which have been kept at fair value. This is to reflect the fact that local authority housing is let at sub-market rents on secure tenancies. The reduction in value shows the economic cost to the Government of providing council housing at less than open market rents.

HRA Note 6. Average Costs per Dwelling

The table below shows the average cost per dwelling of the principal expenditure types and an average rent income.

Type of Cost / Income	2018/19	2017/18
	£'000	£'000
Supervision & Management – General	1,133	1,060
Repairs & Maintenance	1,119	961
Rent un-rebated	(4,121)	(4,134)

HRA Note 7. Major Repairs Reserve

Regulation 7(5) of the Accounts and Audit Regulations 2003 (as amended) establishes arrangements for the Major Repairs Reserve (MRR) under which the MRA is effectively restricted to being applied towards new capital expenditure, the repayment of debt or meeting liabilities under credit arrangements. The regulation requires a credit to the MRR of an amount in respect of the depreciation charged to the Housing Revenue Account for the year. Together with the Item 8 Determination provisions for transferring the difference between the MRA and depreciation to the MRR, the net effect is to credit a net amount equal to the MRA each year to the MRR.

Major Repairs Reserve	2018/19	2017/18
	£'000	£'000
Balance as at 1 April	0	0
Income		
Depreciation	(1,411)	(2,280)
Additional HRA Contribution	(2,741)	(2,035)
Expenditure		
Major Repairs Expenditure	4,152	4,315
Balance as at 31 March	0	0

HRA Note 8. Capital Expenditure

Capital expenditure within the HRA for 2018/19 and how it was funded is shown below:

Capital Expenditure	2018/19 £'000	2017/18 £'000
Reroofing	501	124
New Affordable Housing	3,025	5,235
Aids & Adaptations	229	545
Kitchens & Bathrooms	948	693
Doors, Windows, Soffits and Fascias	346	662
Heating	360	611
Decent Homes and Other Capital Schemes	2,419	2,288
Total Capital Expenditure	7,829	10,158
Financed by:		
Capital Receipts	(1,560)	(2,171)
Major Repairs Reserve	(4,152)	(4,315)
Capital Grants	0	0
Revenue Contributions	0	0
Contributions from Earmarked Reserves	(2,117)	(3,672)
Total Financing	(7,829)	(10,158)

HRA Note 9. Capital Receipts

Capital receipts during the year from disposals of land and houses within the HRA are as follows:

Capital Receipts	2018/19 £'000	2017/18 £'000
Sale of HRA Dwellings -Right To Buy	(2,612)	(3,173)
Sale of HRA Other land and Buildings	(259)	0
Mortgage Repayments	0	0
Miscellaneous Sales	0	0
Total Capital Receipts	(2,871)	(3,173)

HRA Note 10. HRA share of contributions to/from the Pension Reserve

The authority's single entity pension fund reserve liability decreased to £65.429m from £67.834m during 2018/19. It has been estimated that 21.80% of the authority's salary costs relate to the HRA, therefore the HRA's share of the overall pension deficit equates to £14.261m.

Introduction to the Housing Revenue Accounts

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What is the HRA?

The history;

- April 2012 – self financing commenced
- Long Term Planning as opposed to Short Term Focus
- Increased Freedom & Flexibility = Increased Responsibility

The basics;

- Ring Fenced Account which cannot be broken
- Transactions relate solely to Local Authority Housing
- 200 home threshold per council



Introduction to the Housing Revenue Accounts

The Code Principles

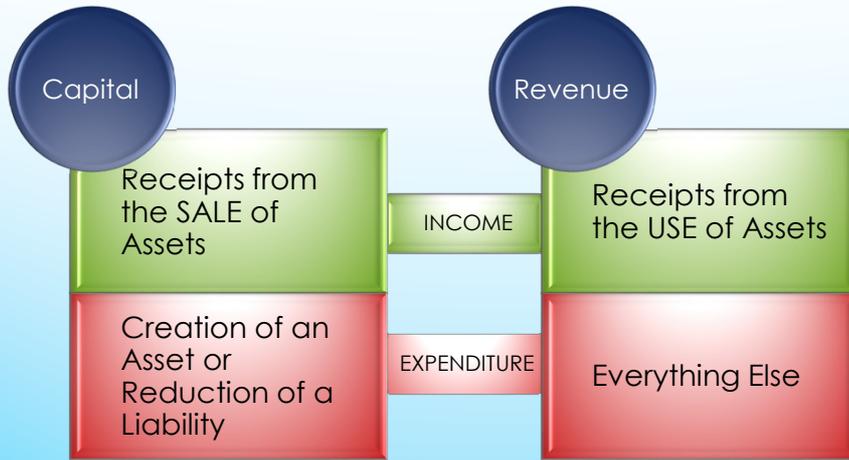
The following principles guide the council in effectively managing the HRA;

1. Co-Regulation
 - *Tenants & Councillors & Providers. Transparency and Accountability.*
2. Financial Viability
 - *Continual monitoring versus plans. A Going Concern.*
3. Communications & Governance
 - *Regular and continually reviewed arrangements.*
4. Risk Management
 - *Identification, management, monitoring & reporting framework.*
5. Asset Management
 - *Maintain to maximise future value.*
6. Financial and Treasury Management
 - *Consistent with the General Fund Strategy.*



Introduction to the Housing Revenue Accounts

Capital v Revenue



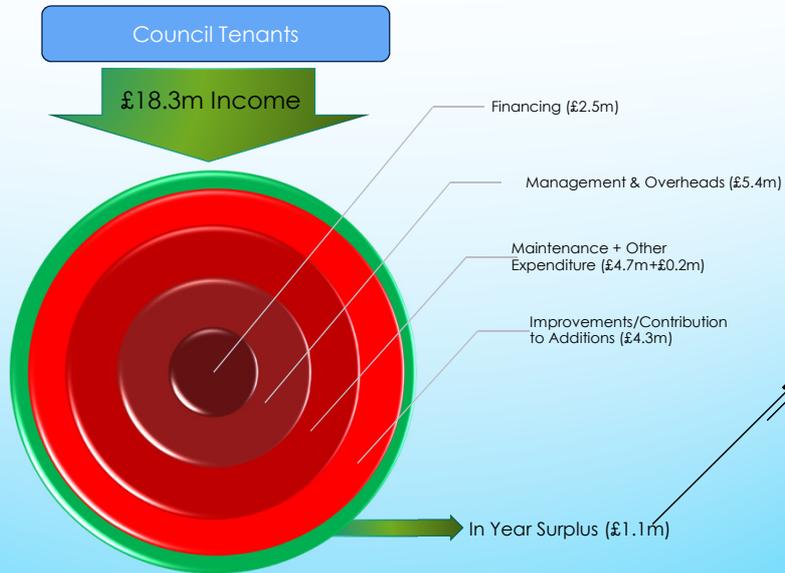
Introduction to the Housing Revenue Accounts

The Simplistic Balance Sheet



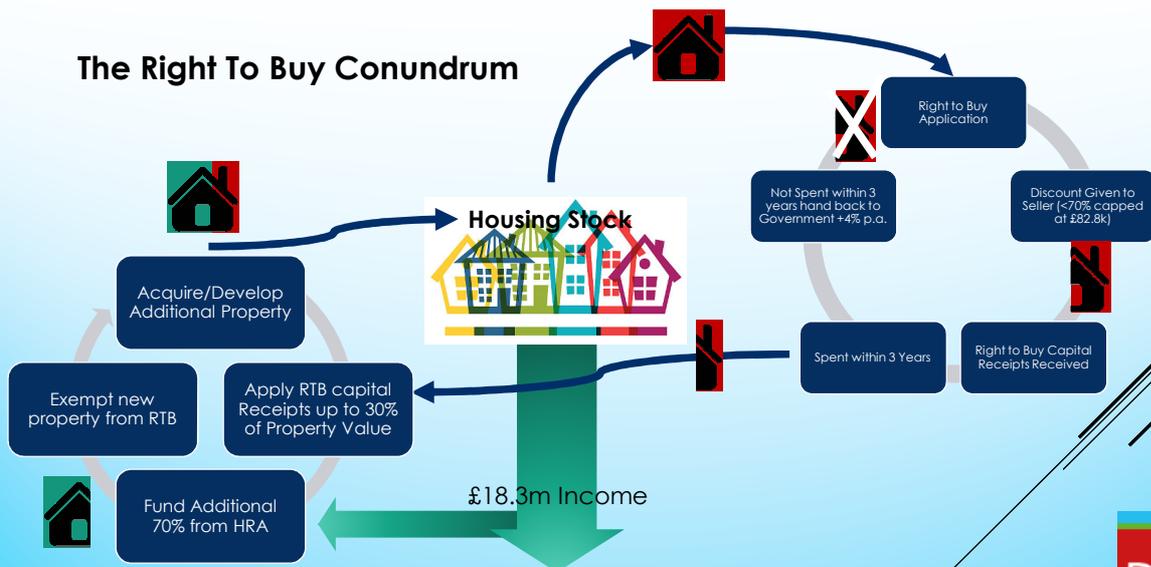
Introduction to the Housing Revenue Accounts

The Current Year Surplus



Introduction to the Housing Revenue Accounts

The Right To Buy Conundrum

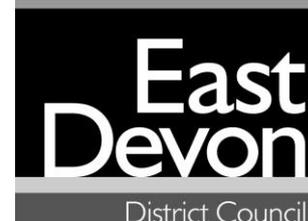


Introduction to the Housing Revenue Accounts

Financial Responsibilities of the Board include (but not limited to):

- Approving the Strategic Direction of the HRA
 - 40 Year Business Plan
 - Stock Replenishment Programme
 - Indebtedness
- Monitoring Financial Performance
 - Budgeting Process
 - Benchmarking
 - Ensuring "Value for Money"
- Adherence to the Code Principles





Report to: **Housing Review Board**

Date of Meeting: 20 June 2019

Public Document: Yes

Exemption: None

Review date for release none

Subject: **Tenancy Agreement updated**

Purpose of report: To summarise the process of updating the Tenancy Agreement and to confirm that the revised agreement is now in place

Recommendation: **1. That members note the content of this paper**

Reason for recommendation: Paper is for information only

Officer: Andrew Mitchell, Housing Needs and Strategy Manager, amitchell@eastdevon.gov.uk

Financial implications: No specific financial implications within the report.

Legal implications: There are no legal implications identified.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

- [28th March 2019 report](#)
- [22nd November 2019 report](#)
- [Revised Tenancy agreement and associated documents](#)

Link to Council Plan: Encouraging communities to be outstanding

Report in full

1. Summary of process

- 1.1 In September 2017, a project group was set up to revise our tenancy agreement to ensure that it reflected changes in policy and legislation implemented since the previous revision of the agreement in 2015
- 1.2 As well as reviewing the content of the agreement, Housing teams also updated a number of housing policies. This ensured that the clauses of the agreement would match Council Policy.
- 1.3 We employed an external tenancy agreement specialist lawyer to check the legality and robustness of the revised agreement.

- 1.4 Following HRB approval of the draft revisions to the tenancy agreement in November 2018, a preliminary notice letter was sent to all tenants on 13th December 2018. This marked the start of a statutory 6 week consultation period.
- 1.5 Over 50 responses were received in relation to the consultation. Main areas of concern related to the following areas:
 - 1.5.1 Loft Spaces – this was a formalisation of existing policy to not allow tenants the use of loft spaces for any purpose; the loft space does not form part of the tenancy. Tenants had not been aware of this, and the comments received reflected this.
 - 1.5.2 Mobility Scooters – a new clause states that such vehicles are not to be left in communal areas or anywhere that might block access for other people. Some tenants felt that this was unfair as it made it harder for them to store their vehicles.
- 1.6 Following the consultation it was agreed at the March 2019 HRB meeting that no further changes to the tenancy agreement would be made. Whilst we understood the comments made in relation to paragraphs 1.5.1 and 1.5.2 above, the clauses have been included to enable us to comply with fire safety regulations and advice and it was felt that we should not amend these clauses for this reason.
- 1.7 A final notice of Variation letter was sent to tenants on 2nd May 2019. We were required to give five weeks' notice of our intention to amend the tenancy agreement. We have actually provided more than this, closer to seven weeks, in part because we staggered the mail out over 3 days.
- 1.8 The revised tenancy agreement came into force on 17th June 2019.

2. Additional information

- 2.1 Alongside the revised tenant agreement, we have also revised the tenant handbook to reflect the changes made to the agreement. We plan to work with a tenant group to look at how the tenant handbook could be further amended in the future. This will be discussed at a future Tenant Involvement Forum.
- 2.2 We have also updated our Tenancy Policy to reflect the changes made to the agreement. This will require the approval of HRB and as such is covered in a separate report.

3. Recommendations

- 3.1 That members note the content of this report.



Report to: **Housing Review Board**

Date of Meeting: 20 June 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Update of Tenancy Policy**

Purpose of report: To present members with the EDDC Tenancy policy, updated to reflect changes made to the tenancy agreement

Recommendation: **That members approve the Tenancy policy.**

Reason for recommendation: Changes made to the Tenancy policy are in line with agreed amendments made to the tenancy agreement

Officer: Amy Gilbert-Jeans, Acting Service Lead for Housing, agilbert-jeans@eastdevon.gov.uk

Financial implications: No specific financial implications identified within the report.

Legal implications: There are no legal implications identified.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: • Tenancy policy attached as an Annex to this paper

Link to Council Plan: Encouraging communities to be outstanding

Report in full

1. Background

- 1.1 The EDDC Tenancy policy sets out the types of tenancy we offer and the circumstances in which each will be used. It also sets out other aspects of tenant management.
- 1.2 The EDDC Tenancy Agreement has recently been updated to reflect changes in policy and legislation, and we have therefore updated our Tenancy policy to align it with these changes.

2. Amendments

- 2.1 The revised Tenancy policy is attached to this report. The following changes have been made to the policy, with the relevant clause provided for ease of reference.
- 2.2 In clause 4.3.3 we have replaced the term “sheltered” with the term “supported”. Sheltered housing is generally associated with accommodation for people over the age of sixty/sixty-five, but as we also offer this type of housing to younger people who have support needs we now refer to this tenure as “supported” housing.
- 2.3 In clause 4.3.10 we have added an additional example where we may not renew a flexible tenancy, namely if a tenant has refused to engage with us in the review process.
- 2.4 Clause 4.3.16 has been expanded to explicitly state the regulations that the review of a council decision not to renew a flexible tenancy is in line with.
- 2.5 Clause 8.1 and 8.2 have been amended to show that the types of succession that are allowed under secure and flexible tenancies depend on whether the tenancy started before or after 1st April 2012. In addition, Clause 8.2.1 has been expanded to clarify that a successor must have been living in the property as their only or principal home at the time of the tenant’s death.
- 2.6 The address in Clause 13 has been updated to reflect the move to Blackdown House

3. Recommendations

- 3.1 That members approve the revised Tenancy policy.

East Devon District Council

Issue details	
Title:	EDDC Tenancy Policy
Version number	V1
Officer responsible:	Housing Service Lead
Authorisation by:	Housing Review Board
Authorisation date:	

1 Previous Policies/Strategies

1.1 This policy replaces any previous versions

2 Why has the council introduced this policy?

2.1 It is good practice for all Registered Providers (of social housing) to have in place a tenancy policy which sets out the type of tenancies that the provider uses, the circumstances in which each will be used, and other aspects of managing tenancies.

2.2 This policy sets these out for East Devon District Council (EDDC) as a landlord of social housing. It has been written with reference to the EDDC Tenancy Strategy.

2.3 It will be used to ensure that the right type of tenancy is allocated to each tenant, that the under occupation of properties is addressed effectively and that we can provide family and/or adapted housing where this is required. It also sets out the circumstances in which we will charge affordable rents.

2.4 The ways in which each type of tenancy can be let and brought to an end are set out in law (Housing Acts 1985 and 1996, and the Localism Act 2012.)

3 Affordability and Affordable Rent

3.1 Definition of affordability: A household can be considered able to afford market house renting in cases where the rent payable is up to 25 per cent of their gross household income (Communities and Local Government). The Housing Review Board has recognised the use of the Local Housing Allowance as a standard definition of affordability. However our preferred base-line is that rents should be set at the level of social rent. Service charges, if applicable, will be additional and reflect the cost of the service provided to each tenant.

- 3.2 Definition of social rent: Guideline target rents determined through the national rent regime. The level of rent that we charge for the majority of our properties will be social rent. Exceptions to this are those charged at 'affordable rent'.
- 3.3 Affordable Rent: This is defined as 80% of market rent. The Housing Review Board has taken the view that affordable rents will only be considered for any Council new build schemes and acquisitions. It will not be charged on re-lets of existing stock (stock built before April 2012). EDDC will charge affordable rent at levels no higher than the relevant Local Housing Allowance at the time.

4 Our Tenancy Agreements

- 4.1 We have one generic tenancy agreement document covering our introductory, secure and flexible tenancies.
- 4.2 The document is written in plain English in a style easily understood by tenants. It sets out the rights and obligations of both the tenant and the landlord, and makes it clear which rights and responsibilities apply to which type of tenancy.
- 4.3 Tenants are given a copy of the tenancy agreement at the start of the tenancy and have the terms explained to them at the sign up meeting.
- 4.4 We also have separate demoted and non-secure tenancy agreements, a licence agreement for accommodation in our shared house, and a non-secure tenancy agreement for the Syrian Resettlement Scheme.

5 Tenancy types and conditions

Currently we have six different types of tenancy and a licence agreement for accommodation in our shared house

5.1 Introductory tenancy

- 5.1.1 Generally all tenants new to EDDC are initially given an introductory tenancy. However tenants transferring from another social landlord may go onto either a secure or flexible tenancy. This does not apply to tenants given temporary accommodation who will be given a non secure tenancy.
- 5.1.2 Introductory tenancies usually last for twelve months from the tenancy start date but in certain circumstances (see 4.1.5 below) an introductory tenancy can be extended.
- 5.1.3 Before the start of the introductory tenancy, tenants will be told which kind of tenancy (secure or flexible) they will be granted at the end of the introductory period.

5.1.4 After the introductory period the tenancy automatically becomes either a secure tenancy or a flexible tenancy, unless we have begun proceedings to end the tenancy (served notice) due to a breach of the tenancy agreement.

5.1.5 Breaches of the tenancy conditions, and reasons why an introductory tenancy may be extended for a period, include:

- rent arrears
- antisocial behaviour
- damage to the property
- refusing to allow access to property for required maintenance/servicing works
- noise nuisance
- failure to maintain gardens

To end this type of tenancy we must get a possession order from the courts.

5.1.6 Introductory tenants have most of the same rights as secure or flexible tenants but there are some rights that they do not have. They do not have the right to:

- take in lodgers
- sublet part of the home
- make any improvements to the property
- be compensated for any improvements to the property
- exchange their home with another tenant

5.1.7 Introductory tenants do not have the Right to Buy their property, but the period spent as an introductory tenant will count towards the qualifying period for the Right to Buy.

5.2 Secure tenancy

5.2.1 Most of our tenants will have a secure tenancy. To end this type of tenancy we must get a possession order from the courts.

5.2.2 The reasons why we may seek to get a possession order would include:

- the tenant refusing to pay rent or accruing large rent arrears
- misuse of the property by either the tenant, a member of their family, or visitors
- the tenant not living in the property as their principal home.

5.2.3 Under the Housing Act 1985 secure tenants have a number of rights which include:

- the right of succession
- the right of assignment in certain cases
- the right to take in lodgers and sublet part of the property
- the right to request a transfer to alternative accommodation

- the right to exchange their home with another council or housing association tenant
- the right to information
- the right to be consulted and involved
- the right to make improvements to their home
- the right to compensation for improvements
- the right to repair
- the Right to Buy in certain cases.

5.3 Flexible tenancy

- 5.3.1 Introduced through the Localism Act, a flexible tenancy is one that is offered for a specific period of time, as opposed to the traditional 'lifetime tenancies'. The period of time is known as the 'fixed term'.
- 5.3.2 From 1 April 2013 the Housing Review Board have agreed that certain groups of tenants will be given a flexible tenancy, rather than secure tenancy, after the introductory tenancy has ended.
- 5.3.3 In most circumstances tenants going into supported accommodation will be granted secure tenancies as it is felt that their circumstances are less likely to change over time. Exceptions may include situations where one tenant requires supported housing but where the spouse or civil partner has no such requirement. Supported accommodation is accommodation specifically for people who have a support need or disability and will benefit from the assistance of a mobile support officer and the Home Safeguard alarm service.
- 5.3.4 In most circumstances tenants going into general needs properties will be given flexible tenancies as it is felt possible that their circumstances (family make up, financial standing or need for adapted accommodation) may change during the course of the flexible tenancy, and so change their housing needs.
- 5.3.5 However there may be some circumstances where it is judged that, due to their individual circumstances, a tenant going into a general needs property should be granted a secure tenancy. These circumstances may include learning disability, chronic physical disability, severe sight impairment, and those with a severe and enduring mental health problem. The Housing Needs and Strategy Manager will decide if particular tenants should be given a secure tenancy.
- 5.3.6 The length of the flexible tenancy will be for five years in almost all cases (see 5.3.7 below). But the tenancy can be reissued for another fixed term at the end of this period. The first five year period will commence at the end of the introductory tenancy. The length of tenancy offered may be amended in future to reflect any changes to government legislation or guidelines.

5.3.7 In exceptional circumstances we will consider offering a flexible tenancy on less than five, but more than two, years. The decision to do so will be made on a case by case basis by the Housing Needs and Strategy Manager.

Exceptional circumstances can include:

- a. Applicants who have too much equity or savings or assets to be eligible for social housing but who are unable to access this due to their current circumstances, for example relationship breakdown, fleeing domestic violence
- b. Allocations into empty or void properties which are being used as a housing solution for applicants for a fixed term until the property can be developed, refurbished or regenerated.

5.3.8 The length and terms of the flexible tenancy will be explained to all tenants concerned before they take on the introductory tenancy.

5.3.9 We will begin the review period of all flexible tenancies at least 12 months prior to the end of the fixed term. We will write to tenants to tell them the outcome of the review. Where the tenant(s) circumstances have not changed significantly (see 4.3.10) over the course of the fixed term we will renew the flexible tenancy for a further fixed term.

5.3.10 We will renew the flexible term tenancy unless:

- The property has become larger than the tenant and their current family require.
- The property has become overcrowded.
- The income of the household has risen to above the income limit as set out in the Devon Home Choice Policy.
- The property has adaptations which are no longer required by the current tenant or a member of their family.
- The rent account is in arrears at the time of the review or has been in arrears for at least six out of the last twelve months. Exceptions can be made for tenants getting assistance with their rent from Housing Benefits, those who we consider to have only minor rent arrears, or those who have made an agreement to pay by instalments and have kept to this agreement.
- There has been a breach of tenancy conditions and a notice seeking possession has been served.
- We intend to demolish, redevelop or dispose of the property within the next five years. In these situations we will consider offering a short term tenancy of the property or suitable alternative accommodation.
- You have refused to engage with us in the review process

- 5.3.11 When considering whether to renew a flexible tenancy we will take into account:
- circumstances where there is a clear need for the household to remain in the same location and other suitable accommodation is not available locally. This will usually only apply in our rural areas
 - circumstances where the property has had to be adapted to meet the needs of a particular tenant or member of their household and this work would have to be duplicated in a new property.
- 5.3.12 In cases where the flexible tenancy is not being renewed, we will give at least six months' notice that the fixed term is coming to an end, and a formal notice seeking possession will be served at least two months prior to the end date. We will make it clear that we do not propose to grant another tenancy and the reason for that decision.
- 5.3.13 To end the flexible tenancy we must apply to the court for a possession order.
- 5.3.14 Flexible tenancies are subject to the same grounds for possession (see 5.2.2) and succession (see Section 8) as secure tenancies.
- 5.3.15 Tenants have the right to request a review of the decision to offer a flexible tenancy within 21 days of our decision but only as to the length of the fixed term being offered and only if they believe the offer does not accord with the Council's published Tenancy Policy. Such a request should be made in writing to the Housing Needs and Strategy Manager.
- 5.3.16 Tenants have the right to request a review of the decision not to renew a flexible tenancy within 21 days of the notice only if they believe this does not accord with the Council's published Tenancy Policy. Such a request should be made in writing to the Housing Needs and Strategy Manager. The tenant can request an oral hearing and the review will be conducted by someone senior to the maker of the original decision and not involved in that decision. The review must be carried out prior to possession proceedings being issued. This review will be in line with Statutory Instrument 2012 No. 695: The Flexible Tenancies (review procedures) regulations 2012.
- 5.3.17 Tenants on a flexible tenancy have the Right to Buy their property (after the qualifying period). However they do not have the right to make improvements to the property or to be compensated for any improvements.

5.4 Demoted tenancy

- 5.4.1 Where there have been incidents of antisocial behaviour we will go to court to obtain a demoted tenancy. Demoted tenancies will usually last for one year.

- 5.4.2 Where a secure tenancy is demoted and the demotion period completed successfully, the demoted tenancy will automatically become a secure tenancy.
- 5.4.3 Where a flexible tenancy is demoted and the demotion period completed successfully, the demoted tenancy will also automatically become a secure tenancy. If a flexible tenancy is required, we must serve a notice on the tenant prior to the end of the demotion period, informing them that the tenancy is to be a flexible tenancy and specifying the length of the fixed term and other express terms of the tenancy. The length of the fixed term after the demotion period has ended will be determined as set out in 5.3.6 and 5.3.7.
- 5.4.4 Demoted tenants do not have the same rights as secure tenants. For example they do not have:
- the right to exchange
 - the right to succession
 - the right to take in lodgers
 - the right to sublet.
- 5.4.5 Also the Right to Buy is suspended until the tenancy is no longer demoted. The time spent as a demoted tenant does not count towards any discount.

5.5 Non secure tenancy

- 5.5.1 Very few of our tenants will have a non secure tenancy. These tenancies are only given to tenants living in temporary accommodation, such as private sector leased accommodation.
- 5.5.2 These tenancies do not have the same security of tenure or rights as secure tenants, but are similar to introductory tenancies.

5.6 Licence Agreement

- 5.6.1 We have a number of properties that provide shared accommodation. There are individual en suite bedrooms and shared kitchen and dining facilities. As there are shared facilities we use a licence agreement not tenancy agreement when letting these rooms
- 5.6.2 Either party (landlord or tenant) can end the licence agreement by giving one week's notice, unless there is a serious breach in which case we can ask the licensee to leave immediately.
- 5.6.2 As well as the licence agreement there are house rules which must be followed at all times.

5.7 Syrian Vulnerable Persons Resettlement Scheme

5.7.1 We are assisting Syrian refugees by locating and securing accommodation in the private sector for them to reside in for a fixed period.

5.7.2 The tenancy type is a non secure tenancy agreement with a variable length of between two and five years.

6 Sustaining our tenancies

We are very keen that tenants are able to manage their tenancies properly, that they do not get into rent arrears or carry out acts of antisocial behaviour.

6.1 Helping new tenants:

6.1.1 We carry out an in-depth sign up interview with all new tenants. This covers:

- ensuring the tenant understands the terms and conditions of the tenancy agreement
- methods and frequencies for paying their rent and accessing benefits
- checking if they have any particular support needs
- highlighting opportunities to get involved with the housing service
- explaining how to report repairs and our service standards.

6.1.2 We aim to visit or telephone all new tenants between four to eight weeks of moving into their property to check that everything is going well for them. We will check whether they are paying their rent regularly, whether they are receiving their benefits, and that they are keeping to the terms of their tenancy conditions.

6.1.3 When tenants move into one of our sheltered properties we discuss with them the level of individual support they need, for example whether it is a visit every other day, or a phone call once a week.

6.2 Help for existing tenants:

6.2.1 We will visit or telephone any tenants who are identified as having problems managing their tenancy, such as rent arrears or antisocial behaviour issues. We will discuss the problems with them. We will explain that it is important that they stick to the terms of the tenancy agreement and pay their rent regularly.

6.2.2 For tenants who are struggling to pay their rent we will discuss what options are available to help them, and put them in touch with other agencies that may also be able to help.

6.2.3 With any reminder notices, or when notices for rent arrears are served, we send out details regarding Citizens Advice Bureau, dates and times of Housing Benefits surgeries, and contact details of debt advice agencies.

- 6.2.4 Our newsletters contain regular articles stressing the importance of contacting us as early as possible if a tenant is having difficulty in paying their rent.
- 6.2.5 Where we identify that a tenant needs particular support to manage in their home we will put them in touch with the relevant agencies such as social services.
- 6.2.6 Where there are issues of neighbour nuisance or conflict we will offer the use of mediation services (paid for by EDDC) to try to help the tenants concerned resolve their differences.

7 Tackling tenancy fraud

- 7.1 It is important that the people living in our properties are those that need them most. We take various steps to ensure that this is the case, from ensuring we allocate the property to the most appropriate person, to following up allegations of alleged misuse.
- 7.2 For all new tenants we take copies of photo identification such as passport or driving licence. Where there is no available photo ID we will take a photograph of each tenant.
- 7.3 We carry out in depth estate inspections where we visit each property and where possible speak to the tenant about any issues affecting them. We take the opportunity to check identification to ensure that they are indeed the tenant. We are rolling these estate inspections out across the district and aim to do at least one each year. As well as this in depth inspection we undertake about 10 estate walkabouts in different areas each year.
- 7.4 We follow up any reports of unoccupied properties or sub-letting of properties and take action if cases of abuse are discovered. As well as this we carry out tenancy checks when visiting some of our properties.
- 7.5 We issue press releases about tenancy fraud and have articles in our newsletters and information on our website.
- 7.6 We have a policy on tackling tenancy fraud. We encourage staff and tenants to report any suspected incidents of tenancy fraud and have a confidential fraud line available.

8 Ending the tenancy

8.1 When the tenant gives notice or dies

- 8.1.1 We carry out pre-termination visits with all our tenants, or with the next of kin. During this visit we:
- check the condition of the property and garden
 - ensure the rent account is up to date

- agree with the outgoing tenant which items can be left in the property and which must be removed
- ensure that the outgoing tenant is aware that the property must be left in a good and clean state, and all rubbish and personal items (except those agreed above) must be cleared from the property
- read the meters
- request a forwarding address, contact details and phone numbers
- determine any recharges that may be due.

8.1.2 If the condition of the property or garden are unsatisfactory, if the property has been left in a dirty condition, or if rubbish and personal items have been left in the property, the outgoing tenant will be re-charged our costs to bring the property to a satisfactory condition.

8.1.3 If there is any rent due to the end of the tenancy we will inform the tenant and expect the amount due to be paid in full before the tenancy ends.

8.1.4 We have a leaflet for relatives of deceased tenants explaining to them the steps that need to be gone through to end the tenancy and the information we require from them.

8.2 Advice and assistance at the end of a flexible tenancy

8.2.1 All tenants whose flexible tenancies are not going to be renewed can contact the Housing Options and Advice service for assistance if required.

8.2.2 If the tenancy is not being reissued because the property is going to be under occupied, we will assist the outgoing tenant to access other suitable accommodation and this may well be by moving to smaller council or other Registered Provider accommodation.

8.2.3 We will give at least six months' notice that the tenancy is coming to an end, and a formal notice seeking possession will be served at least two months prior to the end date.

8.2.4 At the end of the tenancy we will carry out a pre-termination visit as outlined in 8.1.1 above.

8.2.5 We will give advice and assistance in line with our current policies and procedures.

9 Succeeding to a tenancy

9.1 For our secure tenancy agreements that commenced before 1 April 2012:

9.1.1 The following people can succeed to the tenancy, if they have been living in the property as their principal home:

- the tenant's spouse or civil partner
- another member of the tenant's family that has lived with the tenant throughout the period of twelve months ending with the tenant's death.

Only one succession is allowed by the Housing Act 1985.

9.1.2 If more than one person is eligible to succeed then we will give preference to the tenant's spouse or partner. Where a joint tenant becomes a sole tenant this counts as the one succession allowed.

9.1.3 If the property is not suitable for the relative, or it becomes under occupied, we may request them to move to a more suitable property. We can only do this between six and twelve months after the previous tenant's death and only by court order.

9.2 For flexible tenancies and secure tenancies that commenced on or after 1 April 2012:

9.2.1 In April 2012 the law regarding succession changed. For tenancies that start after this legislation there is only a statutory right of succession to a spouse or civil partner or cohabitee. They must have to been living in the property as their only or principal home at the time of the tenant's death. Legislation gives Local Authorities the power to grant additional succession rights. However the Housing Review Board has chosen not to grant additional rights and will adopt the changes in the Localism Act.

10 Tackling under occupation

10.1 We recognise that we have a large number of family properties, particularly three bedroom properties, which are under occupied.

10.2 Changes to Housing Benefit regulations where properties are under occupied have brought in restrictions to levels of housing benefit. This has resulted in certain tenants having a greater rent burden, and some of these may seek to downsize as a result.

10.3 We have a downsizing scheme which provides financial assistance to people who move to a smaller property and so free up a family sized property. Where necessary this scheme will also provide help and support with moving arrangements.

10.4 We will give priority on Devon Home Choice to people wishing to downsize.

11 Adapted properties

11.1 Our Landlord Disabled Adaptations Policy sets out how we will encourage our tenants to live in properties suitable for their need as well as helping them

to live independently by adapting their homes through minor and major adaptations where appropriate.

- 11.2 Under our current secure tenancy agreement, if a tenant is living in a property which has been built or adapted for a person with a disability, and the tenant or their family no longer need that type of home, we may take steps through the Courts to end the tenancy.
- 11.3 We will try as far as possible to offer the tenant and/or their family members other suitable accommodation.
- 11.4 For tenants on a flexible tenancy living in a property which has been built or adapted for a person with a disability, we will only renew the tenancy if there is still a requirement within the family group for that kind of property, and where none of the other conditions under 5.3.10 apply.
- 11.5 Adaptations and mutual exchange - see 13.8 below.

12 Transfers

- 12.1 For secure tenants who transfer to another property, we will ensure that they are given another secure tenancy.
- 12.2 This does not apply to tenants who choose to move to accommodation let on affordable rent terms. In these circumstances existing tenants may be offered a flexible tenancy.
- 12.3 However Clause 11.1 will apply if tenants are required by us to move to a property on affordable rent, for example as a result of demolition.

13 Mutual Exchanges

- 13.1 Mutual exchanges usually take place via a deed of assignment where each tenant steps into the other's shoes and takes over the other tenant's tenancy type and terms. New tenancies are not signed.
- 13.2 Under the Localism Act if at least one of the tenants has a secure tenancy begun before April 2012 and at least one of the tenants is on a flexible tenancy, then such exchanges must be done by surrender and granting of new tenancies.
- 13.3 In these circumstances, we will grant the tenant whose secure tenancy predated April 2012 a secure tenancy. This will ensure that existing tenants (before April 2012) retain similar security of tenure to that of their original tenancy.
- 13.4 As a landlord we can still refuse an exchange. We have 42 days to make that decision.

- 13.5 We subscribe to Home Swapper, an internet based mutual exchange service.
- 13.6 With mutual exchanges tenants accept the property in the condition it has been left in by the previous tenant. We carry out routine repairs in accordance with the tenancy agreement but no specific work will be undertaken as a condition of accepting the exchange.
- 13.7 We carry out health and safety checks as part of the approval process. These include checks on the gas and electricity supplies, and the energy efficiency of the property. From 1 January 2016 we charge £50 to undertake an electrical check and £100 to undertake both electrical and gas checks.
- 13.8 We will not make any adaptations to a property which has changed hands by way of mutual exchange for at least twelve months from exchange date, unless there are very significant changes in the tenant's circumstances.

14 Complaints

- 14.1 The Housing Service will deal with any complaints in accordance with the East Devon District Council corporate complaints policy. For full details please contact the Complaints Officer, East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ email complaints@eastdevon.gov.uk or phone 01395 517528.

15 Outcomes

- 15.1 This policy aims to ensure that:
- The right people are living in the right property on the right type of tenancy
 - Certain groups of tenants can be moved from properties which are no longer suitable for their needs
 - Tenants will be encouraged to move to more suitable accommodation if the property becomes too big for their requirements or if their needs or circumstances change
 - Tenants will be helped to sustain their tenancies for the long term, but where problems occur, particularly at the start of the tenancy, action can be taken quickly
 - Tenancy fraud is identified and tackled.

16 Responsibility

- 16.1 The Housing Needs and Strategy Manager will be responsible for ensuring that the right people are placed in the right property on the right type of tenancy.
- 16.2 The Landlord Services Manager will be responsible for ensuring that tenants are given support to maintain their tenancy and that action is taken where problems occur and where tenancy fraud is suspected.
- 16.3 The Housing Review Board will be responsible for sanctioning any changes to this policy.

17 Performance monitoring

- 17.1 We will review the number of each type of tenancy annually. In the future we will review what happens at the end of a flexible tenancy, how many are terminated and for what reasons. We will also review the assistance given to these tenants.

18 Policy consultation

- 18.1 EDDC took part in the Devon-wide consultation regarding Tenancy Strategy. In the drafting of our first tenancy policy the Tenant Representative Group was consulted and agreed by the Housing Review Board.
- 18.2 This current revision takes on board recent legislative changes and good practice procedures.

19 Equality impact considerations – the policy is high relevance to equality if it has a big impact on residents and users of the service

High

- 19.1 The council has an Equality and Diversity policy that informs how officers should engage with people with protected characteristics.
- 19.2 Officers are aware that as providers of Social Housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

19.3 Where any decisions are made that will affect a tenant, it is necessary to ascertain whether that tenant has the mental capacity to make an informed choice in relation to that decision and to provide and/or engage with an advocate if required.

20 Policy Review

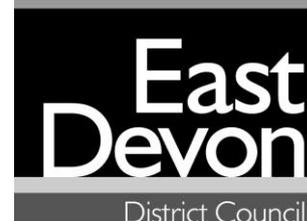
The policy will be reviewed at least every three years or sooner if new guidance or legislation is published.

21 Related Policies and Strategies

The EDDC Tenancy Strategy

The EDDC Allocations Policy

The EDDC Landlords Disabled Adaptations Policy



Report to: **Housing Review Board**

Date of Meeting: 20 June 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Regulator of Social Housing – Consumer Standards**

Purpose of report: The Regulator of Social Housing has recently written to all Registered Providers reminding them of their obligations under the Home Standard for ensuring that tenant's homes are safe.

This is one of our priorities as a landlord, but we must always remain vigilant and ensure that we are fully compliant with the various requirements for tenant's safety.

Since the Grenfell fire we have seen tenant safety under greater scrutiny

Recommendation: **To agree to a self-assessment audit against the Regulator of Social Housing's consumer standards applicable to local authority social landlords.**

Reason for recommendation: To ensure that we are paying appropriate attention to the standards published by the Regulator and are keeping our tenants safe in their homes.

Officer: John Golding Strategic Lead – Housing, Health & Environment, jgolding@eastdevon.gov.uk .

Financial implications: Financial implications are laid out in the body of the report with regards to the requirement for economic standards and financial viability.

Legal implications: The regulatory standards are set out in the body of the report and require no further comment.

Equalities impact: Medium Impact

We strive to ensure that we maintain high standards of service delivery for all tenants and have policies in place to protect vulnerable tenants, and provide tenants with a voice and various means of accessing the Housing Service.

Risk: Medium Risk

We have arrangements in place to ensure we are compliant with safety standards and that tenant safety is a priority within the Service and with our contractors.

Links to background information: • .

Link to Council Plan: Encouraging communities to be outstanding.

1. Regulation of Social Housing

- 1.1 The Regulator of Social Housing has recently issued a letter to local authority Registered Providers reminding them of their responsibilities to tenants under the Consumer Standards. This has been reproduced in **annex 1**. There is a strong tenant safety message contained in the letter and a timely reminder of our responsibilities to ensure that we have compliance 'house in order'.
- 1.2 The Regulator issues a series of standards that Registered Providers need to adhere to. Regulating the Standards is a publication which sets out the regulator's operational approach to assessing social housing registered providers' compliance with the economic and consumer standards. It describes the contact social housing providers can expect to have with the regulator and the way that they seek assurance to inform our regulatory judgements.
- 1.3 The document also outlines the information they require to regulate the sector effectively and proportionately, as well as explaining other aspects of the regulator's role such as the maintenance of the statutory register of providers.
- 1.4 Regulatory standards contain specific expectations and the outcomes that providers are expected to achieve. Providers' boards and local authority councillors who govern service delivery are responsible for meeting the relevant standards and determining how this is done. The standards are classified as either 'economic' or 'consumer'.

2. The regulator's role

- 2.1 The objectives of the Regulator of Social Housing are set out in the Housing and Regeneration Act 2008. In summary, the Regulator interprets their role as regulating registered providers of social housing in England to:
 - protect social housing assets
 - ensure providers are financially viable and properly governed
 - maintain confidence of lenders to invest into the sector
 - encourage and support supply of social housing
 - ensure tenants are protected and have opportunities to be involved in the management of their housing
 - ensure value for money in service delivery
- 2.2 The Regulator must perform our functions in a way that minimises interference and is proportionate, consistent, transparent and accountable. The Regulator must also operate within the provisions of the government's Regulators' Code.
- 2.3 The terms social housing and registered provider are defined in the 2008 Act. Social housing includes low-cost rental (such as affordable rent properties) and low-cost home ownership. Registered providers include local authority landlords and private registered providers (such as not-for-profit housing associations and for-profit organisations).

3. Regulatory framework

- 3.1 The Regulatory Framework for Social Housing in England from the 1st April 2015 is made up of:
 - regulatory framework requirements – what registered providers need to comply with
 - code of practice – a code of practice can amplify any economic standard to assist registered providers in understanding how compliance might be achieved

- regulatory guidance – this provides further explanatory information on the regulatory requirements and includes how the regulator will carry out its role of regulating the requirements

4. Regulatory standards

- 4.1 The regulatory standards for social housing in England are at the core of our regulatory framework requirements. Each standard sets out required outcomes and specific expectations of registered providers. Where relevant, they reflect the Secretary of State's directions on specific regulatory standards.
- 4.2 The Regulators role is to proactively regulate the three standards, which are classified as 'economic'. These are:
- the Governance and Financial Viability Standard
 - the Value for Money Standard
 - the Rent Standard
- 4.3 The Regulator can issue a code of practice which relates to any matter addressed by an economic standard and amplifies an economic standard. The Regulator has issued two codes of practice: one code to amplify the Governance and Financial Viability Standard and the code for the Value for Money Standard.
- 4.4 The remaining four standards are classified as 'consumer'. These are:
- the Tenant Involvement and Empowerment Standard
 - the Home Standard
 - the Tenancy Standard
 - the Neighbourhood and Community Standard
- 4.5 For consumer standards the Regulators role is reactive in response to referrals or other information received. The role is limited to intervening where failure to meet the standards has caused or could have caused serious harm to tenants.
- 4.6 Where the Regulator concludes this, they will publish a regulatory notice. An overview of our experience of regulating the consumer standards is provided in the annual consumer regulation review.

5. The approach to regulation

- 5.1 The Regulator takes a co-regulatory approach. This means boards and councillors who govern providers' service delivery are responsible for ensuring their organisation is meeting our standards, and for being open and accountable in how their organisation meets its objectives. Co-regulation also requires providers to support tenants in the shaping and scrutinising of service delivery and in holding boards and councillors to account.
- 5.2 The Regulator is risk-based in its regulatory approach. The Regulator uses a sector risk analysis and assessments of registered providers with 1,000 or more social housing units to identify those they judge to be more complex and who consequently have an increased level of risk exposures. Providers with fewer than 1,000 social housing units are subject to a lower level of regulatory engagement. The sector risk profile is published annually and it can help registered providers to manage risks effectively.
- 5.3 The Regulator must obtain sufficient assurance that the economic standards are being met by providers particularly the Governance and Financial Viability Standard. They maintain

regulatory judgements on performance against governance and financial viability. To ensure that the system of judgements is transparent a gradings under review system identifies providers who are in danger of having their regulatory judgement downgraded to a non-compliant grade.

5.4 Where the Regulator makes a particularly important decision in relation to their approach to regulation, they record it as a decision instrument. The views of registered providers in relation to the regulatory framework and approach are captured through our stakeholder survey and consultations.

6. Intervention and enforcement

6.1 The Regulator expects providers to identify problems and take effective action to resolve them. If a provider takes responsibility and the Regulator concludes that it is able to respond to the problems, they will work with the provider to help it deliver the necessary corrective actions.

6.2 However, there may be circumstances where a provider is unable or unwilling to respond positively. Under these circumstances the Regulator may use regulatory enforcement and general powers. Details of the powers and the Regulator's approach to intervention and enforcement can be found in Guidance on approach to intervention, enforcement and powers.



17 May 2019

Dear Chief Executive

Housing stock-owning local authorities and the Regulator of Social Housing's consumer standards

You may be aware that following the Grenfell Tower fire we wrote to all registered providers of social housing to remind them of their obligations for their tenants' safety under the Regulator of Social Housing's consumer standards. Since issuing that [letter](#) you will have seen that we have issued regulatory notices to two local authorities in respect of compliance with the Home Standard (which is one of our [Consumer standards](#)), and specifically a range of health and safety requirements.

While the Regulator's Governance and Financial Viability and Value for Money standards do not apply to local authorities, the consumer standards do apply. In particular, I draw your attention to part 1.2 (b) of the Home Standard, which requires that registered providers shall:

meet all applicable statutory requirements that provide for the health and safety of occupants in their homes.

That obligation remains with the local authority where it is the stock-owning body, even if the management has been contracted to another body such as an ALMO. An extract of the above-mentioned letter is below:

Meeting health and safety obligations is a primary responsibility for registered providers. Boards and councillors must ensure that they have proper oversight of all health and safety issues (including gas safety, fire safety, asbestos and legionella). Contracting out delivery of services does not contract out responsibility to meet the requirements of legislation or standards, so providers need systems to give boards assurance of compliance.

We set out our approach to regulation in [Regulating the Standards](#); in relation to the consumer standards it is illustrated in our annual [Consumer Regulation Review](#). Should any provider find that they have systemic failings in relation to internal control of health and safety, which indicate that they are not in compliance with the Standard, based on our co-regulatory approach, we expect you to notify us as Regulator and resolve the issues immediately. We expect all providers to fully understand all their obligations in relation to tenants' health and safety. You will wish to access professional advice in the event that you are not clear on your statutory obligations.

This letter is a reminder to local authorities that the consumer standards apply to them and that while we currently only consider information that is referred to us, this does not diminish the obligation on local authorities to comply with the standards. Currently, legislation only permits us to take enforcement action where there has been a breach of a consumer standard, and that breach has, or could, cause serious detriment to current or future tenants. As can be seen from our various Consumer Regulation Review publications, we most commonly find breach and serious detriment in relation to the Home Standard.

You may wish to seek your own assurance that your authority is complying with the consumer standards. I would also be grateful if you could bring this letter to the attention of your elected members.

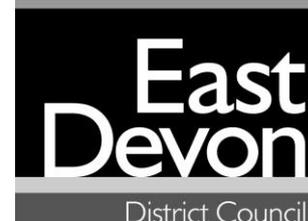
If it would be helpful to discuss this letter, or the requirements of the consumer standards, please let me know.

Yours faithfully



Fiona MacGregor

Chief Executive
Regulator of Social Housing



Report to: **Housing Review Board**
Date of Meeting: 20 June 2019
Public Document: Yes
Exemption: None

Review date for release None

Subject: **The Homes (Fitness for Human Habitation) Act 2018**

Purpose of report: The Homes (Fitness for Human Habitation) Act 2018 received Royal Assent on 20 December 2018 and came into force on 20 March 2019. This report outlines the operation and intent of this new legislation. EDDC owns and manages in excess of some 4200 properties which remain compliant and to a high standard. This legislation is designed to provide those tenants of 'slum landlords' who flout their legal responsibilities in providing a 'Decent Home' greater direct access to the courts to address their concern.

Recommendation: **The Housing Service ensures that the properties in the Council's portfolio comply with the Homes (Fitness for Human Habitation) Act 2018.**

Reason for recommendation: EDDC consistently maintains its housing stock to a high standard. Annually it reinvests significant budgets from the Housing Revenue Account (HRA) to undertake both planned maintenance and cyclical compliance works to ensure we keep our residents (and their visitors) safe in a decent home fit for purpose. These identified scheduled programmes of works are further supplemented with an appropriately sized responsive repairs budget to address those ad-hoc repairs requiring attention between programmes.

There are numerous existing stringent legislative checks and balances in place to ensure that EDDC remain compliant; these being regularly checked and tested through our Internal Audit process to provide assurance. EDDC, other stock owning Councils and RP's although not immune to this new Act, are highly unlikely to be challenged by it. The spirit of this legislation seeks to address those slum landlords who consistently flout the law by giving their tenants greater access to the courts for a quicker remedy whilst protecting their tenancy from possible subsequent vindictive eviction.

Officer: John Taylor, Property and Asset Manager,
JTaylor@eastdevon.gov.uk
 01395 571709

Financial implications: As mentioned within the above summary, there are no additional financial implications expected.

Legal implications: The legal implications are set out in the report and build upon the current requirements of landlords in the Landlord and Tenant Act 1985 and the Pre-action Protocol for Disrepair claims. Officers will need to ensure that procedures and processes are in place to deal with disrepair complaints

with the new legislation clearly in the forefront of ensuring that tenants have no cause of action for breach of contract.

Equalities impact: Low Impact

Risk: Low Risk
EDDC regularly maintains its stock to a good and compliant standard with resident satisfaction remaining high.

Links to background information: • [Item 23, March 2019 Housing Review Board](#) refers.

Link to Council Plan: Continuously improving to be an outstanding Council.

1. Introduction

- 1.1 The Homes (Fitness for Human Habitation) Act 2018 came into force on 20 March 2019; it's designed to ensure that all rented accommodation is 'fit for human habitation' and strengthens the tenants' means to seek redress against the minority of landlords who do not fulfil their legal obligations to keep their properties safe and free from issues that could cause serious harm.
- 1.2 Like East Devon District Council (EDDC) most landlords make sure that the domestic dwellings they rent out remain safe, secure, warm and dry but unfortunately there remain a few unscrupulous landlords do not; this means that some tenants still live in dangerous or unhealthy conditions. This new law is designed to help those tenants and make sure irresponsible landlords improve their properties.
- 1.3 There are no new obligations for landlords under this Act, it simply forges a 'fast track' for tenants of failing landlords. The legislation requires landlords to ensure they are meeting their existing responsibilities with regards to property standards and safety.
- 1.4 Under the Act, the Tenant and landlord Act 1985 is amended to require all landlords (both Private and Social) to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout its duration. The Act states there is an implied agreement between the tenant and the landlord at the beginning of the tenancy that the property will be fit for human habitation.
- 1.5 The Government supports those good landlords who currently provide a decent and well maintained home, which typically includes the stock owned and by EDDC. For those landlords who do not maintain safe properties the Act provides additional leverage for tenants' to seek redress by giving them power to hold their own landlord to account without having to rely on their local authority to do so.
- 1.6 Understandably the government are expecting standards to improve as tenants are now better empowered to take action against their landlord where they fail to adequately maintain their property. Other than ensuring a quality home for all, the additional objective is to ensure a level playing field for the vast majority of good landlords who already maintain their homes to a decent standard and are 'fit for human habitation' without serious hazard ensuring they are not undercut by unscrupulous landlords who flout their responsibilities.

2. Overview of the Act

- 2.1 The Act applies to the social and private rented sectors and makes it clear that landlords must ensure that their property, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and maintained throughout.

- 2.2 To achieve this, landlords will need to make sure that their property is free of hazards which are so serious that the dwelling is not reasonably suitable for occupation in that condition. Most landlords, such as EDDC, take their responsibility seriously and do this already.
- 2.3 Where a landlord fails to do so, the tenant has the right to take action in the courts for breach of contract on the grounds that the property is unfit for human habitation. The remedies available to the tenant are an order by the court requiring the landlord to take action to reduce or remove the hazard, and / or damages to compensate them for having to live in a property which was not fit for human habitation.

3. What exceptions are there?

- 3.1 The landlord will not be required to remedy unfitness when:
- the problem is caused by tenant behaviour
 - the problem is caused by events like fires, storms and floods which are completely beyond the landlord's control (sometimes called 'acts of God')
 - the problem is caused by the tenants' own possessions
 - the landlord hasn't been able to get consent e.g. planning permission, permission from freeholders etc. There must be evidence of reasonable efforts to gain permission
 - the tenant is not an individual, e.g. local authorities, national parks, housing associations, educational institutions

4. When can tenants start to use the Act?

- 4.1 When the Act came into force on 20 March 2019, landlords with properties let on existing tenancies had 12 months to comply. For any new tenancies that start on or after 20 March 2019, the Act will apply immediately.

5. Complying with the Act

- 5.1 If a landlord fails to comply with the Act, tenants may have the right to take court action for breach of contract. If the court decides that the landlord has not provided their tenant with a home that is fit for habitation, then the court can:
- make the landlord pay compensation to their tenant
 - make the landlord do the necessary works to improve their property
- 5.2 If the tenant seeks redress through the courts, this does not stop their Local Authority from using its own enforcement powers. Local authorities have a range of powers which allow them to tackle poor and illegal practices by landlords and letting agents, including when landlords fail to carry out necessary works that have been brought to their attention. For a social housing landlord the 'Regulator of Social Housing' and the 'Housing Ombudsman' will also have a role to play.

6. What are the criteria for 'Fitness for Human Habitation'?

- 6.1 The courts will decide whether a property is fit for human habitation by considering the matters set out in section 10 of the Landlord and Tenant Act 1985. These are whether:
- the building has been neglected and is in a bad condition
 - the building is unstable
 - there's a serious problem with damp
 - it has an unsafe layout
 - there's not enough natural light
 - there's not enough ventilation
 - there is a problem with the supply of hot and cold water
 - there are problems with the drainage or the lavatories

- it's difficult to prepare and cook food or wash up
- or any of the 29 hazards set out in the Housing Health and Safety (England) Regulations 2005 (HHSRS).

6.2 It is for the courts to decide whether the dwelling is fit for human habitation. A HHSRS assessment is not necessary. However, a landlord might choose to carry out an assessment if they want to establish whether a serious health and safety hazard is present. Landlords of social housing will also have regard to the Decent Homes Standard.

6.3 The court may also make a decision on unfitness without expert advice. For example, if there were no plumbed sanitary conveniences in the property an expert opinion would not be necessary as the property would evidently be unfit.

7. How long do landlords have to fix the problem?

7.1 The landlord is considered responsible from when they are made aware of the hazard by the tenant. However, any hazard located in common parts of a block of flats or a House in Multiple Occupation (HMO) would make the landlord immediately liable.

7.2 The landlord will then have a 'reasonable' amount of time to deal with this hazard, which will depend on the circumstances. Once the landlord has been made aware of a hazard, and is not actively attempting to remedy this hazard, the tenant would be able to take their landlord to court. It is for the court to decide whether the landlord dealt with the hazard in a reasonable time.

8. Penalties: what happens if a landlord fails to comply?

8.1 If the courts find that a property is not fit for human habitation, then they may require one or both of the following:

- compulsory improvement to the condition of the property
- compensation to the tenant

9. Tenant compensation

9.1 Currently there are no specified limits on the level of compensation that can be awarded, and this is at the discretion of the judge having considered the evidence.

9.2 Factors which will be taken into account include the perceived harm that has been inflicted on the tenant, the longevity of the issue and the severity of the unfitness in the dwelling. The Landlord may also be ordered to pay the tenant's legal costs.

10. Local authorities' powers and 'retaliatory eviction'

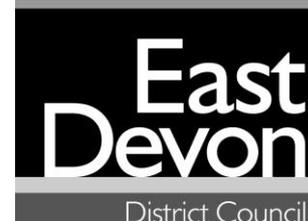
10.1 Local authorities will still be able to use their enforcement powers if a tenant in the private rented sector seeks redress under the Act, apart from where the local authority is also the landlord.

10.2 A landlord cannot serve a section 21 'no fault' eviction notice to a tenant with an assured shorthold tenancy unless they have complied with certain legal responsibilities. Social housing landlords cannot make use of a section 21 'no fault' eviction notice as this only applies to assured shorthold tenancies.

10.3 Existing protections against retaliatory eviction provided under the Deregulation Act 2015 will still be available to tenants if local authorities have taken certain actions under the Housing Act 2004. Therefore, there may be circumstances where local authorities consider

it necessary to take enforcement action under the Housing Act 2004 even though tenants are also seeking redress under the Act.

- 10.4 This will protect tenants against unfair eviction where they have raised a legitimate complaint about the condition of their home.



Report to: **Housing Review Board**

Date of Meeting: 20 June 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Housing Service Complaints April 2018 – March 2019 inclusive**

Purpose of report: This report provides information on formal complaints received in relation to the Housing Service for the period April 2018 to March 2019. We monitor formal complaints carefully, learning from them and using them to improve services wherever possible.

Recommendation:

It is recommended that:

- **That the contents of the report be noted;**
- **That the Housing Leadership team re-iterate the importance of outstanding customer care, considering additional training and awareness opportunities where appropriate.**
- **The Property and Asset Manager reviews processes to ensure the Repairs team are always providing timely responses to issues reported to them.**
- **The Landlord Services Manager reviews processes to ensure appropriate communication and response from officers is given when dealing with complaints regarding antisocial behaviour and noise.**

Reason for recommendation: To continue to improve the way we handle complaints, to learn from them and to meet agreed local standards.

Officer: Sue Bewes Landlord Services Manager 01395 516551 X2200
sbewes@eastdevon.gov.uk

Financial implications: Ineffective complaints handling can cost the council significantly through not only associated fees and redress costs but also, and usually more significantly, through resource costs.

Legal implications: There are no legal implications identified in the report on which to comment.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

Link to Council Plan: Continuously improving to be an outstanding council.

1 Background

- 1.1 The Housing Service deals with formal complaints through the corporate complaints two stage process:
- Stage 1 - complaints will be considered by the Strategic Lead
 - Stage 2 - complaints will be considered by the Deputy Chief Executive/Monitoring Officer
- 1.2 If customers are still not satisfied they can take their complaint to the Housing Ombudsman. They can do this by waiting 8 weeks from the date of our final response letter and then approaching the Housing Ombudsman themselves, or by contacting a Designated Person.
- 1.3 The Designated Person can be an MP, a local district councillor, or the Designated Tenant Complaints Panel (DTCP), which is a group of tenants supported by an administrative officer and the Landlord Services Manager.
- 1.4 Most of the complainants who choose to contact a Designated Person will choose the Designated Tenant Complaints Panel, favouring the view of their peers in terms of reviewing the council's decision on their case.
- 1.5 We give tenants information about how we are dealing with complaints in general in the Annual Report to tenants each October.

2. Complaints received during 2018/19

- 2.1 Between April 2018 and March 2019 we received 37 formal housing complaints. 15 of these went from stage 1 to stage 2.
- 2.2 There is an increase in the number of new stage 1 complaints received and the time taken to issue a full response to all stage 1 complaints. There has been an increase in the number of complaints about staff and customer service, but predominantly the complaints are concerning repairs and maintenance, and antisocial behaviour.
- 2.3 The complaints have been broken down by service area as shown in the table below with comparisons each year from 2011/12.
- 2.3.1 It is important to note that figures for 2016/17 represent a shorter time frame as the handling of complaints transferred from Housing to the corporate Complaints team in October 2016, and some of the records for the period were not available.
- 2.3.2 Staff & Customer Service: the rise in complaints over the past year is concerning and has been noted by the DTCP. We have responded with training for all front line staff and the Housing Leadership Team is giving serious consideration to how this will be further addressed to keep up the positive momentum going forward. A consistent response across all teams to unacceptable attitude/behaviour is crucial.
- 2.3.3 Antisocial behaviour: last year my team passed more complaints to the Complaints team to log at stage 1 as part of a new initiative to manage complaints more effectively. We aimed to work more closely with them to identify 'complaints' as opposed to 'service requests' and ensure officers are consistent in their responses to customers across all geographical patches. In the short term this was expected to result in greater volume but I would hope that the number of complaints will reduce in the next 12 months. New procedures were introduced to better manage tenant expectations and improve response times to queries and complaints made to the housing officers, particularly where negative decisions are having to be made.

The change in recording makes us more transparent in our dealings with customers and enables us to deal with service failure more quickly. It is very positive that I have seen a decrease in terms of complaints about officer attitude coming in as complaints are now more about their decisions.

2.3.4 An increase in the length of time taken on average to deal with a complaint at stage 1 is noted, but this is not necessarily a point for concern. This increase generally reflects the complexity of the case and relates to the fact that generally only the more complicated cases are now proceeding to a formal complaint and a deliberate effort being made to resolve issues and manage each case at an earlier stage.

• Service area	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Staff and customer service	10	6	4	6	10	4	3	8
Property and contractor issues	3	7	13	13	14	10	5	8
Devon Home Choice/Allocations	2	6	1	8	4	2	8	4
Estate services	0	0	4	3	5	3	6	6
Rents and service charges	0	0	0	3	1	2	2	4
Antisocial behaviour	1	1	4	0	2	4	0	7
Other	2	1	3	4	4	0	4	0
No of new stage 1 complaints	18	21	29	37	40	25	28	37
No of stage 2 complaints	0	6	6	6*	13*	9	14	15
Local Government Ombudsman	0	1	0	2	4	6 LGO 2 HO	8 LGO 4 HO	-----
Average time in calendar days to issue full response to all stage 1 complaints	14	17	23	21	21.5	17.64	24.93	26.85

2.4 Local Government Ombudsman (LGO) – 2016/17 - 6 (4 not upheld); 2 x Housing Ombudsman both findings of no maladministration

Local Government Ombudsman – 2017/18 – 8 (4 not upheld); 4 x Housing Ombudsman

Local Government Ombudsman – 18/19 not available yet but will go to Cabinet after we have received the annual report from the LGO (due to us by end July).

2016/17 figures were published here

https://democracy.eastdevon.gov.uk/Data/Cabinet/20170906/Agenda/060917combinedcabinetagenda_opt.pdf

2017/18 here

https://democracy.eastdevon.gov.uk/Data/Cabinet/20181003/Agenda/031018-cabinet-agenda-combined_redacted-public-version.pdf

4. Complaints Panel Feedback

4.1 The Designated Tenant Complaints Panel has met quarterly throughout the year, and has had no cases referred for its consideration. It is possible that the new way of working between Landlord Services and Complaints as mentioned at 2.3 above are relevant here. Two complainants had tried to bring their cases to the panel but these had not yet completed stage 2 of the authority's formal complaints procedure. It is possible that the

DTCP will receive these complaints in the near future, if the complainants are dissatisfied with the outcome of their complaints at stage 2.

5. Lessons learned from other formal complaints

- 5.1 The Designated Tenant Complaints Panel receives a quarterly Summary Report through which it assists me to monitor our formal complaints, identify any recurring themes and ensure that we are learning from our mistakes.
- 5.2 The main messages revealed by our complaints during 2018/19 were:
- Staff to be reminded of the importance of good customer care.
 - Officers need to be more mindful of individual circumstances especially with more vulnerable adults.
 - Better response and communication from Repairs department needed in order to respond in a timely manner to issues reported to them.
 - Better communication and response from officers required when dealing with complaints regarding antisocial behaviour and noise.
 - We should always strive, across the Housing Service, to improve our communication with tenants, keeping them informed even if there is no positive progress to report.
- 5.3 In order to respond to the learning points regarding the importance of good customer care and the need to improve staff attitude, I arranged for the Housing Ombudsman to run training sessions in the year with over 60 of our staff. This has proved very successful and was attended by members of the Designated Tenant Complaints Panel too. The major emphasis was that the way we handle first contact is very important, and it is crucial therefore that we get it right first time. This coupled with regular updates to the customer, and writing to them to let them know that we are closing the case or job, are critical to preventing waste within our Housing systems.

6. Additional complaints monitoring

- 6.1 There has been no STAR survey during the year as we have replaced it with a longitudinal survey which we are working on with Birmingham University. The data collected so far as part of this study has revealed 79.8% satisfaction with how complaints have been handled (78.5% satisfaction in general needs properties, and 81.5% in sheltered) and 84.9% satisfaction with Repairs over all.
- 6.2 Satisfaction monitoring surveys: Feedback from tenants on our performance is collected for Repairs in the form of satisfaction surveys after the work is completed. This practice ceased in January 2016 following 'go live' of Open Housing, our new Housing system, but has recently started up again. Overall satisfaction with the customer's experience of the repairs service came in at 94.6% for the financial year 2018/19.
- 6.3 Under the new Repairs service which commences on 1 July 2019 the contractor, Ian Williams, will monitor customer satisfaction via PDAs (hand-held devices used by contractors) as well as survey forms, and appointments will be made at first point of contact which is likely to significantly improve communication with contractors and be popular with customers.
- 6.4 Service Review Groups for Repairs, Supported Housing, and Estate Management also respond to complaints that come in for their service area, and work to find ways to improve the service as a result of them.
- 6.5 The Tenant Involvement Forum is an opportunity for the Service Review Groups to meet four times a year to share learning and objectives. This also plays a positive part in strengthening the link between complaints received and service improvements.

2. **Any local district councillor** for the district in which you live. The Council has agreed that three will act as designated persons.

These are currently:

Councillor Ian Hall
Councillor Jack Rowland
Councillor Paul Millar

You can approach them directly or you can approach your own local district councillor who will contact them for you. Contact details for all councillors are available on our website (www.eastdevon.gov.uk) or by telephoning 01395 516551 and asking for Member Services.

3. **The Designated Tenant Complaints Panel** for East Devon District Council. This is a panel of tenants set up by the Tenant Representative Group and recognised by the Housing Review Board and Housing Ombudsman.

To contact the Panel please email DTCP@eastdevon.gov.uk or telephone 01395 517453

The role of the designated person

A designated person will help resolve the complaint in one of two ways; they can try and resolve the complaint themselves or they can refer the complaint straight to the Ombudsman. If they refuse to do either the complainant can contact the Ombudsman directly.

The designated person can try to put things right in whichever way they think may work best; but please note that a designated person has no legal authority over a landlord's policy or procedure. Having looked at the complaint the designated person may:

- consider that the complaint has been through all the proper stages, that it has been properly handled and the nature of the complaint suggests that there is little to be gained by pursuing it further, or
- consider that the landlord has not followed procedures correctly or that the procedures are inappropriate and it should acknowledge this and do something to rectify this as soon as possible, or
- consider that, even if the tenant or landlord is right or wrong about the facts of a complaint, they could have handled it better.

They will let you know what they decide. If the problem is still not resolved following the intervention of the designated person either they or the complainant can refer the complaint to the Ombudsman. The law says that when the designated person refers a complaint to the Ombudsman, it must be in writing.

Revised June 2015

About the Housing Ombudsman

The Housing Ombudsman is set up by law to look at complaints about the housing organisations that are registered with them. The service is free, independent and impartial. On 1 April 2013 the new Housing Ombudsman Service was launched with an extended jurisdiction covering all housing associations and local authorities. A new Housing Ombudsman Scheme (setting out the Ombudsman's terms of reference) also came into effect on 1 April.

The Housing Ombudsman considers complaints using dispute resolution principles and encourages their use by both landlords and tenants so they can resolve complaints at the earliest opportunity. There is a lot of helpful advice on their website at www.housing-ombudsman.org.uk

You can contact the Housing Ombudsman by:

Writing to: The Housing Ombudsman Service,
81 Aldwych, London, WC2B 4HN

Telephoning: 0300 111 3000

Emailing: info@housing-ombudsman.org.uk

For further information

Please contact the Complaints Officer of East Devon District Council by:

Writing to: The Complaints Officer, East Devon District Council, Knowle,
Sidmouth EX10 8HL

Telephoning: 01395 517417

Emailing: complaints@eastdevon.gov.uk



Report to: **Cabinet**
Date of Meeting: 10th July 2019
Public Document: Yes
Exemption: None

Review date for release None

Agenda item: To be completed by Democratic Services.

Subject: **Presenting a Construction (Design and Management) Regulations 2015 Policy for consideration for adoption by the Council.**

Purpose of report: At present the Council has guidance notes on the requirements of these Regulations, but no formal policy on how these matters are managed within the Council.
 This report is going to the Cabinet for formal approval, but as much of the content applies to work of the Housing Service, it has been referred to the Housing Review Board.

Recommendation: **1. That Members adopt the proposed Policy
 2. That Members approve the further work required to implement the Policy throughout the Councils operations.**

Reason for recommendation: To ensure all areas of the Councils operations comply with the requirements of the Regulations and staff are clear on their duties and responsibilities.

Officer: Andrew Ennis, Service Lead, Environmental Health and Car Parks, aennis@eastdevon.gov.uk
 Allison Ferrero, Principal Environmental Health Officer Commercial, aferrero@eastdevon.gov.uk

Financial implications: No specific financial implications

Legal implications: To be completed by Legal.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

- Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.

Link to Council Plan: Continuously improving to be an outstanding council.

1. Compliance with construction, design and management standards

- 1.1. These Regulations were introduced in 1994 and have been updated in 2007 and 2015. There are significant acts and responsibilities required to integrate health and safety into the management of construction projects and to encourage all parties involved to work together.
- 1.2. The definition of “Construction work” is very wide and includes construction; alteration; conversion; fitting out; commissioning; renovation; repair; upkeep; redecoration; other maintenance; decommissioning, demolition and site clearance.
- 1.3. The Council has for some time had guidance notes on the requirements of the Construction (Design & Management) Regulations 2015 for staff who are planning to carry out construction work on behalf of the Council. Following requests for additional training and discussion of issues that have arisen following various projects that have been undertaken, it became obvious that the guidance notes were not sufficient.
- 1.4. Over the past two years a working group including Property Services, Housing, StreetScene Engineering and Corporate Safety have been developing a more formal policy to provide greater support and guidance for staff in this area.
- 1.5. It was identified that there are a number of services across the council which commission works which can fall under the requirements of the CDM Regulations. Not only Property Services, StreetScene and Housing, but Countryside, Regeneration and Car Parks can all require works that fall under the regulations. Many of the staff who come across these situations are not aware of the legislation and need more specific instruction to be clear at which point they need to ask for additional support.
- 1.6. The intention of the overarching policy (in annex 1) is to provide a framework under which each service can develop working procedures that will comply with the regulations, and know at what point staff need to refer to a competent person for more specific advice.
- 1.7. Housing have already developed considerable procedures for the works they oversee. The StreetScene Engineering and Property Services Surveying staff have the necessary expertise due to the larger scales works they commission.
- 1.8. Staff who commission work will be directed to appropriately competent officers who can assist them in understanding the requirements and ensure they receive the correct advice to know what their responsibilities are.
- 1.9. Smaller scale works carried out for the Council, mainly maintenance and repair type works such as carried out by some StreetScene and Property Services staff, requires capturing and more formal work instruction will need to be developed for these tasks.
- 1.10. If we do not improve our procedures on this topic we risk being liable for enforcement action in the event of an accident during construction works for allowing works to be commissioned or carried out without complying with the regulations.

East Devon District Council

Construction (Design and Management) Regulations 2015 Policy

Issue details	
Title:	Construction (Design and Management) Regulations 2015 Policy
Version number	Version 1.0
Officer responsible:	Service Lead Environmental Health and Car Parks
Authorisation by:	Cabinet
Authorisation date:	July 2019
Review date:	July 2022

History of most recent Policy Changes

Date	Page	Change	Origin of change (eg change in legislation)

1 Previous Procedure

This topic has only been produced previously as a guidance note

2 Why has the council introduced this procedure?

East Devon District Council undertakes construction work of all levels, from routine maintenance to full scale construction projects which require notification to the Health and Safety Executive.

The Council understands its responsibility to protect all its employees and people who could be effected by work they carry out or contract, (e.g. staff, tenants, contractors and members of the public) by compliance with The Construction (Design and Management) Regulations 2015.

3 What is the council's procedure?

This procedure provides guidance on the Construction (Design and Management) Regulations 2015 (CDM 2015) for staff working for East Devon District Council, or managing contractors working for East Devon.

4 Equality impact considerations – Low

5 Appendices and other relevant information

N/A

6 Links related Policies/Strategies, Procedures and Legislation

The Management of Contractors Policy. References throughout to the Construction Industry Training Board (CITB) website resources

7 Scope within the Council

Council Services who need to consider CDM procedures for works they carry out or commission, this includes (but may not be limited to) works by the following Council teams:

- Property Services
- Engineering
- Housing
- Street Scene Operations
- Countryside
- Supported Housing
- Private Sector Housing
- Regeneration
- Waste and Recycling
- Car Parks

8 Introduction

CDM regulations were originally introduced in 1994 to lower construction deaths, with updates in 2007. The most recent version of the regulations came into effect on 6 April 2015. There are significant acts and responsibilities required by these regulations, which operate alongside other health and safety legislation.

The key aim of CDM 2015 is to integrate health and safety into the management of the project and to encourage all parties involved to work together to:

- sensibly plan the work so the risks involved are managed from start to finish
- have the right people for the right job at the right time
- cooperate and coordinate your work with others
- have the right information about the risks and how they are being managed
- communicate this information effectively to those who need to know
- consult and engage with workers about the risks and how they are being managed

The Regulations are intended to focus attention on planning and management throughout construction projects, from design concept onwards. The aim is for health and safety considerations to be treated as an essential but normal part of a project's development - not an afterthought or bolt-on extra.

There is no approved code of practice for CDM 2015, however industry guidance has been produced in conjunction with industry and published by [CITB](#).

9 Construction work

“Construction work” is defined in the regulations to include:

- (a) The construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of corrosive

or toxic substances), decommissioning, demolition or dismantling of a structure;

- (b) The preparation for an intended structure, including site clearance, exploration, investigation, excavation, and the clearance or preparation of the site or structure for use or occupation at its conclusion; this also applies to the entertainment industry.

A few activities are excluded from the definition as construction work, including surveying, maintenance of fixed plant as part of a maintenance programme and erection and removal of marquees.

CDM 2015 is applicable to almost all maintenance work.

10 Responsibilities

CDM 2015 places clear responsibility on Clients, Designers, Principal Designers, Principal Contractors and Contractors.

10.1 Client

The Council will always be a client for works they require, and on occasion the Council will carry out works for other clients.

The client is responsible to make suitable arrangements for managing a project. This includes making sure that:

- other duty holders are appointed
- sufficient time and resources are allocated
- relevant information is prepared and provided to other duty holders
- the principal designer and principal contractor carry out their duties
- welfare facilities are provided

(Detailed information available from [CITB on Client role](#))

10.2 Principal Designer

Council staff may be acting as the Designer or Principal Designer when defining works.

A principle designer must be appointed by the client for all **projects with more than one contractor**. It can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.

Responsible for planning, managing, monitoring and coordinating health and safety in the pre-construction phase of a project. This includes:

- identifying, eliminating or controlling foreseeable risks
- ensuring designers carry out their duties.
- preparing and providing relevant information to other dutyholders.
- liaising with the principal contractor to help in the planning, management and monitoring of the health and safety in the construction phase.

(Detailed information available from [CITB on Principal Designer role](#))

10.3 Designer

Someone who as part of a business, prepares or modifies designs for a building, product or system relating to construction work.

The designer's role when preparing or modifying designs is to eliminate, reduce or control foreseeable risks that may happen during construction or maintenance and use of a building after it's been built, and provides information to other members of the project team to help them fulfil their duties.

The design process should now consider the 'whole life' and the purpose of a building and designers are required to design risk out as far as practicable during the design phase.

Anyone at East Devon who makes a decision, or instructs a course of action in relation to the design of a construction project is a designer under the regulations.

(Detailed information available from [CITB on Designer role](#))

10.4 Principal Contractor

Council staff may be acting as the Contractor or Principal Contractor when carrying out works with staff employed directly by the Council.

Appointed by the client to plan, manage, monitor and co-ordinate health and safety during the construction phase of a project **when there's more than one contractor involved.**

The principal contractor's duty is to:

- plan, manage, monitor and coordinate health and safety in the construction phase of a project
- liaise with the client and principal designer
- prepare the construction phase plan
- organise cooperation between contractors and coordinate their work.

(Detailed information available from [CITB on Principal Contractor role](#))

10.5 Contractor

The individual or organisation doing the actual construction work.

Anyone who directly engages construction workers or manages construction work is a contractor.

This includes companies that use their own workforce to do the work on their premises and duties apply to all workers be they employees, self-employed or agency workers.

The contractor's duty is to:

- plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety.
- for projects involving more than one contractor, co-ordinate their activities with others in the project team – in particular, comply with directions given to them by the principal designer or principal contractor.
- for single contractor projects, prepare a construction phase plan.

(Detailed information available from [CITB on Contractor role](#))

10.6 Workers

The individual working for or under the control of contractors on a construction site.

The Project, Design & Property teams normally act on behalf of the Council in relation to Council owned buildings.

Members of the Housing Service normally act on behalf of the Council in relation to Council owned housing stock.

(Detailed information available from [CITB on Workers role](#))

11 Application of CDM 2015 at East Devon

The application of CDM 2015 at East Devon aims to comply with regulations in a way that is proportionate to the risk.

When undertaking any construction works, employees at East Devon should consider first and foremost the the aims of the legislation which are to:

- sensibly plan the work so the risks involved are managed from start to finish
- have the right people for the right job at the right time
- cooperate and coordinate your work with others
- have the right information about the risks and how they are being managed
- communicate this information effectively to those who need to know
- consult and engage with workers about the risks and how they are being managed

11.1 Project inception

The Project Manager or officer undertaking the project is responsible for reviewing the scope of the project or construction works to be undertaken, and ascertaining the category of the project.

Where they are unsure or unfamiliar with the nature of the works, they should seek advice from the appropriate teams within the Council before proceeding.

The Project Manager will be the Client, and may also be the Designer or Principal Designer. If works are being carried out by Council employees the Project Manager may also be the Principal Contractor or Contractor

11.2 Project start up

When considering the project the size, duration, and significant risks inherent in the project must be considered. See **APPENDIX A** for a list of risks to be specifically considered.

Small projects – work of short duration **and** with no significant risks **and** covered by existing methods statements and/or work instructions/procedures that have been risk assessed.

There is no requirement to formally record duty holders. The officer managing the project or works should evidence they are suitably competent to manage the works – qualification/previous experience/competent advisor or supervisor etc.

Medium projects – work over more than one day, work involving one or two significant risks

Create a short record of who the duty holders are within the organisation. Complete the pre-construction information basic form noting the management requirements and hazards. Consider if a Health and Safety File for the work will be needed on completion.

Large or High Risk projects – notifiable work, work with three or more significant risks
Obtain detailed advice from the relevant Council Team. Will require a more formally documented project plan with full Pre Construction Information, Construction Phase Plan, evidence of suitably competent contractors and the creation on completion of a Health and Safety File

11.3 Construction Management

The Project Manager as the Client is responsible overall for the project. They are able to rely on the advice of the competent people they appoint but remain liable for all arrangements relating to the project. If needed the Project Manager must consult one of the appropriate team in the Council to define what evidence is required to show competence

Principal Designers must be competent advisor for health & safety to clients as defined in CDM2015, and Project Managers must account for that responsibility. Additional health and safety advice can be sought from the Corporate Safety Team.

The Principal Contractor becomes responsible for site safety for the period of the construction phase.

11.4 Project notification

All construction projects must be notified to the Health & Safety Executive where construction work is expected to:

- (a) last more than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- (b) involve more than 500 person days (for example 50 people working for over 10 days)

Where a project is complex or high risk notification should be made even if the work is outside of the above parameters. Consult your Service Teams procedure under this Policy for further guidance.

The Project Manager is responsible as the Client for ensure notification is made.

The Project Manager must take advice on projects that may comprise of a number of individual jobs in premises but the programme as a whole could fall in to the category of notifiable work – for example bathroom or kitchen refurbishment programmes across a estate.

It is better to complete a notification if unsure than to fail to notify.

Notification is [made electronically](https://extranet.hse.gov.uk/lfserver/external/f10) at <https://extranet.hse.gov.uk/lfserver/external/f10>. Guidance on completion of the form is at <https://www.hse.gov.uk/forms/notification/f10-step-by-step-guide-to-fill-in-eform.pdf>

The details required for the form are:-

1. The address of the construction site or precise description of its location.
2. The name of the local authority where the construction site is located.
3. A brief description of the project and the construction work that it entails.

4. Details of the client: name, address, telephone number and email address.
5. Details of the principal designer: name, address, telephone number and email address.
6. Details of the principal contractor: name, address, telephone number and email address.
7. The date planned for the start of the construction phase.
8. The time allocated by the client for the construction work.
9. The planned duration of the construction phase.
10. The estimated maximum number of people at work on the construction site.
11. The planned number of contractors on the construction site.
12. The name and address of any contractor already appointed.
13. The name and address of any designer already appointed.
14. A declaration signed by or on behalf of the client that the client is aware of their duties.

Notification should be made as early as possible in the planning stage. The form requires detail on the contractor to be used, and will not permit completion without this, so should be completed as soon as this is known.

The Project Manager should update the form as things progress through the project.

11.5 Project record keeping

11.5.1 Pre-construction Phase

The Principal Designer is required to provide Pre-construction Information to the contractor.

For medium projects the Project Manager must ensure that they, or the Principal Designer, have completed **APPENDIX B – Basic Pre Construction Information** and provided this to the Principal Contractor or Contractor.

For large or high risk projects the appropriate advice must be sought from the relevant Council Team or Corporate Safety Team.

11.5.2 Construction Phase

The Principal Contractor is responsible for site safety during this phase; however the Client remains responsible overall. The Principal Designer will advise the Client to ensure their responsibilities are properly discharged.

11.5.3 Post Construction

The Principal Designers is responsible for updating or compiling the Health & Safety Files as appropriate, and passing the file to the client at project handover or when they cease to be part of the project.

12 Health and Safety File

The Health & Safety File is defined as the file containing health and safety information to be taken in to account during any subsequent project on the building. The file should be relevant and not include information which is of no help in planning future construction work.

There is no mandatory format for a health & safety file however the contents must include specific information required by the CDM2015 Regulations. A template for Health & Safety Files is available in **(APPENDIX C)**

13 Individual Service Procedures

Services that routinely carry out works to which CDM 15 apply (Housing, Property Services, StreetScene etc) will create their own procedures documents under this policy. These will detail work procedures/method statements for minor works and specific works they plan, organise, arrange or carry out. They will identify which job roles will have an advisory capacity for officers taking on the role of Project Manager.

14 Performance Monitoring

This will be developed as part of each Service procedure, and once agreed will be subject to periodic audit by the Corporate H&S Team.

15 Policy Consultation

This policy was produced in consultation with the Housing Repairs, Property Services and StreetScene Engineering Teams, using the national codes of practice from HSE and guidelines from the Construction Industry Training Board website.

16 Policy Review

The Policy will be reviewed in February 2022.

Significant risks that need to be considered in assessing whether small, medium or large project.

Issues that could increase health and safety risks from:-

1. delivery and removal of materials (including waste) and work equipment from the site – for example proximity to school/community area, narrow roadways etc.
2. utilities, impact on gas, water, power or communication lines – for example overhead power lines, provision of temporary utilities etc.
3. adjacent land use
4. stability of the structure while carrying out work, including temporary and adjacent structures
5. work at height
6. work with or near fragile materials
7. work with heavy prefabricated components
8. work near high voltage cables
9. work with poor ground conditions
10. excavations
11. underground work
12. work near water
13. work in confined spaces
14. work close to vehicle movement
15. work with hazardous materials
16. site security, or lack of it
17. increased fire risk
18. work with asbestos materials

PRE-CONSTRUCTION INFORMATION — BASIC FORM

Project Details	
Project	<input type="text"/>
Client	<input type="text"/>
Principal designer	<input type="text"/>
Designer(s)	<input type="text"/>
Site location	<input type="text"/>
Description of works	<input type="text"/>
Key dates, including start and completion of construction phase	<input type="text"/>
Minimum time allowed between appointment of principal contractor and start of construction phase	<input type="text"/>
Will the structure be used as a workplace?	<input type="text"/>
Extent and location of existing records and plans	<input type="text"/>
Client's considerations and management requirements	
Arrangements for:	
• Planning and management	<input type="text"/>
• Communications between client and others	<input type="text"/>
• Security	<input type="text"/>
• Welfare provision	<input type="text"/>
Requirements relating to the health and safety of the client's employees and others:	
• Site fencing	<input type="text"/>
• Site transport, including vehicle restrictions	<input type="text"/>
• Client permit-to-work systems	<input type="text"/>
• Fire precautions	<input type="text"/>
• Emergency procedures	<input type="text"/>
• No-go areas	<input type="text"/>
• Confined spaces (as designated by the client)	<input type="text"/>
• Smoking and parking restrictions	<input type="text"/>

Health and safety hazards of the site

Safety hazards, including:

- Boundaries and access, including temporary access
- Restrictions on deliveries or waste collection or storage
- Adjacent land use
- Existing storage of hazardous materials
- Location of existing services, particularly concealed services
- Ground conditions, underground structures or water courses
- Information about existing structures, ie stability, or those containing fragile or hazardous materials
- Previous structural modifications
- Fire damage, ground shrinkage
- Difficulties relating to plant and equipment, eg overhead gantries whose height restricts access
- Health and safety information contained in earlier design and construction information

Health hazards, including:

- Asbestos, including results of surveys, etc.
- Existing storage of hazardous materials
- Contaminated land, including surveys
- Existing structures containing hazardous materials
- Health risks arising from the client's activities

Design assumptions, suggested work methods, sequences, etc.

--

Arrangements for co-ordination of on-going design work and handling design changes

--

Risks identified during design

--

Materials requiring particular precautions

--

The Health and safety file

Description of its format and any conditions relating to its content

--

The Health and Safety File

CDM 2015, requires a Health & Safety File to be compiled or updated if one is in existence.

The Principal Contractor is responsible for collecting the information to compile the Health & Safety file, and should be doing so throughout the project. When the project is practically complete they deliver it to the Principal Designer in draft format.

The information is checked by the Principal Designer and verified as accurate before Practical Completion so it can be included in the Health and Safety file.

It is a legal duty to have the Health & Safety file available at Practical Completion or as soon as possible after completion.

The contents of the Health & Safety File

Section 1	Introduction
1.1	Brief description of the works
1.2	Project team contacts
1.3	Contractors contacts
1.4	Project particulars
Section 2	Design Criteria
2.1	Architectural design concept
2.2	Structural design concept
2.3	Mechanical design concept
2.4	Electrical design concept
2.5	Fire strategy
Section 3	Construction Methods and Materials Used
3.1	Construction method
3.2	List of materials used
3.3	List of manufacturers
Section 4	Maintenance Requirements
4.1	List of equipment/materials to be maintained
4.2	Maintenance procedures
Section 5	Certificates and Warranties
5.1	Planning consent
5.2	Building regulations approval
5.3	Test certificates
5.4	Commissioning certificates

Section 6	Operation and Maintenance
6.1	Mechanical
6.2	Electrical
6.3	Others
Section 7	Drawings
7.1	“As built” drawings
7.2	Incoming services
7.3	Residual Risk Register



Report to: **Housing Review Board**

Date of Meeting: 20 June 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Assessment of the new Rent Standard from 2020**

Purpose of report: This report is to explain the new Rent Standard and its implications to EDDC.

Recommendation: **To note the changes to how rents will be increased from 2020.**

Reason for recommendation: Rents have decreased by 1% since 2016 except for a small number of exceptions where the rents have remained static. The Council have the ability to increase rents from April 2020 to maximise income for the HRA.

Officer: Andi Loosemore, direct dial: 01395 517444, email: aloosemore@eastdevon.gov.uk

Financial implications: All financial implications are set out within the body of the report.

Legal implications: The legal implications are set out in the body of the report.

Equalities impact: Low Impact
Applies to all social housing tenants

Risk: Low Risk

Links to background information:

- www.gov.uk/government/publications/direction-on-the-rent-standard-from-1-april-2020

Link to Council Plan: Improving our communities - We will work in partnership with support agencies and other groups to improve the lives of all residents across the district.

1. Background

1.1 The Welfare Reform and Work Act 2016 and amendment regulations have required Registered Providers of social housing in England to reduce social housing rents by 1% a year for 4 years since 2016 and to comply with maximum rent requirements for new tenancies, subject to a few exceptions. This has meant a reduction in the amount of rent the Council could collect over the past 4 years and therefore a reduction in the amount of services which could be funded from the rent collected.

1.2 This reduction in rents is due to come to an end in April 2020 under the new Rent Standard, published by the Ministry of Housing, Communities and Local Government in February 2019.

2. Key changes to the rent policy from April 2020 onwards

- 2.1 The long-term deal announced by the government in October 2017, set out permitted annual rent increases for local authorities of up to CPI plus 1%, for a period of at least 5 years. This is the highest figure which may be applied to the rents and we will be able to apply a lower increase, or freeze or reduce our rents if we wish to do so.
- 2.2 The new policy allows the social housing sector to make the best possible use of its resources to help provide the homes that the country needs and also enables us as social landlords to be able to plan ahead financially.
- 2.3 The new policy comes into effect from 1st April 2020 and will affect both local authority providers and private registered providers of housing.

3. What this means for EDDC

- 3.1 The CPI figure is usually calculated on the figure as at September of the previous year, so we will not know the true calculations until nearer this time.
- 3.2 If we apply the changes to EDDC's rents, based on the current CPI for May 2019, it would mean an increase in rent income of £876,175.04 in the first year of the new rent standard from April 2020. This is an approximation of what we could expect as the new standard includes several exceptions, limits and rent caps. Obviously this also assumes that all our properties remain occupied for 52 weeks in that year and that all rents are able to be collected for our tenants.
- 3.3 The new Rent Standard allows EDDC to increase the Affordable Rent properties that we own and will be the first time we have increased these rents since 2016. However, temporary accommodation is one of the exceptions listed in the new Standard and will allow us to set our own rent charges to these properties.

4. The Impact on our Tenants

- 4.1 The average rent will rise from £79.16 per week to £82.12 per week, an increase of £2.96 per week or £153.92 per annum. For tenants currently claiming Housing Benefit or Universal Credit the increase will generally be accounted for, but others may find it difficult to cover this cost.
- 4.2 Our Rental team currently have strategies in place which we use to help tenants who are struggling financially. We use Homemaker South West, who are a relatively small, locally-based organisation to deal with money advice and tenancy sustainment. The primary purpose of Homemaker is to prevent homelessness and promote independence. They offer specialist advice and support to individuals and families who may be at risk of losing their home.
- 4.3 Homemaker is funded by EDDC so has no cost to the tenant and any tenant requiring financial help can be referred by any member of the Rents, Options or Housing Benefit Teams. They are limited by caseload and can only take someone new on when they have finished their current cases, whether that be by setting up budgeting plans, helping tenants through Personal Independent Plan appeals or applying for Debt Relief Orders on the tenants' behalf.

- 4.4 The Rental and Housing Options Team have also been working together to put procedures in place to prevent homelessness. The aim of this joint working is to provide visits, advice and support to tenants who are finding it difficult to cope, whether that be emotionally or financially.
- 4.5 A few other ways we help support our tenants are by referring tenants to foodbanks within the local area to help with short-term support whilst benefits are put in place. Furniture and white goods can be sourced with the help of Turntable Furniture who aim to improve the lives of those on very low income by providing them with the essentials to set up a home, re-using donated household items, which are in good, clean condition, which otherwise would probably have ended up in landfill. We can also refer to Pinpoint Devon which is a support network for thousands of services and community groups across Devon where we can try to find an appropriate service to help.
- 4.6 The down side to this situation is that whilst we are working harder to engage with tenants in distress, the arrears may rise whilst procedures are put in place to help the tenants find solutions to their problems.



Regulator of
Social Housing

Consultation on a new Rent Standard from 2020

May 2019



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Foreword

In September 2018 the Government consulted on a Direction to the Regulator of Social Housing in regard to publishing a Rent Standard. Following the consultation the Government published the results of the consultation along with the final Direction to the Regulator in February 2019.

Given the Government's Direction to the Regulator, we are limited in the scope of the changes we can make to our Rent Standard following the consultation. This consultation therefore focuses on whether we have appropriately reflected the Government's Direction to us, rather than on the content of the Direction itself.

We are launching this consultation about a proposed new Rent Standard to be introduced from 1 April 2020 as a result of that Direction.

The Government's Direction to the Regulator recognised that the four years of requirements on rents under the Welfare Reform and Work Act 2016 and Regulations made under it will soon end. Following the period of social rent reductions brought in by this legislation, the Government has committed to introducing a five-year rent settlement of rent increases up to CPI +1% from April 2020.

In addition to the five-year rent settlement the other major change brought about by the Direction was to introduce the requirement that the Rent Standard, and the regulation of rents by the Regulator, apply to local authority registered providers as well as to private registered providers.

This is a significant change for both the Regulator and local authorities, and it will entail the introduction of new systems to collect information from local authorities on rents. In advance of the new Rent Standard coming into effect we are giving local authorities the opportunity to submit data in a pilot year to ensure that the transition to regulation of local authority rents goes as smoothly as possible and that any potential data issues can be identified and addressed in advance of our regulatory role starting.

The Government has published a comprehensive Rent Policy Statement that covers rent setting in both private registered providers and local authorities; in setting our Rent Standard we must have regard to this Policy Statement.

We welcome your views on our proposed new Rent Standard; following this consultation we will publish our response and a finalised Rent Standard well in advance of 1 April 2020.

Simon Dow,
Interim chair – Regulator of Social Housing

1. Scope of the consultation

Topic of this consultation	<p>The Regulator of Social Housing is proposing to replace the existing Rent Standard. The proposed changes have come about as a result of the Secretary of State for Housing, Communities and Local Government issuing a Direction¹ to the Regulator to produce a new Rent Standard which has regard to the Rent Policy Statement published in February 2019.</p> <p>We are consulting on a proposed new Rent Standard, and will review the draft Standard in light of the responses received to the Government's consultation². The new Standard, incorporating any changes that may be made following responses to this consultation, will be published in advance of coming into force on 1 April 2020.</p>
Scope of this consultation	<p>Before setting any regulatory standard, the Regulator is required by s196(1) and (2) of the Housing and Regeneration Act 2008 to consult one or more bodies appearing to the Regulator to represent the interests of private registered providers, and with the Charity Commission where the proposed Standard will affect registered charities. The Regulator is also required to consult</p> <ul style="list-style-type: none"> • bodies representing the interests of secured creditors of registered providers (s196(1)(b)) • bodies appearing to it to represent the interests of tenants of social housing (s196(1)(c)) • bodies appearing to it to represent the interests of local housing authorities (s196(1)(e)) <p>The Regulator is using this consultation to meet those requirements and we have written to relevant bodies regarding this consultation. It represents an opportunity for any interested persons and organisations to influence how the Rent Standard is drafted.</p>
Geographical scope	These proposals relate to England only.
Impact assessment	Impacts are considered in our business engagement assessment (Annex 3).

¹ <https://www.gov.uk/government/publications/direction-on-the-rent-standard-from-1-april-2020>

² <https://www.gov.uk/government/consultations/rents-for-social-housing-from-2020-to-2021>

2. Basic information

To	Private registered providers, local authority registered providers, tenants, lenders and other stakeholders who have an interest in social housing.
Body responsible for the consultation	The Regulator of Social Housing.
Duration	This consultation will last for 12 weeks from 7 May 2019. The closing date is 30 July 2019.
Enquiries	For any enquiries about the consultation please contact our Referrals and Regulatory Enquiries team on 0300 124 5225 or enquiries@rsh.gov.uk who will be pleased to help.

3. How to respond

Please respond online via SurveyMonkey³:

<https://www.surveymonkey.co.uk/r/rentstandard2020consultation>

Please be aware that unless you complete the survey and click on the 'submit' button your response will not be registered as a completed return. However, incomplete responses will be seen by the Regulator and will be reviewed to determine whether they raise any new issues which it would be relevant for the Regulator to consider.

If for any reason you are unable to complete a response on Survey Monkey you can email your response to the questions in this consultation to: consultation@rsh.gov.uk or write to RSH at the address set out below.

Please include “**Rent Standard**” as your subject heading.

Written responses can be sent to:

Referrals and Regulatory Enquiries team
Regulator of Social Housing
1st Floor – Lateral
8 City Walk
Leeds LS11 9AT

If you are responding in writing or by email, please make it clear which questions you are responding to. When you reply it would also be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation.

Please include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)
- an address (including post code)
- an email address, and
- a contact telephone number.

³ Survey Monkey is an international company based in the USA and any data entered on their platform is stored and located in the USA and countries in which their affiliates are located and in which their service providers are located or have servers. You can obtain full details of their [Security Statement](#) and [Privacy Policy](#) in relation to the data they hold on their site.

Representative groups are asked to give a summary of the people and organisations they represent and (where relevant) who else they have consulted in reaching their conclusions when they respond.

We intend to publish an analysis of all formal responses after the closing date of this consultation. This will include a list of all respondents to the consultation and anonymised responses. Individual responses will not be acknowledged unless specifically requested.

Equalities statement

RSH is mindful of its statutory equality duties under section 149 of the Equality Act 2010.

The Regulator will take a proportionate approach to its equality obligations and has identified no equalities implications for this consultation. However, based on responses to this consultation, the Regulator reserves the right to revisit these matters if new information comes to light.

4. Executive summary

- 4.1 The Secretary of State for Housing, Communities and Local Government published on 26 February 2019 a Direction to the Regulator to set a Rent Standard that will apply from 1 April 2020. That Direction was published alongside the Government's Policy Statement on rents (the Policy Statement), to which the Regulator is required to have regard when setting its Rent Standard.
- 4.2 The Regulator is now consulting on a proposed 2020 Rent Standard which reflects the Government's Direction to us.
- 4.3 This consultation document includes a business engagement assessment with an equality analysis.
- 4.4 The proposed 2020 Rent Standard is set out at Annex 1 to this consultation document. It requires, as an outcome, that registered providers comply in full with both its own provisions and those of the Policy Statement. It goes on to detail the circumstances and properties to which it applies and does not apply. It sets out specific expectations relating to the following areas:
 - the 2020 limit;
 - rules on Social Rent (including fair rent);
 - rules on Affordable Rent;
 - movement between different types of rent.
- 4.5 Responses to this consultation must be received by 30 July 2019 in order for the Regulator to consider them.

5. Introduction

- 5.1 Government policy over rents, alongside the grant funding for development, are key pillars of the social housing sector. Since the introduction of the Rent Restructuring exercise in April 2002, RSH and its predecessor bodies have, at the Direction of Government, issued requirements and guidance to registered providers of social housing (providers) in respect of rents. This has included the maximum levels of rent they can charge, and how they should deal with changes to tenancies, new lettings, and annual increases in rents. The most recent iteration of this was the Regulator's Rent Standard (including the Rent Standard guidance) in 2015⁴.
- 5.2 In 2016, Parliament passed the Welfare Reform and Work Act⁵ which, together with Regulations made under it, created a legislation-based regime of rents reducing across the sector by 1% per year until 2020. This regime is referred to hereafter as the social rent reduction. Providers have, since 2016, been required to reduce rents by 1% per year in all stock unless it was subject to an exception.
- 5.3 In October 2017, Government announced⁶ that at the end of the Welfare Reform and Work Act it would return to annual rent increases of CPI +1% up to 2025, implemented through the Regulator's Rent Standard rather than through legislation.
- 5.4 In September 2018, further details of the proposed rent regime for 2020 to 2025 were issued in the form of a Rent Policy Statement⁷. This Policy Statement set out in comprehensive detail how providers were to approach each aspect of rent setting and increase. The consultation on the Direction to the Regulator issued at the same time as the Policy Statement indicated that, for the first time, the Regulator would be regulating the rents of local authority registered providers as well as private registered providers (PRPs).
- 5.5 Views were invited on the Policy Statement, and alongside it, the Secretary of State issued for consultation a draft Direction to the Regulator of Social Housing (RSH) to issue a new Rent Standard to apply from April 2020.

⁴ <https://www.gov.uk/government/publications/direction-on-the-rent-standard-from-1-april-2020>

⁵ <http://www.legislation.gov.uk/ukpga/2016/7/crossheading/social-housing-rents>

⁶ <https://www.gov.uk/government/news/2-billion-boost-for-affordable-housing-and-long-term-deal-for-social-rent>

⁷ <https://www.gov.uk/government/consultations/rents-for-social-housing-from-2020-to-2021>

- 5.6 Following the Government's consultation, both these documents have now been published in their final form⁸. This creates an obligation on the Regulator to prepare and consult on the new Rent Standard which will apply from 2020 and fulfil the Secretary of State's Direction, having regard to the Policy Statement. The 2020 Rent Standard is, by Direction, to apply to all registered providers of social housing, including local authority registered providers.
- 5.7 The Regulator may under section 194(2A) of the Housing and Regeneration Act 2008 set standards for registered providers requiring them to comply with specified rules about their levels of rent (and the rules may, in particular, include provision for minimum or maximum levels of rent or levels of increase or decrease of rent).
- 5.8 As required by s.194(3) the Regulator will continue to have regard, in the setting of this Standard, to the desirability of registered providers being free to choose how to provide services and conduct business.

⁸ See Consultation document at: <https://www.gov.uk/government/consultations/rents-for-social-housing-from-2020-to-2021>

6. The proposed 2020 Rent Standard

- 6.1 This section sets out the key areas of the proposed 2020 Rent Standard, and how it differs from the previous rent regime. Respondees to this consultation should, however, note that many aspects of the 2020 Standard derive from the Secretary of State's Direction and that the Regulator's discretion is limited accordingly.
- 6.2 As required in the Secretary of State's Direction, the Regulator's 2020 Rent Standard will apply to all registered providers. This includes both local authority registered providers and PRPs.
- 6.3 This Rent Standard makes provision for the move from the social rent reduction under the Welfare Reform and Work Act 2016 to an annual increase in rents of CPI +1%. A new mechanism called the 2020 limit has been introduced to act as the baseline for the CPI+1% increase whilst protecting the rent reductions of the previous four years.
- 6.4 The Regulator's overarching aim in creating this 2020 Standard is to meet the requirements of the Direction and ensure that the setting and management of rents is clear and easy to understand for registered providers. Given the detailed and comprehensive nature of the Policy Statement, we considered that it would be simpler and easier for providers to refer to that document, rather than attempting to repeat or interpret its provisions within the Rent Standard or any attached guidance. Therefore, we have as far as possible mirrored the provisions in the Direction and the Policy Statement, and required providers to comply in full with the Policy Statement alongside the Standard.
- 6.5 All definitions used in the Standard are also taken from the Policy Statement. Stakeholders should note the change from previous Rent Standards in the definition of Intermediate Rent.
- 6.6 There have been changes in the requirements on re-basing of Affordable Rent on re-let, and on the circumstances in which Affordable Rent may be used. Details of all changes are contained in the Policy Statement.
- 6.7 The proposed Rent Standard includes specific requirements for local authorities to communicate with the Regulator in an accurate and timely manner. This includes where there are material issues which relate to compliance or non-compliance. The requirement in the Rent Standard is specific to local authority registered providers as the equivalent requirements for private registered providers are already covered in the Governance and Financial Viability Standard.

Consultation question 1: Do you consider that the Regulator has accurately reflected the requirements of the Direction in its proposed 2020 Rent Standard?

Consultation question 2: Do you agree that the proposed 2020 Rent Standard, when read alongside the Policy Statement, gives providers an appropriate level of clarity about the rules on rent with which they will be required to comply?

Consultation question 3: Do you have any other comments in relation to the proposed 2020 Rent Standard?

Consultation question 4: Do you agree with the conclusion of the business engagement assessment including equality analysis, at Annex 3 of the consultation document?

- 6.8 The Regulator considers that the level of detail in the proposed 2020 Rent Standard, when read alongside the Policy Statement, is sufficient and that it is not necessary to publish supporting Rent Standard guidance.
- 6.9 The Policy Statement leaves providers free to obtain their own appropriately qualified advice on property valuations. As such, the Regulator is not proposing to include any further guidance on how to work out depreciated replacement cost valuations for supported housing.
- 6.10 To assist providers, the Regulator proposes to publish on its website an annual update of the CPI figure to be used for rent increase calculations, and the annual rent caps. These figures would not form part of the proposed 2020 Rent Standard but would be provided for information only.

7. About this consultation

- 7.1 This consultation document and the consultation process have been developed to adhere to the consultation principles issued by the Cabinet Office.
- 7.2 In their response, representative groups are asked to give a summary of the people and organisations they represent, and where relevant, who else they have consulted in reaching their conclusions.
- 7.3 Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).
- 7.4 If you want the information you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Regulator.
- 7.5 The Regulator will process your personal data in accordance with the DPA and the General Data Protection Regulation. In the majority of circumstances this will mean that your personal data will not be disclosed to third parties.
- 7.6 Individual responses will not be acknowledged unless specifically requested.
- 7.7 Thank you for taking the time to read this document and respond. Your opinions are valuable to us.

Annex 1: Proposed Rent Standard 2020



Regulator of
Social Housing

DRAFT

Rent Standard

April 2020



1. Required outcome

- 1.1 Registered providers⁹ must set rents from 1 April 2020 in accordance with the Government's *Policy Statement on Rents for Social Housing 2018 (hereafter Rent Policy Statement)* which can be found at:
<https://www.gov.uk/government/publications/direction-on-the-rent-standard-from-1-april-2020>

2. Exclusions from this Rent Standard

- 2.1 This Rent Standard applies, subject to the exceptions in 2.2-2.5 below, to 'low cost rental' accommodation, as defined by section 69 of the Housing and Regeneration Act 2008. All other terms used in this Rent Standard are defined within the 'Policy Statement on rents for social housing'
- 2.2 This Rent Standard does not apply to the following categories of property, as defined in chapter 5 of the Rent Policy Statement:
- Shared ownership low cost rental accommodation
 - Intermediate rent accommodation
 - Specialised supported housing
 - Relevant local authority accommodation
 - Student accommodation
 - PFI social housing
 - Temporary social housing
 - Care homes
- 2.3 This Rent Standard does not apply to property let to a high income social tenant, for the period of time where that property is let to that tenant. Where a tenancy of a high income social tenant ends, or where the tenant no longer fits the definition of "high income social tenant" as set out in the Rent Policy Statement, this Rent Standard then applies to that tenancy, and/or to future lettings of that property.
- 2.4 Where the application of this Rent Standard would jeopardise the financial viability of a private registered provider, the Regulator may agree, on request from that provider, an exemption to specific requirements of the Rent Standard for a period of time¹⁰.

⁹ This Rent Standard applies to both private registered providers and local authority registered providers

¹⁰ Further guidance on providers requesting an exemption can be found in the policy statement and arrangement for local authorities will be published by MHCLG in due course

- 2.5 In a situation (such as an insolvency) where there is a mortgagee in possession, or receiver, in place, or where the registered provider's stock is sold to a non-registered landlord following intervention by the Regulator, neither the mortgagee in possession, nor the receiver, nor the landlord to whom the stock is sold will be bound by this Rent Standard.

3. Specific expectations

- 3.1 Registered providers must comply in full with all the requirements and expectations set out in this Rent Standard. They must additionally comply with all the requirements and expectations of the Rent Policy Statement on the setting, increase and decrease of rents and service charges.

2020 limit

- 3.2 In the year following the end of the social rent reduction period the maximum weekly rent for an existing tenant is the 2020 limit. "2020 limit" means the amount that is found by:

- a. determining the average weekly rent for the tenant's accommodation in the fourth relevant year specified in section 23(6) of the Welfare Reform and Work Act 2016, and
- b. increasing that amount by CPI + 1%¹¹
- c. in this paragraph "average weekly rent" means:
 - i. in a case where the weekly rent changes because the accommodation is re-let after the start of the fourth year, the weekly rent payable by that tenant for that accommodation in respect of the most recent period for which rent was payable at that changed rate provided that that change complies with the requirements of the of the social housing provisions¹² of the Welfare Reform and Work Act 2016 Act and any Regulations made under those provisions; or
 - ii. in any other case, the average weekly rent payable by the tenant of that accommodation in respect of the fourth year.

- 3.3 This formula for calculating the 2020 limit applies to both Social Rent and affordable rent housing.

¹¹ CPI, where mentioned, is the Consumer Protection Interest rate published by the Office for National Statistics for September of the preceding financial year

¹² "social housing rent provisions" has the meaning in section 33 of the 2016 Act.

Social rent

- 3.4 Where accommodation is not affordable rent housing (see 3.8-3.9 below), the maximum weekly rent for a tenant who is granted a tenancy of the accommodation for the first time is formula rent. Formula rents are exclusive of any service charges.
- 3.5 The formula rent of accommodation is found in accordance with the method set out in paragraphs 2.4 to 2.6 of the Rent Policy Statement. The rent set may include an upwards tolerance – “Rent Flexibility” – of
- if the accommodation is supported housing, 10% of formula rent; or
 - if the accommodation is not supported housing, 5% of formula rent.
- 3.6 As set out in paragraph 2.8 and 2.9 of the Rent Policy Statement, formula rent is subject to the rent cap. The rent cap is determined in accordance with paragraphs 11 and 12 of Appendix A to the Rent Policy Statement.
- 3.7 Subject to the 2020 limit (see above), the weekly rent of any existing tenant may not be increased by more than:
- CPI + 1% in any year; or
 - if the tenant’s rent exceeds the rent flexibility level, CPI in any year.

Fair rent

- 3.8 In the case of tenancies subject to fair rent protection, the maximum weekly rent is the lower of the fair rent set by the Rent Officer, and formula rent (subject to both the rent caps and the rent flexibility level).
- 3.9 Registered providers may not increase the rent of a tenant with fair rent protection by more than CPI + 1% in any year (even if the tenant’s rent is below the formula rent level and the maximum fair rent is increased by more than that amount).

Affordable rent housing

- 3.10 Affordable rent may only be charged where the property in question is provided by a:
- a. registered provider pursuant to a housing supply delivery agreement between that provider and the Homes and Communities Agency (now known as Homes England) or the Greater London Authority and the accommodation is permitted by that agreement to be let at an affordable rent; or
 - b. registered provider pursuant to an agreement between a local authority and the Secretary of State and the accommodation is permitted by that agreement to be let at an affordable rent; or
 - c. local authority, and the Secretary of State, Homes England or the Greater London Authority has agreed that it is appropriate for the accommodation to be let at an affordable rent.
- 3.11 In addition to the above, Affordable Rent may be charged where the property has been acquired by a registered provider and was affordable rent housing when it was acquired.
- 3.12 Where Affordable Rent is being charged, the maximum rent inclusive of service charge for a new tenant under a new tenancy is 80% of the market rent¹³ for the tenant's accommodation, subject to 3.13 and 3.14 below.
- 3.13 If the formula rent is higher than 80% of the weekly market rent (inclusive of service charges) for the tenant's accommodation, the maximum weekly rent is formula rent which is to be set as in paragraphs 3.3-3.6 above, and would be exclusive of service charges.
- 3.14 The rent of an existing affordable rent tenant (including where they have a new tenancy) may not be increased by more than CPI + 1% in any year, subject to 3.2 above. 'Existing tenant' in this context means an existing tenant of the specific property concerned. For the avoidance of doubt, the revised rent on re-letting to an existing tenant may only be re-based to 80% of current market value where the resulting rent would be no more than the rent arrived at by a CPI+1% increase.

¹³ market rent¹³ means, in relation to accommodation, an estimate of its market rent inclusive of all service charges at the time the tenancy is granted that is based on a valuation in accordance with a method recognised by the Royal Institution of Chartered Surveyors.

Moving between types of rent

- 3.15 Where a tenancy subject to fair rent protection ends and the property is re-let, that new letting should be at social rent (or Affordable Rent where applicable and permitted, see 3.17a below).
- 3.16 On re-letting of a property previously occupied by a high income social tenant, the new letting should be at social rent (or Affordable Rent where applicable and permitted, see 3.16 below).
- 3.17 Social rent properties may not be converted to:
- a. Affordable Rent (other than in the circumstances set out in chapter 2 of the Rent Policy Statement);
 - b. market rent (other than in the circumstances set out in chapter 4 of the Rent Policy Statement); or
 - c. intermediate rent.
- 3.18 Affordable Rent housing must not be converted (including on re-let) to:
- a. market rent (other than in the circumstances set out in chapter 4 of the Rent Policy Statement); or
 - b. intermediate rent.

Local authority information requirements

- 3.19 Local authority registered providers shall communicate with the Regulator in an accurate and timely manner. This includes all data and information required by the Regulator in respect of compliance with this Standard. Where material issues that relate to non-compliance or potential non-compliance with the Rent Standard are identified by local authorities, they are expected to communicate these to the Regulator promptly.

Annex 2: Direction on a Rent Standard by the Secretary of State

The final Direction to the RSH can be found here:
<https://www.gov.uk/government/publications/direction-on-the-rent-standard-from-1-april-2020>

The text is reproduced below:

The Direction on the Rent Standard 2019

The Secretary of State makes the following Direction in exercise of the powers conferred by section 197 of the Housing and Regeneration Act 2008(a).

(a) 2008 c. 17

(b) 2016 c. 7

In accordance with section 197(4) and (5) of that Act, before making this Direction the Secretary of State consulted the RSH, the Greater London Authority, the Charity Commission and bodies appearing to the Secretary of State to represent the interests of local housing authorities, tenants of social housing and registered providers.

Citation, commencement and application

- 1.—(1) This Direction may be cited as the Direction on the Rent Standard 2019.
- (2) This Direction comes into force on the day after the day on which it is made.
- (3) This Direction applies to the Regulator in relation to the rents of registered providers of social housing.

Interpretation

2.—(1) In this Direction—

- “the 2016 Act” means the Welfare Reform and Work Act 2016(b);
- “the 2020 limit” means the amount calculated in accordance with paragraph 3;
- “affordable rent housing” has the same meaning as in paragraph 3.3 of the Rent Policy Statement;
- “CPI” means the general index of consumer prices (for all items) published by the Office for National Statistics or, if that index is not published for any month, any substituted index or index figures published by that Office; and where this Direction refers to CPI, this shall be the figure for CPI for September of the preceding financial year;
- “existing tenant” means any tenant other than a tenant who is granted a tenancy of the accommodation for the first time;
- “financial year” means a year beginning on 1 April;
- “registered provider” means a registered provider of social housing;

Consultation on a new Rent Standard from 2020

- “Regulator” means the Regulator of Social Housing;
- “Rent Policy Statement” means the Policy Statement on Rents for Social Housing issued by the Secretary of State on 26 February 2019;
- “rent restriction period” has the same meaning as in section 31(10) of the 2016 Act;
- “Rent Standard” means a standard for registered providers requiring them to comply with specified rules about their levels of rent set under section 194(2A) of the Housing and Regeneration Act 2008;
- “supported housing” has the meaning in paragraphs 2.38 and 2.39 of the Rent Policy Statement.

Any expression which is used, but not defined, in this Direction has the same meaning as in the Housing and Regeneration Act 2008.

Calculation of the 2020 limit

3. — The 2020 limit is calculated by—

(a) determining the average weekly rent for the tenant’s accommodation in the fourth of the relevant years specified in section 23(6) the 2016 Act, and

(b) increasing that amount by CPI + 1%,

(c) in this paragraph, “average weekly rent” means—

(i) in a case where the weekly rent changes because the accommodation is re-let after the start of the fourth year, the weekly rent payable by that tenant for that accommodation in respect of the most recent period for which rent was payable at that changed rate provided that that change complies with the requirements of the social housing provisions of the 2016 Act and any Regulations made under those provisions; or

(ii) in any other case, the average weekly rent payable by the tenant of that accommodation in respect of the fourth year,

(d) for the purposes of sub-paragraph (c), “social housing rent provisions” has the meaning in section 33 of the 2016 Act.

Formula rent

4.—(1) The formula rent of accommodation is to be calculated in accordance with the method set out in paragraphs 2.4 to 2.6 of the Rent Policy Statement with upwards tolerance of—

(a) if the accommodation is supported housing, 10% of formula rent; or

(b) if the accommodation is not supported housing, 5% of formula rent.

(2) But as set out in paragraphs 2.8 and 2.9 of the Rent Policy Statement formula rent is subject to the rent cap.

(3) The rent cap is determined in accordance with paragraphs 11 and 12 of Appendix A to the Rent Policy Statement.

Direction to set a Rent Standard

5.—(1) The Regulator must set a Rent Standard that applies from 1 April 2020 in relation to low cost rental accommodation that is not—

(a) let to a high income social tenant; or

(b) accommodation to which the Rent Policy Statement does not apply. (a) See Chapter 5 of the Rent Policy Statement.

(2) The Rent Standard must require registered providers to comply with the rules about their levels of rent set out in paragraphs 7 and 8 of this Direction.

(3) The Regulator must have regard to the Rent Policy Statement when setting the Rent Standard.

(4) In this paragraph—

- “high income social tenant” means the tenant of a household that had a total household income of £60,000 or more in the relevant tax year, where—

(a) “total household income” means, in relation to accommodation—

(i) if there is one resident, the income of that resident;

(ii) if there are two residents, the sum of the residents’ incomes; and

(iii) if there are more than two residents, the sum of the two highest incomes of the residents;

(b) “resident” means—

(i) any person who is the tenant or a joint tenant; and

(ii) any person who resides at the accommodation and is the spouse, civil partner or partner of the tenant or of a joint tenant;

(c) “income” has the same meaning as “total income” as described in section 23 of the Income Tax Act 2007(a);

(d) “partner” means a person who is not married to, or a civil partner of, the tenant or joint tenant who lives with the tenant or joint tenant in the accommodation as if they were married or in a civil partnership; and

(e) “relevant tax year” means the tax year ending on the 5th April which falls in the financial year prior to the financial year in which the rent is reviewed.

Exemptions from the Rent Standard

6. The Regulator may in relation to a private registered provider grant an exemption from or vary a requirement of the Rent Standard if the Regulator considers that complying with the requirement would jeopardise the financial viability of the provider.

Social rent housing

7.—(1) This paragraph applies in relation to the rent of accommodation that is not affordable rent housing.

(2) The maximum weekly rent for a tenant who is granted a tenancy of the accommodation for the first time is formula rent.

(3) Subject to sub-paragraph (4), the weekly rent of an existing tenant may not be increased by more than—

- (a) CPI + 1% in any year; or
- (b) if the tenant's rent exceeds the rent flexibility level, CPI in any year.

(4) In the year following the end of the rent restriction period the maximum weekly rent for an existing tenant is the 2020 limit.

(5) In this paragraph—

“rent flexibility level” means—

- (a) 105% of formula rent; or
- (b) if the accommodation is supported housing, 110% of formula rent.

Affordable rent housing

8.—(1) This paragraph applies in relation to the rent of affordable rent housing.

(2) The maximum gross rent for a tenant under a new tenancy is 80% of the market rent for the tenant's accommodation, subject to sub-paragraphs (3) and (4).

(3) If the formula rent is higher than 80% of the weekly market rent for the tenant's accommodation, the maximum weekly rent (exclusive of service charges) is formula rent.

(4) The rent of an existing tenant may not be increased by more than CPI + 1% in any year, subject to sub-paragraph (5).

(5) In the year following the end of the rent restriction period the maximum weekly rent for an existing tenant is the 2020 limit.

(6) In this paragraph—

- “gross rent” means the rent inclusive of all service charges;
- “market rent” means, in relation to accommodation, an estimate of its market rent inclusive of all service charges at the time the tenancy is granted that is based on a valuation in accordance with a method recognised by the Royal Institution of Chartered Surveyors;
- “tenant under a new tenancy” means a tenant who is—
 - (a) granted a tenancy of the accommodation for the first time; or
 - (b) granted a new tenancy of the accommodation, unless the tenancy follows on from a probationary tenancy.

Revocation and transitional provision

9. The Direction on the Rent Standard 2014—

- (a) is to have no effect in relation to rents from 1 April 2020; and
- (b) is revoked on 1 April 2020.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Kit Malthouse MP

Date: 25.02.2019

Annex 3: Business engagement assessment

Business engagement assessment	
Title of proposal	Consultation on a new Rent Standard from 2020
Lead regulator	<i>The Regulator of Social Housing</i>
Contact for enquiries	<i>Referrals and Regulatory Enquiries team</i> 0300 124 5225 enquiries@rsh.gov.uk

Date of assessment	March 2019	Stage of assessment	Draft
Net cost to business (EANCB)	None	Commencement date	April 2020
Which area of the UK will be affected by the change(s)?	England	Price and present value base years	From April 2020
Does this include implementation of Red Tape Challenge commitments?	No	Is this directly applicable EU or other international legislation?	No

Brief outline of proposed change

The RSH is proposing to replace the existing Rent Standard. The proposed changes have come about as a result of the Secretary of State issuing a Direction to the Regulator to produce a new Rent Standard which has regard to the Rent Policy Statement published in February 2019.

We are consulting on a proposed new Rent Standard, and will review the draft Standard in light of the responses received to this consultation. The new Standard, incorporating any changes that may be made following responses to this consultation, will be published in advance of coming into force on 1 April 2020.

Why is the change proposed? Evidence of the current problem

The RSH has been directed to introduce a new Rent Standard to apply from April 2020, by the Secretary of State under s197 of the Housing and Regeneration Act 2008. The Secretary of State's Direction contains detailed instructions on the content of the proposed Rent Standard. A Government Policy Statement on Rents has also been published to which the Regulator must have regard in setting its Rent Standard.

Which types of businesses will be affected? How many are affected?

All registered providers of social housing will be affected by the 2020 Rent Standard, including local authority registered providers. For the purposes of this business engagement assessment, only PRPs have been considered (due to requirements around business impact not being applicable to public sector organisations). As at 29 April 2019, there were 1,669 PRPs registered with RSH. Of those, 1,426 were non-profit PRPs, 47 were profit-making PRPs and 196 were local authorities.

How will the change impact these businesses?

PRPs should experience no change in regulatory burden under the 2020 Rent Standard. The practical means and approach to regulation of rents will not change significantly, and will therefore also not add anything to the regulatory burden on PRPs. For clarity, the impact on local authorities has not been considered under this assessment due to the public sector not being classified as businesses.

Impact on small businesses

The majority of the sector consists of small providers/businesses. The Secretary of State's Direction requires that the parameters for rent setting apply equally to these small providers alongside larger PRPs and local authority registered providers. However, the Regulator's practical requirements on smaller providers in the area of rent regulation (for example in data submission) are fewer than those on larger providers. This reflects the Regulator's general approach to its regulatory engagement, which is proportionate and risk based, seeking to reduce regulatory burden on small providers. Our full approach to regulating small providers is set out in our publication *Regulating the Standards*¹⁴.

¹⁴ <https://www.gov.uk/government/publications/regulating-the-standards>

Equality and diversity

The Regulator is mindful of its statutory equality duties under section 149 of the Equality Act 2010.

The Regulator will take a proportionate approach to its equality obligations and has at this stage identified no equalities implications arising from the proposed Rent Standard 2020.

Providers, whilst they must comply with the requirements on rent setting in the Rent Standard 2020, remain under their own equality duties to ensure that their decisions on rent setting support the requirements of the Equality Act 2010 and meet all aspects of the General Duty. In rent setting, as in all areas, the Regulator's co-regulatory approach means that detailed decisions on the level of rents to charge within limits set by the Rent Standard are for the provider to take. A full equality analysis has not been completed on the proposed changes because the Regulator considers that this 2020 Rent Standard does not in itself affect providers' compliance with their equality duties. Equality will, however, continue to be considered in developing the final Rent Standard post consultation and we particularly welcome any views from respondees in this area.

The Regulator will review its consideration of the impacts on equality and diversity following the consultation and the analysis of stakeholder feedback.

Annex 4: Statutory consultees

S196 Housing and Regeneration Act 2008

(1) Before setting standards, or issuing, revising or withdrawing a Code of Practice, the Regulator shall consult the following or ensure that they have been consulted:

- a. one or more bodies appearing to it to represent the interests of registered providers
- b. one or more bodies appearing to it to represent the interests of secured creditors of registered providers

[(ba) anybody for the time being nominated under section 278A,]

- c. one or more [other] bodies appearing to it to represent the interests of tenants of social housing,
- d. .
- e. one or more bodies appearing to it to represent the interests of local housing authorities,

[(ea) the Greater London Authority,]

- f. .. and
- g. the Secretary of State.

[(1A) Before setting standards, or issuing, revising or withdrawing a Code of Practice, the Regulator must also consult the HCA.]

(2) Before setting a standard which would apply to charities, or issuing, revising or withdrawing a Code of Practice which applies or would apply to charities, the Regulator must consult the Charity Commission.

In accordance with the above legal requirement, the Regulator is consulting the bodies set out above.

In addition, responses from individual registered providers or those considering registration will be welcomed. As will any responses from tenants, tenants' groups, other representative bodies or individual funders to the sector.



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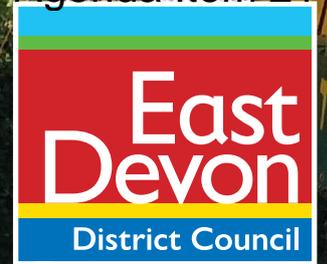
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8 City Walk
Leeds LS11 9AT

RSH regulates private registered providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs.



Countryside outreach project



An update:
annual report 2018

From 2015, the Housing Review Board has funded one and a half days per week, for an Education Ranger from the Countryside team to work in areas of the district with high levels of council housing.

The main focus of activities has been in Littleham in Exmouth, Millwey in Axminster and St Paul's in Honiton. The aims of the project are to engage EDDC housing tenants with the outstanding East Devon environment; to encourage more people to use their local green space; and to provide a supported 'way in' for families and young people to spend more time outdoors.

Through taking part in a range of outdoor activities participants should grow in confidence and go on to spend more time outside in their local green spaces. Research shows that spending time outdoors helps to improve people's health and wellbeing, along with providing a free and positive activity for family and community bonding.



Key partnerships and work areas

East Devon District Council (EDDC) Community Development team

During 2018 28 sessions have been delivered in partnership with the council's Community Development team. Ten of these sessions have involved delivering activities with the SWITCH youth clubs. These have included campfire cooking, bushcraft skills, crafts using natural materials and walks, as well as supporting and providing activities for the annual Easter camp.

Family friendly activities were provided for the four SWITCH

community festivals and eight summer fun days across East Devon as well as an orchard apple blossom event and a community barbeque in Littleham and two community lunches held in Millwey.

Three sessions were run with families supported by the Sid Valley family Liason Officer, Tracey Tipton. These involved taking the families out into the countryside around Sidmouth (The Knapp local nature reserve

and Fire Beacon Hill) to take part in activities designed to aid communication and learning and playing together as a family in a relaxed setting. Challenges were broken down into small achievable tasks to improve the group's confidence. The group built shelters, learnt how to light a fire with a spark, cooked over campfires and used maps to follow a trail.

Children's Centres

Through a strong partnership with 'Action for Children', 13 children's centre activity sessions were provided for families with pre-school children and babies from their centres in Honiton, Axminster, Seaton and Exmouth. The sessions provided were designed to encourage young children and their carers to explore outdoors through activities that could be easily replicated in their gardens or local greenspaces. Through exploring the children developed motor skills, risk taking (taking small managed 'risks' to develop new skills) and communication skills.

'Forest school' style activities that engage all of the children's senses were provided at many of these sessions. Families used natural, found and low cost materials for open-ended play and crafts. The children made mud pies, moved logs and planks to create stepping stones and bridges, hunted for creepy-crawlies, drummed with sticks, hammered tent pegs and painted with mud, went for walks and much more.

Buggy walks were also run with new parents and their babies. The groups went for a sociable stroll in their local area including an outdoor stopping point with a hot drink for the adults and a chance to explore a range of natural materials laid out on picnic blankets for the babies.

Littleham primary school wellbeing week

As part of Littleham Primary school's wellbeing week, Education Ranger run sessions were provided for five year groups over two days. The sessions focused on the children using all of the senses to explore a quiet, wild area in the school field. Children from as young as three spent time sitting quietly and listening to the sounds around them and then looking closely at the plants in the area to find a range of different colours. They then searched for minibeasts and each group did something positive to help wildlife (from creating a solitary bee hotel to planting wild flower seeds). The feedback from the school staff was very positive with several teachers saying that they were keen to take the children out more often in the future.

Summary

Over the year 700 young people and family members have participated in 31 activity sessions. In addition to this approximately 1,050 people attended the 12 Community development festivals and fundays. These sessions and events have taken place on 22 green spaces across the district.

It has been another great year for this partnership project. In addition to regularly engaging with new young people and families, it has been fantastic to have the continuity allowed by working regularly with the groups. The growing trust and familiarity of those joining the activities allows participants to feel increasingly comfortable with being outdoors, helping them to embed this within their behaviour beyond the sessions. To further encourage this, housing tenants are given subsidised places on Countryside events.



700 people participated events



31 events organised



12 community festivals and fun days



22 green spaces visited

Future development



Next year the Education Ranger will continue to work with the Community Development SWITCH clubs and to support their other outdoor events across the region. A further four sessions have also been planned for the Sid Valley families group.

The partnership with the Children's Centres will also continue, although with a slightly different focus. The groups will be more focused and are provided for families needing extra support in areas including speech and language, behaviour, and for children with additional social and emotional needs and with learning difficulties.

Following on from the success of one-to-one sessions in 2017, a further series of similar sessions are planned with a young person from the St Paul's estate in Honiton. Supported by the Education Ranger, he will join a local countryside volunteer group to learn practical outdoor skills and work as part of a team.

Housing Service

Quarterly Performance Indicator Report

Quarter 4 2018/19 Financial Year

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Background Information

Performance against 2017/18 quarter has been included to provide some context to the statistics.

	Performance is worse than 2017/18 quarter figure by over 5%
	Performance is within 5% of 2017/18 quarter figure
	Performance is better than 2017/18 performance figure

0.0 Summary

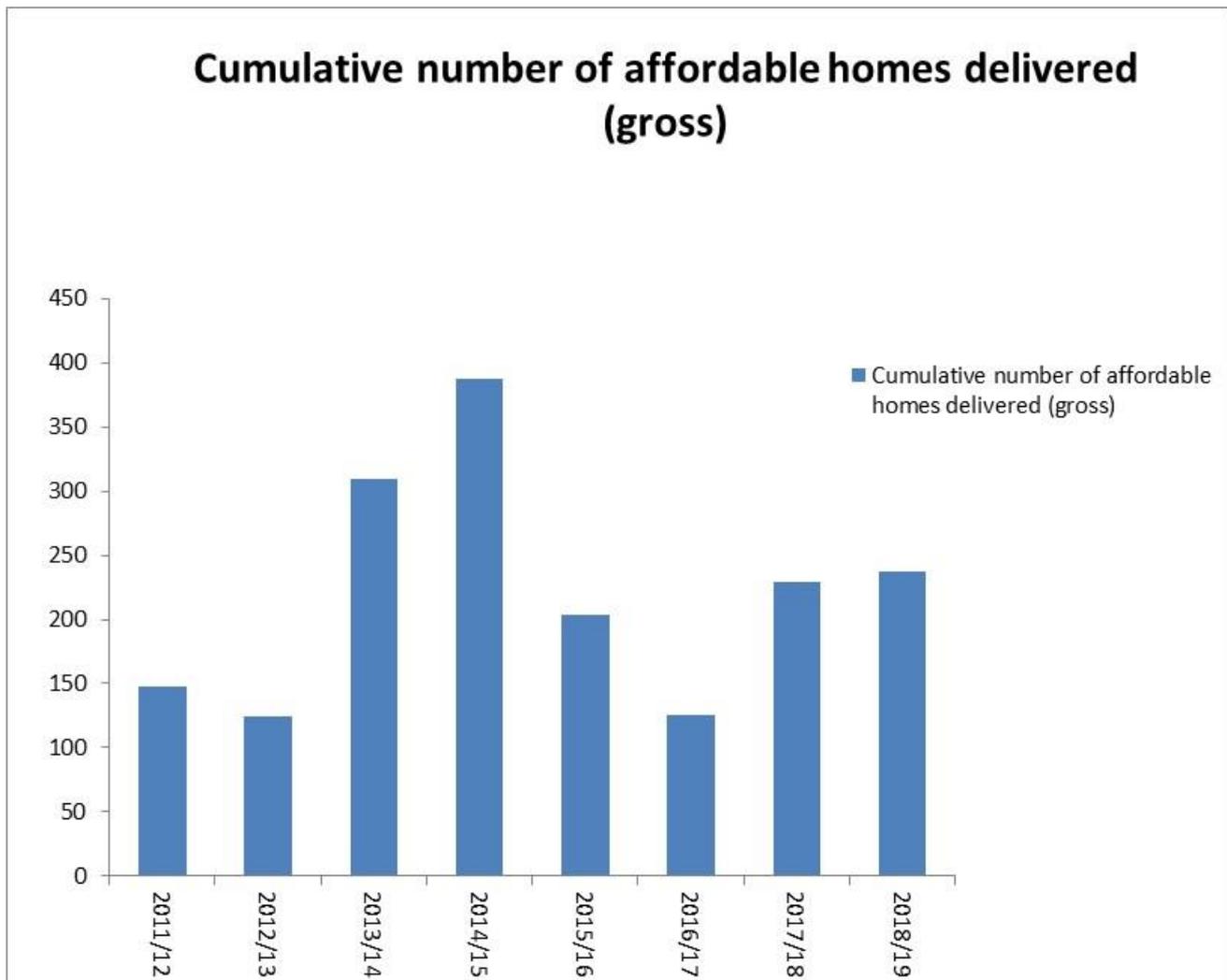
Description	2017/18	2018/19					Progress against 2017/18 quarter 4
	Cumulative Total	Apr- Jun	Jul-Sep	Oct - Dec	Jan - Mar	Cumulative Total	
Total supply of social rent housing and intermediate housing	229	28	33	55	121	237	
Total New ASB Cases	318	34	29	15	17	95	
No. of new stage 1 complaints	24	11	7	9	10	37	
Calls answered under 1 minute (%)	98.2	98.1	98.1	97.8	97.2	97.8	
The average re-let time in days General Needs	31.3	27.6	25.8	22.3	25.0	25.2	

Description	2017/18	2018/19					Progress against 2017/18 quarter 4
	Cumulative Total	Apr- Jun	Apr-Sep	Apr - Dec	Apr- Mar	Cumulative Total	
% of rent due collected from current & former tenants (property (incl garage) is occupied & not including all arrears brought forward & prepaids) - Year to date	98.6%	99.0%	99.7%	99.3%	99.52%	99.5%	
Percentage of routine repairs completed within target time	96.4%	95.0%	91.5%	89.7%	91.7%	91.5%	

1.0 Affordable Housing Completions

Performance Indicator	2017/18	2018/19						Performance against 2017/18 quarter 4
	Cumulative Total	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Cumulative Total	Target	
Number of affordable homes delivered (gross) (LAA)	229	28	33	55	121	237	100	
EDDC Acquisitions	28	8	4	1	3	16	#	

Source: SPAR.net



2.0 Anti-social behaviour

Performance Indicator	2017/18	2018/19				Cumulative Total	Performance against 2017/18 quarter 4
	Cumulative Total	April-Jun	Jul-Sep	Oct - Dec	Jan-Mar		
No. of new ASB cases							
Alcohol related (H)	4	1				1	
Child behaviour*	4					0	
Communal Fire*	11				1	1	
Communal Garden*	2	0				0	
Communal Internal*	3	0		1	1	2	
Communal Open Space*	17	4			1	5	
Condition of Garden*	3	1				1	
Condition of Property*	29	2	4	4		10	
Criminal Behaviour (O)	11	1	1	3	1	6	
Dangerous Animal	0	0	3			3	
Domestic Abuse (I)	1	1		3	2	6	
Drugs, substance misuse, dealing (G)	12	11	2		1	14	
Garden Nuisance (L)	80	1	3			4	
Harrasment*	9	1	1		3	5	
Hate Related (C)	0	1	1	1	1	4	
Illegal Occupation, Squatter*	4	1			1	2	
Litter, Rubbish, Fly Tipping (K)	11	0				0	
Misuse of Communal Areas (M)	0	0				0	
Noise (A)	55	7	2	1	1	11	
Nuisance from Vehicles (F)	0	0				0	
Parking Dispute*	6	0			1	1	
Pets & Animal Nuisance (E)	19	0				0	
Physical Violence (J)	5	2	6		3	11	
Prostitution, Sex Acts (N)	0	0				0	
Untaxed Vehicle*	5	0				0	
Vandalism & Damage to Property (D)	0	0				0	
Vehicle Nusiance*		0	1	2		3	
Verbal Abuse (B)	19	0	5			5	
Total New ASB Cases	318	34	29	15	17	95	

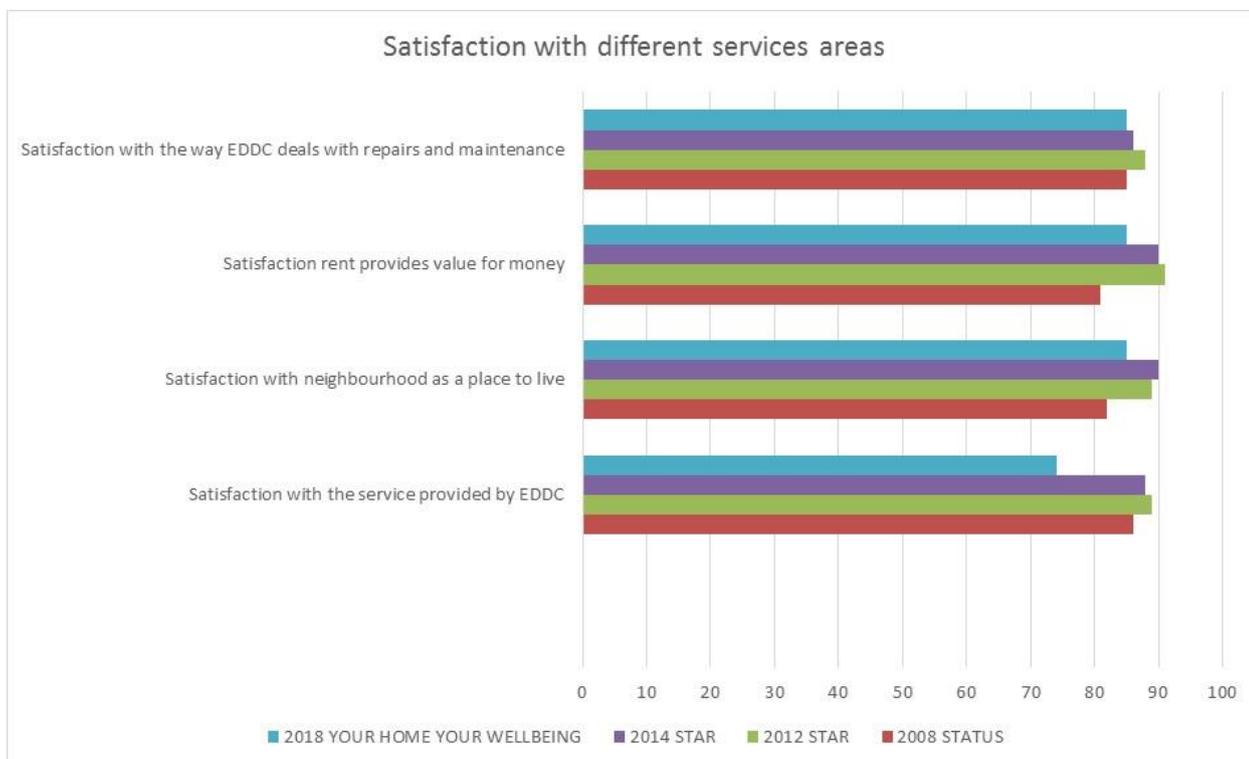
3.0 Complaints

Description	2017/18	2018/19				2018/19	Performance against 2017/18 quarter 4
	Cumulative Total	April- Jun	Jul-Sep	Oct - Dec	Jan - Mar	Cumulative Total	
No. of new stage 1 complaints	24	11	7	9	10	37	
Allocations complaints	6	1	0	1	2	4	
ASB complaints	1	4	1	1	1	7	
Estate services complaints	5	1	1			2	
Tenancy management complaints	3	1	1	1	1	4	
Rents and service charges complaints	7	1	1		2	4	
Repairs and maintenance complaints	7	3	1	4		8	
Staff & customer service complaints	3	0	2	2	4	8	
Other complaints	0	0	0			0	
Average time in calendar days to issue full response to all Stage 1 complaints	25.5	25.54	30	27.28	24.6	26.9	

4.0 Customer Satisfaction

Description	2008 STATUS	2012 STAR	2014 STAR	2018 YOUR HOME YOUR WELLBEING
Satisfaction with the service provided by EDDC	86	89	88	74
Satisfaction with neighbourhood as a place to live	82	89	90	85
Satisfaction rent provides value for money	81	91	90	85
Satisfaction with the way EDDC deals with repairs and maintenance	85	88	86	85

Source: STATUS and STAR surveys and Your Home, Your Wellbeing Survey (2018). NB: The STAR results are based on valid responses only, STATUS on non-valid and valid responses – they are therefore not directly comparable.



5.0 EDDC Stock

Stock	2017/18	2018/19								
Housing Type	Cumulative Total	April- Jun		Jul-Sep		Oct - Dec		Jan - March		Cumulative Total
		GN	SH	GN	SH	GN	SH	GN	SH	
Bedsit						23	17	23	17	40
Bungalow						202	782	200	782	984
Flat						638	531	640	530	1169
House						1983	15	1975	15	1998
Maisonette						5		5		5
Room						6		15		6
Total	4213	2864	1344	2871	1339	2857	1345	2858	1344	4202

Source: Open Housing

6.0 Home Safeguard

Description	2017/18		2018/19				Progress against last quarter 4 2018/19
	Cumulative total	Apr-June	July-Sept	Oct-Dec	Jan-March	Cumulative total	
Call Handling							
Answered in under 1 Minute	#	97.80	98.14	97.81%	97.2	97.70	
Answered in under 3 Minutes	#	99.62	99.60	99.77%	99.56	99.60	
Answered in over 3 Minutes	#	0.38	0.40	0.23%	0.43	0.36	
% of Operators Achieving Under 1 Minute KPI	#	#	#	#	#	#	
Installations							
Under 2 working Days (urgent) - Number	33	7	12	6	2	25	#
Under 2 working Days (urgent) - % installed within target time	100%	100%	100%	100%	75%	100%	
Under 5 working Days - Number	2	0	0	0	2	0	#
Under 5 working Days - % installed within target time	100%	100%	100%	100%	75%	100%	
Under 15 working Days (non urgent) - Number	469	133	111	102	139	346	#
Under 15 working Days (non urgent) - % installed within target time	100%	100%	100%	100%	100%	100%	
Under 20 working Days (non urgent) - Number	0	0	0	0	0	0	#
Under 20 working Days (non urgent) - % installed	100%	100%	100%	100%	100%	100%	
Repairs*							
Critical Repairs							
Total Number Critical Repairs	#	41	39	31	44	155	#
Total Number Critical Repairs within 48 hours	#	41	39	31	44	155	#
Total Number Critical Repairs over 48 hours	#	0	0	0	0	0	#
% Critical within target time	#	100.0%	100.0%	100.0%	100%	100.0%	
Non Critical Repairs							
Total Number Non Critical Repairs	#	18	32	31	46	127	#
Total Number Non Critical Repairs within 96 hours	#	18	32	29	46	125	#
Total Number Non Critical Repairs over 96 hours	#	0	0	2	0	2	#
% Non Critical within target time	#	100.0%	100.0%	94.0%	100%	98.5%	
Complaints							
Total complaints	0	0	0	0	0	0	
Response sent in under 5 days	#	#	#	#	#	#	#
Response sent in under 20 days	#	#	#	#	#	#	#

Source: Homesafeguard Team

8.0 Lettings

Performance Indicator	2016/17	2017/18	2018/19				Cumulative 2018/19	Performance against 2017/18 quarter 4
	Open voids at end of year	Open voids at end of year	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar		
Total number of units vacant at the end of the period	1	1	1	3	5	37*	#	
Number of standard work voids started in period	86	61	14	13	8	12	47	#
Number of major work voids started in period	179	258	55	51	58	65	229	#
The average re-let time in days General Needs	27.7	31.30	27.6	25.8	22.3	25.0	25.18	
The average re-let time in days Sheltered Housing	28.9	35.08	23.0	22.0	17.2	36.8	24.75	
Total number of re-lets during the period benchmarked (excl mutual exchanges)	318	328	86	106	74	77	343	#
The number of properties accepted on first offer GN*						39	99	#
The number of properties accepted on first offer SH*						20	57	#
The % of properties accepted on first offer GN						91.0%	84.5	#
The % of properties accepted on first offer SH						100.0%	83.8	#
*Please note this includes the 15 rooms which have become available in this quarter and are to be used as temporary accommodation								

Source: OH

9.0 Number of Households on the East Devon Housing Waiting List

Performance Indicator	2017/18	2018/19			
	End of Year Total	Apr-Jun	Jul-Sep	Oct-Dec	Apr-Mar
Band A - Emergency Housing Need	1	1	1	10	6
Band B - High Housing Need	294	295	315	320	289
Band C - Medium Housing Need	465	528	571	620	655
Band D - Low Housing Need	811	931	1016	1057	1095
Band E - No Housing Need	1790	2304	2463	2542	2623
Total	3361	4059	4366	4549	4668

Source: Devon Home Choice

10 Private Sector Housing

Description	Cumulative Total 2017/18	2018/19				Cumulative Total 2018/19
		April- Jun	Jul-Sep	Oct - Dec	Jan - March	
Empty homes investigated	0	#	#	8	76	#
Empty homes genuinely brought back into use	0	#	#	8	1	#
Non-exempt empty homes	0	#	#	8	TBC	#
Disabled Facilities Grant Approvals	71	15	37	51	24	127
Disabled Facilities Grant Completions	78	14	11	25	18	68

Source: Council Tax Return & Private Sector Team records

11 Rental

Performance Indicators	2017/2018			
	Apr-Jun	Apr-Sep	Apr-Dec	Apr-Mar
Debit less voids	£2,847,516.97	£9,611,223.47	£13,898,185.88	£18,527,117.83
Debit adj less voids	-£3,046.62	-£5,720.80	-£7,201.86	-£8,021.07
Adjustments	£22,427.40	£66,766.32	£77,388.37	£74,271.33
Court Fees	£2,808.50	£10,131.00	£11,121.50	£15,057.50
Less write offs	-£64.98	-£15,333.58	-£14,468.16	-£31,657.59
Total to collect	£2,869,641.27	£9,667,066.41	£13,965,025.73	£18,576,768.00
Year Projection	£18,652,668.26	£18,618,053.83	£18,620,034.31	£18,576,768.00
Arrears Bfwd	£218,238.09	£218,238.09	£218,238.09	£218,238.09
Year Projected Total Debit	£18,870,906.35	£18,836,291.92	£18,838,272.40	£18,795,006.09
Housing Benefit	£1,415,008.65	£4,718,764.69	£6,757,659.47	£8,912,699.75
Income	£1,202,760.16	£4,942,033.74	£6,833,816.12	£9,300,611.69
Prepaid B/Fwd	£425,900.39	£425,900.39	£425,900.39	£425,900.39
Prepaid C/Fwd	-£202,437.86	-£449,083.02	-£153,655.52	-£151,960.81
Total credit	£2,841,231.34	£9,637,615.80	£13,863,720.46	£18,487,251.02
Year Projection	£18,468,003.71	£18,561,334.13	£18,484,960.61	£18,487,251.02
% Rent Collected (without arrears)	99.01	99.70	99.27	99.52
% Rent Collected (with arrears)	97.86	98.54	98.12	98.36
Total number of evictions due to rent arrears year to date	1	2	3	6
Number of tenancies at the start of the period	4156	4149	4166	4166
Number of tenancies at the end of the period	4149	4166	4163	4192

Universal Credit Update				
	Apr -Jun	Apr-Sep	Apr - Dec	Apr-Mar
Number of Universal Credit Full Service claimants		0 Unknown	191	279
Total Universal Credit debt		0 Unknown	£52,621.37	£51,804.40
Number of UC tenants in credit or no arrears	Unknown	Unknown	58	82
Number of UC tenants owing less than 2 weeks rent			19	47
Number of UC tenants with rent arrears between 2-4 weeks			34	44
Number of UC tenants with rent arrears between 4-8 weeks			45	51
Number of UC tenants with rent arrears of 8 weeks or more			35	55

*Payments arrangements are in place where appropriate to help reduce the debt.

Source: OH, Rental Team

12 Repairs

Performance Indicator	2018/2019										Cumulative (ALL) Total 2018/19
	Apr-Jun		Jul-Sep		Oct-Dec		Jan-Mar		Cumulative		
	Skimmers	MD	Skimmers	MD	Skimmers	MD	Skimmers	MD	Skimmers	MD	
The total number of emergency repairs completed year-to-date	94	173	69	175	59	190	79	228	301	766	1067
The total number of emergency repairs completed year-to-date that were completed within target	94	160	69	166	59	187	79	209	301	722	1023
Percentage of emergency repairs completed within target time - Year to date	100%	92.5%	100%	92.5%	100%	98.4%	100%	91.7%	100%	93.8%	95.9%
The total number of routine repairs completed year-to-date	1056	1318	1047	1555	1263	1597	1187	1438	4553	5908	10461
The total number of routine repairs completed year-to-date that were completed within target	1003	1209	1020	1360	1203	1343	1113	1258	4339	5170	9509
Percentage of routine repairs completed within target time	95.0%	91.7%	97.4%	87.5%	95.2%	84.1%	95.9%	87.5%	95.9%	87.7%	90.9%
The total number of first time first fix (emergency) - excl decorating	94	78	69	99	59	184	79	127	301	488	789
% First time first fix (emergency)	100%	99%	100%	98.9%	100%	100.0%	100%	98.4%	100%	99%	99.5%
The total number of fist time first fix (routine)	906	950	911	1136	1114	1539	1027	1,022	3958	4647	8605
% First time first fix (routine)	88%	75%	87.0%	79.9%	88.0%	100.0%	87.0%	78.8%	88%	83%	85.4%
Average number of hours to complete (emergency)	4	9.6	4	0.96	4	3.6	4	3.4*	4	4.7	4.32
Average number of days to complete (routine)	9.5	19.0	8	18.84	9.5	20.9	11	28.45	9.5	21.8	15.65
The total number of appointments (jobs requiring access only)	1056	1295	1047	1464	1250	1388	1187	1440	4540	5587	10127
The total number of recalls	3	#	3	#	1	#	#	#	7	#	14
The percentage of properties, requiring a landlord gas safety record, that have a valid landlord gas safety record	100%	100%	99.4%	99.4%	100%	100%	100%	100%	100%	100%	100.0%
Overall gas safety check service rating - % positive satisfaction rating	#	#	#	#	#	#	#	#	#	#	#

*Excludes Jan urgent of 6.00

Source: Skimmers and MD, Liberty Gas Servicing Portal Report

13 Right To Buy

Performance Indicators	2017/18	2018/19				2018/19
		Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	
Number of completed RTB sales	32	3	7	8	10	28

Source: Open Housing

