



11 September 2018

Dear Sir/Madam

A meeting of the Housing Committee will be held on Wednesday, 19 September 2018 in the New Council Chamber, Town Hall, Foster Avenue, Beeston NG9 1AB, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors: E Kerry (Chair) G Harvey  
A W G A Stockwell (Vice-Chair) J K Marsters  
S A Bagshaw J W McGrath  
L A Ball BEM J M Owen  
J C Goold J C Patrick

## AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

PAGES 1 - 4

The Committee is asked to confirm as a correct record the minutes of the meeting held on 6 June 2018.

4. PERFORMANCE MANAGEMENT - REVIEW OF BUSINESS PLAN PROGRESS - HOUSING PAGES 5 - 12

To report progress against outcome targets identified in the Housing Business Plan, linked to Corporate Plan priorities and objectives, and to provide an update as to the latest key performance indicators therein.
5. HOUSING SERVICE ANNUAL REPORT 2017/18 PAGES 13 - 18

To seek approval for the Housing Service Annual Report. This is a regulatory requirement of the Regulator of Social Housing's Tenant Involvement and Empowerment Standard.
6. CUSTOMER PROMISES PAGES 19 - 20

To seek approval from the Committee for the adoption of a set of Customer Promises across the work of the Housing Department.
7. GUIDANCE FOR THE USE OF LOCAL LETTINGS POLICIES PAGES 21 - 36

To seek Committee approval for a new policy that provides guidance for the use of local lettings policies when allocating Council properties.
8. HOUSES IN MULTIPLE OCCUPATION PAGES 37 - 38

To advise members of changes to mandatory licensing of Houses in Multiple Occupation and to seek approval of property and management standards for Houses in Multiple Occupation in the Borough. A copy of the standards is circulated separately with this agenda.
9. HOUSING RECHARGE (SUNDRY DEBTS) POLICY PAGES 39 - 56

To seek Committee approval for a new Housing Recharge (Sundry Debts) Policy.
10. GRENFELL RESPONSE UPDATE PAGES 57 - 66

To update the Committee on actions which have been taken since the last report in January; highlight work currently in progress; and to encourage discussion on potential future work, in response to the Grenfell fire tragedy.

11. WORK PROGRAMME PAGES 67 - 68

To consider items for inclusion in the Work Programme for future meetings.

12. EXCLUSION OF PUBLIC AND PRESS

**The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.**

13. HOUSING REPAIRS AND HOUSING STRATEGY  
RESTRUCTURES PAGES 69 - 82

CIRCULATION PAGES 83 - 94  
This document was circulated separately with the agenda

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## HOUSING COMMITTEE

6 JUNE 2018

Present: Councillor Eric Kerry (Chair)

Councillors: S A Bagshaw  
L A Ball BEM  
J C Goold  
W J Longdon  
R I Jackson  
J K Marsters  
J W McGrath  
J M Owen  
P J Owen  
J C Patrick  
M Radulovic MBE

Apologies for absence were received from Councillors G Harvey and A W G A Stockwell.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

The minutes of the meeting held on 14 March 2018 were confirmed and signed as a correct record.

3. INDEPENDENT REVIEW OF RETIREMENT LIVING SERVICE

The Committee considered the Independent Review of Retirement Living Services (RLS). Consultation was undertaken with residents during April/May 2018. This included a letter and explanatory information sent to all 1,411 RLS addresses and an invitation to attend one of 25 presentations held across the Borough. Tenants were asked to feedback their views by completing a paper or web based survey. 262 residents attended the presentations and 626 (44%) surveys were returned. It was noted that residents preferred option 3, retaining of the current service. Further analysis of the feedback suggested that there were concerns about the current service which could be addressed through the development of a modified service offer. This would retain the benefits of the current service and address the issues highlighted within the HQN report and previously expressed by staff and managers.

A recorded vote was requested by Councillor E Kerry and seconded by Councillor R I Jackson. The voting was as follows:

<u>For</u>	<u>Against</u>	<u>Abstention</u>
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S A Bagshaw

L A Ball BEM  
J C Goold  
R I Jackson  
E Kerry  
W J Longdon  
J K Marsters  
J W McGrath  
J M Owen  
P J Owen  
J C Patrick  
M Radulovic MBE

**RESOLVED that the proposal for the Independent Living Service as contained in appendix 2 of the report be approved.**

4. TENURE POLICY

The Committee considered the new Tenure Policy. In January 2018, the Housing Committee approved the introduction of different tenancy types to be granted to new tenants by the Council. Specifically, the granting of an introductory tenancy to new tenants followed by a fixed term tenancy subject to satisfactory completion of the introductory period.

The Tenure Policy provides more detail about how the new tenancies will be administered by the Council. The Policy provides a framework of how the Council will respond to and manage certain circumstances that tenants or the Council may encounter during the course of the new tenancies.

**RESOLVED that the Tenure Policy be approved.**

5. DISCHARGE OF LOCAL AUTHORITY HOMELESS DUTY THROUGH THE USE OF PRIVATE SECTOR ACCOMMODATION POLICY

The Committee reviewed the Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy. The policy enables the Council to discharge its homeless duty to the private sector. This in turn enables the Council to more effectively prevent homelessness and house those people and families who are affected by homelessness as quickly as possible.

**RESOLVED that the updated Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy be approved.**

6. GARAGE MANAGEMENT POLICY

The Committee reviewed the new Garage Management Policy. The Policy seeks to clarify some ambiguities surrounding how garages are managed, particularly around the usage that is acceptable. The Policy also clarifies the rights and responsibilities of garage tenants, how garage allocations are managed and how tenancies would be administered.

**RESOLVED that the Garage Management Policy be approved.**

7. RIGHT TO BUY POLICIES

The Committee considered the Right to Buy Policy and Right of First Refusal and Discount Repayment Policy. The Right to Buy Policy sets out how Broxtowe Borough Council would meet its responsibilities to administer the Right to Buy for those who qualify, by processing applications fairly and accurately. The Policy also identifies how the Council would comply with current legislation.

The Right of First Refusal and Discount Repayment Policy outlines the process when an owner wishes to sell a property that has been sold through the right to buy within the last ten years.

**RESOLVED that the Right to Buy Policy and Right of First Refusal and Discount Repayment Policy be approved.**

8. ALLOCATIONS POLICY

The Committee considered the Allocations Policy. The purpose of the Allocations Policy was to set out who can apply for social housing, how priority is given to different applicants and how the housing register is maintained.

The Housing Act 1985 Section 166A(13) requires authorities, before adopting an allocation scheme, or altering a scheme to reflect a major change of policy, to send a copy of the draft scheme, or proposed alteration, to every Private Registered Provider with which they have nomination arrangements, and ensure that they have a reasonable opportunity to comment on the proposals.

In addition to statutory requirements, consultation was also carried out with Council staff and members of the Resident Involvement Group. An online consultation was also available and was promoted through the Tenant and Leaseholder Matters newsletter and via social media.

**RESOLVED that the Allocations Policy be approved.**

9. OPEN HOUSING PROJECT UPDATE

The Council were advised of the progress undertaken in regards to the Open Housing upgrade project. It was noted that the Council were working toward completing phase 1 of the project. It was estimated that this would be completed by the end of the 2018/19. Concern was raised that Capita was on the risk register.

10. PERFORMANCE MANAGEMENT REVIEW OF BUSINESS PLAN - HOUSING -  
OUTTURN REPORT

The Committee received a report on the progress against outcome targets identified in the Housing Business Plan. It was noted that the average re-let time was decreasing.

11. WORK PROGRAMME

The Committee considered the work programme.

**RESOLVED that the Work Programme be approved.**

12. EXCLUSION OF PUBLIC AND PRESS

**RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.**

13. CONTRACT FOR SUPPLY AND DELIVERY OF TECHNOLOGY ENABLED CARE  
SERVICES

**RESOLVED that a three year contract with the provision for two additional one-year extensions for the Supply and Delivery of Technology Enabled Care Services be awarded to Tunstall Healthcare (UK).**



## Report of the Chief Executive

**PERFORMANCE MANAGEMENT – REVIEW OF BUSINESS PLAN  
PROGRESS – HOUSING**1. Purpose of Report

To report progress against outcome targets identified in the Housing Business Plan, linked to Corporate Plan priorities and objectives, and to provide an update as to the latest key performance indicators therein.

2. Background

The Corporate Plan 2016-2020 was approved by Cabinet on 9 February 2016. Business Plans linked to the five corporate priority areas of Housing, Business Growth, Environment, Health and Community Safety are approved by the subsequently approved by the respective Committees each year.

The Business Plans are reviewed and refreshed annually. This Committee recommended the latest Housing Business Plan on 17 January 2018 to Finance and Resources Committee before final approval at Full Council on 7 March 2018.

3. Performance Management

As part of the Council's performance management framework, each Committee receives regular reports during the year which review progress against their respective Business Plans. This will include a detailed annual report where performance management and financial outturns are considered together following the year-end.

This quarterly report is intended to provide this Committee with an overview of progress towards Corporate Plan priorities from the perspective of the Housing Business Plan. It provides a summary of the progress made to date on key tasks and priorities for improvement in 2018/19 and the latest data relating to Key Performance Indicators (KPI). This summary is detailed in appendix 1.

**Recommendation**

**The Committee is asked to CONSIDER the progress made in achieving the Business Plan for Housing and to NOTE the current Key Performance Indicators for 2018/19.**

Background papers

Nil

## APPENDIX 1

**PERFORMANCE MANAGEMENT**1. Background - Corporate Plan

A new Corporate Plan for 2016-2020 was approved by Cabinet on 9 February 2016. It has been developed setting out the Council's priorities to achieve its vision to make "Broxtowe a great place where people enjoy living, working and spending leisure time." Over the next few years, the Council will focus on the priorities of Housing, Business Growth, Community Safety, Health and Environment.

The Corporate Plan prioritises local community needs and resources are directed toward the things they think are most important. These needs are aligned with other local, regional and national plans to ensure the ambitions set out in our Corporate Plan are realistic and achievable.

2. Business Plans

The Business Plans are linked to the five corporate priority areas, including Housing, were approved by the respective Committees at meetings held in January and February 2018.

The Council's priority for Housing is "A good quality affordable home for all residents of Broxtowe". Its objectives are to:

- Increase the rate of house building on brownfield sites (Ho1)
- Become an excellent housing provider (Ho2)
- Improve the quality and availability of the private rented stock to meet local housing need (Ho3)






The Business Plans detail the projects and activities undertaken in support of the Corporate Plan for each priority area. These cover a three-year period but will be revised and updated annually. Detailed monitoring of progress against key tasks and outcome measures in the Business Plans is undertaken regularly by the relevant Committee. This will include a detailed annual report where performance management and financial outturns are considered together following the year-end as part of the Council's commitment to closely align financial and performance management.









3. Performance Management

As part of the Council's performance management framework, the Housing Committee receives regular reports of progress against the Business Plan. This report provides a summary of the progress made to date on key tasks and priorities for improvement in 2018/19 (as extracted from the Pentana performance management system). It also provides the latest data relating to Key Performance Indicators (KPI).






The Council monitors its performance using the Pentana performance management system. Members have been provided with access to the system via a generic user name and password, enabling them to interrogate the system on a 'view only' basis. Members will be aware of the red, amber and green traffic light symbols that are utilised to provide an indication of performance at a particular point in time.


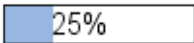




The key to the symbols used in the Pentana performance reports is as follows:

Action Status Key		
	Completed	The action/task has been completed
	In Progress	The action/task is in progress and is currently expected to meet the due date
	Warning	The action/task is approaching its due date (and/or one or more milestones is approaching or has passed its due date)
	Overdue	The action/task has passed its due date
	Cancelled	This action/task has been cancelled or postponed











Key Performance Indicator and Trends Key			
	Alert		Improving
	Warning		No Change
	OK		Getting Worse
	Unknown		Data Only







**Housing Key Tasks and Areas for Improvement - 2018/19**

Status	Action Code	Action Title	Action Description	Progress Bar	Due Date	Comments
	HS1520_10	Enhanced Housing Needs Analysis	Housing Needs Analysis	<div style="width: 40%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 40%	31-Mar-2019	Work has been commissioned to complete a study of Social and Affordable Housing Need, a report is to be presented to Housing Committee on 4 December 2018.
	HS1520_20	Reduction of empty homes	Reduction of empty homes	<div style="width: 0%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 0%	31-Mar-2019	Work scheduled for quarter 3 2018/19.
	HS1520_23	IT system improvements	Actions & PIs IT system improvements	<div style="width: 57%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 57%	31-Dec-2018 (Phase 1)	Capita open Housing Project is being delivered and Phase 1 of the project has a go live date of 8 December 2018. Phase 2 implementation is scheduled for quarter 4 2019.
 Page 8	HS1520_29	Produce a Housing New Build Delivery Plan	Add to Social Housing Stock Produce Affordable Homes to rent	<div style="width: 40%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 40%	31-Oct-2018	Work has been commissioned to complete a draft housing delivery plan, to be presented to Housing Committee on 4 December 2018.
	HS1520_30	Have a pipeline of schemes to produce more housing in Broxtowe to put forward for funding opportunities	Attract more resources to deliver houses in Broxtowe	<div style="width: 25%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 25%	31-Mar-2019	A site update is reported to Jobs and Economy Committee as a standing item. This includes details on progressing sites and provides the basis for the pipeline of sites to utilise funding opportunities when these become available. There has been some success in bidding for funds in relation to Chewton Street and Walker Street sites in Eastwood and also Beeston Square. Further progress is expected to be made as the vacant post in Economic Development was filled in August 2018.
	HS1520_31	Implement findings of Retirement Living Review	Following approval by Housing Committee changes are made to adapt the Retirement Living Service to improve support to older people living in Broxtowe.	<div style="width: 42%;"><div style="background-color: #4F81BD; height: 10px;"></div></div> 42%	31-Mar-2019	On the 4 July 2018 Policy and Performance Committee approved changes recommended as part of the Retirement Living Review in July 2018. An implementation plan is place and includes a comprehensive staff training plan and development of new documentation. Residents are updated via "Meet the Manager"

Status	Action Code	Action Title	Action Description	Progress Bar	Due Date	Comments
						sessions and a regular newsletter.
	HS1520_32	Introduce a Leaseholder Service	Implement and efficient/effective service for leaseholders following appointment of a new Leaseholder Officer		31-Dec-2018	A new Leaseholder Officer was appointed in April 2018 and is completing a full review of the services offered to Leaseholders. A new Leasehold Management Policy was approved by this committee on 14 March 2018.
	HS1520_33	Introduction of Tenancy Sustainment Service	Tenancy Sustainment Officer and Financial Inclusion Officer will provide a new service to encourage tenancy sustainment		31-Dec-2018	The new Tenancy Sustainment Service commenced in March 2018. Both the Financial Inclusion Officer and Tenancy Sustainment Officer have full caseloads and to date have supported 109 residents with a variety of complex issues. A performance management framework is being introduced to monitor the outcomes of the service.
	HS1520_34	Implement changes due to Homelessness Reduction Act	Homelessness services will be improved and compliant with the Homelessness Reduction Act		30-Jun-2018	The Homelessness Team have reviewed and adapted their processes and procedures to meet the new requirements of the Homelessness Reduction Act. This involves offering more advice and support, and more early intervention work.

**Key Performance Indicators Housing – 2017/18**

PI Status	PI Code & Short Name	Data Collected	2016/17	2017/18	Q1 2018/19		Trend	Notes
					Value	Target		
	HSLocal_20 Housing Applicants in Bands 1 and 2 housed within 12 weeks	M	-	-	21.7%	45%		In quarter 1, 17 out of 78 properties were let to applicants in Bands 1 and 2 within 12 weeks.
	HSLocal_21 Housing Service Complaints responded to within timescale	M	-	-	81.8%	100%		The Housing Department received 22 complaints during quarter 1. All complaints were acknowledged within timescale and 18 of the 22 received a full response within the target 15 working days. A new process has been introduced which should ensure 100% of complaints receive a response within target.
Page 10 	HSLocal_22 Housing ASB complaints contacted within timescale to agree action plan	M	-	-	100%	92%		There were a 53 ASB complaints received in quarter 1 2018/19, all were contacted within the target timescale.
	HSLocal_BM05 Reactive appointments made and kept	M	93.0%	93.2%	94.6%	98.0%		2,047 out of 2,178 appointments were kept during quarter 1. Data analysis has identified that the majority of appointments which were not kept were those undertaken by sub-contractors. Work is being undertaken to remind sub-contractors of the importance of keeping all appointments made.
	HSLocal_BM06 Reactive repairs first time fixes	M	91%	88%	83%	97%		1,952 out of 2,357 jobs were completed on the first visit during quarter 1. Analysis has highlighted that the majority of jobs not completed on first visit are plumbing and electrical works where additional parts are required due to the vast range of components required. A review is being undertaken to assess if it is feasible to carry a greater range of stock in the operative vehicles.

PI Status	PI Code & Short Name	Data Collected	2016/17	2017/18	Q1 2018/19		Trend	Notes
					Value	Target		
	NI 155 Number of affordable homes delivered (gross)	Y	20	8	-	85		The lower than anticipated delivery of affordable housing should be seen in the context of the slow recovery from the financial crisis and the difficulty on viability grounds of getting previously developed sites built out for housing. The overall delivery of housing has shown year on year improvement over four consecutive years and the Councils part 2 Local Plan which is now at its examination stage will lead to further improvements as several allocated sites come forward for development.
Page 11 	HSTOP10_01 Overall Satisfaction	M	100%	87.31%	100%	87%		60 satisfaction forms were received during quarter 1. The reduction in number of surveys is due to the decrease in Keep In Touch visits and the exclusion of Capital Works surveys which were previously included. The standard question has now been included on ASB and repairs surveys which should have a positive impact on the number of surveys completed in quarter 2.
	HSTOP10_03 Average Relet Time	M	34.3	35.4	46.7	23		77 properties were let during quarter 1. The cumulative average relet time at the end of quarter 1 was 46.7 days. The figure is high as long-term void properties particularly those in Retirement Living have been let. A 'difficult to let strategy' is being developed and weekly void meetings are in place to ensure all actions are being taken to let properties efficiently. In quarter 1, there was an average of 60.7 days void on Retirement Living, based on 38 new lettings. There was an average of 33.02 days void in General Needs, based on 39 new lettings.

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## Report of the Chief Executive

**HOUSING SERVICE ANNUAL REPORT 2017/18**1. Purpose of report

To seek approval for the Housing Service Annual Report. This is a regulatory requirement of the Regulator of Social Housing's Tenant Involvement and Empowerment Standard.

2. Background

The Regulator of Social Housing sets out the regulatory framework for social housing in England. The framework is a number of standards that registered providers are expected to meet. The consumer standards apply to all registered providers, including local authorities.

A specific expectation of the Tenant Involvement and Empowerment consumer standard is the provision of timely and relevant performance information to support effective scrutiny by tenants of their landlord's performance in a form which registered providers seek to agree with their tenants.

3. Detail

An annual report must include information on:

1. Repairs and maintenance budgets
2. Complaints, including number, nature and the outcome

Apart from these two specific expectations there is no guidance on what should be included in the report. Following positive feedback from tenants last year, the report has been produced in a similar format. A copy of the report is included at the appendix.

**Recommendation**

**The Committee is asked to RESOLVE that the Housing Service Annual Report 2017/2018 be approved.**

Background papers

Nil

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# Welcome to your Annual Report

1<sup>st</sup> April 2017 – 31<sup>st</sup> March 2018

This year has seen changes take place within the Housing Department, with a restructure implemented and new roles recruited to.

We also began an independent review of the Retirement Living Service and are putting in place plans to implement approved changes to this service. This has been an exciting time for the Housing Department and

we are looking forward to seeing the positive results of these changes and the benefits they will bring to tenants.

We carried out STAR (Survey of Tenants & Residents) and the

results showed us that 86% of tenants and leaseholders are satisfied with the service provided by the Housing Department. We will continue to work hard to increase these levels of satisfaction and ensure we provide a high quality service for tenants and leaseholders.

## Housing Department

Key Facts as at 31st March 2018



**4,457**



Number of properties the Council owns (stock)



**1,474**

Number of people on the Council's waiting list

**39** Properties sold under the Right to Buy

**333** Households where homelessness was prevented as a result of housing advice

**1,191** Tenants signed up to Your Voice, Your Views –

[www.broxtowe.gov.uk/yourvoicemyourviews](http://www.broxtowe.gov.uk/yourvoicemyourviews)

## Anti-social Behaviour (ASB)

**158** New ASB cases reported

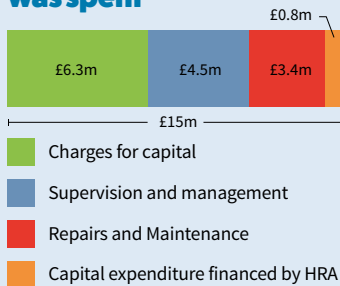
**100%** ASB cases resolved

**100%** Satisfaction with the outcome of the ASB case

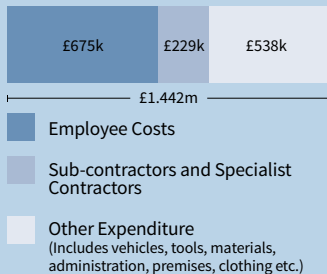
# Housing Revenue Account (HRA) Income and Expenditure

In 2017/18 Broxtowe Borough Council received £16.4 million in income to the Housing Revenue Account. £15.3 million came from housing rents the remainder was from garage rents, Retirement Living management charges and leaseholder service charges.

## Where the money was spent



## Repairs and Maintenance Budget Relating to Day-to-Day Repairs



# Your Homes

Work has been done to maintain and modernise your homes during 2017/18. We are focused on ensuring our tenants can enjoy homes that are, safe, secure and maintained to a high standard. Figures represent the position as at 31<sup>st</sup> March 2018.



**£71.68**

Average weekly rent



**96.33%**

Tenant satisfaction with repairs



**100%**

Gas safety



**88%**

Repairs fixed on first visit



**15,533**

Day to day repairs



**544**

Homes repainted, including new soffits and fascias



**93.2%**

Repairs appointments made and kept



**60**

Replacement roof coverings



**99.01%**

Properties meeting Decent Homes Standard



**86**

External wall insulation



**509**

Kitchens and bathrooms modernised



**14**

Communal door replacements



**142**

Gas central heating replacements



**74**

UPVC window replacements



**172**

External door replacements



## Performance Information

The Housing Business Plan 2018-21 sets out a number of performance indicators that the Department are working towards achieving. These are reported on a monthly basis and provide an overview of how well we are performing in each area.

**Gas Safety** - It is a legal requirement for social landlords to ensure gas appliances and pipework are safe within our properties. Thanks to the hard work of officers and to all tenants who have given us access to undertake this work, we are **100% compliant** with gas safety.

**Average Relet Time** – This is the time that a property is empty between one tenancy ending and the next one starting. As at 31st March 2018 our average relet time was **35.4 days**. We are working to reduce this time through inspections of properties before they become empty; accompanied viewing whilst repairs

are being carried out, and developing a strategy to help let our low demand Retirement Living properties.

### Keeping in Touch visits

have been carried out with tenants, who have held a tenancy for over 12 months. Over a three year period **93.25% of tenants were visited**. Through these visits individual support needs were identified and referrals made to support agencies. Property checks were also carried out to ensure homes are in good condition and repairs have been reported. All new tenants are visited within 5 weeks of starting their tenancy to ensure they have settled into their new home.

# Complaints

We value all feedback about services we deliver to tenants and we understand that at times we do not always get things right. We want to hear from you if you do not feel you have received the level of service you expect from us, so that we can learn and make improvements to our services.

Service Area	Complaints Received
Housing Options	26
Housing Repairs	53
Leaseholder Services	1
Neighbourhood Services	46
<b>Total</b>	<b>126</b>

114 complaints resolved under Stage One of the Complaint Process

12 complaints investigated under Stage Two of the Complaints Process

19 complaints upheld

Out of the complaints investigated under Stage Two of the Complaints Process one was upheld and two partially upheld. To ensure these issues are not repeated we have reviewed the information we provide and undertaken a review of our processes.

We have recently revised the Housing complaints process to ensure that a consistent approach is taken to the management of complaints received within the Department. Complainants will now receive a telephone acknowledgment of their complaint as well as a written acknowledgement.

The complaints procedure is available at [www.broxtowe.gov.uk/complaintsprocedure](http://www.broxtowe.gov.uk/complaintsprocedure) or you can contact the Council to request a copy.

## Compliments and Comments

We also like to hear from you when we get things right, or go beyond your expectations. Also, if you have any comments about services, or suggestions on how we could improve we would also like to hear these.

*"[Homelessness Officer] has been an amazing support and has worked very hard with regard to my case. [Housing Officer], the lady who showed me around and completed the tenancy has been lovely and professional."*

*"It's a great opportunity to be able to work with officers to give a tenant's perspective on services"*

*"The engineer was very polite and friendly, did his work without any interruptions or hold ups; very impressed."*

*"Very efficient and professional staff, very helpful. Well done."*

*"Thank you to everyone involved in helping me move. I am feeling very positive about the move and looking forward to new beginnings."*

**Report of the Chief Executive**

**CUSTOMER PROMISES**

1. Purpose of report

To seek approval from the Committee for the adoption of a set of Customer Promises across the work of the Housing Department.

2. Background

Housing Staff attended a staff conference in December 2017 and were asked how the Housing Service can offer excellent customer service to a consistent standard across all service areas. Staff were asked to identify the key elements of excellent customer service. These ideas were used to create a draft set of customer promises.

3. Detail

The draft promises were discussed with the Resident Involvement Group. A decision was made to call them Customer Promises as they apply to all services offered by the Housing Service which includes tenants, leaseholders, housing applicants, homeless applicants and lifeline customers.

The Customer Promises are set out below:

Broxtowe Borough Council Housing Department will:

- Work together as one team to provide an excellent housing service
- Treat all customers with respect
- Be friendly, honest, polite and professional
- Be sensitive to individual needs and considerate to vulnerabilities
- Remain open minded and non-judgemental
- Ensure that staff are knowledgeable and able to provide correct and helpful advice
- Ensure that we are approachable and contact customers when requested or required
- Ensure that personal information remains confidential
- Seek to improve services by learning from complaints and asking for opinions on our service.

3. Financial implications

There are no financial implications arising from this matter.

**Recommendation**

**The Committee is asked to RESOLVE that the adoption of the Customer Promises by the Housing Service be approved.**

Background papers

Nil

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**Report of the Chief Executive**

**GUIDANCE FOR THE USE OF LOCAL LETTINGS POLICIES**

1. Purpose of report

To seek Committee approval for a new policy that provides guidance for the use of local lettings policies when allocating Council properties.

2. Background

Further to the Committee approving the Allocations Policy, a subsidiary of the Allocations Policy is for the Council to have a policy that provided guidance for the usage of local lettings policies.

Local Authorities have the ability in accordance with The Housing Act 1996 to enable it to let properties to people that match a particular description or criteria where there is a demonstrated need to the approach.

Within the scope of this policy, the Council seeks to provide guidance on how local lettings policy could be used. Some examples where local lettings policies could be considered would be to address issues of low demand, persistent anti-social behaviour or other estate management issues that may be present in the area where the policy is being considered.

3. Detail

This policy outlines how the Council will;

- Consider a Local Lettings Policy
- Reasons for a Local Lettings Policy
- Decision and Review of a Local Lettings Policy
- Potential Local Lettings Policy Criteria
- Advertising properties in accordance with a Local Lettings Policy
- Letting properties in accordance with a Local Lettings Policy
- Ensuring choice and fairness for applicants

An Equalities Impact Assessment is included as appendix 1 of the report. The Guidance for the use of Local Lettings Policies is included as appendix 2.

**Recommendation**

**The Committee is asked to RESOLVE that the Guidance for the use of Local Lettings Policies be approved.**

Background papers

Nil

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## APPENDIX 1

## Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

**Fostering good relations** involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

### EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Richard Smith
Name of the policy or function to be assessed:	Allocations Policy		
Names of the officers undertaking the assessment:	Richard Smith		
Is this a new or an existing policy or function?	New policy for existing function		
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The Policy will detail the Council's approach to implementing a Local Lettings Policy by outlining;</p> <ul style="list-style-type: none"> <li>• When the policy may be enacted and what justification is required</li> <li>• The possible eligibility criteria under a scheme covered by a Local Lettings Policy.</li> <li>• The application process and how an application would be processed when there is a Local Lettings Policy.</li> <li>• How properties are offered and let when there is a Local Lettings Policy.</li> </ul>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>Fair and consistent allocations of social and affordable rented accommodation in Broxtowe.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>Applicants who have applied to Broxtowe Borough Council The Communities in which our residents live who will hopefully have more sustainable lettings</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <ul style="list-style-type: none"> <li>• Applicants</li> <li>• Housing staff</li> <li>• Communities where our residents live and that could be affected by a local lettings policy</li> </ul>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>When applicants apply to join the waiting list they are asked for personal details,</p>			

which provides quantitative data on the quality strands.

Monitoring is completed through CORE returns for every property allocated. This data can be analysed and benchmarked with other organisations.

**6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?**

Information provided on application forms.

**7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?**

Staff and customer consultation took place with regard to the Allocations Policy, in which this is policy sits within.

**8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?**

**In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:**

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

Applicants must be over the age of 18 to hold a tenancy with the Council, so those younger than that are excluded from holding a tenancy but may be part of the household. This can be justified.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

Yes. It might be necessary that certain provisions be put in a local lettings policy that could mean that certain groups be disadvantaged in not being allocated a property a certain property in a certain area. The policy puts in place a justification, approval and review process to monitor these.

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

None, the policy is implemented in the back office.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The Policy outlines where Local Lettings Policies may be used. These can have a

positive impact on communities and address negative issues.

- **What further evidence is needed to understand the impact on equality?**

Monitoring with continue through CORE and analysis will be completed

**9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?**

**Age:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. It will be necessary to monitor whether local lettings policies are having any detrimental impact on any groups.

**Disability:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. It will be necessary to monitor whether local lettings policies are having any detrimental impact on any groups.

**Gender:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. It will be necessary to monitor whether local lettings policies are having any detrimental impact on any groups.

**Gender Reassignment:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. It will be necessary to monitor whether local lettings policies are having any detrimental impact on any groups.

**Marriage and Civil Partnership:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. It will be necessary to monitor whether local lettings policies are having any detrimental impact on any groups.

**Pregnancy and Maternity:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. It will be necessary to monitor whether local lettings policies are having any detrimental impact on any groups.

**Race:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. It will be necessary to monitor whether local lettings policies are having any detrimental impact on any groups.

**Religion and Belief:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. It will be necessary to monitor whether local lettings policies are having any detrimental impact on any groups.

**Sexual Orientation:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. It will be necessary to monitor whether local lettings policies are having any detrimental impact on any groups.

**Head of Service:**

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

**Signature of Head of Service:**

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# **Guidance for the use of Local Lettings Policies**

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## **1.0 Scope**

There are occasions where properties may need to be allocated taking additional information into account rather than following the standard Allocations Policy. This includes where there are issues of low demand, persistent anti-social behaviour or other estate management issues. It is also good practice to use a Local Lettings Policy for new build and regeneration schemes. This policy outlines how Broxtowe Borough Council will allocate properties in these circumstances.

This policy is a supplementary document of the Allocations Policy and should be used in conjunction with and always giving due consideration to the Allocations Policy. This policy does not cover when an individual property needs to be let sensitively, details about this are included in the Allocations Policy.

## **2.0 Purpose**

The purpose of a Local Lettings Policy is to create more sustainable communities and increase tenancy sustainment.

A Local Lettings Policy defines what a Local Lettings Policy is; when it should be or can be used; what outcomes will be sought as a result and how it will be reviewed.

## **3.0 Aims and Objectives**

The Policy will detail the Council's approach to implementing a Local Lettings Policy by outlining;

- When the policy may be enacted and what justification is required
- The possible eligibility criteria under a scheme covered by a Local Lettings Policy.
- The application process and how an application would be processed when there is a Local Lettings Policy.
- How properties are offered and let when there is a Local Lettings Policy.

## **4.0 Regulatory Code and Legal Framework**

The Housing Act 1996 (amended by the Homelessness Act 2002), requires local authorities to have a written policy for determining priority and the procedures to be followed for the lettings of housing.

Whilst 'Reasonable Preference' must be given to certain defined groups, Section 166A (3). enables authorities to let properties to people of a particular description where there is a clear need for the approach.

The Broxtowe Borough Council Allocation Policy 2018 advises that;

### **5.17 Local Lettings Policies**

Guidance for the use of Local Lettings Policies  
*Section 166A (6)(b) of the Housing Act 1996 enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of the Act.*

*If this is to be used, a separate local lettings policy will be written. This is particularly appropriate for new build schemes, large estates and areas with problems of anti-social behaviour.*

*The Council will support registered providers to introduce local lettings policies where there is evidence for a need for a separate policy.*

*If a property will be allocated according to a local lettings policy, the advert will clearly state: 'Allocations will be made in accordance with a local lettings policy'.*

## **5.0 Policy Outline**

### **5.1 Consideration of a Local Lettings Policy**

Any manager in the Housing Service can request a local lettings policy to be developed. The Housing Operations Manager will consider all requests and consult with the following; Tenancy and Estates Manager, Lettings Manager, Housing Officer and Senior Maintenance Officer.

Following the consultation, a draft local lettings policy will be developed and sent to the Lead Member for Housing and ward Councillors for consideration.

Full details of this process are included in the Local Lettings Policy procedure.

### **5.2 Reasons for a Local Lettings Policy**

A local lettings policy will be considered in the following circumstances:

**There are concerns about the levels of reported anti-social behaviour.**

There is no specified trigger point for either the number of reports or the types of anti-social behaviour that is being reported. However, in the view of the Council anti-social behaviour must be a significant part of the reason for high tenancy turnover and difficulty in letting void properties.

The Council must have evidence of anti-social behaviour in the location. This may be by referring to its own data or information held by partner agencies such as Nottinghamshire Police. Trend information will be analysed over the previous 12 months and demonstrate that levels of anti-social behaviour are out of proportion with the rates to be expected in areas of similar size and type elsewhere in Broxtowe.

**Properties are difficult to let**

The Council must demonstrate that void properties have not been allocated via Choice Based Lettings shortlists on a number of occasions. The properties will meet the Long Term Void and Difficult to Let criteria as set out in within the Allocations Procedure

The Council will also be able to demonstrate that by changing the allocation criteria it is possible to allocate the accommodation to other groups than those who currently qualify.

### **New build scheme**

When a new community may be being created it is appropriate to consider the mix of people living on the scheme to provide the greatest opportunity to make the scheme more sustainable.

### **Regeneration scheme**

If tenants have been moved from their former accommodation to enable the regeneration and development of the area, it would be appropriate for those tenants to be given priority to move back into the regenerated area.

### **Specialist housing**

If accommodation is developed for a particular group of people then priority will be given to those requiring the specialist property, for example dementia friendly bungalows

### **Dedesignation of schemes from Independent Living to General Needs**

If the classification of a scheme is changed from Independent Living to General Needs a local lettings policy will ensure that allocations are made sensitively, taking into account the needs to those who choose to remain living there.

## **5.3 The Decision and Review of a Local Lettings Policy**

Approval for a local lettings policy and any restrictions will be made by the Head of Housing.

A local lettings policy can be implemented for between one year and five years. Annual reviews will be completed to monitor the effectiveness of the policy.

## **5.4 Potential Local Lettings Policy criteria**

The additional criteria for allocation introduced as part of the local lettings policy will depend on the reason for the implementation of the policy and the desired outcome. The Council will be able to evidence why the additional criteria will achieve the desired outcome. Additional criteria can include, but is not limited to:

- Age restrictions
- Family composition (including under occupation)

- Level of support needs
- Economic status and affordability
- Local connection to area
- Criminal convictions
- History of tenancy issues

## **5.5 Advertising properties in accordance with a Local Lettings Policy**

The Council will advertise properties that are subject to a local lettings policy in the normal way through the Choice Based Lettings system. Where a local lettings policy is in place, the advert will be amended to clearly show that there is a policy in effect. The advert will display the following wording for applicants 'Allocations will be made in accordance with a local lettings policy'. The advert will specify what criteria is being applied. No specific forms or different application forms will need to be completed by applicants.

## **5.6 Letting properties in accordance with a Local Lettings Policy**

Applicants will be shortlisted by following the usual allocation processes as set out in the Allocation Policy and associated procedures.

Applicants who bid and are unsuccessful because they do not meet the criteria for the scheme will not be disadvantaged in any other way and their application will remain active in the same band.

Applicants may be subject to more in depth checks whilst being considered for the property depending on the eligibility criteria of the local lettings policy in effect. If an applicant is unwilling to provide information or participate in the process outlined or is unable to provide necessary information that shows their eligibility for the scheme in a timely manner, an offer will be withdrawn.

If there are no applicants registered on the waiting list that meet the eligibility criteria of the local lettings policy following 3 advertising cycles, the policy criteria will be reviewed.

## **5.7 Ensuring choice and fairness for applicants**

It is acknowledged that by introducing local lettings policies, the choice for applicants is reduced. Therefore the availability of alternative properties in each area will always be considered.

No more than 10% of the Council's housing stock will be subject to a local lettings policy at any one time. This will be reviewed on an annual basis.

## **6.0 Related Policies, Procedures and Guidelines**

This policy should be read in conjunction with the:

- Allocations Policy
- Advertising of a property procedure
- Application risk assessments procedure
- Pre tenancy checks procedure
- Local Lettings Policy consideration procedure
- Long Term Void and Difficult to Let criteria

## 7.0 Review

This Policy will be reviewed every 3 years unless there are significant changes in legislation.

## 8.0 Document History and Approval

Date	Version	Committee Name
19/09/2018	1.0	Housing Committee

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**Report of the Chief Executive**

**HOUSES IN MULTIPLE OCCUPATION**

1. Purpose of report

To advise members of changes to mandatory licensing of Houses in Multiple Occupation (HMOs) and to seek approval of property and management standards for HMOs in the Borough. A copy of the standards is circulated separately with this agenda.

2. Detail

Mandatory licensing of HMOs came into force in 2006 and applies to those HMOs of three storeys or more, lived in by five or more people, in two or more separate households. The licence lasts for a five year period after which an application for renewal has to be made. At the present time, there are 82 licensed HMOs in the borough.

The purpose of the mandatory licensing regime is to ensure that those HMOs likely to present the most significant health and safety risks are known to the local authority, with evidence provided that appropriate management arrangements have been made for the property.

The introduction of The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 will mean that from 1 October 2018, the scope of mandatory licensing will be extended to include properties operating as HMOs which are less than three storeys high. This will bring a further 136 known HMOs under the licensing regime in Broxtowe. However, Government estimates of percentage increases would indicate the number could be 246. A report will be submitted to Policy and Performance Committee detailing the staffing implications of the new requirements.

A second statutory instrument, The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 introduces new conditions that must be included in mandatory HMO licences. These are:

- Minimum sizes for rooms used as sleeping accommodation ; and
- Storage and disposal of household waste pending collection.

The regulations set out minimum sizes for rooms used as sleeping accommodation but local authorities are free to set their own.

It is therefore proposed to introduce the standards contained in appendix 1 for all HMOs in Broxtowe. This standard is higher in terms of sleeping room sizes than the nationally legislated minimum. However, it is based on the standards set by Decent and Safe Homes (DASH) – an organisation which promotes good practice in housing enforcement in the East Midlands. The DASH sleeping room standard is used by most Nottinghamshire local authorities. The standards proposed also reference other room sizes, provision of facilities and certain aspects of management.

**Recommendation**

**Committee is asked to NOTE the changes to the mandatory HMO licensing regime and RESOLVE that the standards for HMOs in Broxtowe be approved.**

Background papers: Nil

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**Report of the Chief Executive**

**HOUSING RECHARGE (SUNDRY DEBTS) POLICY**

1. Purpose of report

To seek Committee approval for a new Housing Recharge (Sundry Debts) Policy.

2. Background

The aim of this policy is to provide clear guidance to staff, tenants and leaseholders to explain when a service, or work undertaken by the council, will be recharged to the tenant or the leaseholder.

3. Detail

The objective of the policy is to ensure that the council works effectively with tenants and leaseholders to maintain the quality of the council's housing stock, including communal areas, garages and any location owned and managed by the Council.

The policy will support tenants and leaseholders to abide by the terms of their agreement with the Council and help prevent any further breaches.

The policy will also ensure that the Council's costs for carrying out remedial works are covered where the tenant and leaseholder is unable or unwilling to arrange for the remedial works to be carried out themselves.

The Housing Recharge (Sundry Debts) Policy is included at appendix 1 and Equality Impact Assessment is included at appendix 2.

4. Financial implications

The new policy should increase the income for the Housing Revenue Account through improvements in the recharge and debt recovery process.

**Recommendation**

**The Committee is asked to RESOLVE that the Housing Recharge (Sundry Debts) Policy be approved.**

Background papers  
Nil

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Broxtowe  
Borough  
COUNCIL

# **HOUSING RECHARGE POLICY (Sundry Debts)**

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## **1.0 Scope**

This policy applies to all existing sole or joint tenants or former tenants (“the tenant”), and leaseholders of Broxtowe Borough Council (“the council”).

## **2.0 Purpose**

The purpose of this policy is to set out the criteria under which the council may recharge the tenant or the leaseholder in circumstances where the council carries out remedial work which has arisen following a breach of the Tenancy Agreement, Leaseholder Agreement, or which has arisen from the application of a provision contained within another policy of the council.

## **3.0 Aims and Objectives**

The aim of this policy is to provide clear guidance to staff, the tenant or the leaseholder to explain when a service, or work undertaken by the council, will be recharged to the tenant or the leaseholder.

A recharge item may be identified following, for instance, an estate inspection or ‘walkabout’, a ‘Keeping in Touch’ visit, a pre-termination or pre-transfer inspection, a void property inspection, an ad-hoc property inspection or following notification from a tenant or leaseholder of a repair request.

The objective of this policy is to ensure that the council works effectively with tenants and leaseholders:

- to maintain the quality of the council’s housing stock, including communal areas, garages and any location owned and managed by the council;
- to allow tenants and leaseholders the opportunity to remedy any breach by arranging for remedial works to be undertaken to an standard acceptable to the council;
- to cover the council’s costs for carrying out remedial works where the tenant and leaseholder is unable or unwilling to arrange for the remedial works to be carried out themselves.
- to provide an effective repairs service by minimising the number of “missed appointments” and, where appointments are missed, to recover the expended costs.
- to recover the costs where the council considers that tenant or leaseholder has misused the “Out of Hours” repairs service.
- to recover the costs where the council has to store and / or dispose of any items, usually following the termination of a tenancy.

- to support vulnerable tenants and leaseholders to abide by the terms of their respective agreements with the council and to help prevent any further breaches.

## **4.0 Regulatory Code and Legal Framework**

This policy has been produced with regard to the following legislation:

- Housing Act 1985 (as amended)
- Housing Act 1996
- Localism Act 2011
- Equalities Act 2010
- General Data Protection Regulations (GDPR) 2016

## **5.0 Policy**

### **5.1 Existing Tenants: Breach of the Tenancy Agreement**

The council will recharge an existing tenant following a breach of the council's Tenancy Agreement. Examples of such breaches include, but are not limited to, the responsibility of the Tenant to:

- maintain any driveway, paths and other structures forming part of the Property
- maintain the Garden and any trees in the Garden
- undertake repairs, maintenance and decoration that are the tenant's responsibility
- repair any damage caused that the tenant is responsible for repairing

Examples of Works required to the Property, that the Tenant is responsible for include, but are not limited to:

- chimney sweeping
  - replacing electric fuses and plugs
  - replacing lost or damaged keys
  - replacing light bulbs
  - replacing waste plugs and chains to sinks, baths and wash hand basins
  - repairing minor cracks to plaster
  - re-pressurising the boiler
  - easing doors over carpets
  - resetting fuses if they blow due to an appliance/light bulb fault
  - blocked waste pipes to sinks, baths, showers or wash basins
  - testing smoke detectors and carbon monoxide detectors weekly
  - keeping electric or gas appliances that are the tenant's responsibility well maintained and where any such appliance is subject to product recall advice, to adhere to such advice.
- 
- not undertake any unauthorised improvements
  - look after the Contents (furniture, furnishings, fixtures etc.)



- remove items from and cleaning the Building and / or Communal Areas
- fulfil the tenant's parking obligations

## **5.2 Former Tenants: Breach of the Tenancy Agreement**

The council will recharge a former tenant following a breach of the Tenancy Agreement after the former tenant has moved out (Sections 4.50-4.55 of the council's Tenancy Agreement). Examples of such breaches include, but are not limited to, the responsibility of the Tenant to:

- remove all personal possessions (including Pets) and rubbish;
- leave the Property (including the council's fixtures and fittings), the Contents and the Energy Efficiency System in a clean and good condition;
- leave the Contents in the Property;
- leave the Energy Efficiency System at the Property;

The tenant will be recharged for the council's reasonable costs of the removal, storage and / or disposal of the tenant's goods and personal possessions following the termination of the tenancy.

## **5.3 Emergency Repairs**

An emergency is defined as a situation which puts someone's health, life or property in danger. In an emergency situation, the council will undertake all emergency repairs, including the boarding up of broken or damaged windows and doors. The council will recharge the tenant for the call-out charge and the full cost of undertaking any work which the council deems to be the tenant's responsibility (Section 4.35 of the council's Tenancy Agreement).

## **5.4 "Out of Hours" Repairs**

In an "Out of Hours" situation, if the council attend a Tenant's home and the Tenant is not at home, or the council subsequently assesses that the reported "out of hours" repair falls within the 'Routine' repair category, the council may recharge the Tenant for the cost of the abortive call. (Section 5.2 of the council's Repairs Policy, March 2018). Routine repairs are non-urgent works with no health and safety issues.

Standard charges are listed within the "Schedule of Costs for Recharges" document. The "Schedule of Costs for Recharges" is subject to an annual review to be carried out by the Housing Repairs Manager. Where a rechargeable repair is undertaken "out of hours", an invoice will be raised within 10 working days and a 15% administrative charge will be added to the total amount payable.

## **5.5 Missed Repair Appointments**

Where the Tenant misses a second confirmed appointment, the council may recharge the Tenant for the cost of the abortive call. (Section 5.1 of the council's Repairs Policy, March 2018)

Standard charges are listed within the "Schedule of Costs for Recharges" document.

## **5.6 Mutual Exchanges**

Where the Tenant applies for a mutual exchange and the exchange is approved by the council, any rechargeable repairs identified as part of the mutual exchange process will become the responsibility of the person to which the tenancy is to be

assigned. The person who is assigned the tenancy of the property must sign to accept responsibility for the condition of the property in the form of a disclaimer. A list of all the rechargeable items will be provided in writing to both parties.

## **5.7 Leaseholders**

Leaseholds of the council will be recharged in circumstances where the council has to carry out works to rectify damage, or dispose of items, or maintain an area which is assessed as the leaseholder's responsibility. Such circumstances may include, but not be limited to the following:

- Removal of rubbish from a communal area when it is causing an obstruction or is a hazard, e.g. fire or health hazard;
- Damage caused to the building or communal area by the leaseholder; a member of their family or their visitors;
- Damage caused to the building or communal area due to unauthorised alterations;
- Damage caused to communal areas e.g. gardens;
- Damage caused in Council properties by escape of water from leasehold properties.

For the purposes of this policy, a communal area is defined as, but not limited to, shared entrances, halls, stairways, passages, balconies, yards, lifts, fire escapes, roads leading from or to the property, grassed, cultivated, drying and play area, forecourts and other shared areas within the development boundary.

## **5.8 Notice to carry out the Recharge**

Where the council identifies a rechargeable item, except for situations detailed in Section 5.3 'Emergencies', the council will service a Notice on the tenant or leaseholder which requires the tenant or leaseholder to carry out the works at their own expense and to a standard which is acceptable to the council. (Section 4.45 of the council's Tenancy Agreement). The Notice will include the following:

- details of the Works that the tenant or leaseholder is required to carry out,
- a reasonable timescale within which the Works are to be carried out
- an approximate cost that the tenant or leaseholder may be charged if the Works are not carried out by the tenant or leaseholder; or if the Works are not carried out to the council's reasonable standard.

The estimated charge will include the cost of:

- labour and materials,

- an additional administrative charge, (typically 15% of the total cost, excluding VAT) where the council has a written agreement with the tenant or leaseholder that the full cost does not need to be paid in advance, and
- VAT at the prevailing rate.

Where the required work is of a specialist nature, for example, works to electrical or gas installations, or to the heating supply, the tenant or leaseholder must arrange for the works to be carried out by an appropriately qualified contractor. The contractor must have public liability insurance. The tenant or leaseholder is to notify the council in order to gain prior approval for the use of the contractor to carry out the works.

The works must be carried out to a standard and within a time frame agreed in writing by the council. The council will post-inspect all works carried out and if this standard is not met then the council may undertake remedial works and recharge the tenant or leaseholder for the cost of undertaking the work.

If the tenant or leaseholder wants the council to undertake the works on their behalf the cost will usually have to be paid in advance, although, the council may exercise discretion in exceptional circumstances and agree a Debt Repayment Instalment Schedule with the tenant or leaseholder (see Section 5.10).

If the tenant or leaseholder does not confirm in writing to the council that they are to carry out the works, or to arrange for the works to be carried out within the prescribed period, or if the works are not carried out to the council's reasonable standard within the prescribed period, then the council will raise an appropriate order to carry out the works and recharge the tenant or leaseholder for the full cost of the works, plus any administrative charges, as appropriate.

### **5.9 Situations to waive the Recharge cost**

If the council has to replace or repair items owing to the wilful damage or neglect of the council's property by the tenant or leaseholder, their family or a visitor then the tenant will be charged the full cost of the repair.

The payment must be made in full before the repair is completed, unless there are exceptional circumstances.

The council will consider waiving the recharge cost in the following circumstances;

- where a tenant has passed away and has 'no estate'.
- where a tenant goes into residential care and has no means to pay.
- where a tenant has been a victim of a crime, and who has reported the crime to the Police and obtained a crime reference number or valid supporting evidence from the Police. Damage must be as a direct result of the crime.
- where a tenant has been the victim of domestic abuse and damage to the property has been caused as a result,
- any damage which is accidental and meets the following criteria:

- the damage is not part of a history of repeated accidental damage, and
- the tenant or leaseholder has been identified as vulnerable and the damage caused is as a result of their vulnerability,
- any damage caused to the home of a tenant by someone behaving in an anti-social way (excluding members of the tenant's household or visitors to the property); The incident, including 'hate incidents', should have been reported to the council as an act of anti-social behaviour.
- where a person's vulnerability prevents them from adhering to their responsibilities as a tenant or as a leaseholder.

**Vulnerability:**

The council recognises that some tenants and leaseholders have additional support needs and that recharging the person for carrying out work which is their responsibility may not be an appropriate action. For example, the tenant may have learning difficulties, may have mental, physical or sensory disabilities, or may have a disability which impacts upon their performance of daily living tasks.

The council will consider each person's situation according to that person's individual circumstances.

**5.10 Debt Repayment Instalment Schedule**

Where a tenant or leaseholder has indicated that they cannot pay the invoice in full, a repayment instalment plan may be agreed so that the debt is repaid in full in line with Section 4.45 of the council's Tenancy Agreement. In order to initiate a Debt Repayment Instalment Schedule, the tenant or leaseholder must pay a minimum deposit of £5.00 to the council. The payment is to be made in cash to the council or by using a debit card.

The council may take further recovery action at any time following the introduction of a Debt Repayment Instalment Schedule. The council recognises that an individual may have multiple debts. In such instances, payment against any rent or council tax arrears would be classed as a priority debt and the Debt Repayment Instalment Schedule may be amended, following an assessment of the individual's current income and expenditure in order to prevent any enduring financial hardship.

**5.11 Right to Review**

Where a tenant or leaseholder requests a review of any aspect of a recharge invoice, the review will be carried out by the line manager or supervisor of the person who authorised the rechargeable item. The review will be carried out within 15 working days of receiving the request for a review. If the tenant or leaseholder is not satisfied with the outcome of the review, they are to make a Formal Complaint, under the council's Complaints Procedure.

## **5.12 Debt Recovery**

The council will take all reasonable steps to recover a sundry debt which is raised under this Policy and in accordance with Section 5.1 of the council's Financial Regulations. The council will add all expenses incurred as part of the debt recovery process to the total amount of the debt.

Recovery steps include, but are not limited to:

- Contacting the debtor directly, by telephone or home visit, to prompt payment;
- Contacting an outside collection agency to collect debts over £25 and under £500. (For debts over £500, the originating Officer will provide a Statement of Truth before the debt is passed to the outside collection agents); or
- If an outside collection agency is unable to recover the debt, and the debt is over £500, the Legal Team will consider gaining a County Court judgment to enforce recovery of the debt.

The council will consider the personal circumstances of the debtor, including the vulnerability of the debtor, or any hardship which may result from recovering the debt, before commencing any debt recovery measures. However, there are situations when the council may decide not to take further recovery action and the debt is to be passed to be "written-off". These situations include, but are not limited to the following:

- The debt has been remitted by a Magistrate
- The debt is owed by a person or company subject to bankruptcy or insolvency proceedings, with little chance of the Council subsequently receiving a dividend
- The debtor has died and there are no or insufficient funds remaining in the estate to settle the debt
- It is not cost-effective to pursue the debt (either due to the small value of the debt itself; or due to the fact that enforcement might cost more than the debt to be recovered, balanced against the likelihood of recovering that debt);
- The debt is under £500 (except Service Charges, or Ground Rent debts); or
- The debtor cannot be traced.

Where recovery action is taken by the council, the cost of making an application to the County Court, or any other reasonable expenses incurred in recovering the debt will be added to the outstanding invoice amount.

When a debt which has been raised under this Policy is subsequently "written off" by the council as unrecoverable, the debt may be "written-on" at any time, at the discretion of the council.

### **5.13 Use of Discretion**

The council may exercise its discretion at any time to undertake any work (which the council deems to be the responsibility of the tenant or leaseholder under the relevant tenant or leaseholder agreements), and recharge the tenant or leaseholder the full cost of the works carried out and any associated charges.

## **6.0 Related Policies, Procedures and Guidelines**

This policy should be read in conjunction with:

- Broxtowe Borough Council's Tenancy Agreement
- Broxtowe Borough Council's Leaseholder Agreement
- Repairs Policy
- People with Additional Support Needs Policy
- Storage and Clearance of Belongings Procedure
- Housing Recharge Procedure

## **7.0 Review of the Policy**

This policy will be reviewed every two years. It is not expected that there will be changes to regulation or legislation which will have an impact on the need to review this policy sooner.

## **8.0 Document History and Approval**

<b>Date</b>	<b>Version</b>	<b>Committee Name</b>
06/04/2018	1.2	Amendments from Richard Smith
25/04/2018	1.3	Amendments from Sundry Debt Performance meeting
11/05/2018	1.4	Amendments from Mel Abbott
19/06/2018	1.5	Amendments from Resident Involvement Group (R.I.G)
28/06/2018	1.6	Amendments from Howard Turney
20/08/2018	1.7	Reviewed by Louise Price
31/08/2018	1.8	Review by Statutory Officers

## APPENDIX 2

## Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

**Fostering good relations** involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.



### EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Rachel Shaw
Name of the policy or function to be assessed:	Housing Recharge (Sundry Debtor) Policy		
Names of the officers undertaking the assessment:	Rachel Shaw		
Is this a new or an existing policy or function?	New policy for existing function		
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The aim of this policy is to provide clear guidance to staff, tenants and leaseholders to explain when a service, or work undertaken by the council, will be recharged to the tenant or the leaseholder.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <ul style="list-style-type: none"> <li>• To maintain the quality of the council's housing stock, including communal areas, garages and any location owned and managed by the council.</li> <li>• To allow tenants and leaseholders the opportunity to remedy any breach by arranging for remedial works to be undertaken to a standard acceptable to the council;</li> <li>• To ensure that the costs for carrying out remedial works where the tenant and leaseholder is unable or unwilling to arrange for the remedial works to be carried out themselves has been covered.</li> <li>• To provide an effective repairs service by minimising the number of "missed appointments" and, where appointments are missed, to recover the expended costs.</li> <li>• To recover the costs where the council considers that tenant or leaseholder has misused the "Out of Hours" repairs service.</li> <li>• To recover the costs where the council has to store and / or dispose of any items, usually following the termination of a tenancy.</li> <li>• To support vulnerable tenants and leaseholders to abide by the terms of their respective agreements with the council and to help prevent any further breaches.</li> </ul>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <ul style="list-style-type: none"> <li>• Staff will benefit from clear guidance included in the policy</li> <li>• Tenants and Leaseholders will benefit from the emphasis on supporting them to remedy any breach in their tenancy agreement, and because the policy is clear that any vulnerabilities must be addressed.</li> <li>• The Council will benefit from improvements to the process which will increase the recovery of costs</li> </ul>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p>			

<p>The main stakeholders are staff, tenants and leaseholders</p>
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>The monitoring of sundry debts, does not currently include any monitoring regarding the different equality strands.</p>
<p><b>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>A lot of information is held on recharges and the sundry debt process. A sample of cases have been reviewed to consider the process and where improvements can be made. This identified areas where the Council can provide better support to those with vulnerabilities.</p>
<p><b>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</b></p> <p>Consultation has not been carried out. The new policy formalises and improves practices that are already in place.</p>
<p><b>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?</b></p> <p><b>In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</b></p>
<ul style="list-style-type: none"> <li>• <b>Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?</b></li> </ul> <p>The policy outlines the 'use of discretion' as it is accepted that there will be individual circumstances that need to be taken into account when considering if a recharge should be raised. The policy does not target or exclude a particular equality group.</p>
<ul style="list-style-type: none"> <li>• <b>Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?</b></li> </ul> <p>The policy will be implemented by staff who will ensure that it is equally and fairly applied.</p>
<ul style="list-style-type: none"> <li>• <b>Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?</b></li> </ul> <p>The policy will be implemented by staff who will ensure that it is equally and fairly applied.</p>

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The policy will have no impact on good relations between different groups.

- **What further evidence is needed to understand the impact on equality?**

Following the implementation of the policy the housing recharges raised will be monitored to ensure that there is no negative impact on equality.

**9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?**

**Age:** Younger tenants, in their first tenancy, will be provided with additional support to ensure that they can comply with their tenancy agreement. It is acknowledged that not all younger tenants will require this.

**Disability:** Staff will consider that information provided to tenants, such as information about their tenancy agreement and obligations, may need to be amended and provided in a different format for some people with a disability. Where this is required, alternative formats will be provided.

**Pregnancy and Maternity:** It is acknowledged that there may be financial pressures for tenants and leaseholders during the period of pregnancy and maternity. Therefore it may be appropriate to consider payment plans if there is a need for a recharge during this time.

**Gender**  
**Gender Reassignment**  
**Marriage and Civil Partnership**  
**Race**  
**Religion and Belief**  
**Sexual Orientation**

It is not anticipated that the Council would need to take any further action in order to enable access for these groups. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

**Head of Service:**

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

**Signature of Head of Service:**

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**Report of the Chief Executive**

**GRENFELL RESPONSE UPDATE**

1. Purpose of report

To update the Committee on actions which have been taken since the last report in January; highlight work currently in progress; and to encourage discussion on potential future work, in response to the Grenfell fire tragedy.

2. Background

The Committee was provided with an update relating to actions taken to improve fire safety in the light of the Grenfell fire tragedy in January. An internal officer working group has now progressed the actions identified in appendix 1 in anticipation of the likelihood that the Grenfell Inquiry will result in significant suggestions for improvement action on the part of all agencies, including local government. The end of appendix 1 highlights some suggestions for future work which could involve local Councillors. The “work in progress” and “suggestions on which Councillor feedback is invited, result from consideration of the report of Dame Judith Hackett “Building a Safer Future” , and a study commissioned by Kensington and Chelsea Council from the Centre for Public Scrutiny. Appendix 2 highlights a brief summary of both these reports.

3. Financial implications

External audit of a number of fire risk assessments led to recommendations for further work to address small breaches to “compartmentalisation”. Joints between fire-separating elements such as compartment walls or floors, should be fire-stopped to maintain the continuity of fire resistance; and openings for timber beams, joists, purlins and rafters, and pipes, ducts, conduits or cables that pass through any part of a fire-separating element should be kept as few in number as possible, as small as practicable, and should be fire-stopped. A capital budget for 2018/19 of £350,000 is available, which will allow for the survey work, the continuation of existing work to improve fire safety, and also allow for commencement of additional work to address recommendations from third party surveys. Once all surveys have been completed we will be able to assess the overall work requirement and further cost implications as we systematically review all of our buildings over a reasonable time period.

**Recommendation**

**The Committee is asked to:**

- 1. NOTE the actions already taken and work in progress listed in appendix 1.**
- 2. CONSIDER and RESOLVE accordingly in relation to suggestions at the end of appendix 1.**

Background papers

Nil

**APPENDIX 1**

**ACTION TAKEN**

1. Communication sent to all councillors on 20 June 2017.
2. Additional information sent to Leader, Deputy Leader and Committee on 20 June 2017.
3. The tenant's handbook has been re-written with revised information on fire safety.
4. Audit of all properties we own identified two sets of buildings in respect of which there was insufficient information recorded – leading to subsequent further actions in (a) and (b) below
  - (a) Inspections of older properties in Stapleford ascertained nature of materials used were mineral fibre and not considered to be a high fire risk.
  - (b) Further enquiries in relation to Beeston Square identified cladding used as not of concern.
5. External audit invited to review a number of our in house fire safety risk assessments, and suggest further improvements.
6. Annual testing of smoke detectors integrated into annual gas safety inspections. If no smoke detector is found, one is installed
7. Test of all smoke detectors in retirement living properties confirmed all were in working order.
8. The specification on all building contracts was changed to stipulate that both cladding and composite panels to be used including constituent parts of materials should be fire resistant or incombustible. The matter will be kept continuously under review to take on board any recommendations from the Grenfell Inquiry.
9. Fire safety advice included in tenants newsletter, reminding everyone about fire safety (cooking, candles, cigarettes, flammable items in storage, appropriate disposal of rubbish, no blocking of fire exits, mobility scooter storage, blockage of corridors, knowing escape routes, no propping open of fire door, explaining what the policy is in the event of a fire (stay put/evacuate as appropriate), notifying us if there are concerns etc).
10. Website updated with information on fire safety for tenants.
11. Assurance sought regarding active enforcement of building regulations from Erewash BC our partners. Erewash BC attended meeting of Jobs and Economy Committee at which the annual building control report was scrutinised.
12. A register established of all buildings with any form of cladding/composite panel construction and a five year systematic rolling programme of inspections including random core sampling of products.

13. The regularity of fire risk assessments of non-communal scheme properties and general needs housing was established in accordance with the standard expected in the HHSRS, and documented and monitored.
14. Inventory undertaken of all electrical appliances in temporary accommodation.
15. Identification of privately owned buildings in Broxtowe which may contain aluminium cladding.

**Further work completed since January 2018**

16. General Housing blocks have had fire risk assessments re-done and all fire detection equipment checked.
17. A representative from Erewash BC which delivers our building control service attended planning committee and gave assurance that building regulations are being actively enforced in Broxtowe.
18. There has been a review of all electrical appliances within housing. Some old appliances were thrown out. There is now a register of all electrical appliances. This makes it much easier and quicker to identify and speedily respond to recall issues, and ensure better documentation and systematic testing of all electrical equipment.
19. An additional £350,000 to cover the cost of independent fire risk assessments and remedial works was included in budgets for 18/19. Work is continuing on a rolling programme basis. Lawrence Avenue and The Spinney have been first to be done. Grove Court and Bexhill Court are next.
20. A proposal is to be presented to next Policy and Performance Committee to increase resources for HMO inspection, licensing and enforcement.
21. A reminder was provided in an SMT briefing on the CDM regulations and the intranet updated with fresh guidance for responsible officers.
22. An internal audit on CDM regs was completed ( a reasonable assurance verdict was reported to Governance and audit committee) and the recommendations implemented. As a result of this a new e-learning course was developed and is being rolled out across all relevant officers as a mandatory learning requirement.
23. Data has been provided to the government as requested on our housing stock and known private sector stock in our area.
24. The Chief Executive as the most senior manager responsible for Housing has spent days with front line officers listening to ideas and concerns and interacting with tenants through this experience.

## Work in progress

- Following an increase in resources for Leaseholder work as a result of the Oct 17 Housing restructure, work is now in progress to identify any areas of risk where leaseholders may have, for example, replaced front doors with doors which are not providing a high enough fire resistance limit.
- We are conducting a thorough audit of existing doors. From that we could establish an objective list of the true fire resistance of existing doors and then be able to make decisions on prioritising replacements if that was considered important in individual circumstances. This is a significant issue for the whole sector as the fire resistant qualities of most doors supplied by the industry have been shown to be inadequate or wrongly specified.
- Increase resources dedicated to compliance in Housing. There is a separate proposal on this on the Housing Committee agenda within the staffing report
- Develop a clear asset plan for the council's Housing assets. This plan would set out a framework within which annual maintenance priorities are set and capital building projects delivered, providing better strategic co-ordination between housing maintenance and capital works. This will be a specific requirement of the new post holder to be recruited to post H126
- Develop a specific fire safety policy for our Housing buildings
- Ensure each building has a "fire safety digital record". This would include details of what materials went into the construction; full plans for the building; any alterations; a record of any approvals for alterations; fire safety risk assessment; copies of inspection reports
- Ensure the tenant engagement strategy includes reference to fire safety issues
- Ensure there is an identifiable duty holder relating to each building (to be contained in the fire safety policy)
- Increase skills and competence in relation to fire safety and safety compliance generally through internal training.
- Develop a specific housing risk register to feed the corporate strategic risk register
- Revisit the website to ensure it highlights opportunities for tenant involvement, comments, suggestions and complaints in plain English
- Highlight through social media pro-actively decisions up-coming and opportunities to influence and have a say.
- More "you said we did" bulletins to increase confidence that issues raised are responded to

## Suggestions on which Councillor feedback is invited

- "Listening days" in local areas (Councillors and Officers) to gather information, concerns. Feed these issues into the committee work plan and tell residents what we have done in response.
- Consider how we can engage and include a wider range of voices in decision making. Tenant representation on existing Committee structures is very limited.
- Consider a safety issues item on a resident engagement committee to enable challenge and scrutiny ( this could alternatively be taken on by Housing



performance committee as long as there was tenant engagement) . it would be important to gather tenant feedback and concerns by way of a survey to feed into the group.

- Map out the existing resident and community groups in order to engage through these existing structures.
- More cross departmental and cross committee meetings to discuss things that cut across department/committee boundaries, e.g. the introduction of Universal Credit.

## APPENDIX 2

**1. Building a Safe Future: Independent review of building regulations and Fire Safety: Implications of the Hackett Review ( May 18)**

The key issues identified by Dame Judith's report are

**Ignorance** – regulations and guidance are not always read by those who need to, and when they do the guidance is misunderstood and misinterpreted.

**Indifference** – the primary motivation is to do things as quickly and cheaply as possible rather than to deliver quality homes which are safe for people to live in. When concerns are raised, by others involved in building work or by residents, they are often ignored. Some of those undertaking building work fail to prioritise safety, using the ambiguity of regulations and guidance to game the system.

**Lack of clarity on roles and responsibilities** – there is ambiguity over where responsibility lies, exacerbated by a level of fragmentation within the industry, and precluding robust ownership of accountability.

**Inadequate regulatory oversight and enforcement tools** – the size or complexity of a project does not seem to inform the way in which it is overseen by the regulator. Where enforcement is necessary, it is often not pursued. Where it is pursued, the penalties are so small as to be an ineffective deterrent.

The full report can be read here

<https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-final-report>

Whilst the review applies primarily to so-called "HRRBs" ( higher risk residential buildings 10 storeys and over), in some cases the review suggests "applying specific recommendations to a wider set of buildings... where it feels proportionate to do so" ( 1.6 P 19). This might include

- Blocks under 10 storeys covered by the Fire Safety Order 2015
- Multi-occupancy residential buildings
- Institutions and other buildings used as living accommodation where people sleep

It would therefore be sensible to extract from the Hackett recommendations anything of relevance which can be pro-actively embraced to improve public safety. This would include:

- Developing a clear asset plan for the council's buildings ( HRA and office). This plan would set out a framework within which annual maintenance priorities are set and capital building projects delivered
- Developing a fire safety policy for our buildings
- Ensure each building has a "fire safety digital record".
- Increase capacity for fire safety compliance
- Ensure the tenant engagement strategy includes reference to fire safety issues

- Consider a tenant panel specifically relating to safety issues to enable challenge and scrutiny ( this could alternatively be taken on by Housing performance committee as long as there was tenant engagement)
- Ensure there is an identifiable duty holder relating to each building
- Increase skills and competence in relation to fire safety and safety compliance generally.

All this work has been picked up and is included in the “work in progress” within appendix 1.

## 2. Change at the Council

The Grenfell Fire has become a totemic representation of what happens when a local authority faces a catastrophic breakdown of trust between itself and its residents.

Kensington and Chelsea has been lambasted as a Council that

- Didn't listen
- Didn't care
- Didn't respond
- Was more interested in saving money than in protecting lives

The underpinning attitudes and values that the Council presented to its residents directly led to this deep seated anger and mistrust. That Council has been trying to understand where and how it can start to rebuild those relationships, and decided to commission the centre for public scrutiny to undertake evidence gathering from residents ( through focus groups, interviews and a survey), from Councillors and from officers to come up with some recommendations for future action.

The report has relevance for all Councils. One of the abiding lessons of Grenfell is that no Council can afford to be complacent about its relationship with the people it exists to serve.

Listed below are some applicable “lessons” which might inform our future Grenfell action plan.

1. The “12 principles” set out in the report as the hallmarks of good governance are very relevant. These are:

- Connecting with residents

***The need to get out of the town hall and talk to people face to face  
Meetings that are more informal not bureaucratic  
Reducing the distance between senior managers and front line officers  
Use of the website and social media to talk to people in their language***

- Focusing on what matters

***Allow residents to influence the work plan of committees  
Communicate well about what decisions are going to be made by  
committee well in advance***

- Listening to many voices

***We need to ensure we are listening to a wide range of voices – the rich and the poor, people in different geographical areas; the loud and the quiet***

- Acting with integrity

***The need to follow words with action  
The need to train officers to engage appropriately with residents and Councillors***

- Involving before deciding

***The need to involve residents early in decision making and before it is too late to influence or change the course of events  
The need for better identification and prioritisation of projects which require early and continued engagement and the need to co-design input opportunities with local residents.***

- Communicating what we're doing

***Use of plain language  
Communicating what decisions have been made and what decisions are coming up in a clear and transparent manner.  
Explain the decision-making process in a clear manner and highlight opportunities to complain, question, and engage.***

- Inviting residents to take part

***Setting up a “listening committee”  
Consider importing good practice from other committees (e.g. planning)  
Look at co-opting residents to committees for certain issues  
Map out the existing resident and community groups in order to engage through these existing structures.***

- Being clearly accountable

***Recognise and tackle the difficulty where decision making crosses boundaries of decision making (e.g. between different department officers or portfolio responsibility)***

- Responding fairly to everyone's needs

***Tackle the perception that resources are skewed to responding only in certain geographical areas  
A corporate casework system  
Share skills and experience of longer serving councillors with new ones  
Consider how decisions can be taken closer to the residents***

- Working as a team

***Encourage cross party working in the public interest***

- Managing responsibly

***Identify risk and manage it responsibly***

- Having the support we need

***Use external expertise to bolster the ability to scrutinise and challenge existing practice***

Arising out of these recommendations the key areas for improvement action for us to consider are:

1. Managers spend more time on the front line
2. "Listening days" in local areas (Councillors and Officers) to gather information, concerns. Feed these issues into the committee work plan and tell residents what we have done in response
3. More meetings between senior managers and front line officers to listen to concerns and issues
4. Revisit the website to ensure it highlights opportunities for involvement, comments, suggestions and complaints in plain English
5. Consider how we can engage with a wider range of voices in decision making
6. Highlight through social media pro-actively decisions up-coming and opportunities to influence and have a say.
7. More "you said we did" bulletins
8. Map out the existing resident and community groups in order to engage through these existing structures.
9. Consider allocating some resources for use closer to residents through ward councillors to respond to ward issues
10. Develop a housing risk register
11. Cross departmental and cross committee meetings to discuss things that cut across

All of the items at 1-11 are now either "work in progress" in appendix 1 or listed under the "suggestions" section on which Councillor feedback is invited.

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**Report of the Interim Strategic Director**

<b>WORK PROGRAMME</b>
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1. Purpose of report

To consider items for inclusion in the Work Programme for future meetings.

2. Background

Items which have already been suggested for inclusion in the Work Programme of future meetings are given below. Members are asked to consider any additional items that they may wish to see in the Programme.

3. Work Programme

4 December 2018	<ul style="list-style-type: none"> <li>• Housing Benchmark Update</li> <li>• Decant Policy</li> <li>• Housing Needs Assessment and House Building Delivery Plan</li> <li>• Resident Involvement Strategy</li> </ul>
16 January 2019	<ul style="list-style-type: none"> <li>• Pets Policy</li> <li>• Alterations and Improvement Policy</li> <li>• Housing Strategy</li> </ul>

(All meetings to start at 7.00 pm)

<b><u>Recommendation</u></b>
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<b>The Committee is asked to consider the Work Programme and RESOLVE accordingly.</b>
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Background papers

Nil

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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Broxtowe  
Borough  
COUNCIL

## **House in Multiple Occupation (HMO) Property Standards**

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## **1.0 INTRODUCTION**

The Housing Act 2004 (“the Act”) introduced a new definition of ‘house in multiple occupation’ (HMO), together with a national mandatory licensing scheme for certain HMOs.

The legal definition of HMO can be found in Sections 254-257 of the Act. In summary it is a building that is occupied, as the only or main residence, by more than one household. Examples can include:

- Buildings that consist of bedsit rooms where some of the facilities are shared;
- Buildings with multiple units of accommodation that all have their own exclusive facilities but which are not self-contained;
- Shared houses (e.g. houses let to a group of friends, often students, who have their own bedrooms but share a degree of communal living, including the use of at least one room as a common room);
- Hostels or hotels where some of the occupiers have no other permanent place to live;
- Buildings converted into self-contained flats that don’t comply with the Building Regulations 1991 and where less than two thirds of the flats are owner occupied;
- Buildings which contain a mixture of the above types.

A household is defined in section 258 of the Act. This can include:

- An individual
- Persons who are married or co-habiting (including single-sex relationships)
- Relatives of an individual or of married/co-habiting partners (child, parent, grandchild, grandparent, brother, sister, uncle, aunt, nephew, niece or cousin)

Guidance on the definition of an HMO can be found at:

<http://www.legislation.gov.uk/ukpga/2004/34/part/7/crossheading/meaning-of-house-in-multiple-occupation>

Under Part 2 of the Act certain HMOs are required to be licensed by the district council. These are HMOs occupied by 5 or more persons with at least three storeys. From 1<sup>st</sup> October 2018, the reference to three storeys will no longer apply

Licensing was introduced by the government to improve the management and conditions of HMOs

This document contains the standards (paragraphs 2 to 8) which will apply to HMOs within the borough of Broxtowe. These standards will generally be enforced as the minimum acceptable. However, consideration will be given to the circumstances of each case. Facilities may exist or be proposed in certain combinations which allow a variation to the guidance in this document. Other legal standards may also apply (for example the Housing Health and Safety Rating

System) but details of these standards which are not set by Broxtowe Borough Council (the Council) are not reproduced in this document

## **2.0 HMO MINIMUM ROOM SIZES**

All lettings shall be large enough to provide sufficient space for living, sleeping, food storage and food preparation (except where there is a separate shared kitchen provided elsewhere).

All rooms shall be of a convenient and usable shape for their intended purpose. Where the ceiling height is less than 1.5 m the floor area is not counted. Space that cannot be used because of its shape, location or if it forms an en-suite facility must not be included when calculating room size to meet the space standards.

No staircase, landing, passage, kitchen, bath/shower or WC room shall be used for sleeping accommodation.

For the purpose of this standard:

- No more than two persons shall occupy any room for sleeping. No account shall be taken of a child under the age of 12 months. The minimum room size for sleeping accommodation for a child under the age of 10 years is 6.5m<sup>2</sup>
- Persons of the opposite sex who are aged 10 years and over and who are not cohabiting shall not be obliged to sleep in the same room.

### **2.1**

<b>Individual rooms:</b>	<b>1 Person Unit</b>	<b>2 Person Unit</b>
A. Bedroom	8 m <sup>2</sup>	12 m <sup>2</sup>
B. Combined bedroom and living/dining room	10 m <sup>2</sup>	15 m <sup>2</sup>
C. Combined bedroom, living room and kitchen	14 m <sup>2</sup>	18 m <sup>2</sup>

### **2.2**

<b>Rooms shared by occupiers:</b>	
Kitchen requirements	7 m <sup>2</sup> if used by 1 – 5 persons
	For over 5 persons an additional 3 m <sup>2</sup> per person sharing the kitchen
Dining space requirements	2 m <sup>2</sup> per person (for those sharing the space)
	Any dining space (shared for the exclusive use) shall be suitable, and conveniently located (normally not more than one floor from the living unit)

A communal living room is not required if all individual bedroom/living rooms meet the standard in 2.1 B and C above.



**General note:**

The dimensions and areas specified shall normally be regarded as the minimum, particularly with regard to new proposals. However it is recognised that existing buildings cannot always achieve these minima. A degree of flexibility will sometimes be possible if other compensating features are present. Conversely it should be noted that irrespective of the dimensions, the shape and useable living space of any room is a determining factor in the calculation of the maximum number of people for which it is suitable.

### **3.0 KITCHEN FACILITIES**

5 persons can share one full set of kitchen facilities. More than 5 persons will require an additional set of kitchen facilities.

#### **3.1 Kitchen ratios**

<b>Maximum number of individuals allowed to share kitchen</b>	<b>Number of sets of kitchen facilities</b>
5	1
10	2
15	3

- All equipment must be fit for purpose.
- Kitchen facilities shall be in a properly designed room or area, laid out so to allow the safe and hygienic preparation of food and adequate ventilation.
- Where the bedrooms are more than one floor away from the kitchen, the kitchen must be provided with facilities to eat meals, i.e. a kitchen diner or in a separate room adjacent to the kitchen.
- A kitchen diner must be provided with an adequate size table and number of chairs for the number of users.
- One full set of kitchen facilities will include the following, details of which are given later in this document:
  - Kitchen sink
  - Cooking facilities
  - Worktop
  - Food storage (dry goods cupboards and fridge freezers)
  - Kitchen cupboard
  - Power sockets
  - Refuse storage

#### **3.2 Kitchen sink**

Sink and a drainer of a suitable and practical size on a base unit, properly connected to the drainage system, and provided with an adequate and constant supply of potable drinking water and an adequate and constant supply of hot water, without fluctuation in temperature.

Each sink must have an appropriate splashback of minimum height 300 mm.

A dishwasher will be acceptable as a second sink.

#### **3.3 Cooking facilities**

Any cooker to be suitably located away from doors and windows.

- Individual use – minimum shall be two rings, conventional oven and grill.
- Shared use for up to 5 persons – a standard sized cooker with a minimum of four rings, conventional oven and grill, to be securely fitted.
- A 25 litre microwave with an oven and grill will be acceptable as a second cooker.

### **3.4 Kitchen worktop**

A properly secured, readily cleansable work surface shall be provided in a suitable position adjacent to the cooker in every kitchen. Worktop to be at the same height as the cooker.

Minimum dimensions 600 mm deep x 1000 mm length for 1-3 persons, plus a further 500 mm (length) per additional person sharing up to a maximum 3000 mm.

### **3.5 Dry food storage**

One cupboard for the storage of dry goods per person, with a minimum storage capacity of 0.2 cubic metres. The recommended minimum dimensions to meet this requirement are:

Width: 60cm

Depth: 50cm

Height: 70cm

The cupboard space in the unit below the sink is not suitable for dry goods storage.

### **3.6 Refrigerators/Freezers**

Two worktop height refrigerators with freezer compartment or equivalent (or one worktop height fridge and one worktop height freezer) per five occupants,

### **3.7 Kitchen cupboards and drawers**

Sufficient cupboards and drawers for the storage of kitchen utensils and crockery in shared kitchens.

### **3.8 Power sockets**

There shall be a minimum of four electrical sockets at worktop height plus one socket for each major appliance (e.g. refrigerator/freezer, washing machine etc.) per full set of kitchen facilities. Therefore, two sets of kitchen facilities require at least 8 sockets at worktop level plus one socket for each major appliance.

### **3.9 Refuse storage**

Adequate facilities for storage and disposal of refuse must be provided. At least one 20 litre plastic or metal refuse container(with a lid) for each group of 5 occupants or part thereof within the dwelling and impervious refuse storage containers (bins) with suitable close fitting lids should be provided in accordance with local authority requirements for collection of refuse. There shall be an adequate number of bins for the number of occupants and they should be readily accessible. Tenant responsibilities should be outlined in respect of separation of refuse and presenting bins for collection.

### **3.10 Kitchen safety**

All kitchens and kitchen areas must have a safe and practical layout. In particular:

- a. cooking appliances should have an adjacent work surface
- b. no soft furnishings are to be within 600mm of the cooking appliances
- c. other than an extractor hood, no fixtures or fittings are to be sited directly above cooking appliances.

### **4.0 PERSONAL WASHING FACILITIES**

All facilities should be located in rooms of an adequate size and layout no more than one floor distant from any bedroom and accessible from communal areas unless provided as an en-suite facility for the exclusive use of that occupant.

All baths, toilets and wash hand basins (WHB) should be fit for purpose. Each WHB is to be provided with an appropriate splashback where appropriate.

Any wet standing surfaces should have suitable anti-slip surfaces (e.g. bath mat)

If the WC is located in a separate compartment then a WHB must also be included within the same compartment.

Walls and floors should be reasonably smooth and non-absorbent and capable of being readily cleansed.

#### **4.1 Ratios and location of washing facilities**

Occupiers	Up to 4	5	6 – 8	9	10	10-12	13-15
Shared wash hand basin	1	2	2	3	4	4	5
Shared WCs	1	2	2	2	2	3	3
Shared baths or showers	1	1	2	2	2	3	3
	WC can be sited in the bathroom	At least one WC should be in its own compartment (or in an additional bathroom)			At least two WC's should be in their own compartments (or in additional bathrooms)		

## **5. Ventilation**

Any kitchen or toilet with no openable window; or a bath/shower room or utility room with no openable window should be provided with a mechanical extract fan to reduce condensation and remove smells. The necessary performance of these extract fans is normally measured in litres per second (l/s) as follows:

- Kitchen - 30l/s if placed over the hob and 60l/s if placed elsewhere
- Bath/shower - 15l/s with an additional 15 minute overrun (after the light is switched out)
- Toilet - 6l/s with 15 minute overrun
- Utility room - 30l/s

Alternative rates may be applicable if the ventilation is running continuously

## **6.0 HEATING**

Fixed space heating is to be provided in every room including bathrooms and kitchens. Heating should be controllable by the occupants and safely and properly installed and maintained. It should be appropriate to the design layout and construction such that the whole of the letting can be adequately and efficiently heated.

Structural thermal insulation should be provided to minimise heat loss.

## **7.0 ELECTRICAL INSTALLATION**

Electrical installation to be tested every 5 years by a competent electrical engineer and a copy of the test certificate provided to the Council.

The consumer unit must be located in a common area.

### **7.1 Portable Appliance Testing (PAT)**

If electrical appliances are provided in the property, then the licence holder (or person having control in a non-licensed HMO) must produce a Portable Appliance Test (PAT) certificate to the Council upon request (or during the licence application process)

## **8.0 GAS INSTALLATION**

A copy of the current Gas Safety Certificate should be provided to the Council on an annual basis.

## **9.0 FIRE PRECAUTIONS**

Fire precautions should be in accordance with the guidance in the Local Authorities Coordinators of Regulatory Services (LACORS) publication "Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing" dated August 2008.

## **9.1 Fire Doors**

The construction of fire doors should be such that when subjected to fire conditions they will act as an effective barrier to the passage of flame, heat and smoke for a specified period of time.

“Fire Door” means a fire resisting door and frame constructed to comply with the appropriate rating requirement of the current British Standards.

Two different types of fire door may be specified for HMOs:

- half hour fire doors (FD30)
- half hour (smoke stop) fire doors (FD30S)

Both types of door require intumescent strips but smoke stop doors are also provided with smoke seals.

The upgrading of existing doors is not accepted as an alternative to the installation of new fire resisting doors.

Sliding doors are not acceptable in fire resisting elements.

Fire doors must be capable of being opened from the inside without the use of a key.

## **9.2 Maintenance of fire precautions**

The manager/person in control must ensure that any firefighting equipment, emergency lighting and fire alarms are maintained in good working order. A maintenance contract must be arranged (with a competent contractor) at the time of initial installation for regular servicing in accordance with the relevant British Standard.

The fire alarm system must also be tested on a weekly basis by the manager/person in control and all such tests should be properly recorded within the log book supplied by the installer during the handover procedure. Details of any maintenance contract and/or records of tests, must be provided to the local authority on request.

## **10.0 Contact details**

Contact details of the person responsible for the maintenance of the fire precautions should be displayed in a prominent position in the HMO in accordance with the current HMO Management Regulations along with other relevant contacts, such as information for reporting any repairs including an out of hours emergency contact.

## **11.0 HMO LICENSING AND PLANNING GUIDANCE**

HMO owners and their agents are advised to ensure that any HMO does not contravene any planning restrictions or requirements. The granting of an HMO licence does not confer any planning permission and advice should be sought directly from the Planning Department on this issue.

## **12.0 FURTHER INFORMATION**

For further information please contact:

Private Sector Housing Team  
Environmental Health  
Broxtowe Borough Council  
Foster Avenue  
Beeston  
Nottingham  
NG9 1AB  
Telephone: 0115 9173438  
Email: [health@broxtowe.gov.uk](mailto:health@broxtowe.gov.uk)

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