

**South Hams District Council**  
**Social Housing Management Policies**  
(November 2023)

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# **South Hams District Council's Adaptation Policy**

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## **1) Introduction**

The South Hams District Council's (SHDC) Landlord Disabled Adaptation Policy identifies how the Council will enable tenants to live in properties that are suitable for their needs as well as helping them to live independently by adapting their homes through minor and major adaptation works.

## **2) Scope and purpose**

This Policy is designed to work with strategic partners and communities to improve community wellbeing. SHDC will encourage tenants to live in properties that are suitable for their needs and this may include transferring a tenant to a more suitable property. SHDC will, wherever appropriate, help tenants to manage more independently by adapting their properties through minor and major adaptation works.

SHDC's approach to dealing with requests for adaptations to housing stock will be in accordance with this policy.

This policy recognises the impact adaptations in and around the home can have in helping someone with a disability to maximise their independence. The policy recognises that alternatives to the provision of adaptations will be explored with the tenant and their household, and wherever possible tenants will be encouraged to move to more suitable accommodation if necessary. It confirms SHDC's commitment to meeting the needs of SHDC tenants as well as effectively using existing housing stock. The policy recognises that a disability can take many forms and can affect a person's ability to fully access and enjoy their home.

## **3) Definitions**

### **i. Adaptations**

An adaptation is an alteration or addition to any part of a dwelling which is provided in order to make it easier or safer for use by a person with a disability or mobility problem. This may be the tenant or a member of their household. Throughout this policy, references to the tenant will include their household.

### **ii. Disability**

A disability is defined as a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day to day activities.

A person is defined as 'disabled' under the Housing Grants, Construction and Regeneration Act 1996 if;

- a) Their sight, hearing or speech is substantially impaired.
- b) They have a mental disorder or impairment of any kind; or
- c) They are physically substantially disabled by illness, injury or impairments that have been present since birth or otherwise,

Generally, the impairment of the applicant must have lasted or is likely to last for at least 12 months.

### **iii. Occupational Therapist (OT)**

A professional who works with a person who has a permanent or temporary impairment. An OT aims to help people perform daily tasks in their living and working environments, and to assist them to develop the skills to live independently.

#### **iv. Statement of Need**

A document prepared by an OT and countersigned by the tenant which states the needs of the tenant and the adaptations required in the home.

#### **v. Child**

A member of the household under the age of 18.

### **4) Adaptations in general**

SHDC work closely with colleagues in partner organisations involved in ensuring tenants can continue to live independently in our community.

Where minor or major adaptations are required to a property, adaptations will be considered so it is more suitable for a tenant to live in and help them to live independently. All adaptations provided will comply with current legislation.

Any adaptation to a property that has been funded by the Council is owned by the Council and must not be removed by the tenant at the end of their tenancy. Any adaptation to a property provided by the tenant that is not portable/removable will become the property of the Council and must not be removed at the end of the tenancy.

The Council will set a budget for the provision of adaptations which will be reviewed annually.

Adaptations that are carried out by the Council within the scope of this policy will normally be funded up to a maximum amount (see policy). Tenants or householders may need to contribute towards the cost of works and cases may require assessment that will be based on an individual's financial circumstances.

Where tenants are prepared to fund any adaptations themselves (to speed up the process), SHDC will encourage this, subject to the Council's written permission being obtained before any work commences. SHDC will not withhold permission unless there are valid and substantial reasons to do so. Tenants will not be eligible to be reimbursed for adaptation works to their properties if they have already completed works. In such circumstances, if permission has not been given, tenants may find themselves in breach of the tenancy agreement.

SHDC will not progress adaptations in cases where the Council are seeking possession of the property because of a breach of tenancy conditions.

SHDC will not make any adaptations to a property which has changed hands by way of mutual exchange for at least 12 months from exchange date, unless there are very significant changes in the tenant's circumstances. Such cases require the approval of the Property and Asset Manager.

SHDC will not adapt properties where tenants are on an introductory tenancy, unless there are exceptional circumstances. Such cases require the approval of the Property and Asset Manager.

When providing adaptations for household members who are not named on the tenancy agreement, they must be registered as living at the property for council tax purposes and, if aged over eighteen, they should be registered on the electoral role for that address.

Adaptations for a child will only be carried out at the main residence of a child who has a disability whose parents are separated. This is normally the residence of the parent who is in receipt of child benefit, if applicable for that child.

Where a tenant funds any major adaptations to their property, The Housing Team will refer them to Planning Services to check whether or not planning permission or building regulations are required.

When the budget for adaptations is fully committed in any one financial year, tenants will be put on a date ordered waiting list for adaptation works to commence in the new financial year.

## **5) Minor Adaptations**

Minor adaptations are those which normally involve no structural alterations or additions to a property and do not exceed £1,000.

Minor adaptations, where it is estimated work will cost less than £250, will not require an OT assessment and will be approved jointly by the tenant and the Housing Repair Service.

Minor adaptations, where the work is estimated to cost between £250 and £1,000 may require an OT assessment depending on the work required. The adaptations team will decide whether to refer the adaptation to the OT service.

If a tenant feels that they may require a minor adaptation to their home, they should contact the Housing Repairs Service who will refer the case to the appropriate team. Where the tenant resides in sheltered housing, the Housing Officer can assist with this process.

Examples of types of minor adaptations include:

### Visual impairment needs

- Staircase adaptations e.g. stair edging and nosings.
- External lighting access.
- Internal door threshold ramps.
- Improved access and widened pathway to main entrance.

### Hearing impairment needs

- Flashing doorbells.
- Smoke alarm alerts.

### Rails

- Main entrance support rails.
- Grab rails.
- Newel post rails.
- Handrails
- Stair handrails

### Kitchens and bathrooms

- Window opening equipment.
- Kitchen lever taps.
- Kitchen cupboard handles.
- Bathroom lever taps.
- WC level flush handles.
- Bath and WC grab rails.

### General needs

- Door and wall protectors.
- Altering height of electrical sockets and switches.
- Safety glass.

This list is not exhaustive and any suitable and reasonable 'minor' adaptation will be considered if this helps the tenant to live independently.

SHDC will agree at the outset a timeframe for commencement and completion of work with the tenant.

## 6) Major Adaptations

Major adaptations include extensive structural alterations such as extensions to properties. The Council can provide funding under the Better Care Fund and offer a Disabled Facility Grant/Accessible Homes Grant. The policy can be found here <https://www.southhams.gov.uk/your-council/council-plans-policies-and-reports/policies/housing-policies> will not provide funding above the maximum amount. Any additional funding will need to be provided by a partner organisation, or the tenant.

All adaptations that are considered through the Better Care Fund will require an occupational therapist assessment and will require the completion of a statement of need. The statement of need also must be signed by the tenant in order to agree the content.

Adaptations are carried out to provide improved access in and out of the property and to help with access to facilities within the home. It may also provide the essential facilities themselves. Types of major adaptations are:

- Installation of ramps or widening doorways.
- Installation of improved lighting or adapting or providing a room specifically to make it safer for a disabled person.
- Provision of a stair lift.
- Provision of a level access shower.
- Adaptation of heating or lighting controls for easier use.

Recommended adaptations will be considered on the grounds of reasonableness and whether practicable, taking into the account the type, age and condition of the property.

Where major adaptations works are not practical to a tenant's home, SHDC will work closely with the tenant, our colleagues and other agencies to find a more suitable property to enable the tenant to transfer.

Only in exceptional circumstances will an adaptation be carried out to a property where the tenant is under occupying or overcrowding their home, or are on the Council's housing register waiting for a transfer. Such cases will be agreed at the discretion of the Housing and Asset Managers.

The Housing and Asset Managers are required to approve any exceptional circumstance cases. These cases will be discussed and considered at the internal

Disabled Adapted Needs panel meetings (held every 2 months). Where appropriate, Officers will consider the application alongside the appropriate Occupational Therapist who will also be invited to attend the meeting.

Approval to works that exceed £1,000 will be carried out on the condition that:

- An occupational therapist completes an assessment and provides a statement of need form which demonstrates that the proposed adaptation is necessary and appropriate to enable access to essential facilities.
- The Council has been unable to identify a suitably adapted property which it would be reasonable to expect the tenant to move to.
- The proposed works comply with all planning permission, building regulation requirements and compliance regulations.

Where funding is required beyond the maximum to a property SHDC will work closely with partner organisations and the tenant to ensure other long-term options have been considered and other funding sources have been explored.

If a tenant purchases a mobility scooter or any aid to mobility that requires alterations to the outside of their home such as vehicular access, hard standings, pathways or the provision of a 'shelter' or electricity for charging the 'vehicle', then the tenant is required to fund these works themselves. The tenant should also request the appropriate permissions for such works to be carried out.

SHDC will endeavour to provide generic storage solutions to sheltered sites within restrictions of budget and site layout. Such solutions should not be relied upon, and tenants should still discuss with the housing service how they propose to store such items prior to purchasing them.

Once adaptations have been carried out at a property SHDC will arrange for someone to inspect the works to ensure that the tenant is satisfied and that the work has been undertaken professionally and to the required standard, including cases where the tenant has funded the work themselves.

An annual programme to undertake servicing and maintenance of equipment such as stair lifts, lifting equipment and automatic sanitary ware will be put in place by the Council. The Council will meet the cost of all routine repairs and maintenance to any adaptations provided or adopted by them.

If any aids or adaptations have been wilfully damaged by the tenant, a household member or visitor to the property, the tenant will be recharged for any costs incurred for putting the property right.

## **7) Adapted Homes**

In some cases, it may be possible to provide suitable properties to enable tenants to move as an alternative to providing major adaptations.

The adaptations team will work closely with the Senior Allocation Officer when a tenant/OT request a level access shower or stairlift or any other major adaptation to ensure that a move to suitable alternative accommodation is an option that can be considered within a reasonable timescale (within 6 months).

Where it is considered that a move to other suitable accommodation would be possible, a priority banding will be given to the tenant to move through the Devon Home Choice scheme.

It is possible to award a 'B' priority to help move a tenant quickly. This can be given as a result of a 'social need' or 'effective management of the housing stock'. Alternatively, a direct match can be applied when a suitable property becomes empty.

Adapted properties that become available will be offered to those in greatest housing need for this type of property in accordance with the Devon Home Choice policy.

Where an existing adapted property may require further adaptations to meet the needs of a tenant transferring from their existing home, SHDC will work closely with partner organisations including the OT service to undertake any works required to minimise delays in re-letting.

This may require the tenant to move prior to further adaptations being provided.

## **8) Exclusions**

SHDC will not adapt a property which is subject to a Right to Buy application.

Other than in exceptional circumstances approved by the Property and Asset Manager an adaptation will not be carried out to a property where:

(a) the tenant is registered with Devon Home Choice and waiting for a transfer

or

(b) the property is under or over occupied or above ground floor.

Alternative suitable accommodation including any further appropriate adaptations will be provided.

## **9) Responsibilities under this policy**

In implementing this policy, SHDC's overall objective is to:

- Ensure that all legislation is adhered to.
- Adhere to the terms that are set out in the Tenancy Agreement.
- Effectively investigate all permissions and enquiries relating to adaptations and ensure they are dealt with, and the appropriate action is taken within a reasonable timescale.
- Ensure that all permissions and enquiries are recorded and monitored.
- Ensure that the needs of the tenant are the main focus.
- Involve the tenant at each key stage of works.
- Fast track any cases where there is an urgent need to carry out adaptation works unless to a property that is 'excluded'.
- Ensure that all work is carried out to the required specification and high standard.
- Provide clear information on accessing the service and ensuring this is available to everyone.
- Ensure that appropriate consideration has been given to the tenant's financial ability to contribute to the work.

## **10) Permissions and Enquiries**

All permission and enquiries relating to adaptations to a property are dealt with by our Housing Repairs Service and/or the Adaptions Team.

If an OT assessment is required, the enquiry will be referred to Devon County Council to progress. A tenant can request the OT assessment by telephoning:

- Adult services: Care Direct on 0345 1551 007 or 0845 1551 007
- Children's services: 0330 024 5321

## **11) Process**

The adaptations team will consider all requests for major adaptations or minor adaptations that require an OT assessment and the provision of a statement of need.

The Maintenance Surveyors will consider all minor adaptations that do not require OT involvement, with support from the adaptations team.

All requests for an adaptation will be acknowledged within ten working days in writing and email.

All adaptation requests will be considered and where necessary referred to the OT service for assessment. If required, a statement of need will be provided by the OT service to the Adaptations team. Once this is received, the tenant will be informed as to whether the Council will provide the recommended adaptation.

SHDC's initial investigation following receipt of an adaptation request should take no more than ten working days but in the event that an officer has to contact other agencies for further information, the investigation may take longer to deal with.

## **12) Complaints**

The Housing Service will deal with any complaints in accordance with the South Hams District Council Corporate Complaints Policy. For full details please go to <https://new.southhams.gov.uk/your-Council/comments-and-complaints/complaints-and-feedback>

## **13) Responsibility**

The Housing Manager will be responsible for ensuring that this policy is adhered to.

## **14) Equality impact considerations**

The policy is of high relevance to equality because it has a significant impact on residents and users of the service.

The Council has an Equality and Diversity policy that informs how officers should engage with people with protected characteristics. This policy is informed and guided by an Equality impact assessment.

Officers are aware that as providers of social housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

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

## **15) Policy Review**

SHDC is committed to reviewing this policy, in consultation with tenants on a bi-annual basis or sooner if new guidance or legislation is published.

# South Hams District Council & West Devon Borough Council Equality Impact Assessment / PSED Assessment

|  |            |
|--|------------|
| <b>Name of Policy / Function to be assessed</b>  |            |
| Adaptations Policy   |            |
| <b>Officer responsible for the assessment</b>  |            |
| Stephanie Rixon  |            |
| <b>Service</b>   |            |
| Housing  |            |
| <b>Is this a new or existing policy / function? (Please ring as appropriate)</b>   | <b>New</b> |
| <b>EXISTING STRATEGY/ NEW UPDATE</b>   |            |
| <b>Briefly describe the aims, objectives and purpose of the policy</b>   |            |
| <ul style="list-style-type: none"> <li>• The South Hams District Council's (SHDC) Landlord Disabled Adaptation Policy identifies how the Council will enable tenants to live in properties that are suitable for their needs as well as helping them to live independently by adapting their homes through minor and major adaptation works.</li> </ul>  |            |
| Are there any associated objectives of the policy? Please explain.<br>(This may include other policies which are linked with or have an impact upon this policy)   |            |
| This policy is delivered in partnership with the Better Care Fund and Devon Home Choice.   |            |
| Who is intended to benefit from this policy and in what way?   |            |
| <ul style="list-style-type: none"> <li>• Tenants, SHDC staff, Partner agencies such as the DCC and the wider community.</li> </ul>   |            |
| What outcomes are wanted from this policy?   |            |
| <ul style="list-style-type: none"> <li>• In implementing this policy, SHDC's overall objective is to:</li> <li>• Ensure that all legislation is adhered to.</li> <li>• Adhere to the terms that are set out in the Tenancy Agreement.</li> <li>• Effectively investigate all permissions and enquiries relating to adaptations and ensure they are dealt with, and the appropriate action is taken within a reasonable timescale.</li> <li>• Ensure that all permissions and enquiries are recorded and monitored.</li> <li>• Ensure that the needs of the tenant are the main focus.</li> <li>• Involve the tenant at each key stage of works.</li> <li>• Fast track any cases where there is an urgent need to carry out adaption works unless to a property that is 'excluded'.</li> <li>• Ensure that all work is carried out to the required specification and high standard.</li> <li>• Provide clear information on accessing the service and ensuring this is available to everyone.</li> <li>• Ensure that appropriate consideration has been given to the tenant's financial ability to contribute to the work.</li> </ul> |            |

|   |                     |
|---|---------------------|
| What factors / forces could contribute / detract from the outcomes?   |                     |
| <ul style="list-style-type: none"> <li>Loss of funding, failure of SHDC and partners to work effectively together.</li> </ul>   |                     |
| Who are the main stakeholders in relation to this policy?   |                     |
| <ul style="list-style-type: none"> <li>Tenants</li> <li>Staff</li> <li>Registered Providers</li> <li>Devon County Council</li> </ul>  |                     |
| Who implements this policy?   | The Housing Team    |
| Who is responsible for this policy? (Post Holder)   | The Housing Manager |
| Are there concerns that the policy <b>could</b> have a differential impact on racial groups? (Please explain)   | <b>No</b>           |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |                     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |
| <ul style="list-style-type: none"> <li>This policy and the services referred to within are equally accessible to all tenants who meet the threshold for adaptations.</li> </ul>   |                     |
| Are there concerns that the policy <b>could</b> have a differential impact due to gender? (Please explain)  | <b>No</b>           |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |                     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |
| <ul style="list-style-type: none"> <li>This policy and the services referred to within are equally accessible to all tenants who meet the threshold for adaptations.</li> </ul>   |                     |
| Are there concerns that the policy <b>could</b> have a differential impact due to disability? (Please explain)  | <b>Yes</b>          |
| <ul style="list-style-type: none"> <li>This policy should positively impact on people with Disabilities because it outlines potential assistance to ensure people are assisted to manage living independently.</li> </ul> |                     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |
| <ul style="list-style-type: none"> <li>This preference is in line with the scheme objectives to support people to continue to live independently where appropriate.</li> </ul>  |                     |
| Are there concerns that the policy <b>could</b> have a differential impact to sexual orientation? (Please explain)  | <b>No</b>           |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |                     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |
| <p>This policy and the services referred to within are equally accessible to all tenants who meet the threshold for adaptations.</p>  |                     |
| Are there concerns that the policy <b>could</b> have a differential impact due to age? (Please explain)   | <b>Yes</b>          |
| <ul style="list-style-type: none"> <li>An older person is statistically more likely to require adaptations in their home and without additional support may struggle to engage with the process</li> </ul>                |                     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |

|   |           |
|---|-----------|
| <ul style="list-style-type: none"> <li>Support and signposting will need to be available for some older people to access this service.</li> </ul>                               |           |
| Are there concerns that the policy <b>could</b> have a differential impact due to religion or religious beliefs? (Please explain)   | <b>No</b> |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |           |
| What existing evidence (either presumed or otherwise) do you have for this?   |           |
| This policy and the services referred to within are equally accessible to all tenants who meet the threshold for adaptations.   |           |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person having dependants / caring responsibilities? (Please explain)                        | <b>No</b> |
| <ul style="list-style-type: none"> <li>No evidence of any impact</li> </ul>   |           |
| What existing evidence (either presumed or otherwise) do you have for this?   |           |
| <ul style="list-style-type: none"> <li>This policy and the services referred to within are equally accessible to all tenants who meet the threshold for adaptations.</li> </ul> |           |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person being trans-gendered or transsexual? (Please explain)                                | <b>No</b> |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |           |
| What existing evidence (either presumed or otherwise) do you have for this?   |           |
| <ul style="list-style-type: none"> <li>This policy and the services referred to within are equally accessible to all tenants who meet the threshold for adaptations.</li> </ul> |           |
| Could the differential impact identified above amount to there being the potential for adverse impact in this policy?   | <b>No</b> |
| No – the impacts identified are either positive or can be averted via the methods outlined in this document.  |           |
| Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?  |           |
| <ul style="list-style-type: none"> <li>N/A</li> </ul>   |           |
| Is there enough evidence to proceed to a full EIA?  | <b>No</b> |
| Are there further actions to be taken as a result of this assessment?<br>(If yes please detail actions on a separate sheet)   | <b>No</b> |
| Date on which Full Assessment to be completed by?   | N/A       |
| Steph Rixon<br>Signed (Completing Officer)  |           |
| Date: 30/10/2023  |           |

# **South Hams District Council Allocations policy**

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## 1) Introduction

Housing Authorities are required by the Housing Act 1996 s166A (as amended by the Homelessness Act 2002 and the Localism Act (2011)) to have an allocation scheme for determining the priorities and defining the procedures to be followed in allocating affordable housing accommodation.

South Hams District Council (SHDC) has a housing stock of 8 dwelling's as of October 2023. In addition to this, there are a number of Registered Providers (RPs) operating within the South Hams.

Devon Home Choice (DHC) is the Choice Based Lettings scheme adopted by SHDC and other Local Authorities, and includes the majority of RPs operating within Devon. Housing is allocated through this jointly operated Choice Based Lettings Scheme.

The Devon Home Choice team co-ordinates and maintains the South Hams DHC housing register. Seamoor Lettings (SHDC's inhouse letting agency) is responsible for the allocation of the Council's own housing stock.

## 2) Scope and purpose

The DHC scheme is very prescriptive and sets out how RPs and Local Authorities will badge (give preference to certain applicants where necessary) and let their own properties.

It sets out how the circumstances of housing applicants will be verified to ensure that they are eligible for an offer. Individual RPs have their own allocation policies and will verify applicant's details to ensure they meet the criteria contained within them.

This policy explains when the preference badges (as defined by DHC) will be used and methods for validation of the badge. Each of these badges has a definition. Some properties may be excluded from the DHC Scheme for management reasons as listed in this policy. This policy will ensure that the procedures of SHDC are adhered to in line with the provisions of the DHC scheme and should be read in conjunction with it. Further information about DHC can be found at [www.devonhomechoice.com](http://www.devonhomechoice.com).

In delivering our Allocations Policy, the Council will seek to meet the following objectives:

- To operate a scheme which is open, fair, and consistent within the district.
- To improve accessibility and services for vulnerable applicants.
- To allow applicants to understand and control their housing situation so they may make informed decisions on their housing options.
- To enable access to a wide range of housing options, services and advice to find the best solution to meet particular needs.
- To prevent homelessness and to reduce the use of temporary accommodation through an effective prioritisation scheme.
- To make best use of the housing stock within the district.
- To be compliant with current legislation.
- Ensuring the validity of applications by cross checking and verifying information provided (for example - medical evidence, proof of address, earnings and benefits).

The Council also uses DHC to assess housing need. The system allows applicants to make a choice about the housing which will best meet their needs, from the options that are available, whilst still meeting the Council's statutory duties to those in greatest housing need.

When an applicant has been accepted onto Devon Home Choice, they will be able to view properties that the Council and RPs are advertising on the system. The advertisements will provide details of the property, the rent to be charged and the tenure the property is offered under. Applicants will then be able to apply/bid for the property of their choice if they meet the relevant qualifying criteria.

Properties are advertised weekly. At the close of the bidding, the Landlord will consider the shortlist of applicants and select the applicant who meets the need for the property, priority will be given to banding and time on the housing register. A check will be done to ensure that the allocation would make best use of the property.

Feedback on the bidding cycles is published on the DHC website at the end of each quarter of the financial year. This provides information on successful lets.

SHDC allow all eligible applicants to register on Devon Home Choice, including those considered to be 'no housing need' as per the DHC policy.

Access to the housing register will be via an application through the DHC website. For potential applicants unable to utilise this facility, a paper application may be accepted. Special arrangements will be made for potential applicants unable to access Devon Home Choice through these routes. DHC Officers will be able to provide advice and assistance, if required.

The DHC team can provide guidance and will offer realistic advice in terms of the chances of success. Evidence of an applicant's housing history; income, medical needs, criminal convictions, family make up and any other information that may be required will be sought when considering a property allocation.

On completion of the DHC application form and the receipt of any additional information or supporting evidence relating to the applicant's eligibility and housing need, a relevant priority for the applicant will be awarded. The application will be reviewed by the Devon Home Choice Officer to ensure that the banding is correct. Further verification of the information provided by the applicant may be required.

### **3) Eligibility**

Anyone over 16 years of age and over can apply to the housing register if they are eligible. However, this does not guarantee housing under the scheme, as, by law, there are defined groups of applicants who cannot be re-housed. It may be necessary to provide evidence of eligibility during the process which will include at least 5 years of past housing history. SHDC cannot provide accommodation to ineligible applicants.

Applicants under the age of 18 will only be allocated a property with a guarantor. Upon their 18th birthday, they will be required to sign a tenancy agreement.

Under the Housing Act (1996) as amended by the Homelessness Act 2002 and the Localism Act (2011), Local Authorities must consider whether applicants are eligible for housing assistance. This relates to some applicants who may have been living abroad or who do not have permanent permission to remain in the UK. Some applicants will be ineligible, whether or not they are subject to immigration control. Regulations relating to this may be updated regularly.

The Council cannot, by law, allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996) unless they fall within a class exempted from this restriction by Government regulations.

In addition, the Council cannot, by law, allocate housing accommodation to other classes of persons from abroad if Government regulations dictate we cannot. Please visit the DHC website for more information relating to non-eligible applicants.

Applications from ineligible or non-qualifying applicants will not be accepted on to the DHC Housing register. The applicant will be notified of the decision of ineligibility or non-qualification and the grounds for the decision.

If an applicant is accepted onto the DHC register, but subsequently becomes ineligible, their housing application will be removed, and the applicant notified. Under such circumstances, any offer of accommodation that may have been made, will be considered null and void and rescinded. Applicants found to be ineligible or non-qualifying have the right to ask for a review of the decision.

Mitigation of behaviour that has led to exclusion or non-acceptance may be taken into account as will circumstances where applicants are excluded but are deemed to be at risk if they do not move. In both cases a sustained programme of monitored engagement with the Councils Housing Options Officers will be expected.

#### **4) Assessment of housing need**

All applicants who are accepted onto the DHC Housing Register will have their application assessed and be awarded an appropriate band based on an assessment of their housing need in accordance with the allocations scheme. The band categories are defined in the DHC scheme. See <http://www.devonhomechoice.com> for current policy. This is to ensure that the Council meets its legal obligations as set out in the Housing Act (1996) amended by the Homelessness Act (2002).

#### **5) Reasonable Preference**

By law, Local Authorities must award 'reasonable preference' to certain categories of applicant:

- Applicants who are homeless as a result of domestic abuse.
- Applicants who are homeless within the meaning of part 7 of the Housing Act 1996 (including those who are intentionally homeless and those not in priority need).
- Applicants who are owed a duty by any Housing Authority under the Housing Act 1996 section 190 (2), 193 (2) or 195 (2) or the Housing Act 1985 section 65 (2) or 68 (2), or who are occupying accommodation secured by any such Authority under section 192 (3).
- Applicants who are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- Applicants who need to move on medical, support or welfare grounds, including grounds relating to disability.
- Applicants who need to move to a particular locality in the district of the Authority where failure to meet that need would cause hardship to themselves or others.

The DHC allocations scheme is based on a banded system which gives reasonable preference to the above categories of applicants along with additional preference given to current or former members of the armed forces, their spouses or civil partners, as set out below. Further additional preferences may be applied to meet local and/or other legislative priorities.

## 6) Additional Preference

Under the provisions of The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 additional preference is given to applicants who fall within one, or more, of the statutory reasonable preference categories and are in urgent housing need: (These are detailed in the current Devon Home Choice Policy).

- Serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- Former members of the regular forces.
- Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly, or partly, attributable to their service.
- Existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly, or partly, attributable to their service.
- For the purpose of eligibility and assessment of financial status, any compensation payment for an injury or disability sustained on active service will be disregarded.

## 7) Local Connection

Local connection for the housing register is deemed as an applicant who:

- Has lived in the district for the least 6 of the 12 months.
- Has lived in the district for at least 3 out of the last 5 years; or
- Has a contract of permanent employment within the district; or
- Has a close family connection with someone who currently lives in the district and has done so for 5 or more years. (Close family connection is defined as a person who is a parent, spouse, civil partner, adult, child or sibling of the applicant. It may also be someone who, in the opinion of a DHC officer, has a relationship with the applicant that can be construed as a close family connection even though not related by blood)

All allocations in the South Hams area are subject to the conditions laid out in the South Hams Local Allocations policy.

## 8) Local connection - exceptions

The only exceptions to local connection criteria, and subject to the property are:

- Homeless applicants (where-by the local connection criteria as laid down by the Housing Act 1996 as amended by the Homelessness Act 2002 would apply, reference section 18.22 of the Homelessness Code of Guidance).
- The applicant was placed or relocated outside the district due to illness, need for temporary accommodation, military service, and provision of care or other exceptional circumstances and needs to return to live in the district.
- The applicant needs to relocate from another district to escape violence or harm (except in cases of Section 106 restrictions for those in urgent need and relevant cross boundary restrictions or Local Allocation Plans for those in high need).
- Exceptional circumstances where the applicant needs to relocate to the district to receive support to rehabilitate and integrate back into the community.

The applicant, as defined by the Allocation of Housing (qualification Criteria for Armed Forces) (England) Regulations 2012 (SI2012/1869), is:

- A person currently serving in the regular forces or who has served in the regular forces at any time in the five years preceding their application.
- A bereaved spouse or civil partner of a person serving in the regular forces where their entitlement to accommodation with the Ministry of Defence has ceased and the death of that person was wholly or partly attributable to that person's service.
- An existing or former member of the reserve forces who has suffered from a serious injury, illness or disability which is wholly or partly attributable to their service.
- The applicant is an existing social housing tenant (in England) who is employed within South Hams, or who has an offer of employment within South Hams and a genuine intention to take up the offer and has a reasonable preference to move to the area to avoid hardship.
- The definition of a 'local connection' for young people leaving care was amended by the Homelessness Reduction Act 2017 so that a young homeless care leaver has a local connection to the area of the local authority that looked after them. Additional provision is made for care leavers who have been placed in accommodation, under section 22A of the Children Act 1989, in a different district to that of the children's services authority that owes them leaving care duties. If they have lived in the other district for at least 2 years, including some time before they turned 16, they will also have a local connection with that district until they are 21.
- The applicants' special circumstances for moving to Devon: Because of particular special needs, some applicants should be assessed as having a local connection to Devon because of a particular need to move to Devon. For example, this may be because they have a specific medical condition and the only/ most appropriate treatment available is based in Devon.

## **9) Application Review**

Regular annual reviews will be undertaken to check that applicants have been bidding for properties and that information provided is up to date. Applicants who wish to remain on the waiting list must complete the online review form or contact a member of the DHC if they need assistance to do so.

If there is no response within 14 days of contacting an applicant who has not been bidding, the application will be deemed to have been cancelled and the customer notified of this in writing. Reviews will be implemented by using the Devon Home Choice review systems. Applicants who are subject to being cancelled / removed from the system will be checked for any vulnerability.

## **10) Non-bidding Review**

Those applicants who have not bid on a property within the last 6 months will be contacted and advised that they are to be removed from the register if they do not bid on properties each month.

Applicants wishing to remain on the register must contact the DHC Team to explain why they have not been bidding. Only where there is a justifiable reason for non-bidding, for example, if someone needs an adapted property or has a requirement to be in a specific location and no properties having been available within the 6-month period, the applicant will be allowed to remain on the register.

## **11) Refusal of offers**

An applicant's position within the register may be affected if they continually refuse an offer of accommodation which they have bid for and have successfully been offered. An applicant will have their banding reduced to the minimum band following the refusal of at least 3 properties in such circumstances unless there were acceptable reasons, as per the Devon Home Choice Policy, for those refusals or the application may be cancelled, the final decision will be referred to the Housing Enabling and Allocations Manager.

## **12) Refusal of offers by homeless applicants**

Applicants who have been accepted as being owed a duty by the Council under the homelessness legislation (Housing Act 1996 as amended) will be awarded Band B. Applicants will be entitled to bid for properties in the same way as other applicants. If an applicant is not active in bidding for properties, the Housing Options Team may place the applicant on the automatic bidding system or make bids on their behalf on properties they deem suitable for the applicant.

Where a homeless applicant is allocated a property through the housing register process, SHDC has a responsibility to determine the suitability of the allocation. This will be determined in the light of the household's particular circumstances and with regard to the housing conditions prevailing in District at the time.

Where a homeless applicant is offered a property in discharge of the full homeless duty, but does not feel it is a suitable offer, they have the right to request a review of the offer. Applicants will be advised to accept the offer whilst the review is carried out. If, on review, the property is felt to be a reasonable offer, no further offers of accommodation will be made and the Council will discharge its duty. If the applicant is in temporary accommodation provided by the Council, the applicant will be given notice to leave that accommodation. If, on review, the property is felt to be unsuitable then a further offer of suitable accommodation will be made. The timescale for this will be dependent on the type and size of property required.

## **13) Cancelling an application**

An application will be cancelled from the housing register in the following circumstances;

- At the applicant's request.
- If the applicant becomes ineligible for housing.
- When the applicant has been adequately and appropriately re-housed including into the private rented sector. Applicants are expected to update DHC, consequently the DHC banding will be reduced to E band.
- Where an applicant fails to ensure that the information in their application is up to date, their application will be suspended.
- When the applicant purchases a property/shared ownership property.
- When an applicant fails to bid in a 6-month period and provides no justifiable reason for not bidding.
- Where an applicant moves and does not provide contact details. In this case the application will be suspended, unless no response is received.
- An executor or personal representative notifies the Council that an applicant is deceased (unless the rest of the household still needs rehousing).
- Where an applicant has omitted to include information on their application which makes them ineligible for housing (for example criminal convictions).

Applications can be suspended for a period of up to two years if information is found to be false, omitted or considered to be misleading.

An applicant can appeal their suspension decision by contacting the Council in writing, addressing their appeal to the Devon Home Choice Manager.

When an application is cancelled, we will contact the applicant or their representative, either by email or letter, to notify them. Where an applicant has been highlighted as vulnerable, the customer's circumstances will be verified before an application is cancelled. The applicant has a right to ask for a review of the decision.

Where an applicant wishes to re-join the housing register at a later date, their application date will be the date they reapply, this will only apply under a change of circumstances.

## **14) Direct Lets**

In certain circumstances, the Council, in agreement with a landlord, may allocate properties directly to applicants without them being advertised. Illustrative examples of direct lets are as follows:

- Where a property is needed urgently to deal with an emergency or to provide temporary accommodation for a homeless family.
- Where, in exceptional circumstances, an offer is required to prevent the homelessness of an applicant who would otherwise be requiring temporary accommodation.
- Where an allocation is required to ensure protection of the public, for example, following a decision made by a Multi-Agency Public Protection Arrangements meeting, to fulfil agreements made with offender management services or where a customer has been referred as part of the witness protection scheme.
- Where an applicant's home is being repaired and they need to be moved from the property on a temporary or permanent basis.
- Where an applicant has a specific need for support / adaptations. If they remained in their current accommodation, it would cause unnecessary hardship e.g., unable to meet their basic needs.

Direct lets will be agreed by a senior officer at the Council and/or a senior officer at the relevant RP.

## **15) Adapted Properties**

The Council has a number of properties including bungalows which were specifically developed for elderly or vulnerable people. SHDC considers applicants, who may not be classified as just elderly persons, but have a verified need for this type of property.

Some properties have been adapted and may contain one or more of the following: level entry shower, wet room, ramps, stair lift, lowered kitchen, ground floor kitchen and bathroom extensions. These homes will be labelled to show that the property has been identified as having adaptations suitable for someone who would benefit from them. Preference will be given to those with a need for that type of accommodation.

## **16) Local Lettings**

Some properties are built to meet identified local needs of a particular parish or community and have local lettings criteria attached to them. Preference will be given to applicants who have a local connection meeting those criteria, as stated in the Section 106 planning agreement. These

agreements will be highlighted in the property advert. Full details of the agreement are listed in the Nomination Agreement for the specific development site.

In addition, SHDC operate a Local Allocation Policy for properties considered to be in a rural setting. Details of the Local Allocation Policy can be found at <https://www.southhams.gov.uk/your-council/council-plans-policies-and-reports/policies/local-allocation-policy>

## **17) Sheltered Accommodation**

Some properties via RPs are age restricted specifically and will be prioritised to applicants over a certain age. In some circumstances, a younger person with support needs which are not able to be met elsewhere, may be allocated such accommodation. This will be achieved via a direct let.

## **18) Exceptions to the Allocations Procedure**

Examples of such situations are detailed below although this is not an exhaustive list.

Allocation of specialist housing where there are a limited number of eligible applicants through the normal allocations process and where that accommodation would otherwise remain unused.

The following decisions are made outside of Part 6 of the Housing Act 1996, and are outside the scope of the Allocations Policy:

- Succession on a tenant's death.
- Assignment to a person who would be qualified to succeed to the tenancy on the tenant's death.
- Transfer of the tenancy by a court under family law provisions.
- An order made under the Civil Partnership Act 2004.
- Transfers initiated by the Local Housing Authority.
- Acceptance of a surrender and re-granting of tenancy to another partner.

The provisions of part 6 of the Housing Act 1996 do not apply to an allocation of housing accommodation to a person who is already a secure or introductory tenant unless the allocation involves a transfer of housing accommodation for that person and is made on their application.

Individual RPs will have their own policies which will apply in the circumstances.

Decisions in exceptional circumstances will be taken by the Devon Home Choice Manager or Seamoor Lettings Manager.

## **19) Fire Safety**

Allocations will not be made to accommodation above ground level where the applicant is unable to self-evacuate in the event of a fire or other emergency.

Seamoor Lettings officers will provide re-housing advice to tenants who live in properties above ground floor who can no longer self-evacuate in the event of a fire and wish to move to ground floor accommodation. A higher banding will be awarded in these cases.

## **20) Complaints**

The Housing Service will deal with any complaints in accordance with the South Hams District Council Corporate Complaints Policy. For full details please go to <https://new.southhams.gov.uk/your-Council/comments-and-complaints/complaints-and-feedback>

## **21) Responsibility**

The Housing Manager and the Devon Home Choice Manager will be responsible for ensuring that this policy is adhered to.

## **22) Equality impact considerations**

The policy is of high relevance to equality because it has a significant impact on residents and users of the service.

The Council has an Equality and Diversity policy that informs how officers should engage with people with protected characteristics.

Officers are aware that as providers of Social Housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

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

## **23) Policy Review**

SHDC is committed to reviewing this policy, in consultation with tenants on a bi-annual basis or sooner if new guidance or legislation is published.

# South Hams District Council & West Devon Borough Council Equality Impact Assessment / PSED Assessment

|  |                                      |
|--|--------------------------------------|
| <b>Name of Policy / Function to be assessed</b>  |                                      |
| Allocations Policy   |                                      |
| <b>Officer responsible for the assessment</b>  |                                      |
| Stephanie Rixon  |                                      |
| <b>Service</b>   |                                      |
| Housing  |                                      |
| <b>Is this a new or existing policy / function? (Please ring as appropriate)</b>   | <b>EXISTING STRATEGY/ NEW UPDATE</b> |
|  | New                                  |
| <b>Briefly describe the aims, objectives and purpose of the policy</b>   |                                      |
| <ul style="list-style-type: none"> <li>• This policy shows how SHDC will operate an allocations scheme which is open, fair, and consistent within the district.</li> </ul>   |                                      |
| Are there any associated objectives of the policy? Please explain.<br>(This may include other policies which are linked with or have an impact upon this policy)   |                                      |
| <p>Housing Authorities are required by the Housing Act 1996 s166A (as amended by the Homelessness Act 2002 and the Localism Act (2011)) to have an allocation scheme for determining the priorities and defining the procedures to be followed in allocating affordable housing accommodation.</p> <p>SHDC currently deliver our allocations scheme as members of Devon Home Choice and are members of the Devon Home Choice Board. This policy should be read in junction with the Devon Home Choice Policy which can be found at <a href="http://devonhomechoice.com">devonhomechoice.com</a></p>          |                                      |
| Who is intended to benefit from this policy and in what way?   |                                      |
| <ul style="list-style-type: none"> <li>• Tenants, SHDC staff, Partner agencies such as the Registered Providers and the wider community.</li> </ul>  |                                      |
| What outcomes are wanted from this policy?   |                                      |
| <ul style="list-style-type: none"> <li>• In delivering our Allocations Policy, the Council will seek to meet the following objectives:</li> <li>• To operate a scheme which is open, fair, and consistent within the district.</li> <li>• To improve accessibility and services for vulnerable applicants.</li> <li>• To allow applicants to understand and control their housing situation so they may make informed decisions on their housing options.</li> <li>• To enable access to a wide range of housing options, services and advice to find the best solution to meet particular needs.</li> </ul> |                                      |

|   |                     |    |
|---|---------------------|----|
| <ul style="list-style-type: none"> <li>• To prevent homelessness and to reduce the use of temporary accommodation through an effective prioritisation scheme.</li> <li>• To make best use of the housing stock within the district.</li> <li>• To be compliant with current legislation.</li> <li>• Ensuring the validity of applications by cross checking and verifying information provided (for example - medical evidence, proof of address, earnings and benefits).</li> <li>•</li> </ul> |                     |    |
| What factors / forces could contribute / detract from the outcomes?   |                     |    |
| <ul style="list-style-type: none"> <li>• Failure of applicants to engage with the property application process, failure of SHDC to work effectively with partners.</li> </ul>   |                     |    |
| Who are the main stakeholders in relation to this policy?   |                     |    |
| <ul style="list-style-type: none"> <li>• Staff.</li> <li>• Applicants seeking social housing.</li> <li>• Registered providers.</li> <li>• Other Devon Local Authorities.</li> <li>• Tenants.</li> </ul>   |                     |    |
| Who implements this policy?   | The Housing Team    |    |
| Who is responsible for this policy? (Post Holder)   | The Housing Manager |    |
| Are there concerns that the policy <b>could</b> have a differential impact on racial groups? (Please explain)   | Yes                 |    |
| <ul style="list-style-type: none"> <li>• Communication is a key part of in delivering an allocations scheme that is customer led and some applicants may not have English as their first language. It is therefore vital that a wide range of communication methods are available for Stakeholders and that the council continues to make information available in different formats and languages.</li> </ul>  |                     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |    |
| <ul style="list-style-type: none"> <li>• Making services accessible for all members of the community remains a high priority for the council and should be carried across all departments, information continues to be accessed in a range of formats from the council.</li> <li>• The Devon Home Choice website has clear instructions on how to view the site in different languages.</li> </ul>  |                     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to gender? (Please explain)  |                     | No |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>  |                     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |    |
| <ul style="list-style-type: none"> <li>• The Policy is fair and transparent for all Stakeholders and is unbiased by gender.</li> </ul>  |                     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to disability? (Please explain)  | Yes                 |    |
| <ul style="list-style-type: none"> <li>• Preference is given to households with disabilities where the disability and their ability to manage in their home is affected by their accommodation.</li> </ul>  |                     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |    |
| <ul style="list-style-type: none"> <li>• This preference is in line with the scheme objectives to allocate priority based on housing need.</li> </ul>   |                     |    |

|   |    |     |
|---|----|-----|
| <ul style="list-style-type: none"> <li>The Devon Home Choice website has clear instructions on how to view the site in different formats/fonts etc.</li> </ul>  |    |     |
| Are there concerns that the policy <b>could</b> have a differential impact to sexual orientation? (Please explain)  |    | No  |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |    |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |    |     |
| <ul style="list-style-type: none"> <li>The Policy is fair and transparent for all Stakeholders and is unbiased by sexual orientation.</li> </ul>  |    |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to age? (Please explain)   |    | Yes |
| <ul style="list-style-type: none"> <li>Some properties are restricted by age (ie applicants must be over 55) in line with planning restriction and/or property suitability. Higher thresholds have been set for applicants seeking older persons accommodation given the costs of such accommodation on the open market.</li> </ul> |    |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |    |     |
| <ul style="list-style-type: none"> <li>All financial assessments are done on a case-by-case basis to assess the applicants ability to meet their own housing needs through alternative avenues.</li> </ul>  |    |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to religion or religious beliefs? (Please explain)   |    | No  |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |    |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |    |     |
| <ul style="list-style-type: none"> <li>The Policy is fair and transparent for all Stakeholders and is unbiased by religion or religious beliefs.</li> </ul>   |    |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person having dependants / caring responsibilities? (Please explain)  | No |     |
| <ul style="list-style-type: none"> <li>No evidence of any issues</li> </ul>   |    |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |    |     |
| <ul style="list-style-type: none"> <li>The Policy is fair and transparent for all Stakeholders and is unbiased by a person having caring responsibilities.</li> </ul>   |    |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person being trans-gendered or transsexual? (Please explain)  |    | No  |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |    |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |    |     |
| <ul style="list-style-type: none"> <li>The Policy is fair and transparent for all Stakeholders and is unbiased by being trans-gender or transsexual.</li> </ul>   |    |     |
| Could the differential impacts identified above amount to there being the potential for adverse impact in this policy?  |    |     |
| No – the impacts identified are either positive or can be averted via the methods outlined in this document.  |    |     |

|  |     |    |
|--|-----|----|
| Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason? |     |    |
| •  |     |    |
| Is there enough evidence to proceed to a full EIA?   |     | No |
| Are there further actions to be taken as a result of this assessment?<br>(If yes please detail actions on a separate sheet)  |     | No |
| Date on which Full Assessment to be completed by?  | N/A |    |
| Steph Rixon<br>Signed (Completing Officer)   |     |    |
| Date: 30/10/2023   |     |    |

# **South Hams District Council Anti-Social Behaviour Policy**

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## **1) Introduction**

South Hams District Council recognise that all tenants have a right to the peaceful enjoyment of their home. Equally, every tenant has the responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home.

This policy will enable SHDC to deliver a proportionate, reasonable, fair and flexible response to anti-social behaviour.

## **2) Scope and purpose**

This document is intended to fulfil the requirements of section 218A of the Housing Act 1996 (as inserted by section 12 of the Anti-social Behaviour Act 2003) with regard to the publication of the policies and procedures of a local housing authority in relation to anti-social behaviour.

It tells you what anti-social behaviour (ASB) is and sets out the guiding principles for those officers in the Council who deal with ASB.

It outlines what SHDC want our services to achieve for people experiencing ASB, and sets out the principles on the kind of service level and quality SHDC aim to provide.

## **3) Our responsibilities**

South Hams District Council has a wide range of responsibilities in dealing with ASB. As a social landlord, SHDC has a duty, under the Anti-social Behaviour Act 2003 to respond to ASB affecting the properties under the Council's management. The Council's landlord duties and powers are different from, and usually act in addition to, the duties and powers to deal with ASB in the wider community. This document makes it clear when a policy or a power applies only to Council tenancies. There are a range of powers to take action against those causing ASB under the Anti-social Behaviour, Crime and Policing Act 2014.

As a statutory member of the South Devon Community Safety Partnership, SHDC work with the police and other agencies to reduce crime and disorder in South Hams under the Crime and Disorder Act 1998. In this role, SHDC play a key part in dealing with ASB of all kinds and also undertake project and preventative work.

SHDC recognise that left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our residents. These methods will deliver a proportionate, reasonable, fair and flexible response to anti-social behaviour:

- SHDC will make use of the powers, orders and mechanisms available to us to deal with anti-social behaviour.
- Participate in joint working with partner agencies.
- Place victims and witnesses at the centre of our procedures.

## **4) Definition of Anti-Social Behaviour**

In our tenancy agreements anti-social behaviour is described as being any behaviour or activity which causes fear, alarm or distress to one or more persons not of the same household. This includes damage to property or behaviour that is likely to injure, intimidate, and cause alarm or distress.

ASB is further defined under certain circumstances, as follows:

- For the purposes of an application to the courts by a housing provider, local authority or the police for a civil injunction: *“conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises”*.
- For the purposes of the housing management functions of a housing provider or local authority: *“conduct capable of causing housing-related nuisance or annoyance to any person”*.
- For the purposes of ASB case reviews (the “Community Trigger”): *“behaviour causing harassment, alarm or distress to members or any member of the public”*.

The tenancy agreement states that you are responsible for the behaviour for you and your household. You are responsible for the behaviour of your children and people living in or visiting your home. SHDC will take legal action to evict you if you, your relatives, your children or visitors behave antisocially. It also gives examples of unacceptable behaviour:

- Hate crime, threats of violence or intimidation because of an individual’s race, sexual orientation, gender identity, sex, religion or disability.
- Violence against a person.
- Damaging property.
- Verbal abuse and insults.
- Intimidation, using or threatening violence.
- Nuisance from pets.
- Noise nuisance.
- Odour and smoke nuisance.

Any person who has a concern as to whether they are being affected by anti-social behaviour should seek advice and assistance from their Housing Officer.

## **5) Working in context**

Our work combating anti-social behaviour takes account of our many obligations and considerations. Our policy is part of the South Devon Safer Community Anti-Social Behaviour Strategy, designed to provide a balanced and co-ordinated approach to the prevention, identification and rectification of anti-social behaviour throughout South Hams.

## **6) Our approach**

South Hams District Council, whilst working with all partner agencies, is committed to using a wide range of measures to prevent and combat anti-social behaviour, including:

- Tenancy agreements that set out SHDCs anti-social behaviour approach.
- A full explanation of the tenancy agreement is given to all new tenants.
- Use of a wide range of measures to address anti-social behaviour including interviews, informal and formal warnings and Acceptable Behaviour Contracts (ABC’s).
- Use of the legal remedies that are available to us including Community Protection Notices, nuisance abatement notices, prosecutions, fixed penalty notices, civil injunctions, Criminal Behaviour Orders and possession proceedings.

## **7) How to make an Anti-Social Behaviour report or complaint about an incident or ongoing situation**

If a tenant or resident is suffering from any kind of anti-social behaviour report the problem as soon as possible to a housing officer.

Anti-social behaviour reports can be made in person, in writing, by telephone, by email or through a third party- for example through a councillor, friend or relative. However, the third party will not be able to obtain any information about your report without your express permission.

Complaints can also be made anonymously; however, this may restrict the amount of investigation and action SHDC can undertake and won't allow the council to provide the complainant with information and support. It is therefore possible that a complaint can be most effectively dealt with when the complainants give their name and address. This will not be revealed to any other party without the consent of the complainant.

It is important that problems are reported promptly. There are several reasons for this:

- It allows SHDC to give advice and support to the people who are suffering as a result of the behaviour from an early stage.
- It allows SHDC to take prompt action in dealing with the issues.
- It may be possible to solve some issue(s) very quickly.
- Very serious incidents can be dealt with swiftly, thereby protecting residents.
- It provides evidence of an ongoing or repetitive issue.

Upon receipt of a complaint or anti-social behaviour report SHDC will:

- Record the complaint.
- Acknowledge and respond to the complaint; initially this will usually be by the Housing Officer for the area. If the problem is serious and/or continues after initial action has been taken, the case may be referred to the authority's Legal Services.
- Interview the complainant and develop an initial action plan, in consultation with the complainant where known, to investigate the problem.
- Consider whether mediation is appropriate and, if so, offer this to the complainant and then to the other party involved in the problem(s).
- Investigate every complaint as far as possible, even when reported anonymously.
- Take timely, effective and consistent action to tackle the problem(s) by utilising the range of measures available.

This will include working with our partner agencies.

If mediation is considered inappropriate or is refused, the action plan will usually involve gathering further evidence of any other incidents or ongoing problems. This is likely to involve the complainant keeping a diary of further incidents (diary sheets will be supplied). It's important that these are completed as soon as possible after an incident has occurred and supply as much detail as possible. This will enable us to:

- Objectively assess the level of the problem.
- Assess the success of any action taken.
- Build evidence for further action.
- Take further action.

If for any reason the complainant is unable to complete diary sheets, for example due to learning or sensory disabilities, literacy problems or language barriers, alternative methods of information collection can be used. It would assist the council if such assistance were requested on initial contact

with the service. The Council will aim to accommodate your communication preferences wherever possible.

All information supplied to SHDC will be treated as confidential and the identity of the complainant will not be revealed without their permission or where the need to take the matter to court requires this to be disclosed. However, there may be instances where further action cannot be taken without revealing the identity of the complainant. This will be fully discussed with the complainant and their permission gained before proceeding. It is important that the complainant gives due consideration to this as it may become impossible for the Council to take any action to address the problem if permission is not given. No legal action will commence if permission is not obtained.

When full information has been obtained from the complainant, it will usually be necessary to consider securing other supporting evidence, for example:

- Contacting others who may have been affected by the conduct.
- Issuing incident diary sheets to witnesses.
- Interviewing the alleged perpetrator.
- Direct observation of activities by Housing Officer or other staff or agencies
- Professional quality recording of noise.
- Review of private CCTV or similar recordings.

The following possibilities will be considered only in the most serious of cases working with the police, the courts and other support agencies, these will be used as an exception and are not considered without police support and senior officers' consideration:

- CCTV surveillance of the area where the problem has occurred.
- Use of professional witnesses.

On receipt of submitted evidence, the case will then be assessed and an appropriate course of action taken. Further investigations may need to be made. These should be carried out as quickly as possible and the case should be reviewed and reassessed within an agreed timescale contained in the relevant Housing Service procedure.

Actions that may be considered, include but are not limited to:

- No action required because there's no case to answer.
- Informal resolution where an understanding has been reached.
- Warning letters and formal cautions.
- Acceptable Behaviour Contracts (ABCs).
- Referral to another agency e.g. Police, Social Services, Mental Health Team.
- Multi Agency joint working to coordinate actions.
- Environmental Health referral for Community Protection Notice or Statutory Nuisance proceedings.
- Criminal Behaviour Order application.
- Injunctions (if the case involves violence or threats of violence, it may be possible to obtain an emergency injunction with exclusion and power of arrest without notice).
- Undertakings – a legal promise to the Court to do, or not to do a particular thing.
- Possession proceedings.
- Relevant other Court action

Details of the proposed course of action will be communicated in writing to all concerned, informing them of this and providing contact details of the Housing Officer who will be dealing with the case. At any time during this process, serious or urgent cases will be referred to the Legal Services immediately.

Whatever the outcome of the assessment, regular contact (at the least monthly) will be maintained with complainants and witnesses throughout the process and they will be kept informed of the outcome.

If no further complaints are received after a reasonable period of time (given the facts of the case), the case may be closed. No case will be closed until a check has been made with all complainants and witnesses. A new case may be opened at a later date if subsequent complaints are received.

If, however, further complaints are received indicating a serious escalation of issues or if the case is deemed to be serious or urgent, the case may then be referred to the Legal Services for further action at any time.

## **8) Supporting witnesses and complainants**

SHDC recognise that the participation of witnesses and complainants is central to success in dealing with anti-social behaviour. They will be supported with this by SHDC dealing with complaints promptly and keeping witnesses informed. SHDC will also offer real and practical support via several initiatives, including:

- Providing home security measures.
- Providing panic alarms in serious cases.
- Liaising closely with the police.
- Using our officers as professional witnesses.

## **9) Multi agency working**

SHDC will engage in collaborative work with other agencies in order to deter or prevent anti-social behaviour and to rehabilitate those who have engaged in such behaviour. SHDC will make referrals to a mediation service to encourage resolution of disputes by consensus at the earliest possible stage, where it is appropriate for mediation to be offered.

SHDC will work with agencies to engage support for tenants whose tenancies are at risk by reason of ASB, participating in partnership meetings and accessing intervention services from agencies such as mental health, drug and alcohol services and counselling services.

SHDC will work with our partner agencies in a manner that will combine and co-ordinate our efforts to best effect. Our principal partners in this are the Police, the Community Safety team and our fellow social landlords. Relevant data exchange protocols with partner agencies to facilitate this collaborative work will be in place.

## **10) South Hams District Council Staff**

Staff are central to the delivery of the Council's response to anti-social behaviour. SHDC are committed to protecting staff when they are personally subjected to offensive conduct, behaviour and threats. SHDC will train members of staff to ensure that they are aware of the issues of anti-social behaviour, the remedies which they can access and their role in the procedure.

## **11) Complaints**

The Housing Service will deal with any complaints in accordance with the South Hams District Council Corporate Complaints Policy. For full details please go to <https://new.southhams.gov.uk/your-Council/comments-and-complaints/complaints-and-feedback>

## **12) Responsibility**

The Housing Manager will be responsible for ensuring that this policy is adhered to.

## **13) Equality impact considerations**

The policy is of high relevance to equality because it has a significant impact on residents and users of the service.

The Council has an Equality and Diversity Policy that informs how officers should engage with people with protected characteristics. This policy is informed and guided by an Equality impact assessment.

Officers are aware that as providers of social housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

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

## **14) Policy Review**

SHDC is committed to reviewing this policy, in consultation with tenants on a bi-annual basis or sooner if new guidance or legislation is published.

# South Hams District Council & West Devon Borough Council Equality Impact Assessment / PSED Assessment

|  |                                      |
|--|--------------------------------------|
| <b>Name of Policy / Function to be assessed</b>  |                                      |
| Anti-social Behaviour Policy   |                                      |
| <b>Officer responsible for the assessment</b>  |                                      |
| Stephanie Rixon  |                                      |
| <b>Service</b>   |                                      |
| Housing  |                                      |
| <b>Is this a new or existing policy / function? (Please ring as appropriate)</b>   | <b>EXISTING STRATEGY/ NEW UPDATE</b> |
|  | New                                  |
| <b>Briefly describe the aims, objectives and purpose of the policy</b>   |                                      |
| <p>South Hams District Council recognise that all tenants have a right to the peaceful enjoyment of their home. Equally, every tenant has the responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home.</p> <p>This policy will enable SHDC to deliver a proportionate, reasonable, fair and flexible response to anti-social behaviour.</p>   |                                      |
| <p>Are there any associated objectives of the policy? Please explain.<br/>(This may include other policies which are linked with or have an impact upon this policy)</p>   |                                      |
| <ul style="list-style-type: none"> <li>• This document is intended to fulfil the requirements of section 218A of the Housing Act 1996 (as inserted by section 12 of the Anti-social Behaviour Act 2003) with regard to the publication of the policies and procedures of a local housing authority in relation to anti-social behaviour.</li> <li>• It tells you what anti-social behaviour (ASB) is and sets out the guiding principles for those officers in the Council who deal with ASB.</li> </ul> |                                      |
| <p>Who is intended to benefit from this policy and in what way?</p>  |                                      |
| <ul style="list-style-type: none"> <li>• Tenants, SHDC staff, Partner agencies such as the police and the wider community.</li> </ul>  |                                      |
| <p>What outcomes are wanted from this policy?</p>  |                                      |
| <ul style="list-style-type: none"> <li>• It outlines what SHDC want our services to achieve for people experiencing ASB and sets out the principles on the kind of service level and quality SHDC aim to provide.</li> <li>• For SHDC tenants and the community to have peaceful enjoyment of their homes.</li> </ul>  |                                      |
| <p>What factors / forces could contribute / detract from the outcomes?</p>   |                                      |

|   |                     |     |
|---|---------------------|-----|
| <ul style="list-style-type: none"> <li>• Failure of communities and/neighbourhoods to engage with the requirements of the policy, failure of SHDC to work effectively with partners to act quickly and appropriately.</li> </ul>  |                     |     |
| Who are the main stakeholders in relation to this policy?   |                     |     |
| <ul style="list-style-type: none"> <li>• Tenants</li> <li>• Staff</li> </ul>  |                     |     |
| Who implements this policy?   | The Housing Team    |     |
| Who is responsible for this policy? (Post Holder)   | The Housing Manager |     |
| Are there concerns that the policy <b>could</b> have a differential impact on racial groups? (Please explain)   |                     | Yes |
| <ul style="list-style-type: none"> <li>• Communication is a key part of involving residents in the delivery of positive neighbourhoods and some stakeholders may not have English as their first language. It is therefore vital that a wide range of communication methods are available for Stakeholders and that the council continues to make information available in different formats and languages.</li> <li>• This Policy have mechanisms in place to deal with hate crime including racial harassment. We have a close working relationship with the local Police and will have intelligence of any issues in the area relating to hate crime incidences. This will enable support to be put in place for our tenants.</li> </ul> |                     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |     |
| <ul style="list-style-type: none"> <li>• Making services accessible for all members of the community remains a high priority for the council and should be carried across all departments, information continues to be accessed in a range of formats from the council.</li> </ul>  |                     |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to gender? (Please explain)  |                     | No  |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>  |                     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |     |
| <ul style="list-style-type: none"> <li>• SHDC seeks to promote high quality, safe neighbourhoods for all. The Policy should benefit all Stakeholders and is unbiased by gender.</li> </ul>  |                     |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to disability? (Please explain)  | Yes                 |     |
| <ul style="list-style-type: none"> <li>• Someone with a severe disability and/or no family assistance may be more vulnerable if they become a victim of ASB.</li> <li>• The current reporting process can involve written communication so someone with literacy problems will need additional support.</li> </ul>  |                     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |     |
| <ul style="list-style-type: none"> <li>• Support needs to be available for those who are vulnerable to or because of, ASB.</li> <li>• The reporting and communication mechanisms are clearly outlined in the policy.</li> </ul>   |                     |     |
| Are there concerns that the policy <b>could</b> have a differential impact to sexual orientation? (Please explain)  |                     | Yes |
| <ul style="list-style-type: none"> <li>• This Policy has mechanisms in place to deal with hate crime. We have a close working relationship with the local Police and will have intelligence of any issues in the area relating to hate crime incidences. This will enable support to be put in place for our tenants.</li> </ul>  |                     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |     |

|   |     |     |
|---|-----|-----|
| <ul style="list-style-type: none"> <li>There is evidence to suggest that some groups are more vulnerable to ASB than others. Support/signposting needs to be available for those who need it.</li> </ul>  |     |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to age? (Please explain)   |     | Yes |
| <p>In some instances, the perpetrator of the ASB may be an older person due to health issues such as dementia. We need to ensure that correct support is put in place and that robust referral mechanisms are available to the relevant agencies.</p> <p>In addition, some older people may be more vulnerable to, or because of ASB.</p> |     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |     |
| <ul style="list-style-type: none"> <li>There is evidence to suggest that some groups are more vulnerable to ASB than others. Support/signposting needs to be available for those who need it.</li> </ul>  |     |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to religion or religious beliefs? (Please explain)   |     | Yes |
| <ul style="list-style-type: none"> <li>This Policy have mechanisms in place to deal with hate crime. We have a close working relationship with the local Police and will have intelligence of any issues in the area relating to hate crime incidences. This will enable support to be put in place for our tenants.</li> </ul>           |     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |     |
| There is evidence to suggest that some groups are more vulnerable to ASB than others. Support/signposting needs to be available for those who need it.  |     |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person having dependants / caring responsibilities? (Please explain)  | No  |     |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |     |
| <ul style="list-style-type: none"> <li>SHDC seeks to promote high quality, safe neighbourhoods for all. The Policy should benefit all Stakeholders and there is nothing in the policy that should differentially impact on a person with dependents/caring responsibilities.</li> </ul>   |     |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person being trans-gendered or transsexual? (Please explain)  |     | No  |
| <ul style="list-style-type: none"> <li>This Policy have mechanisms in place to deal with hate crime. We have a close working relationship with the local Police and will have intelligence of any issues in the area relating to hate crime incidences. This will enable support to be put in place for our tenants.</li> </ul>           |     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |     |
| There is evidence to suggest that some groups are more vulnerable to ASB than others. Support/signposting needs to be available for those who need it.  |     |     |
| Could the differential impact identified above amount to there being the potential for adverse impact in this policy?   |     |     |
| No – the impacts identified are either positive or can be averted via the methods outlined in this document.  |     |     |
| Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?  |     |     |
|   |     |     |
| Is there enough evidence to proceed to a full EIA?  |     | No  |
| Are there further actions to be taken as a result of this assessment? (If yes please detail actions on a separate sheet)  |     | No  |
| Date on which Full Assessment to be completed by?   | N/A |     |
|   |     |     |

Steph Rixon  
Signed (Completing Officer)

Date: 30/10/2023

# **SHDC Tenancy Policy**

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## **1) Introduction**

This policy sets these out for South Hams District Council (SHDC) as a landlord of social housing the type of tenancies used, the circumstances in which each will be used, and other aspects of managing tenancies.

## **2) Scope and Purpose**

This policy will be used to ensure that the right type of tenancy is allocated to each tenant, that the under occupation of properties is addressed effectively and that SHDC can provide family and/or adapted housing where this is required.

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

## **3) Affordability and Affordable Rent**

Definition of affordability: A household can be considered able to afford market house renting in cases where the rent payable is up to 25 per cent of their gross household income (Communities and Local Government). SHDC has recognised the use of the Local Housing Allowance as a standard definition of affordability.

Service charges, if applicable, will be additional and reflect the cost of the service provided to each tenant.

Definition of social rent: Guideline target rents determined through the national rent regime. The level of rent that SHDC charge for our properties rented on Secure or Introductory Tenancies will be affordable rent.

Affordable Rent: This is defined as 80% of market rent, however, SHDC will charge affordable rent at levels no higher than the relevant Local Housing Allowance at the time.

## **4) Tenancy Agreements**

SHDC have one generic tenancy agreement for Council owned properties covering the introductory, secure and flexible tenancies.

The document is written in plain English, in a style easily understood by tenants. It sets out the rights and obligations of both the tenant and the landlord and makes it clear which rights and responsibilities apply to which type of tenancy.

Tenants are given a copy of the tenancy agreement at the start of the tenancy and have the terms explained to them at the sign-up meeting.

There are also separate assured shorthold tenancies for non-Council owned properties managed through Seamoor Lettings and Licenses and non-secure tenancy agreements for accommodation used as Temporary or Supported accommodation by the Council.

## **5) Tenancy types and conditions**

Currently SHDC have five different types of tenancy and a licence agreement for properties used as Temporary Accommodation under the Housing Act 1996 (as amended).

### **i. Introductory tenancy**

Generally, all tenants new to SHDC are initially given an introductory tenancy. However, tenants transferring from another social landlord may go onto either a secure or flexible tenancy. This does not apply to tenants given temporary accommodation who will be given a non-secure tenancy.

Introductory tenancies usually last for twelve months from the tenancy start date but in certain circumstances (see 4.1.5 below) an introductory tenancy can be extended.

Before the start of the introductory tenancy, tenants will be told which kind of tenancy (secure or flexible) they will be granted at the end of the introductory period.

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

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

- Rent arrears.
- Antisocial behaviour.
- Damage to the property.
- Refusing to allow access to property for required maintenance/servicing works.
- Noise nuisance.
- Failure to maintain gardens.

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

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

- Take in lodgers.
- Sublet part of the home.
- Make any improvements to the property.
- Be compensated for any improvements to the property.
- Exchange their home with another tenant.

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

## **ii. Secure tenancy**

Most of our tenants will have a secure tenancy. To end this type of tenancy SHDC must get a possession order from the courts. The reasons why a possession order may be sought could include (but is not limited to):

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

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

include:

- The right of succession.
- The right of assignment in certain cases.

- The right to take in lodgers and sublet part of the property.
- The right to request a transfer to alternative accommodation.
- The right to exchange their home with another Council or housing association tenant.
- The right to information.
- The right to be consulted and involved.
- The right to make improvements to their home.
- The right to compensation for improvements.
- The right to repair.
- The Right to Buy in certain cases, except where exemption under Schedule 5 of the Housing Act 1985 apply. Where a property is exempt from the Right to Buy, the tenant will be advised prior to signing the tenancy agreement and this will be made clear in the tenancy agreement.

### **iii. Demoted tenancy**

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

Where a secure tenancy is demoted and the demotion period completed successfully, the demoted tenancy will automatically become a secure tenancy.

Demoted tenants do not have the same rights as secure tenants.

For example, they do not have:

- The right to exchange.
- The right to succession.
- The right to take in lodgers.
- The right to sublet.

Also, the Right to Buy is suspended until the tenancy is no longer demoted.

The time spent as a demoted tenant does not count towards any discount.

### **iv. Non secure tenancy**

These tenancies are only given to tenants living in temporary accommodation, such as private sector leased accommodation.

These tenancies do not have the same security of tenure or rights as secure tenants but are similar to introductory tenancies.

### **v. Licence Agreement**

SHDC has properties that provide accommodation that is let on a licence. For example, where there are shared facilities SHDC use a licence agreement not tenancy agreement when letting the accommodation.

Either party (landlord or tenant) can end the licence agreement by giving one week's notice, unless there is a serious breach in which case, SHDC can ask the licensee to leave immediately.

As well as the licence agreement there are rules which must be followed at all times.

#### **vi. Vulnerable Persons Resettlement Scheme**

SHDC are assisting refugees by locating and securing accommodation in the private sector and in Council owned properties purchased under Local Authority Housing Fund for them to reside in for a fixed period.

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

### **6) Tenancy Sustainment**

SHDC are committed to supporting tenants to manage their tenancies properly, helping to ensure that that they do not get into rent arrears or carry out acts of antisocial behaviour.

To help new tenants, SHDC will carry out an in-depth sign-up interview with all new tenants. This covers:

- Ensuring the tenant understands the terms and conditions of the tenancy agreement.
- Methods and frequencies for paying their rent and accessing benefits.
- Checking if they have any support needs.
- Highlighting opportunities to get involved with the housing service.
- Explaining how to report repairs and our service standards.

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

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

SHDC wants to work with existing tenants to support them to maintain their tenancies successfully.

Contact will be made with any tenants who are identified as having problems managing their tenancy, such as rent arrears or antisocial behaviour issues.

It will be a priority to discuss the problems with them and explain that it is important that they stick to the terms of the tenancy agreement and pay their rent regularly.

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

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

Where it is identified that a tenant needs support to manage in their home, SHDC will put them in touch with the relevant agencies such as social services.

Where there are issues of neighbour nuisance or conflict, SHDC will offer the use of mediation services (paid for by SHDC) to try to help the tenants concerned resolve their differences.

## **7) Tenancy fraud**

It is important that the people living in SHDC properties are those that need them most. The Council take various steps to ensure that this is the case, from ensuring properties are allocated to the most appropriate person, to following up allegations of alleged misuse.

For all new tenants, copies of photo identification such as passport or driving licence are taken. Where there is no available photo ID, a photograph of each tenant will be taken.

In depth estate inspections are carried out where each property is visited and where possible the tenant is spoken to about any issues affecting them. SHDC take the opportunity to check identification to ensure that they are indeed the tenant. SHDC will carry out estate inspections across the district and aim to do at least one each year.

All reports of unoccupied properties or sub-letting of properties are followed up and action is taken if cases of abuse are discovered. In addition, tenancy checks will be conducted on some visits.

SHDC have a policy on tackling tenancy fraud and encourage staff and tenants to report any suspected incidents of tenancy fraud and have a confidential fraud line available.

## **8) Ending the tenancy**

When the tenant gives notice or dies, a pre-termination visit will be carried out with all our tenants, or with the next of kin.

This visit is to:

- Check the condition of the property and garden.
- Ensure the rent account is up to date.
- Agree with the outgoing tenant which items can be left in the property and which must be removed.
- Ensure that the outgoing tenant is aware that the property must be left in a good and clean state, and all rubbish and personal items (except those agreed above) must be cleared from the property.
- Read the meters.
- Request a forwarding address, contact details and phone numbers.
- Determine any recharges that may be due.

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

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

## **9) Succeeding to a tenancy**

In April 2012, the law regarding succession changed. For tenancies that start after this legislation there is only a statutory right of succession to a spouse or civil partner or cohabitee. They must have

to been living in the property as their only or principal home at the time of the tenant's death. Legislation gives Local Authorities the power to grant additional succession rights.

## **10) Tackling under occupation**

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

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

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

## **11) Adapted properties**

SHDC's Landlord Disabled Adaptations Policy sets out how the Council will encourage our tenants to live in properties suitable for their need as well as helping them to live independently by adapting their homes through minor and major adaptations where appropriate.

Under our current secure tenancy agreement, if a tenant is living in a property which has been built or adapted for a person with a disability, and the tenant or their family no longer need that type of home, SHDC may take steps through the Courts to end the tenancy.

SHDC will take reasonable steps to offer the tenant and/or their family members other suitable accommodation.

## **12) Transfers**

For secure tenants who transfer to another property within our stock, SHDC will ensure that they are given another secure tenancy.

## **13) Mutual Exchanges**

Mutual exchanges usually take place via a deed of assignment where each tenant steps into the other's shoes and takes over the other tenant's tenancy type and terms. New tenancies are not signed.

Under the Localism Act, if at least one of the tenants has a secure tenancy begun before April 2012 and at least one of the tenants is on a flexible tenancy, then such exchanges must be done by surrender and granting of new tenancies.

In these circumstances, SHDC will grant the tenant whose secure tenancy predated April 2012 a secure tenancy. This will ensure that existing tenants (before April 2012) retain similar security of tenure to that of their original tenancy.

As a landlord, SHDC can still refuse an exchange and has 42 days to make that decision.

SHDC subscribe to Home Swapper, an internet based mutual exchange service.

With mutual exchanges tenants accept the property in the condition it has been left in by the previous tenant. Routine repairs will be carried out in accordance with the tenancy agreement, but no specific work will be undertaken as a condition of accepting the exchange.

SHDC will conduct health and safety checks as part of the approval process. These include checks on the gas and electricity supplies, and the energy efficiency of the property. SHDC charge £50 to undertake an electrical check and £100 to undertake both electrical and gas checks.

SHDC will not make any adaptations to a property which has changed hands by way of mutual exchange for at least twelve months from exchange date, unless there are very significant changes in the tenant's circumstances.

## **14) Complaints**

The Housing Service will deal with any complaints in accordance with the South Hams District Council corporate complaints policy. For full details please go to <https://new.southhams.gov.uk/your-Council/comments-and-complaints/complaints-and-feedback>

## **15) Outcomes**

This policy aims to ensure that:

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

## **16) Responsibility**

The Housing Manager will be responsible for ensuring that this policy is adhered to.

## **17) Equality impact considerations**

The policy is of high relevance to equality because it has a significant impact on residents and users of the service.

The Council has an Equality and Diversity policy that informs how officers should engage with people with protected characteristics. This policy is informed and guided by an Equality impact assessment.

Officers are aware that as providers of Social Housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

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

## **18) Policy Review**

SHDC is committed to reviewing this policy, in consultation with tenants on a bi-annual basis or sooner if new guidance or legislation is published.

# South Hams District Council & West Devon Borough Council Equality Impact Assessment / PSED Assessment

|  |                                      |
|--|--------------------------------------|
| <b>Name of Policy / Function to be assessed</b>  |                                      |
| Tenancy Policy   |                                      |
| <b>Officer responsible for the assessment</b>  |                                      |
| Stephanie Rixon  |                                      |
| <b>Service</b>   |                                      |
| Housing  |                                      |
| <b>Is this a new or existing policy / function? (Please ring as appropriate)</b>   | <b>EXISTING STRATEGY/ NEW UPDATE</b> |
|  | New                                  |
| <b>Briefly describe the aims, objectives and purpose of the policy</b>   |                                      |
| <ul style="list-style-type: none"> <li>• This policy sets these out for South Hams District Council (SHDC) as a landlord of social housing the type of tenancies used, the circumstances in which each will be used, and other aspects of managing tenancies</li> </ul>  |                                      |
| Are there any associated objectives of the policy? Please explain.<br>(This may include other policies which are linked with or have an impact upon this policy)   |                                      |
| <ul style="list-style-type: none"> <li>• This policy will be used to ensure that the right type of tenancy is allocated to each tenant, that the under occupation of properties is addressed effectively and that SHDC can provide family and/or adapted housing where this is required.</li> <li>• The ways in which each type of tenancy can be let and brought to an end are set out in law (Housing Acts 1985 and 1996, and the Localism Act 2012.)</li> </ul> |                                      |
| Who is intended to benefit from this policy and in what way?   |                                      |
| <ul style="list-style-type: none"> <li>• Tenants, staff and wider community</li> </ul>   |                                      |
| What outcomes are wanted from this policy?   |                                      |
| <ul style="list-style-type: none"> <li>• Ensure the correct tenancy is issued and that tenancies are effectively managed.</li> </ul>   |                                      |
| What factors / forces could contribute / detract from the outcomes?  |                                      |
| <ul style="list-style-type: none"> <li>• N/A</li> </ul>  |                                      |
| Who are the main stakeholders in relation to this policy?  |                                      |
| <ul style="list-style-type: none"> <li>• Tenants</li> <li>• Staff</li> </ul>   |                                      |
| Who implements this policy?  | The Housing Team                     |
| Who is responsible for this policy? (Post Holder)  | The Housing Manager                  |

|   |     |
|---|-----|
| Are there concerns that the policy <b>could</b> have a differential impact on racial groups? (Please explain)   | Yes |
| <ul style="list-style-type: none"> <li>Communication and understanding is vital when tenants are entering into a legal agreement. Some stakeholders may not have English as their first language and may not engage with services because of perceived barriers. It is therefore vital that a wide range of communication methods are available for tenants and that the council continues to make tenancy agreements and all other relevant information available in different formats and languages.</li> </ul> |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
| <ul style="list-style-type: none"> <li>Making services accessible for all members of the community remains a high priority for the council and is carried across all departments. Customers continue to access information from the council in a number of formats and languages.</li> </ul>  |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to gender? (Please explain)  | No  |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
| <ul style="list-style-type: none"> <li>Legal agreements will be issued, ended and amended and tenancies will be managed as per the required legislation unbiased by gender.</li> </ul>  |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to disability? (Please explain)  | No  |
| <ul style="list-style-type: none"> <li>No evidence of any impact</li> </ul>   |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
| <ul style="list-style-type: none"> <li>Legal agreements will be issued, ended and amended and tenancies will be managed as per the required legislation. The service will ensure that its actions are informed by disability needs and awareness and that it is unbiased by whether a person has a disability.</li> </ul>   |     |
| Are there concerns that the policy <b>could</b> have a differential impact to sexual orientation? (Please explain)  | No  |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
| Legal agreements will be issued, ended and amended and tenancies will be managed as per the required legislation unbiased by a person's sexual orientation.   |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to age? (Please explain)   | NO  |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
| <ul style="list-style-type: none"> <li>Legal agreements will be issued, ended and amended and tenancies will be managed as per the required legislation unbiased by age.</li> </ul>   |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to religion or religious beliefs? (Please explain)   | No  |
| <ul style="list-style-type: none"> <li>No evidence of any issues</li> </ul>   |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
|   |     |

|  |     |    |
|--|-----|----|
| <ul style="list-style-type: none"> <li>Legal agreements will be issued, ended and amended and tenancies will be managed as per the required legislation unbiased by religious beliefs.</li> </ul>  |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person having dependants / caring responsibilities? (Please explain)   | No  |    |
| <ul style="list-style-type: none"> <li>No evidence of any issues</li> </ul>  |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>Legal agreements will be issued, ended and amended and tenancies will be managed as per the required legislation unbiased by whether a person with dependents/caring responsibilities.</li> </ul> |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person being trans-gendered or transsexual? (Please explain)   |     | No |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>Legal agreements will issued, ended and amended and tenancies will be managed as per the required legislation unbiased by being trans-gendered or transsexual.</li> </ul>                         |     |    |
| Could the differential impact identified above amount to there being the potential for adverse impact in this policy?  |     |    |
| No – the impacts identified are either positive or can be averted via the methods outlined in this document.   |     |    |
| Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?   |     |    |
| <ul style="list-style-type: none"> <li></li> </ul>   |     |    |
| Is there enough evidence to proceed to a full EIA?   |     | No |
| Are there further actions to be taken as a result of this assessment?<br>(If yes please detail actions on a separate sheet)  |     | No |
| Date on which Full Assessment to be completed by?  | N/A |    |
| Steph Rixon<br>Signed (Completing Officer)   |     |    |
| Date: 30/10/2023   |     |    |

# **South Hams District Council's Tenant Engagement Policy**

## **Contents**

- 1) Introduction
- 2) Scope and Purpose
- 3) Information
- 4) Consultation
- 5) Participation
- 6) Complaints
- 7) Responsibility
- 8) Equality impact considerations
- 9) Policy Review

### **1) Introduction**

All registered providers of social housing must meet the consumer standards contained within the regulatory framework for social housing. One of these standards is the Tenant Involvement and Empowerment standard. The regulatory framework for social housing, operated by the Regulator for Social Housing requires outcomes for this standard in relation to:

- Customer service
- Choice and complaints, involvement and empowerment
- Understanding and responding to the diverse needs of tenants

### **2) Scope and Purpose**

This policy applies to how South Hams District Council (SHDC) will develop the involvement of tenants in the decision-making processes of the Housing Service leading to service improvement and improved tenant satisfaction. This policy demonstrates SHDCs commitment to tenant involvement and to providing better homes and communities. The aim of this policy is to ensure that the structure adopted by the Council delivers effective involvement with tenants, and this includes leaseholders, in developing and improving services to meet their needs, ensuring that tenants have a chance to scrutinise the work of the Housing Service, and to strengthen communities.

This policy has been developed to ensure that relevant legislation and the regulatory framework informs the work of the Housing Service. SHDC will demonstrate this by working in partnership with tenants in all aspects of housing management, offering a range of involvement designed around the diverse needs of tenants and by offering opportunities to review the work of the Housing Service and to make recommendations to elected members.

SHDC will encourage tenants to get involved in housing management using a wide range of methods including:

- Making information easy to access, written in Plain English and, where possible, jargon free.
- Acknowledging that many tenants do not wish to get involved and respecting their right not to do so. We will provide formal involvement methods, whilst promoting maximum inclusion through other less formal methods.
- Finding the most appropriate way to consult individually and collectively and being clear about the choices on offer.

### **3) Information**

SHDC have a commitment to keeping tenants informed and to offering choices and opportunities to make recommendations to elected members. Tenants will be provided with information in a variety of ways, regarding the following:

- Issues affecting their homes and tenancies.
- Housing management policies and practice.
- Any proposals for change/rent increases.
- How to make a complaint.
- Relevant performance information to support effective scrutiny by tenants of their landlord's performance in a form agreed with tenants. This will include the publication of an annual report including information on repair and maintenance budgets.

### **4) Consultation**

The Council is obliged to consult secure tenants on certain aspects of housing management. The Housing Service issues a variety of different tenure types. Most tenants have secure tenancies but may have flexible tenancies which are a form of secure tenancy. Section 105 of the Housing Act 1985 requires public sector landlords to have arrangements to inform and consult secure tenants who are likely to be affected by some proposed changes in matters of housing management. SHDC will support tenants to build capacity to get effectively involved in this. SHDC will therefore provide information about how to get involved with:

- Major improvement or repair programmes.
- Changes to policy and strategies.
- Performance targets and priorities.
- Activities for tenant involvement.
- The timetable for newsletters.
- How the Housing Service is meeting the requirements of the regulatory framework for social housing.

### **5) Participation**

Tenants will have ample opportunity to participate and play an integral part in:

- Scrutinising and challenging how services are managed and provided and in setting service standards.
- Giving their opinion on how to improve service delivery.
- Reviewing policies and strategies.
- The Right to Manage, where appropriate.
- The formation and activities of tenant panels or equivalent.
- Meeting Councillors to discuss service delivery.

Tenants will be able to give SHDC their views, consult and participate by various methods:

- Social media and email
- Face to face
- Telephone
- Written
- Tenant involvement events

SHDC will use technologies to increase access to information and to receive feedback, ideas and information and this may include, but is not limited to, use of the web, mobile apps, email lists, text SMS, as well as social media.

## **6) Complaints**

The Housing Service will deal with any complaints in accordance with the South Hams District Council Corporate Complaints Policy. For full details please go to <https://new.southhams.gov.uk/your-Council/comments-and-complaints/complaints-and-feedback>

## **7) Responsibility**

The Housing Manager will be responsible for ensuring that this policy is adhered to.

## **8) Equality impact considerations**

The policy is of high relevance to equality because it has a significant impact on residents and users of the service.

The Council has an Equality and Diversity policy that informs how officers should engage with people with protected characteristics. This policy is informed and guided by an Equality impact assessment.

Officers are aware that as providers of social housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

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

## **9) Policy Review**

SHDC is committed to reviewing this policy, in consultation with tenants on a bi-annual basis or sooner if new guidance or legislation is published.

# South Hams District Council & West Devon Borough Council Equality Impact Assessment / PSED Assessment

|  |                                      |
|--|--------------------------------------|
| <b>Name of Policy / Function to be assessed</b>  |                                      |
| Tenant Engagement Policy   |                                      |
| <b>Officer responsible for the assessment</b>  |                                      |
| Stephanie Rixon  |                                      |
| <b>Service</b>   |                                      |
| Housing  |                                      |
| <b>Is this a new or existing policy / function? (Please ring as appropriate)</b>   | <b>EXISTING STRATEGY/ NEW UPDATE</b> |
|  | New                                  |
| <b>Briefly describe the aims, objectives and purpose of the policy</b>   |                                      |
| <ul style="list-style-type: none"> <li>• This policy sets out how we will develop the involvement of tenants in the decision-making processes of the Housing Service leading to regulatory compliance, service improvement and improved tenant satisfaction.</li> </ul>  |                                      |
| Are there any associated objectives of the policy? Please explain.<br>(This may include other policies which are linked with or have an impact upon this policy)   |                                      |
| <ul style="list-style-type: none"> <li>• All registered providers of social housing must meet the consumer standards contained within the regulatory framework for social housing. One of these standards is the Tenant Involvement and Empowerment standard. The regulatory framework for social housing, operated by the Regulator for Social Housing requires outcomes for this standard in relation to:               <ul style="list-style-type: none"> <li>• Customer service</li> <li>• Choice and complaints, involvement and empowerment</li> <li>• Understanding and responding to the diverse needs of tenants</li> </ul> </li> </ul> |                                      |
| Who is intended to benefit from this policy and in what way?   |                                      |
| <ul style="list-style-type: none"> <li>• Tenants, staff and wider community</li> </ul>   |                                      |
| What outcomes are wanted from this policy?   |                                      |
| <ul style="list-style-type: none"> <li>• To ensure SHDC involve and help tenants shape the delivery of well managed properties; neighbourhoods, communal areas and greenspaces to help ensure that tenants and members of the community can have quiet enjoyment of their homes.</li> </ul>  |                                      |
| What factors / forces could contribute / detract from the outcomes?  |                                      |
| <ul style="list-style-type: none"> <li>• N/A</li> </ul>  |                                      |

|  |   |    |
|--|---|----|
| Who are the main stakeholders in relation to this policy?  |   |    |
| <ul style="list-style-type: none"> <li>• Tenants</li> <li>• Staff</li> <li>• Regulator</li> </ul>  |   |    |
| Who implements this policy?  | The Housing Team supported by the Corporate Management Team |    |
| Who is responsible for this policy? (Post Holder)  | The Housing Manager   |    |
| Are there concerns that the policy <b>could</b> have a differential impact on racial groups? (Please explain)  | Yes   |    |
| <ul style="list-style-type: none"> <li>• Communication and understanding is vital when engaging with and involving tenants in Housing Management. Some stakeholders may not have English as their first language and may not be willing or may perceive barriers in engaging in consultation. It is therefore vital that a wide range of communication methods are available to enable all tenants to be involved in this process in a way that supports their needs.</li> </ul> |   |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |   |    |
| <ul style="list-style-type: none"> <li>• Making services accessible for all members of the community remains a high priority for the council and is carried across all departments. Customers continue to access information from the council in a number of formats and languages.</li> </ul>   |   |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to gender? (Please explain)   |   | No |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>   |   |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |   |    |
| <ul style="list-style-type: none"> <li>• Engagement will be encouraged for all tenants unbiased by gender.</li> </ul>  |   |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to disability? (Please explain)   | Yes   |    |
| <ul style="list-style-type: none"> <li>• Accessibility to meetings and to information and different methods of communication could be a barrier to some tenants with disabilities getting involved and effectively helping to shape and influence services.</li> </ul>   |   |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |   |    |
| <ul style="list-style-type: none"> <li>• Engagement will be encouraged for all tenants with their particular needs fully considered. This will be unbiased by whether a person has a disability and steps will be taken to ensure that accessibility needs are considered and met and that all formats and types of communication are considered and available. Specialist advice will be taken when appropriate.</li> </ul>   |   |    |
| Are there concerns that the policy <b>could</b> have a differential impact to sexual orientation? (Please explain)   |   | No |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>   |   |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |   |    |
| Engagement will be encouraged for all tenants unbiased by a person's sexual orientation.   |   |    |

|   |     |    |
|---|-----|----|
| Are there concerns that the policy <b>could</b> have a differential impact due to age? (Please explain)   | YES |    |
| <ul style="list-style-type: none"> <li>• Accessibility to meetings and to information and different methods of communication could also be a barrier to some older tenants to getting involved and effectively helping to shape and influence services</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |    |
| <ul style="list-style-type: none"> <li>• Engagement will be encouraged for all tenants with their particular needs fully considered. This will be unbiased by a persons age and steps will be taken to ensure that accessibility needs are considered and met and that all formats and types of communication are considered and available. Specialist advice will be taken when appropriate</li> </ul> |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to religion or religious beliefs? (Please explain)   |     | No |
| <ul style="list-style-type: none"> <li>• No evidence of any issues</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |    |
| <ul style="list-style-type: none"> <li>• Engagement will be encouraged for all tenants unbiased by religious beliefs.</li> </ul>  |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person having dependants / caring responsibilities? (Please explain)  | No  |    |
| <ul style="list-style-type: none"> <li>• No evidence of any issues</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |    |
| <ul style="list-style-type: none"> <li>• Engagement will be encouraged for all tenants unbiased by whether a person with dependents/caring responsibilities.</li> </ul>   |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person being trans-gendered or transsexual? (Please explain)  |     | No |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>  |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |    |
| <ul style="list-style-type: none"> <li>• Engagement will be encouraged for all tenants unbiased by being trans-gendered or transsexual.</li> </ul>  |     |    |
| Could the differential impact identified above amount to there being the potential for adverse impact in this policy?   |     |    |
| No – the impacts identified are either positive or can be averted via the methods outlined in this document.  |     |    |
| Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?  |     |    |
| <ul style="list-style-type: none"> <li>•</li> </ul>   |     |    |
| Is there enough evidence to proceed to a full EIA?  |     | No |
| Are there further actions to be taken as a result of this assessment? (If yes please detail actions on a separate sheet)  |     | No |
| Date on which Full Assessment to be completed by?   | N/A |    |
| Steph Rixon<br>Signed (Completing Officer)  |     |    |

|                  |
|------------------|
|                  |
| Date: 30/10/2023 |

# **South Hams District Council Neighbourhood Management Policy**

## **Contents**

- 1) Introduction
- 2) Scope and Purpose
- 3) Permissions
- 4) Keys
- 5) Neighbourhood Walkabouts
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- 8) Litter and Fly Tipping
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- 18) Grassed and Communal Land
- 19) Complaints
- 20) Responsibility
- 21) Equality impact considerations
- 22) Policy Review

## 1) Introduction

Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes.

The Social Housing Regulation Act became law in 2023 and introduced a consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.

These standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how well their landlord is performing in giving tenants a stronger voice.

The Regulator of Social Housing requires that Registered Providers measure and report on 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how successful social housing landlords in England are doing at providing good quality homes and services. These measures include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenant's views on our performance which will include responsible neighbourhood management.

The TSM measures under responsible neighbourhood management include:

- TP10: Satisfaction that the landlord keeps communal areas clean and well maintained.
- TP11: Satisfaction that the landlord makes a positive contribution to neighbourhoods.
- TP12: Satisfaction with the landlord's approach to managing anti-social behaviour.
- NM01: Anti-social behaviour cases relative to the size of the landlord.

## 2) Scope and Purpose

This policy outlines how the Council aims to ensure that tenants have quiet enjoyment of their homes, which are in a safe, clean, and secure environment, and that they can take pride in.

This policy sets out SHDC's approach to managing our estates with the help of our tenants and residents to keep our neighbourhoods clean, safe and secure and where people want to live.

SHDC will work in partnership with our tenants and other stakeholders and public bodies where it is effective to do so.

Overall, in order to meet the aims of this policy, the policy objectives are:

- SHDC conduct regular neighbourhood inspections of communal areas and ensure that they are well maintained, tidy and free from graffiti.
- SHDC will work in partnership with the Police and other services to help keep our estates free from anti-social behaviour (ASB), harassment and hate crime.
- SHDC will conduct fire risk assessments in blocks of flats to identify and address fire risks.
- SHDC will ensure communal areas are well maintained.
- Grounds maintenance work is carried out to the required standard.
- Residents are aware of their responsibilities, both in relation to their property and neighbourhood.

- SHDC will consult with our tenants to identify improvements and work together to address local priorities.
- SHDC will identify areas that need improvements and undertake measures to resolve them.
- SHDC will promote tenant involvement opportunities, activities and events to help develop and support vibrant communities.

### **3) Permissions**

Tenants must seek permission if they wish to install hanging structures such as hanging baskets or bird feeders in communal areas.

These must be positioned in such a way as to avoid damage to the structure of the building and do not cause a nuisance or annoyance to others. An example would be hanging baskets when watered causing a slip hazard or the possibility of people walking beneath them getting wet.

### **4) Keys**

Additional keys for main entry doors in blocks of flats will not be provided to tenants, although replacement keys may be available in appropriate circumstances. If replacement keys are required, any costs relating to this will be recharged to the tenant. At the tenants' request, SHDC can provide a key safe on the exterior of the building for those whose carers require access. A key can be stored here to allow them to access the block. This is to ensure that security is maintained. For the same reason, communal key codes in blocks where there is a door entry system will only be given to employees and contractors to enable them to perform their duties.

### **5) Neighbourhood Walkabouts**

Tenants, councillors (both district and parish) and other agencies such as the Police are welcome to join neighbourhood officers when an estate in their area is inspected to raise any concerns and share ideas for improvement. A schedule of neighbourhood walkabouts is available on our website.

Neighbourhood walkabouts enable neighbourhood officers to identify issues surrounding the following (this is not an exhaustive list):

- Breaches of tenancy.
- Grounds maintenance issues, including hedges, trees and boundaries, and grassed/planted areas.
- Repairs.
- A build-up of domestic waste that has not been appropriately disposed of.
- Items in gardens which are not in line with the tenancy agreement.
- Items in gardens that impact the look of an estate.
- Any health and safety issues; for example, any deterioration to pathways that could be trip hazards, gas canisters, tyres, vehicle parts, anything that should not be in a garden whereby the garden looks untidy or unkempt.
- Communal areas – internal and external.
- Car parks and garages.
- Security issues, including fencing/ boundaries, security doors.
- Tenancy issues, including property condition, property improvements, untidy gardens, pets.
- ASB, including graffiti/vandalism, drugs, abandoned cars, fly-tipping.

## **6) Communal Inspections**

SHDC are committed to undertaking regular communal inspections and will proactively address any concerns raised during these inspections.

The frequency of these inspections will be locally determined and will be undertaken more frequently in neighbourhoods where there have been more reported issues, for example ASB.

Communal inspections have one aim: to ensure the safety of all residents who share a communal space. Inspections and walkabouts will be done in partnership with tenants, internal colleagues such as our maintenance team, councillors and other external agencies such as the Police.

## **7) Vandalism and Graffiti**

Acts of vandalism to SHDC property or land will be repaired as quickly as possible. Offensive/racist graffiti will be removed within 24 hours, all other graffiti will be removed within a reasonable timescale.

Any vandalism on housing land will be reported and dealt with within our repair priorities. Any vandalism which is a Health and Safety risk will be dealt as an emergency as per our repair priorities.

SHDC will investigate all acts of vandalism and graffiti and appropriate action will be taken against all known perpetrators of vandalism.

## **8) Litter and Fly Tipping**

SHDC will take reports of fly tipping seriously and ensure that it is dealt with quickly and efficiently.

SHDC will investigate all instances of fly tipping on housing land. SHDC will request that the responsible person remove the items within a reasonable timescale as to be determined by SHDC. If these items are not removed, the council will arrange for the removal of these items and a recharge will be raised to the responsible person to cover the cost of this service.

Reports of fly-tipping that is not on housing land will be reported to and dealt by the

## **9) Street Scene Service.**

SHDC will investigate fly tipping incidents and appropriate action will be taken against all known perpetrators.

## **10) Anti-Social Behaviour (ASB) and Neighbour Disputes**

ASB can have a significant impact and SHDC is committed to delivering a non-judgemental, balanced service. For more information on how SHDC tackles ASB, please view the ASB policy and procedures.

Where SHDC believes the behaviour does not constitute ASB, the tenant will be told why the complaint does not classify as an ASB complaint and advice will be given to enable self-resolution.

SHDC expect a reasonable level of tolerance between neighbours and will make fair evaluations on whether a complaint of ASB is reasonable. An important part of creating sustainable communities is the recognition and acceptance by SHDC tenants that the initial responsibility to resolve concerns with others lies with them.

If residents are not able to resolve their differences themselves, they should contact SHDC where a Housing Officer may be able to offer mediation or other solutions in order to resolve the dispute. In this instance, the tenant will be kept informed of the progress of the dispute and what actions have been agreed to mitigate a repeat of the incident.

## **11) Vehicles and Parking**

Tenants must not park any Vehicle which is untaxed, un-roadworthy or not insured at an SHDC property or on any other Council-owned land.

Any vehicle parked on a drive or on a garden where there is no dropped kerb, and without evidence of a request to Devon County Council to drop the kerb, will be expected to be removed immediately until a dropped kerb is in place. SHDC will also ensure that the tenant has appropriate permission from the Council for the installation of a drive.

Tenants are prohibited from parking a car on a garden that has not had a hard standing installed without consent.

SHDC will work with our tenants and residents to reduce irresponsible parking and parking-disputes.

## **12) Tree Management**

SHDC have a rolling maintenance plan to reduce avoidable risks relating to trees on land owned by the Council. Works to trees outside the works programme will only be undertaken when there has been an identified risk or hazard, such as it is:

- Unsafe.
- Obstructing public footpaths or roads.
- Proven to be damaging property.

Where any trees or shrubs, which are in tenants' gardens are causing a nuisance/annoyance or are dangerous, SHDC may give tenants a written notice asking that they remove or cut back within certain timescales. If this is not done, SHDC may enter the property to carry out the works and the tenant may be liable for reasonable costs in carrying out any such works.

If tenants want to plant a tree on their property, they must obtain written consent from SHDC.

## **13) CCTV and Camera Doorbells**

SHDC will consider proposals to install CCTV or camera doorbells where appropriate to do so.

## **14) Infestations of Pests and Vermin**

Pests or vermin that pose an immediate danger to a person or property will be investigated and dealt with appropriately via the responsive repairs team.

## **15) Cleaning**

SHDC will ensure that communal areas are clean and safe. There is an expectation that tenants, leaseholders and other residents play their part in keeping their neighbourhoods clean and tidy.

## **16) Gardens**

The responsibility of garden maintenance lies with the tenant. Where a tenant fails to maintain their garden, SHDC will take appropriate action (which may result in a recharge to the tenant).

SHDC will work with our tenants to encourage them to keep their gardens tidy and well-maintained.

The tenant is responsible for notifying us if there is a good reason they are unable to look after the garden or arrange for someone to look after it on their behalf.

The tenant must obtain written consent from the council before any of the following is carried out:

- Place, build or erect any greenhouse, garage, shed, patio, decking, aviary, fencing, conservatory, pigeon-loft, fishpond, pool or similar structure in the garden or a communal area or anywhere in/or on Council property.
- Place, build or erect any gate or barrier across a communal path.
- Replace or erect fencing. Any fencing with written consent should be no higher than one metre at the front or two metres at the back of the property.
- Make changes to boundary walls, outbuildings or hard surfaces.

Garden fences are mostly the responsibility of the tenant to maintain. Where there is a dispute between two neighbours regarding the responsibility of a fence or hedge, SHDC will provide a boundary plan to confirm responsibility.

Where a garden fence is the responsibility of SHDC it will be maintained by the council

## **17) Fires and BBQs**

Bonfires and/or mini fires on communal land, owned and managed by SHDC will not be permitted. Disposable BBQs are not permitted to be used in communal areas.

## **18) Grassed and Communal Land**

Grassed areas located on communal land on an estate are provided as an amenity for the benefit of all tenants. Therefore, tenants should seek permission regarding the use of external communal areas; this is particularly important if there is a proposal to establish a gardening club, or to create a wildlife garden, or to run a community social event, for example.

It should be noted that public liability insurance may be required in relation to a community social event, if it is organised by private individuals and not SHDC. SHDC cannot be held liable for any damage or injuries which may occur at such an event which has been organised by private individuals. Anyone planning such an event is advised to seek advice from their neighbourhood officer before requesting permission.

SHDC may consider allowing a charity to hold an event on communal land, but a written agreement will be required indemnifying the Council in the event of any claims. Decisions made regarding such events will take account of all relevant factors and SHDC will require sight of all relevant insurance and other documents in these circumstances.

Individual tenants will not be permitted to erect their own sheds in communal areas.

Should storage be an issue, tenants should seek advice from the Housing Team.

SHDC is required to consult all residents affected regarding a major change in the use of the communal area. The Council will make the final decision if there is any dispute regarding the use of communal space where agreement cannot be reached locally. Any such decisions will take into account legal obligations, policy, local feedback and any other considerations which may be relevant.

## **19) Complaints**

The Housing Service will deal with any complaints in accordance with the South Hams District Council Corporate Complaints Policy. For full details please go to <https://new.southhams.gov.uk/your-Council/comments-and-complaints/complaints-and-feedback>

## **20) Responsibility**

The Housing Manager will be responsible for ensuring that this policy is adhered to.

## **21) Equality impact considerations**

The policy is of high relevance to equality because it has a significant impact on residents and users of the service.

The Council has an Equality and Diversity policy that informs how officers should engage with people with protected characteristics. This policy is informed and guided by an Equality impact assessment.

Officers are aware that as providers of Social Housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

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

## **22) Policy Review**

SHDC is committed to reviewing this policy, in consultation with tenants on a bi-annual basis or sooner if new guidance or legislation is published.

# South Hams District Council & West Devon Borough Council Equality Impact Assessment / PSED Assessment

|  |                                      |
|--|--------------------------------------|
| <b>Name of Policy / Function to be assessed</b>  |                                      |
| Neighbourhood Management Policy  |                                      |
| <b>Officer responsible for the assessment</b>  |                                      |
| Stephanie Rixon  |                                      |
| <b>Service</b>   |                                      |
| Housing  |                                      |
| <b>Is this a new or existing policy / function? (Please ring as appropriate)</b>   | <b>EXISTING STRATEGY/ NEW UPDATE</b> |
|  | New                                  |
| <b>Briefly describe the aims, objectives and purpose of the policy</b>   |                                      |
| <ul style="list-style-type: none"> <li>• The policy outlines how the Council aims to ensure that tenants have quiet enjoyment of their homes, which are in a safe, clean, and secure environment, and that they can take pride in.</li> </ul>                            |                                      |
| Are there any associated objectives of the policy? Please explain.<br>(This may include other policies which are linked with or have an impact upon this policy)   |                                      |
| <ul style="list-style-type: none"> <li>• The policy sets out SHDC's approach to managing our neighbourhoods with the help of our tenants and residents to keep our neighbourhoods clean, safe and secure and where people want to live.</li> </ul>                       |                                      |
| Who is intended to benefit from this policy and in what way?   |                                      |
| <ul style="list-style-type: none"> <li>• Tenants, staff and wider community</li> </ul>   |                                      |
| What outcomes are wanted from this policy?   |                                      |
| <ul style="list-style-type: none"> <li>• To ensure SHDC deliver well managed neighbourhoods, communal areas and greenspaces to help ensure that tenants and members of the community can have quiet enjoyment of their homes in a safe and clean environment.</li> </ul> |                                      |
| What factors / forces could contribute / detract from the outcomes?  |                                      |
| <ul style="list-style-type: none"> <li>• Failure of communities and/neighbourhoods to engage with the requirements of the policy.</li> </ul>   |                                      |
| Who are the main stakeholders in relation to this policy?  |                                      |
| <ul style="list-style-type: none"> <li>• Tenants</li> <li>• Staff</li> </ul>   |                                      |
| Who implements this policy?  | The Housing Team                     |
| Who is responsible for this policy? (Post Holder)  | The Housing Manager                  |

|   |     |
|---|-----|
| Are there concerns that the policy <b>could</b> have a differential impact on racial groups? (Please explain)   | Yes |
| <ul style="list-style-type: none"> <li>Communication is a key part of involving residents in the delivery of positive neighbourhoods and some stakeholders may not have English as their first language and may not engage with services because of perceived barriers. It is therefore vital that a wide range of communication methods are available for Stakeholders and that the council continues to make information available in different formats and languages.</li> </ul> |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
| <ul style="list-style-type: none"> <li>Making services accessible for all members of the community remains a high priority for the council and should be carried across all departments. Customers continue to access information from the council in a number of formats and languages.</li> </ul>   |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to gender? (Please explain)  | No  |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
| <ul style="list-style-type: none"> <li>SHDC seeks to promote high quality, safe neighbourhoods for all. The Policy should benefit all Stakeholders and is unbiased by gender.</li> </ul>  |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to disability? (Please explain)  | Yes |
| <ul style="list-style-type: none"> <li>Someone with a disability and/or no family assistance may not be able to adequately look after their garden area.</li> <li>The current reporting process can involve written communication so someone with literacy problems will need additional support.</li> </ul>  |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
| <ul style="list-style-type: none"> <li>The policy requires that tenants take a certain level of responsibility for maintaining their homes including gardens etc. Support/signposting needs to be available for those who are unable to maintain their homes independently.</li> <li>The reporting and communication mechanisms are clearly outlined in the policy.</li> </ul>  |     |
| Are there concerns that the policy <b>could</b> have a differential impact to sexual orientation? (Please explain)  | No  |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |
| <ul style="list-style-type: none"> <li>SHDC seeks to promote high quality, safe neighbourhoods for all. The Policy should benefit all Stakeholders and is unbiased by sexual orientation.</li> </ul>  |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to age? (Please explain)   | Yes |
| Some older people and/or no family assistance may not be able to adequately look after their garden area  |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |

|   |     |    |
|---|-----|----|
| <ul style="list-style-type: none"> <li>The policy requires that tenants take a certain level of responsibility for maintaining their homes including gardens etc. Support/signposting needs to be available for those who are unable to maintain their homes independently.</li> </ul>  |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to religion or religious beliefs? (Please explain)   |     | No |
| <ul style="list-style-type: none"> <li>No evidence of any issues</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |    |
| <ul style="list-style-type: none"> <li>SHDC seeks to promote high quality, safe neighbourhoods for all. The Policy should benefit all Stakeholders and is unbiased by religious beliefs.</li> </ul>   |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person having dependants / caring responsibilities? (Please explain)  | No  |    |
| <ul style="list-style-type: none"> <li>No evidence of any issues</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |    |
| <ul style="list-style-type: none"> <li>SHDC seeks to promote high quality, safe neighbourhoods for all. The Policy should benefit all Stakeholders and there is nothing in the policy that should differentially impact on a person with dependents/caring responsibilities.</li> </ul> |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person being trans-gendered or transsexual? (Please explain)  |     | No |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |     |    |
| <ul style="list-style-type: none"> <li>SHDC seeks to promote high quality, safe neighbourhoods for all. The Policy should benefit all Stakeholders and is unbiased by being trans-gendered or transsexual.</li> </ul>   |     |    |
| Could the differential impact identified above amount to there being the potential for adverse impact in this policy?   |     |    |
| No – the impacts identified are either positive or can be averted via the methods outlined in this document.  |     |    |
| Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?  |     |    |
| <ul style="list-style-type: none"> <li></li> </ul>  |     |    |
| Is there enough evidence to proceed to a full EIA?  |     | No |
| Are there further actions to be taken as a result of this assessment? (If yes please detail actions on a separate sheet)  |     | No |
| Date on which Full Assessment to be completed by?   | N/A |    |
| Steph Rixon<br>Signed (Completing Officer)  |     |    |
| Date: 30/10/2023  |     |    |

# **South Hams District Council Planned Repairs and Cyclical Maintenance**

## **Contents**

- 1) Introduction
- 2) Scope and Purpose
- 3) Planned Maintenance
- 4) Cyclical Maintenance
- 5) Customer Satisfaction
- 6) Appointments
- 7) Pre-work and Post-work inspections
- 8) Complaints
- 9) Responsibility
- 10) Equality impact considerations
- 11) Policy Review

## 1) Introduction

Planned and cyclical maintenance is work the Council is aware of and has planned for These are replacements/repairs that are carried out with forethought, control and the use of records which are programmed in advance. South Hams District Council (SHDC) will maintain properties over a rolling thirty-year period.

## 2) Scope and Purpose

This policy outlines how SHDC will implement planned maintenance and a cyclical repairs plan to ensure the protection of SHDC's properties and enhance the health and wellbeing of SHDC tenants.

## 3) Planned Maintenance

Planned maintenance involves the replacement of external or internal elements of the property or communal areas.

There may be occasions when there is a premature failure of a component which falls outside the planned maintenance programme and the Council will budget annually for such works.

Examples of planned component replacement/improvement items and acceptable life spans are detailed in the following table:

| Component                 | Cycle    |
|---------------------------|----------|
| Roof- tiles/flashings     | 50 Years |
| External Render/Cladding  | 50 Years |
| Windows                   | 35 Years |
| Kitchens                  | 15 Years |
| Bathrooms                 | 20 Years |
| Boilers                   | 15 Years |
| Radiators/pipework        | 30 Years |
| Electrics Rewire          | 30 Years |
| External doors            | 20 Years |
| Smoke Alarms/CO Detectors | 10 Years |

## 4) Cyclical Maintenance

Refers to planned works carried out at agreed intervals and usually involves inspection, servicing or cleaning. The following diagram provides a snapshot of cyclical components and cycle of servicing in years.

| <b>Component</b>      | <b>Cycle</b> |
|-----------------------|--------------|
| Gutter Cleaning       | 3 Years      |
| Electrical Inspection | 5 Years      |
| Internal Painting     | 7 Years      |
| External Painting     | 7 Years      |
| Gas Inspection        | 1 Year       |

## **5) Customer Satisfaction**

Customer satisfaction with repairs and maintenance is important to us and is monitored monthly using customer satisfaction questionnaire responses to ensure the high standard expected by our tenants is delivered.

When a response is returned showing any dissatisfaction the Council will contact the customer to ensure that:

- The dissatisfaction is investigated.
- The cause is remedied, wherever possible.
- Customers are advised of the action taken.

SHDC will monitor and report on:

- The operatives' performance, the internal staff performance and the contractor performance
- Levels of satisfaction by:
  - Different areas.
  - Different types of property.

## **6) Appointments**

SHDC, through our contractors, will offer and arrange morning or afternoon appointments for those customers who want them for:

- Pre-work inspections.
- The work being carried out.
- Post-work inspections.

The Council and its contractors will attend appointments agreed with the tenant. Where we fail to meet an appointment, the tenant will be offered an alternative to suit them. In special circumstances this appointment might be out of office hours.

Where a tenant fails to keep an appointment, a second appointment will be offered. If the second appointment is not kept the repair request will normally be cancelled.

## **7) Pre-work and Post-work inspections**

Pre-work inspections will be carried out where:

- Surveying measurements, schedules, specifications etc. are required prior to ordering the work.

Quality control checks of repairs and maintenance will be carried out at random on a percentage of all repairs carried out. These quality control checks will be for various repair types, property types and in all areas of the district.

Post work inspections will also be carried out when a customer is dissatisfied, because:

- The quality of workmanship was not acceptable.

Random post inspections will be carried out as necessary by various members of the Property & Asset team, whilst sometimes being escorted by the contractor who carried out the work.

## **8) Complaints**

The Housing Service will deal with any complaints in accordance with the South Hams District Council Corporate Complaints Policy. For full details please go to <https://new.southhams.gov.uk/your-Council/comments-and-complaints/complaints-and-feedback>

## **9) Responsibility**

The Housing Manager and the Assets Manager will be responsible for ensuring that this policy is adhered to.

## **10) Equality impact considerations**

The policy is of high relevance to equality because it has a significant impact on residents and users of the service.

The Council has an Equality and Diversity Policy that informs how officers should engage with people with protected characteristics.

Officers are aware that as providers of Social Housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

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

## **11) Policy Review**

SHDC is committed to reviewing this policy, in consultation with tenants on a bi-annual basis or sooner if new guidance or legislation is published.

# South Hams District Council & West Devon Borough Council Equality Impact Assessment / PSED Assessment

|  |                                      |
|--|--------------------------------------|
| <b>Name of Policy / Function to be assessed</b>  |                                      |
| Planned and Cyclical Repairs Policy  |                                      |
| <b>Officer responsible for the assessment</b>  |                                      |
| Stephanie Rixon  |                                      |
| <b>Service</b>   |                                      |
| Housing  |                                      |
| <b>Is this a new or existing policy / function? (Please ring as appropriate)</b>   | <b>EXISTING STRATEGY/ NEW UPDATE</b> |
|  | New                                  |
| <b>Briefly describe the aims, objectives and purpose of the policy</b>   |                                      |
| <ul style="list-style-type: none"> <li>• This policy outlines how SHDC will implement planned maintenance and a cyclical repairs plan to ensure the protection of SHDC's properties and enhance the health and wellbeing of SHDC tenants.</li> </ul>   |                                      |
| Are there any associated objectives of the policy? Please explain.<br>(This may include other policies which are linked with or have an impact upon this policy)   |                                      |
| <p>The Social Housing regulator requires that registered providers shall:</p> <ul style="list-style-type: none"> <li>• (a) ensure that tenants' homes meet the standard set out in section five of the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard</li> <li>• (b) meet the standards of design and quality that applied when the home was built, and were required as a condition of publicly funded financial assistance if these standards are higher than the Decent Homes Standard</li> <li>• (c) in agreeing a local offer, ensure that it is set at a level not less than these standards and have regard to section six of the Government's Decent Homes Guidance.</li> </ul> |                                      |
| Who is intended to benefit from this policy and in what way?   |                                      |
| <ul style="list-style-type: none"> <li>• Tenants, SHDC staff, Partner agencies and the wider community.</li> </ul>   |                                      |
| What outcomes are wanted from this policy?   |                                      |
| <ul style="list-style-type: none"> <li>• The objective of this policy is to ensure well maintained properties to ensure SHDC tenants have a safe place to live and protect the council's assets.</li> </ul>  |                                      |
| What factors / forces could contribute / detract from the outcomes?  |                                      |
| <ul style="list-style-type: none"> <li>• Unforeseen major works.</li> </ul>  |                                      |

|   |                     |    |
|---|---------------------|----|
| Who are the main stakeholders in relation to this policy?   |                     |    |
| <ul style="list-style-type: none"> <li>• Tenants.</li> <li>• Staff</li> </ul>   |                     |    |
| Who implements this policy?   | The Housing Team    |    |
| Who is responsible for this policy? (Post Holder)   | The Housing Manager |    |
| Are there concerns that the policy <b>could</b> have a differential impact on racial groups? (Please explain)   | No                  |    |
| <ul style="list-style-type: none"> <li>• No evidence of any impact</li> </ul>   |                     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |    |
| <ul style="list-style-type: none"> <li>• All properties will be maintained to the same high standard and subject to same cyclical repairs regime regardless of the tenant's racial group.</li> </ul>  |                     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to gender? (Please explain)  |                     | No |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>  |                     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |    |
| <ul style="list-style-type: none"> <li>• All properties will be maintained to the same high standard and subject to same cyclical repairs regime regardless of the tenant's gender.</li> </ul>  |                     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to disability? (Please explain)  | No                  |    |
| <ul style="list-style-type: none"> <li>• No evidence of any impact</li> </ul>   |                     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |    |
| <ul style="list-style-type: none"> <li>• All properties will be maintained to the same high standard and subject to same cyclical repairs regime regardless of any disabilities the tenant may have. Separate maintenance of any adaptations may need to be considered under the adaptations policy.</li> </ul> |                     |    |
| Are there concerns that the policy <b>could</b> have a differential impact to sexual orientation? (Please explain)  |                     | No |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>  |                     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |    |
| <ul style="list-style-type: none"> <li>• All properties will be maintained to the same high standard and subject to same cyclical repairs regime regardless of the tenant's sexual orientation.</li> </ul>  |                     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to age? (Please explain)   |                     | No |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>  |                     |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |    |
| <ul style="list-style-type: none"> <li>• All properties will be maintained to the same high standard and subject to same cyclical repairs regime regardless of the tenant's age.</li> </ul>   |                     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to religion or religious beliefs? (Please explain)   |                     | No |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>  |                     |    |

|  |     |    |
|--|-----|----|
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>All properties will be maintained to the high standard and subject to same cyclical repairs regime regardless of the tenant's religious beliefs.</li> </ul>               |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person having dependants / caring responsibilities? (Please explain)   | No  |    |
| <ul style="list-style-type: none"> <li>No evidence of any issues</li> </ul>  |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>All properties will be maintained to the high standard and subject to same cyclical repairs regime regardless of the tenant's caring responsibilities.</li> </ul>         |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person being trans-gendered or transsexual? (Please explain)   |     | No |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>All properties will be maintained to the high standard and subject to same cyclical repairs regime regardless of the tenant being trans-gender or transsexual.</li> </ul> |     |    |
| Could the differential impacts identified above amount to there being the potential for adverse impact in this policy?   |     |    |
| No – the impacts identified are either positive or can be averted via the methods outlined in this document.   |     |    |
| Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?   |     |    |
| <ul style="list-style-type: none"> <li></li> </ul>   |     |    |
| Is there enough evidence to proceed to a full EIA?   |     | No |
| Are there further actions to be taken as a result of this assessment?<br>(If yes please detail actions on a separate sheet)  |     | No |
| Date on which Full Assessment to be completed by?  | N/A |    |
| Steph Rixon<br>Signed (Completing Officer)   |     |    |
| Date: 30/10/2023   |     |    |

# **South Hams District Council Responsive Repairs Policy**

## **Contents**

- 1) Introduction
- 2) Scope and Purpose
- 3) Repair Obligations
- 4) Reporting Repairs
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## **1) Introduction**

This policy and procedure covers the responsive repair service provided by South Hams District Council (SHDC) for day to day or routine repairs that are reported by tenants.

This policy does not cover repairs to leasehold properties, improvements, modernisation, adaptations or cyclical repair programmes.

## **2) Scope and Purpose**

This policy demonstrates SHDCs aim to provide good quality and timely responsive repairs and to provide a repair service for our tenants that:

- Meets the high standards expected by ourselves and tenants.
- Ensures properties are maintained to a good standard and safeguards the future of the property.
- Is cost effective and achieves good value for money.
- Protects the environment.

To achieve this SHDC will:

- Carry out repairs quickly and aim to deliver repairs in as few visits as is practical.
- Arrange appointments to carry out work at a time to suit the tenant.
- Set a high standard of workmanship for contractors and staff.
- Listen to any problems that tenants have about repairs and try to put them right.
- Maintain expenditure within the repairs budgets agreed by the Council;
- Have regard to the environmental impact of building products used.
- Regularly monitor and report on key performance indicator targets set, monthly and annually.

## **3) Repair obligations**

The repair duties of South Hams District Council are set out in the Section 11 of the Landlord and Tenant Act 1985. SHDC will also carry out certain repairs beyond the legal responsibilities. These duties are incorporated in the Secure Tenancy Agreement.

SHDC will keep tenants' homes in good condition, repairing and maintaining:

- The structure and exterior of the building – roofs, walls, floors, ceilings, window frames, external doors, drains, gutters, outside pipes, insulation.
- Kitchen and bathroom fixtures – basins, sinks, toilets, baths, showers.
- Electrical wiring, gas and water pipes.
- Heating equipment and water heating equipment.
- Any communal areas around a tenant's home – stairs, lifts, landings, lighting, entrance.
- Halls, paving, shared gardens, parking areas and rubbish chutes.

SHDC will maintain any paintwork to the outside of a tenant's home at regular intervals on the programmed work contract.

Tenant responsibilities include (but are not limited to):

- Internal decoration.
- Replacing internal light bulbs, tubes, starters, plugs and fuses.
- Replacing keys and locks when the tenant has lost their keys and additional security locks.
- Fitting and replacing smoke/CO alarms, including battery replacement (unless mains powered alarms are provided by SHDC).
- Clearing blockages to baths, sinks and basins inside the dwelling unless there is fault to the drainage system.
- All floor coverings except for flooring fitted by SHDC in kitchens and bathrooms.
- Repairs to internal doors and associated locks, hinges and handles (except for fire doors).
- TV aerials and satellite dishes unless it is a shared aerial or dish we have provided.
- Phone lines, satellite and cable TV and internet connections.
- Doorbell and chain (unless fitted by SHDC or if it's a communal door entry system).
- Upkeep of individual tenants' gardens. This includes maintaining and pruning trees and the upkeep of washing lines.
- Paving and non-paved areas in private gardens, except for paths to and from the property.
- Garden sheds or other outbuildings.
- Loss of power due to a faulty appliance or fuse blowing.
- Hat and coat hooks.
- Pelmets and curtain fittings.
- Adapting doors to fit carpets, unless fitted by SHDC.
- Moving kitchen cupboards to fit large appliances such as cookers and freezers.
- Connection of and plumbing of appliances such as tumble driers, washing machines and dishwashers and repair of leaking flexible pipes and connections serving these.
- Toilet seats.
- Shower curtains, rails and hoses.
- Tenants' own possessions such as carpet and furniture.
- Damage to tenants' possessions from water.
- Infestations by animals or insects inside the property, which are not due to a fault in the property or a wider infestation affecting multiple properties in a block.
- Replacing glass in doors and windows, unless due to fair wear and tear.

SHDC will do repairs in a reasonable time and all repairs will fall into categories:

- Emergency repairs within 24 hours.

- Urgent repairs within 5 working days.
- Routine repairs within 10 working days.
- Complex repairs within 30 working days.
- Qualifying repairs as per the legislation.

The working area will be left in a clean and tidy state and the tenant's decoration will be left as close as possible to how it was before the repair was carried out.

When carrying out our gas safety checks in our properties, the Council will shut down any unsafe gas appliance e.g., cookers, as the Council has no responsibility to maintain the item.

#### **4) Reporting repairs**

SHDC will respond to repairs reported in any of the following ways:

- By telephone (including out of hours emergency number).
- In writing.
- By e-mail.
- Via any member of staff.
- Via any other agreed agencies, relatives or friends (we may require confirmation from the tenant where appropriate).

#### **5) Customer Satisfaction**

Customer satisfaction with repairs is important to us and is monitored monthly using customer satisfaction questionnaire responses to ensure the high standard expected by our tenants is delivered.

When a response is returned showing any dissatisfaction, the Council will contact the customer to ensure that:

- The dissatisfaction is investigated.
- The cause is remedied, wherever possible.
- Customers are advised of the action taken.

SHDC will monitor and report on:

- The operatives' performance, the internal staff performance and the contractor performance.
- Levels of satisfaction by:
  - Different areas.
  - Different types of property.

#### **6) Appointments**

SHDC, through our contractors, will offer and arrange morning or afternoon appointments for those customers who want them for:

- Pre-work inspections.
- The work being carried out.

- Post-work inspections.

The Council and its contractors will attend appointments agreed with the tenant. Where we fail to meet an appointment, the tenant will be offered an alternative to suit them. In special circumstances this appointment might be out of office hours.

Where a tenant fails to keep an appointment, a second appointment will be offered. If the second appointment is not kept, the repair request will normally be cancelled.

## **7) Repairs completed in one visit**

SHDC will try to ensure that repairs are completed in one visit, wherever possible. If the repair cannot be completed in one visit, our contractor will agree an appointment to return and complete the work.

## **8) Keeping tenants informed of delays**

If a repair requires parts or materials that must be ordered, the repair may not be completed within the timescale. In this case, our contractors will inform the tenant of the likely date for completion of the repair.

## **9) Previous tenant fixtures and fittings**

SHDC will not be able to maintain items left by previous tenants and may remove them as an alternative to carrying out repairs. SHDC will normally only maintain those fixtures and fittings installed by previous tenants where we have a responsibility or wish to provide them, such as kitchen fittings, showers over baths, fixed space or water heating etc., please note this excludes tenant mutual exchange responsibilities.

## **10) Responding to crime**

Following illegal entry into a Council dwelling SHDC will:

- Carry out emergency make safe repairs if reported.
- Carry out all repairs as a result of the illegal entry that are the Council's or tenant's responsibility, provided a crime number from the Police is given.
- Consider increasing the level of security in the dwelling in liaison with relevant professionals through door and window locks etc.

Where illegal entry into a property results in damage etc., no repairs will be carried out that are outside of the landlords obligations, where the illegal entry was a direct result of the tenant's criminal activities.

## **11) A Responsible Landlord**

The Council has duties of care over our homes and the people who occupy them. The buildings are insured (not contents) and SHDC are liable for events that occur as a result of our fixtures fittings and repairs.

## **12) Pre-work and Post-work inspections**

Pre-work inspections will be carried out where:

- The tenant is unable to explain the problem.

- Surveying measurements, schedules, specifications etc. are required prior to ordering the work.
- Investigations to identify the problem are required.
- Previous repair has not solved the problem.
- The tenant has a history of wrongly reporting repairs or abusing the property.

Quality control checks of repairs will be carried out at random on a percentage of all repairs. These quality control checks will be for various repair types, property types and in all areas of the district.

Post work inspections will also be carried out when a customer is dissatisfied, because:

- The repair carried out has not rectified the problem; or
- The quality of workmanship was not acceptable.

Random post inspections will be carried out as necessary by various members of the Property & Asset team, whilst sometimes being escorted by the contractor who carried out the work.

### **13) Timescales for carrying out repairs**

This procedure sets out timescales for the most common repairs carried out by the Council for tenants; it is not a comprehensive list.

A large portion of the Council's tenants fall into a vulnerable category. We are committed to providing services that meet their needs. In deciding the timescales for carrying out repairs, we will take into account the circumstances and needs of the individual household. In special circumstances, we will undertake some repairs more quickly, where:

- The customer's sense of security is affected.
- The home would be left without heating in the winter.
- The customer's mobility is affected.
- The health and safety of young children/vulnerable adults is affected.

For all customers reporting emergency repairs, we will attempt to respond within 24 hours. This emergency service will be offered 24 hours a day every day of the year. The priority will be to make the property safe for our tenants.

Repairs after making the property safe may be carried out under a longer timescale.

Emergency repairs are those which are needed to avoid serious health or safety risks or serious structural damage. They are also repairs that are needed to ensure a home is secure.

Emergency work is to be attended to, made safe and rectified within 24 hours. Emergency Repairs will include the following:

- Severe leaks.
- Electrical failure.
- Break-ins where insecure etc.
- Fire.
- Full water failure (after establishing not common to local area).
- Hot water only if no source of hot water (i.e. electric shower).
- External door/gate failure (not due to loss of keys and only where there is no alternative route).
- Severe communal hazard where number of persons could be exposed (e.g. open wires).

- Exposed raw sewage (not blocked toilet but overflowing).
- Structural collapse (e.g. of ceiling so can be made).

Non-urgent repairs will be completed at a time that suits the tenant and the contractor. The contractor will attempt to arrange for the works to be completed as soon as possible.

Non-urgent repairs are those which cause only minor inconvenience and have little effect on the property if a repair is not undertaken in the short term.

There are several ‘right to repair’ categories that, although not viewed as emergencies, shall be attended within defined timescales as detailed in the following table:

| Issue reported  | Total number of repair days |
|---|-----------------------------|
| Total loss of electric power  | 1 day                       |
| Partial loss of electric power  | 3 days                      |
| Unsafe electrical fitting   | 1 day                       |
| Partial loss of water supply  | 3 days                      |
| Total or partial loss of space or water heating between 31st October and 1st May    | 1 day                       |
| Total or partial loss of space or water heating between 30th April and 1st November | 3 days                      |
| Toilet not flushing (where there is no other toilet in dwelling)                    | 1 day                       |
| Blocked sink, bath or basin   | 3 days                      |
| Tap which cannot be turned off  | 3 days                      |
| Leakage from water or heating pipe, tank or cistern                                 | 1 day                       |
| Leaking roof  | 7 days                      |
| Insecure external window, door or lock  | 1 day                       |
| Loose or detached banister or handrail  | 3 days                      |
| Mechanical extractor fan in internal kitchen or bathroom not working                | 7 days                      |

Each order issued to the Service Repairs for repairs reported by the Resident will specify the agreed appointment time. Failure to attend any appointment at the allotted time will result in a compensation payment of £20 that will be paid by the Service Provider to the Resident. The Service Provider will offer the Resident as a minimum, the appointments as detailed above but may offer additional appointment slots. The Service Resident will provide a monthly report to SHDC detailing the values of compensation paid or due including Resident details, address, reason for compensation and settlement date.

The point of contact who reports a communal repair (i.e. Resident/SHDC Officer, etc.) will receive confirmation of the appointment time. Failure to attend any appointment arranged with a Resident at the allotted time will result in a compensation payment of £20 that will be paid by the Service Provider to SHDC. Where a communal repair is reported by a Resident, the Service Provider will offer the Resident least two morning and two afternoon appointments within the following 5 working days to complete the repair. The Service Provider will provide a monthly report to SHDC detailing the values of compensation paid or due including address, reason for compensation and settlement date.

Missed appointments are defined as follows:

- Where the Service Provider arrives before the appointed time slot agreed with the Resident without having had prior agreement to changing the appointment time.
- Where the Service Provider is more than 15 minutes later than the appointed time slot agreed with the Resident (The Resident must have been called prior to the end of the appointment slot to be informed the Operative is running late to allow this grace period).

## **14) Void Management**

### **i. Ending tenancies**

All tenants are required to give four week's written notice terminating their tenancy which is effective from 12 o'clock the Monday after the termination notice is received. In the event of a death of a tenant SHDC will also require four weeks' notice from the date that we are informed of the death. As well as providing details of the next of kin, a copy of the death certificate or tell us once notification will be required.

Tenancies always finish on a Sunday and keys must be returned South Hams District Council. If a key-safe has been fitted by SHDC or our contractors, keys can be placed within on vacating the property, providing the tenant has had prior agreement from a Housing Officer.

Where the keys are not returned at all, the cost of changing locks will be recharged to the outgoing tenant.

As part of the end of tenancy process, the tenant will allow SHDC and/or their Asset Management Contractor to carry out a pre-void inspection if requested.

The Council actively encourages tenants to leave the property and external areas in a clean and tidy condition as laid out in the tenancy agreement.

When a valid notice of termination is received, all outgoing tenants will be reminded of their rights and responsibilities in relation to ending the tenancy.

The Council will then arrange inspection of the property before the tenant moves out. This will enable the Housing Service to:

- Identify any required repairs and to determine if the cost of repairing should be recharged to the tenant.
- Identify and notify maintenance contractors of expected volumes of work to assist with forecasting and capacity planning.
- Identify any factors which will be considered as part of offering the property for re-let, such as special adaptations.

The outgoing tenant will be responsible for the full costs for clearing out the property and any other rechargeable repairs identified.

The tenant will be made aware of any rechargeable repairs identified where possible during the pre-void inspection. The outgoing tenant will be asked to sign the list of rechargeable repairs and this will be used as a checklist to ensure that their responsibilities have been met. The Council reserve the right to recharge the outgoing tenant for any rechargeable works that occurred after or that were not visible during the pre-void inspection.

The tenant will also be informed about the status of their rent account and any sub accounts and required to make payments to clear any outstanding debt before the end of the tenancy. If the tenant is in arrears but is unable to clear them in full before the end of the tenancy, they will be required to make an affordable payment agreement to clear the debt. Failure to do so will mean that the tenant will be pursued for any monies owing in accordance with the SHDCs Income Management policies. The outgoing tenant will be required to provide a forwarding address, as specified in their tenancy agreement.

Where it is suspected a property is abandoned, the statutory procedures will be followed as detailed in our tenancy management procedures.

On becoming available for letting, the property will be offered to a potential new tenant with minimal delay in accordance with policies relating to the Devon Home Choice scheme and our own allocations policies.

## **ii. Vacating Tenants**

The vacating tenants are required to fulfil the following conditions when they wish to end their tenancy:

General Conditions:

- Provide a minimum of four weeks' notice of intention to move out.
- Allow staff access to pre-inspect the property.
- Allow staff to show prospective tenants to view the property before it becomes void
- Have a clear rent account.
- Return all the keys to the property as stated above.
- Have all utility meters read before moving out. If key meters are fitted, leave the keys in the meters with no debts. If a debt is discovered, SHDC will forward your contact details to the utility companies.
- Provide a forwarding address.
- Allow access to carry out minor repairs if reported or identified in the pre-void inspection before you vacate the property.
- To put in place a postal redirection service.

Cleaning and Clearing:

- Make sure that the garden is tidy and free of rubbish.
- Remove all furniture, belongings and any rubbish from the property including the loft, the garden, and sheds.
- Leave the property in a clean condition – windows, floors, cupboards, worktops and all sanitary wares.

Decorations / Fixtures and fittings:

- Make sure the property is in good decorative order.
- Repair any damage caused by moving fittings and fixtures.
- Repair everything that has been damaged.
- Agree with staff and clearly mark any items they wish to leave behind for the next incoming tenant.

### **iii. Pre-Void Inspection**

Any adaptations to the property, such as a flush-floor shower, wheelchair height kitchen cupboards and handrails etc. will be noted at this time. This information will be shared with both the Housing Allocations team and the Adaptations Officer, so that they are able to offer the property to an appropriate prospective tenant.

The outgoing tenant should put any disputes regarding rechargeable repairs raised during the void period to the Senior Technical Officer – day to day repairs via the complaints procedure.

### **iv. Void Inspection**

When the property becomes void, it will be re-inspected to confirm if the former tenant has complied with all their end of tenancy obligations.

It will also enable the inspecting officer to identify any repairs that may have been missed or hidden by furniture during the pre-void inspection that need to be recharged.

Photographs will be taken of items left in, or damage inflicted on the property.

### **v. Repairs to Void Properties**

The Council aims to identify and complete all necessary repairs to enable a property to be re-let as soon as possible.

All works undertaken in the property will be completed to the Void Standard.

In exceptional circumstances, minor or non-essential repairs will be undertaken once the tenancy has commenced. These repairs and the timescales for their completion will be agreed with the new tenant. In all cases, these will be charged to the voids budget.

All properties will be issued with electrical and gas safety certificates in compliance with legal requirements.

The Council will ensure that properties are checked against the planned works programme to make the most cost-effective use of resources. If a property falls into a geographical area where planned maintenance work is being undertaken, the property will be moved to the top of the planned maintenance list for these works to be completed as soon as possible.

Major repairs and any necessary Health and Safety works that would cause a high level of disruption to tenants or put their safety at risk, such as the removal of asbestos, and any damp or rot treatments will be completed prior to the start of the new tenancy.

All void properties must have had a gas and electrical check and have the necessary certificates in place before they can be deemed as ready to let. Copies of these are given to the new tenant as part of the sign-up process.

## **vi. Internal Decoration**

The Council will undertake basic redecoration where required before being let. SHDC will ensure that all sheltered properties are in good internal decorative order throughout, including woodwork, walls, and ceilings.

General Needs properties will be left in a suitable condition so that normal internal decoration can take place. As an example, walls, ceiling and woodwork filled and made good ready to accept standard decoration but will not be painted.

Where the vacating tenant has left the property with bold or hard to cover colours, or there is significant smoke staining, consideration will be given to the need to apply one coat of obliterating emulsion prior to re-letting.

## **15) Monitoring and Customer Involvement**

Satisfaction with the service provided will be monitored through “new tenancy” visits and repairs satisfaction forms. Feedback received from these surveys may be used to inform amendments to the policy and thus improve the Service provided.

## **16) Complaints**

The Housing Service will deal with any complaints in accordance with the South Hams District Council Corporate Complaints Policy. For full details please go to <https://new.southhams.gov.uk/your-Council/comments-and-complaints/complaints-and-feedback>

## **17) Responsibility**

The Housing Manager will be responsible for ensuring that this policy is adhered to.

## **18) Equality impact considerations**

The policy is of high relevance to equality because it has a significant impact on residents and users of the service.

The Council has an Equality and Diversity policy that informs how officers should engage with people with protected characteristics. This policy is informed and guided by an Equality impact assessment.

Officers are aware that as providers of social housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

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

## **19) Policy Review**

SHDC is committed to reviewing this policy, in consultation with tenants on a bi-annual basis or sooner if new guidance or legislation is published.

# South Hams District Council & West Devon Borough Council Equality Impact Assessment / PSED Assessment

|   |                                      |
|---|--------------------------------------|
| <b>Name of Policy / Function to be assessed</b>   |                                      |
| Responsive Repairs Policy   |                                      |
| <b>Officer responsible for the assessment</b>   |                                      |
| Stephanie Rixon   |                                      |
| <b>Service</b>  |                                      |
| Housing   |                                      |
| <b>Is this a new or existing policy / function? (Please ring as appropriate)</b>  | <b>EXISTING STRATEGY/ NEW UPDATE</b> |
|   | New                                  |
| <b>Briefly describe the aims, objectives and purpose of the policy</b>  |                                      |
| This policy and covers the responsive repair service provided by South Hams District Council (SHDC) for day to day or routine repairs that are reported by tenants.   |                                      |
| Are there any associated objectives of the policy? Please explain.<br>(This may include other policies which are linked with or have an impact upon this policy)  |                                      |
| The repair duties of South Hams District Council are set out in the Section 11 of the Landlord and Tenant Act 1985.   |                                      |
| In addition to this the Social Housing Regulator requires that registered providers shall: <ul style="list-style-type: none"> <li>• (a) ensure that tenants' homes meet the standard set out in section five of the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard</li> <li>• (b) meet the standards of design and quality that applied when the home was built, and were required as a condition of publicly funded financial assistance if these standards are higher than the Decent Homes Standard</li> <li>• (c) in agreeing a local offer, ensure that it is set at a level not less than these standards and have regard to section six of the Government's Decent Homes Guidance.</li> </ul> |                                      |
| Who is intended to benefit from this policy and in what way?  |                                      |
| <ul style="list-style-type: none"> <li>• Tenants, SHDC staff, Partner agencies and the wider community.</li> </ul>  |                                      |
| What outcomes are wanted from this policy?  |                                      |
| <ul style="list-style-type: none"> <li>• The objective of this policy is to ensure well maintained properties to ensure SHDC tenants have a safe place to live and protect the council's assets.</li> </ul>   |                                      |

|   |                     |     |
|---|---------------------|-----|
| What factors / forces could contribute / detract from the outcomes?   |                     |     |
| <ul style="list-style-type: none"> <li>• Unforeseen major works.</li> </ul>   |                     |     |
| Who are the main stakeholders in relation to this policy?   |                     |     |
| <ul style="list-style-type: none"> <li>• Tenants.</li> <li>• Staff</li> </ul>   |                     |     |
| Who implements this policy?   | The Housing Team    |     |
| Who is responsible for this policy? (Post Holder)   | The Housing Manager |     |
| Are there concerns that the policy <b>could</b> have a differential impact on racial groups? (Please explain)   |                     | Yes |
| <ul style="list-style-type: none"> <li>• Communication is a key part of enabling tenants to be able to easily report repairs and some stakeholders may not have English as their first language. It is therefore vital that a wide range of communication methods are available for to be able to report repairs and that the council continues to make information available in different formats and languages.</li> <li>•</li> </ul> |                     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |     |
| <ul style="list-style-type: none"> <li>• Making services accessible for all members of the community remains a high priority for the council and should be carried across all departments, information continues to be accessed in a range of formats from the council.</li> </ul>  |                     |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to gender? (Please explain)  |                     | No  |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>  |                     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |     |
| <ul style="list-style-type: none"> <li>• All properties will be maintained to the same high standard and the tenant will have access to the same repairs service regardless of the tenant's gender.</li> </ul>  |                     |     |
| Are there concerns that the policy <b>could</b> have a differential impact due to disability? (Please explain)  |                     | Yes |
| <ul style="list-style-type: none"> <li>• People with disabilities may find day to day maintenance of their home challenging.</li> </ul>   |                     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |     |
| <ul style="list-style-type: none"> <li>• Support and signposting needs to be available to help people with disabilities get the support they need to maintain their home and report repairs. Separate maintenance of any adaptations may need to be considered under the adaptations policy.</li> </ul>   |                     |     |
| Are there concerns that the policy <b>could</b> have a differential impact to sexual orientation? (Please explain)  |                     | No  |
| <ul style="list-style-type: none"> <li>• No evidence of any impact.</li> </ul>  |                     |     |
| What existing evidence (either presumed or otherwise) do you have for this?   |                     |     |
| <ul style="list-style-type: none"> <li>• All properties will be maintained to the same high standard and the tenant will have access to the same repairs service regardless of the tenant's sexual orientation.</li> </ul>  |                     |     |

|  |     |    |
|--|-----|----|
| Are there concerns that the policy <b>could</b> have a differential impact due to age? (Please explain)  |     | No |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>All properties will be maintained to the same high standard and the tenant will have access to the same repairs service regardless of the tenant's age.</li> </ul>                |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to religion or religious beliefs? (Please explain)  |     | No |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>All properties will be maintained to the high standard and the tenant will have access to the same repairs service regardless of the tenant's religious beliefs.</li> </ul>       |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person having dependants / caring responsibilities? (Please explain)   | No  |    |
| <ul style="list-style-type: none"> <li>No evidence of any issues</li> </ul>  |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>All properties will be maintained to the high standard and the tenant will have access to the same repairs service regardless of the tenant's caring responsibilities.</li> </ul> |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person being trans-gendered or transsexual? (Please explain)   |     | No |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>All properties will be maintained to the high standard and have access to the same repairs service regardless of the tenant being trans-gender or transsexual.</li> </ul>         |     |    |
| Could the differential impacts identified above amount to there being the potential for adverse impact in this policy?   |     |    |
| No – the impacts identified are either positive or can be averted via the methods outlined in this document.   |     |    |
| Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?   |     |    |
| <ul style="list-style-type: none"> <li></li> </ul>   |     |    |
| Is there enough evidence to proceed to a full EIA?   |     | No |
| Are there further actions to be taken as a result of this assessment? (If yes please detail actions on a separate sheet)   |     | No |
| Date on which Full Assessment to be completed by?  | N/A |    |
| Steph Rixon<br>Signed (Completing Officer)   |     |    |
| Date: 30/10/2023   |     |    |

# **South Hams District Council's Tenant Satisfaction Measures Policy**

## **Contents**

- 1) Introduction
- 2) Scope and purpose
- 3) What will SHDC be measuring?
- 4) Feedback to Tenants
- 5) Frequency of Surveys
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- 8) Equality impact considerations
- 9) Policy Review

## **1) Introduction**

Tenant satisfaction measures are a set of performance indicators used to assess how well social housing landlords are providing quality homes and services to their tenants. These measures aim to capture tenant feedback on various aspects of their housing experience, including the condition of the property, repairs and maintenance, customer service and the overall living experience.

## **2) Scope and purpose**

Tenant satisfaction measures form part of the Regulator of Social Housing's system for assessing how well social housing landlords are delivering quality homes and services to their tenants. These measures are part of the regulator's role to promote transparency and accountability in the social housing sector and to ensure that tenants receive high-quality services that meet their needs.

These measures involve gathering data on tenant experiences, overall satisfaction levels, and specific areas such as maintenance, repairs, communication, and community engagement. This policy outlines how South Hams District Council (SHDC) will engage with tenants to gather and share this information.

## **3) What will SHDC be measuring?**

The regulations require the Council to look at 12 overall areas of tenants' satisfaction:

1. Overall Satisfaction
2. Repairs – quality of works
3. Repairs – response time
4. Property Maintenance
5. Communal areas - maintenance
6. Property Safety
7. Communication – how well does SHDC listen to tenants?
8. Communication – how well does SHDC keep tenants informed?
9. Treating tenants fairly and with respect
10. How complaints are handled
11. Contribution to the local area
12. Dealing with Anti-social behaviour.

A copy of the Tenants Satisfaction Survey can be found in Appendix 1.

## **4) Feedback to Tenants**

SHDC will have to inform tenants of how many:

- Homes meet the Decent Homes Standard.
- Repairs are done on time.
- Gas safety checks are done.
- Fire safety checks and water safety checks are done.
- Asbestos safety checks are done.
- Lift safety checks are done.

- Anti-social behaviour cases are reported to them. This includes cases that involve a hate incident.
- Complaints landlords receive.
- Complaints are dealt with on time.

SHDC will provide this information to tenants on a yearly basis.

## **5) Frequency of Surveys**

SHDC will conduct the Tenant Satisfaction Survey every two years.

## **6) Complaints**

The Housing Service will deal with any complaints in accordance with the South Hams District Council Corporate Complaints Policy. For full details please go to <https://new.southhams.gov.uk/your-Council/comments-and-complaints/complaints-and-feedback>

## **7) Responsibility**

The Housing Manager will be responsible for ensuring that this policy is adhered to.

## **8) Equality impact considerations**

The policy is of high relevance to equality because it has a significant impact on residents and users of the service.

The Council has an Equality and Diversity policy that informs how officers should engage with people with protected characteristics.

Officers are aware that as providers of social housing, there may be potentially vulnerable tenants in our properties and will act accordingly in all correspondence and communication, giving due consideration as to how any vulnerability or condition might affect either their judgement or ability to understand information provided.

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

## **9) Policy Review**

SHDC is committed to reviewing this policy, in consultation with tenants on a bi-annual basis or sooner if new guidance or legislation is published.

## **Appendix 1 – Sample Tenant Satisfaction Survey**

### **Question 1: Overall satisfaction.**

Taking everything into account, how satisfied or dissatisfied are you with the service provided by your landlord?

### **Question 2: Repairs to your home.**

Has your landlord carried out a repair to your home in the last 12 months?

If yes, how satisfied or dissatisfied are you with the overall repairs service from your landlord over the last 12 months?

### **Question 3: How long it takes to repair your home.**

Has your landlord carried out a repair to your home in the last 12 months?

If yes, how satisfied or dissatisfied are you with the time taken to complete your most recent repair after you reported it?

### **Question 4: A well-maintained home.**

How satisfied or dissatisfied are you that your landlord provides a home that is well-maintained?

### **Question 5: A safe home**

Thinking about the condition of the property or building you live in, how satisfied or dissatisfied are you that your landlord provides a home that is safe?

### **Question 6: Listening to tenants.**

How satisfied or dissatisfied are you that your landlord listens to your views and acts upon them?

### **Question 7: Keeping tenants informed.**

How satisfied or dissatisfied are you that your landlord keeps you informed about things that matter to you?

### **Question 8: Treating tenants fairly and with respect.**

To what extent do you agree or disagree with the following?

*My landlord treats me fairly and with respect.*

### **Question 9: How complaints are handled.**

Have you made a complaint to your landlord in the last 12 months?

If yes, how satisfied or dissatisfied are you with your landlord's approach to complaints handling?

### **Question 10: Communal areas.**

Do you live in a building with communal areas, either inside or outside, that your landlord is responsible for maintaining?

If yes, how satisfied or dissatisfied are you that your landlord keeps these communal areas clean and well-maintained?

**Question 11: Your local area.**

How satisfied or dissatisfied are you that your landlord makes a positive contribution to your neighbourhood?

**Question 12: Anti-social behaviour.**

How satisfied or dissatisfied are you with your landlord's approach to handling anti-social behaviour?

# South Hams District Council & West Devon Borough Council Equality Impact Assessment / PSED Assessment

|  |                                      |
|--|--------------------------------------|
| <b>Name of Policy / Function to be assessed</b>  |                                      |
| Tenant Satisfaction Policy   |                                      |
| <b>Officer responsible for the assessment</b>  |                                      |
| Stephanie Rixon  |                                      |
| <b>Service</b>   |                                      |
| Housing  |                                      |
| <b>Is this a new or existing policy / function? (Please ring as appropriate)</b>   | <b>EXISTING STRATEGY/ NEW UPDATE</b> |
|  | New                                  |
| <b>Briefly describe the aims, objectives and purpose of the policy</b>   |                                      |
| <ul style="list-style-type: none"> <li>• Tenant satisfaction measures are a set of performance indicators used to assess how well social housing landlords are providing quality homes and services to their tenants.</li> </ul>   |                                      |
| Are there any associated objectives of the policy? Please explain.<br>(This may include other policies which are linked with or have an impact upon this policy)   |                                      |
| <ul style="list-style-type: none"> <li>• Tenant satisfaction measures form part of the Regulator of Social Housing's system for assessing how well social housing landlords are delivering quality homes and services to their tenants. These measures are part of the regulator's role to promote transparency and accountability in the social housing sector and to ensure that tenants receive high-quality services that meet their needs.</li> </ul> |                                      |
| Who is intended to benefit from this policy and in what way?   |                                      |
| <ul style="list-style-type: none"> <li>• Tenants, staff and wider community</li> </ul>   |                                      |
| What outcomes are wanted from this policy?   |                                      |
| <ul style="list-style-type: none"> <li>• To enable the Council to gather detailed feedback regarding services to help inform better customer service and service delivery.</li> </ul>  |                                      |
| What factors / forces could contribute / detract from the outcomes?  |                                      |
| <ul style="list-style-type: none"> <li>• N/A</li> </ul>  |                                      |
| Who are the main stakeholders in relation to this policy?  |                                      |
| <ul style="list-style-type: none"> <li>• Tenants</li> <li>• Staff</li> <li>• Regulator</li> </ul>  |                                      |

|   |   |    |
|---|---|----|
| Who implements this policy?   | The Housing Team supported by the Corporate Management Team |    |
| Who is responsible for this policy? (Post Holder)   | The Housing Manager   |    |
| Are there concerns that the policy <b>could</b> have a differential impact on racial groups? (Please explain)   | Yes   |    |
| <ul style="list-style-type: none"> <li>Communication and understanding is vital when engaging with and involving tenants in giving feedback regarding our services. Some stakeholders may not have English as their first language and may not willing or may perceive barriers in engaging in consultation. It is therefore vital that a wide range of communication methods are available to enable all tenants to be involved in this process in a way that supports their needs.</li> </ul> |   |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |   |    |
| <ul style="list-style-type: none"> <li>Making services accessible for all members of the community remains a high priority for the council and is carried across all departments. Customers continue to access information from the council in a number of formats and languages.</li> </ul>  |   |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to gender? (Please explain)  |   | No |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |   |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |   |    |
| <ul style="list-style-type: none"> <li>Engagement will be encouraged for all tenants unbiased by gender.</li> </ul>   |   |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to disability? (Please explain)  | Yes   |    |
| <ul style="list-style-type: none"> <li>Accessibility to information and different methods of communication could be a barrier to some tenants with disabilities getting involved and effectively helping to shape and influence services.</li> </ul>  |   |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |   |    |
| <ul style="list-style-type: none"> <li>Engagement will be encouraged for all tenants with their particular needs fully considered. This will be unbiased by whether a person has a disability and steps will be taken to ensure that accessibility needs are considered and met and that all formats and types of communication are considered and available. Specialist advice will be taken when appropriate.</li> </ul>  |   |    |
| Are there concerns that the policy <b>could</b> have a differential impact to sexual orientation? (Please explain)  |   | No |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>  |   |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |   |    |
| Engagement will be encouraged for all tenants unbiased by a person's sexual orientation.  |   |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to age? (Please explain)   | Yes   |    |
| <ul style="list-style-type: none"> <li>. Accessibility to information and different methods of communication could be a barrier to some tenants with disabilities getting involved and effectively helping to shape and influence services</li> </ul>   |   |    |
| What existing evidence (either presumed or otherwise) do you have for this?   |   |    |

|  |     |    |
|--|-----|----|
| <ul style="list-style-type: none"> <li>Engagement will be encouraged for all tenants with their particular needs fully considered. This will be unbiased by a person's age and steps will be taken to ensure that accessibility needs are considered and met and that all formats and types of communication are considered and available. Specialist advice will be taken when appropriate</li> </ul> |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to religion or religious beliefs? (Please explain)  |     | No |
| <ul style="list-style-type: none"> <li>No evidence of any issues</li> </ul>  |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>Engagement will be encouraged for all tenants unbiased by religious beliefs.</li> </ul>   |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person having dependants / caring responsibilities? (Please explain)   | No  |    |
| <ul style="list-style-type: none"> <li>No evidence of any issues</li> </ul>  |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>Engagement will be encouraged for all tenants unbiased by whether a person with dependents/caring responsibilities.</li> </ul>  |     |    |
| Are there concerns that the policy <b>could</b> have a differential impact due to a person being trans-gendered or transsexual? (Please explain)   |     | No |
| <ul style="list-style-type: none"> <li>No evidence of any impact.</li> </ul>   |     |    |
| What existing evidence (either presumed or otherwise) do you have for this?  |     |    |
| <ul style="list-style-type: none"> <li>Engagement will be encouraged for all tenants unbiased by being trans-gendered or transsexual.</li> </ul>   |     |    |
| Could the differential impact identified above amount to there being the potential for adverse impact in this policy?  |     |    |
| No – the impacts identified are either positive or can be averted via the methods outlined in this document.   |     |    |
| Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?   |     |    |
| <ul style="list-style-type: none"> <li></li> </ul>   |     |    |
| Is there enough evidence to proceed to a full EIA?   |     | No |
| Are there further actions to be taken as a result of this assessment? (If yes please detail actions on a separate sheet)   |     | No |
| Date on which Full Assessment to be completed by?  | N/A |    |
| Steph Rixon<br>Signed (Completing Officer)   |     |    |
| Date: 30/10/2023   |     |    |

