

Report to: **Hub Committee**

Date: **21 November 2023**

Title: **Social Housing & Private Sector Housing Landlords**

Portfolio Area: **Housing: Cllr Renders**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

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RECOMMENDATIONS:

That the Hub Committee:

- 1. APPROVES an enhanced approach to improving Social and Private Sector Housing standards in West Devon; and**
- 2. REQUESTS an annual performance report on the investigations of housing standards complaints.**

1. Executive summary

- 1.1 This report sets out a commitment by the Council to support tenants in social and private sector rented accommodation to take action against their landlords when there are unacceptable delays or challenges in remedying repairs.
- 1.2 An online form has been designed and is now available for tenants to report to the Council such complaints. This will be reviewed and where appropriate, the Council will take action on behalf of the tenant to resolve delays or challenges with remedying cases of disrepair.
- 1.3 The tenant will receive a response to their complaint within 2 weeks. We will respond more quickly to an emergency where there is a more urgent matter (such as an electrical fault) reported.
- 1.4 We will ensure every tenant can expect to live in accommodation that is free of damp and disrepair and commit to

ensuring the highest possible standard of accommodation in the Social and Private Rented Sector.

- 1.5 The tragic death of Awaab Ishak, who died at the age of two, as a direct result of mould in his family home in Rochdale, serves as a national reminder of the dangers of living in poor quality accommodation. In this case, the family were living in social housing.
- 1.6 The Government responded by publishing the Social Housing (Regulation) Bill with the aim of giving more protection to social housing tenants and re-enforcing the role of the Housing Ombudsman. The Bill received Royal Assent on 20th July 2023. Although a few of the Act's provisions came into force on that date, most will depend upon the Secretary of State making regulations to bring them into force.
- 1.7 This report provides some details of new measures in the Social Housing (Regulation) Act 2023 and sets out how the Council is already working towards making it easier for a tenant to make a complaint regarding their housing conditions and how we will deal with those complaints.

2. The Council's commitment

- 2.1 The Council will provide a clear point of contact for tenants raising issues with the Council. We will triage all complaints, inspect the property, and contact landlords directly in serious cases where it is appropriate to do so. For Social Housing tenants, where the problem is less serious, we will refer the tenant back to Registered Provider and track progress with the Registered Provider until a satisfactory conclusion is reached.
- 2.2 Where the complaint is linked to a Devon Home Choice assessment, we will liaise with the Devon Home Choice Officer and ensure that the property is assessed quickly in accordance with existing guidelines.
- 2.3 Tenants will be able to receive advice and support and raise complaints through a new online form, aimed at simplifying the process and ensuring disrepair continues to be monitored and if not resolved in a timely manner, escalated.
- 2.4 The Council will take a staged approach to enforcement in accordance with the Council's Enforcement Policy. Where requirements are not complied with, and a property is sub-standard, the Council will consider prosecution or a civil penalty.
- 2.5 We will record and monitor each Housing standards complaint and provide Members with an update on numbers received and actions taken on an annual basis.

- 2.6 We will continue to ensure that Environmental Health Officers are fully trained and competent to assess Housing Hazards in domestic properties.
- 2.7 We will aim to reduce the number of serious reported hazards over the next four years by dealing with all Category 1 hazards and working with Landlords to improve housing standards.
- 2.8 We can measure success by recording the number of complaints received and dealt with in an agreed timescale as a performance indicator and by benchmarking with other rural District Councils.
- 2.9 The Council will educate more private and social landlords to be aware of their responsibilities by promoting good housing standards via newsletters and social media.
- 2.10 We will continue to meet with senior officers from all Registered Providers, to ensure that our approach is understood at an Operational level.
- 2.11 We will continue to invite a Chief Officer from Livewest (our largest Registered Social Provider) to the Council's Overview & Scrutiny meeting where Councillors will have the opportunity to question Livewest.
- 2.12 The Council can also highlight enforcement action and prosecutions taken through press releases, newsletters, and social media.

3. Background

- 3.1 In the West Devon there are approximately 2600 social rented properties, owned and managed by Registered Social providers. The largest of which is Livewest, who are the owners of the stock transferred from West Devon Borough Council.
- 3.2 The Council was required to submit a response in January 2023, to the Secretary of State following the death of Awaab Ishak, confirming the approach the Council undertakes with regards to dealing with complaints from tenants of social housing. The letter may be found in Appendix 1.
- 3.3 To ensure we are making the process of reporting complaints as easy as possible for tenants, we have launched a new online form as well as our traditional telephone service to report an issue. Tenants will be able to upload photos of their disrepair and officers will be able to prioritise the work appropriately. We will ensure we lend a voice to those tenants having trouble with their Registered Provider (and private Landlord) and that, according to the severity of the damp or disrepair that complaints are dealt with in a timely manner.

- 3.4 The Council has always had a role in the enforcement of Housing Standards in these properties, together with the Social Housing Ombudsman. Council Environmental Health Officers are trained and authorised to enforce the Housing Act 2004 using the Housing Health and Safety Rating System (HHSRS) to ensure that tenants live in suitable conditions.
- 3.5 The Social Housing Ombudsman investigates complaints and resolves disputes involving tenants and leaseholders of social landlords (housing associations and local authorities), as well as for voluntary members (private landlords and letting agents).
- 3.6 The Social Housing (Regulation) Bill received Royal Assent on 20 July 2023. The Bill received broad support across parliament with all the Government's amendments being upheld.

These included:

- An amendment introducing Awaab's Law which requires social landlords to investigate and fix reported hazards in their homes within a specified time or rehouse tenants where a home cannot be made safe.
- An amendment providing new powers for the Housing Ombudsman to help social landlords improve performance by instructing them to self-assess against guidance during a complaint investigation.
- An amendment enabling the Social Housing Regulator to set a standard relating to information and transparency requiring social landlords to provide residents with information on how they can make a complaint against them.
- An amendment that will require all social housing managers to have a professional qualification. The aim of this change is to help to protect residents and raise standards, ensuring residents receive a high level of service and are always treated with respect.

4. Options available and consideration of risk

- 4.1 If we do not respond to and enforce social and private sector housing standards, we could miss an opportunity to improve housing stock and improve health and wellbeing of West Devon residents. We would also risk not being compliant with our statutory duty under the Housing Act 2004 to investigate housing standards complaints.
- 4.2 The Council has evaluated national guidance and good practice, local good practice and included both private and social landlords to ensure balance and consistency. The introduction of the Social Housing (Regulation) Act 2023 provides a clear steer for Councils on the importance of housing standards in the social rented sector.

- 4.3 The approach outlined will include both private and social landlords to ensure balance and consistency.

5. Proposed Way Forward

- 5.1 The Council will continue to work with residents and social and private landlords to promote better quality housing in West Devon. The Council will enhance its engagement, inspections and follow up monitoring of social and private sector housing complaints.
- 5.2 The Council will monitor the introduction of the Social Housing (Regulation) Act 2023 and seek to carry out any opportunity that new legislation presents to improve the housing stock for its residents.
- 5.3 Officers will report back to Members on the number of complaints received, how quickly they have been investigated and the outcome of the investigation on an annual basis. The lead member for Housing will be kept informed on a more regular basis.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The Council has a statutory duty under the Housing Act 2004 to respond to complaints of poor housing standards in the Borough. Specifically, under Part 1 - the Housing Health and Safety Rating System. The implications of the Social Housing (Regulation) Act 2023 are set out in the report.
Financial implications to include reference to value for money		Whilst the renewed approach may be more resource intensive the capacity will be found by using efficiencies identified in the Environmental Health Business plan 2022-24.
Risk		Failing to ensure social rented property is maintained at a high standard could have an adverse effect on the health of our residents
Supporting Corporate Strategy		This work supports the "Housing" Corporate Priority.
Consultation & Engagement Strategy		Not applicable

Climate Change - Carbon / Biodiversity Impact		No direct impact although high standards of energy efficiency - which can be linked to reducing poor housing quality - will help reduce carbon emissions.
Comprehensive Impact Assessment Implications		
Equality and Diversity		All processes must be equality impact assessed
Safeguarding		None as a direct result of this process, however there may be an increase in safeguarding referrals if there are more identified hazards
Community Safety, Crime and Disorder		None as a direct result of this process
Health, Safety and Wellbeing		The condition of a tenant's home will have impacts on Health, Safety and Wellbeing
Other implications		

Supporting Information

Appendices:

Appendix 1 Letter to Secretary of State January 2023

Background Papers:

None