

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive for Decision 03 September 2024

<b>Portfolio:</b>	Housing
<b>Subject:</b>	<b>Fareham Housing Repairs Policy - Consultation</b>
<b>Report of:</b>	Director of Housing
<b>Corporate Priorities:</b>	Provide Housing Choices

**Purpose:**

To seek Executive approval for the draft Fareham Housing Repairs and Maintenance policy to go forward for consultation for a period of 6 weeks.

**Executive summary:**

The Housing Act 1985 (as amended) places a number of obligations on landlords regarding the upkeep of their properties. All social housing tenants also have the 'right to repair' and for these to be conducted within a specific timeframe.

Recent legislative changes and the new consumer standards set by the Regulator of Social Housing (RSH) have imposed further requirements around repairs, maintenance and planned improvements.

The draft Repairs and Maintenance policy is primarily a consolidating document, bringing together the various process and policies already in existence and updating them in line with these new requirements.

It provides comprehensive information regarding the Repairs' service responsibilities and processes, background and relevant legislation.

A period of 6 weeks public consultation will be undertaken on the draft policy before it returns to the Executive for formal adoption.

At its' meeting of 11 July 2024, the Housing Scrutiny Panel considered the policy and no comments or suggestions were made, other than to clarify the consultation period. This was clarified and is set out in points 24-26 below.

**Recommendation/Recommended Option:**

It is recommended that the Executive:

- (a) notes that the Housing Scrutiny Panel had no comments or suggestions to make in respect of this Policy; and
- (b) approves the draft Fareham Housing Repairs and Maintenance policy going forward for 6 weeks public consultation.

**Reason:**

To allow delivery of Fareham Housing's Repairs and maintenance policy in line with all relevant legislation and guidance, and to ensure the fair and consistent application of the process/es.

**Cost of proposals:**

The costs involved with the preparation and adoption of the policy are covered by the existing operational budgets.

**Appendices:**

**A:** Fareham Housing Repairs and Maintenance Policy

**B:** Fareham Housing Repairs and Maintenance Frequently Asked Questions (FAQs)

**C:** Equalities Impact Assessment

**Background papers:** None.

**Reference papers:** Closed Consultation: Awaab's Law: Consultation on timescales for repairs in the social rented sector.

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## BOROUGH COUNCIL

### Executive Briefing Paper

<b>Date:</b>	03 September 2024
<b>Subject:</b>	Fareham Housing Repairs Policy - Consultation
<b>Briefing by:</b>	Director of Housing
<b>Portfolio:</b>	Housing

#### INTRODUCTION

1. The Landlord and Tenant Act 1985 (as amended) places a number of obligations on landlords regarding the upkeep of their properties. All social housing tenants also have the 'right to repair' under the 'Right to Repair' regulations 1994 and, for certain repairs, for these to be conducted within a specific timeframe.
2. Following the tragedies at Grenfell and the death of Awaab Ishak, the legislation was strengthened in several areas, particularly by the extending of powers to the Social Housing Regulator and the introduction of what has become known as 'Awaab's Law'.
3. The Regulator of Social Housing (RSH) has also introduced a new set of 'consumer standards' which add a further set of requirements around repairs, maintenance and planned improvements, aimed at raising response times and standards.
4. The new draft Repairs and Maintenance policy ('the policy') brings together existing processes and procedures and brings them up to date with all relevant legislation and the new standards.
5. This report provides information on the policy and its' associated documents. It presents information on the consultation process prior to adoption, and updates Members on the comments and observations made by the Housing Scrutiny Panel at their meeting of the 11 July 2024.

#### LEGISLATION

6. The legislation and statutory guidance surrounding repairs and maintenance of social housing is extremely complex. The policy therefore focuses on the main provisions of the legislation in terms of the responsibilities of both landlord and tenant, the time scales for any repairs and the sort of service that can be expected.
7. It should not be seen as a replacement for, and does not cover, the technical processes and specific legal requirements involved for individual repairs, although reference to the precise legislation is made where applicable.

8. The policy therefore focuses on the key aspects of the legislation most relevant to tenants, which are that:
  - Homes have to be fit for habitation, both at the start of a tenancy and throughout under the Landlord and Tenant Act 1985, as amended.
  - Social housing tenants have a 'right to repair' and for certain repairs to be carried out within a set time period through the 'Right to Repair' Regulations 1994.
  - The introduction of 'Awaab's law' as part of the 2023 Social Housing (Regulation) Act, obligated local authorities and other registered providers to comply with new requirements introduced through secondary legislation.
  - The introduction of the RSH's new consumer standards, and the Safety and Quality Standard in particular, which further strengthens rules regarding the type and quality of service offered and the timescales for repairs to be carried out.
  - That these regulations are supported by numerous technical and legal requirements regarding fire safety, building regulations and health and safety, and relevant information is given where applicable.
9. The policy brings together and updates existing information and seeks to serve as a central reference point for tenants and Officers alike, making the process clearer and more efficient for all.
10. Clear, accessible information is also a requirement of both the Safety and Quality Standard, and the Transparency, Influence and Accountability Standard. The Policy is supported by an FAQ to facilitate this. A key aspect of the consultation will be to confirm that the information provided is clear and accessible.

## **THE POLICY**

11. The draft policy sets out and explains the responsibilities of both the tenants and Fareham Housing as their landlord. This includes the tenant's obligations to ensure the safe instalment of electrical or gas fixtures, rules regarding alterations and their obligations regarding access to their property.
12. The draft policy also sets out the obligations of Fareham Housing, both regarding the upkeep of the structure of buildings and communal areas, as well as ensuring the proper working order and / or repair and replacement of certain fixtures within the home.
13. The draft policy details the process for requesting a repair, how their request will be prioritised and the timescales involved. This includes details of the appointments system. The process for reporting emergency gas and / or carbon monoxide leaks is also highlighted, including national numbers and services.
14. Once a repair is requested, it will be categorised into one of four priorities. These are:
  - **Emergency:** Repairs needed to prevent significant risk to person and / or property. The target for these repairs (i.e. making safe) is 24 hrs and includes such issues as a total loss of heating, hot water, and / or lighting.

- Priority: Repairs that may cause a significant risk to person and / or property if left for a week or more. The aim is to complete all priority repairs within seven calendar days and include issues such as severe damp or mould in the home of a vulnerable person, or a minor leak that is not affecting the property.
  - Routine: These are repairs that do not fall into the above two categories. The aim is to complete routine repairs within 28 calendar days and include issues such as repairs to damaged fencing or minor cases of damp and mould where it has already been established that it relates to condensation only.
  - Planned routine: These are repairs that do not fall into any of the other categories but are also not part of the Council's planned maintenance programme. Examples would include plastering repairs, or the internal decoration of a room and the aim is to complete such repairs within 6 months.
15. The repairs service will also carry out complex repairs. These are repairs where the fault is not known and / or may involve the need for extensive investigation and monitoring to determine. These are often significant building defects that require the appointment of professional consultants or insurance companies. Complex repairs are aimed to be completed on successful diagnosis.
  16. The policy also covers chargeable repairs. These are repairs needed due to the tenant's, or the tenant's guests, negligence misuse or carelessness. It also explains that charges will be made if entry has to be forced in order to fulfil our legal obligations, and the exemptions that may be available.
  17. Exemptions may be available to those that whose property was damaged through a criminal act or anti-social behaviour, or as a result of domestic abuse. If there is any doubt or uncertainty as to how the damage was caused, we will arrange a visit to determine if the repairs are chargeable or not, and this will be decided by the Property and Neighbourhood managers.
  18. The policy further sets out the planned and cyclical maintenance programme and the requirements to meet the Decent Homes Standard. These include such repairs as kitchen and / or bathroom modernisation, replacement windows and doors, and insulation works and retrofitting of insulation materials.
  19. Although not technically a repair, the policy includes information of adaptations for those with disabilities and some of the minor adjustments that the repair service may be able to make, but also directs tenants to Fareham Housing's Social and Affordable Adaptations policy and direction to the Occupational Therapist team at Hampshire County Council.
  20. This information includes details regarding the assistance available with garden maintenance and internal decorations for those with a disability that prevents them from doing so themselves.
  21. A Code of Conduct is included, and which applies to all Fareham Borough Council staff and contractors working on the Council's behalf. This sets out the minimum standards expected when dealing with tenants in any aspect.

## **REFUSALS**

22. There is no automatic right to review the works deemed necessary (or not) by the repairs team. Nor is there any right to review the needs for access where legally obligated to do so. Tenants will be given full information regarding the repairs required and will need to pursue the Council's complaints procedure if they feel that the process was not carried out as it should have been, the works are not necessary or have not been carried out to their satisfaction.
23. This would not impact any rights of the tenant to refer the case to Environmental Health for consideration if they feel necessary, although it would be anticipated that both services would work together to resolve matters quickly.

## **MATTERS ARISING FROM SCRUTINY PANEL**

24. The Housing Scrutiny Panel considered the Policy at the 11 July meeting. The Panel were provided with a report by the Director of Housing that gave an overview of the Fareham Housing Repairs and Maintenance Policy and a copy of the draft Policy. Members of the Scrutiny Panel were invited to put forward any comments for the Executive to consider in any subsequent decisions about the document. No comments or suggestions were made, but clarity was sought on the consultation process, which is set out in the following section.

## **NEXT STEPS**

25. It is recommended the Executive approve the draft Policy going forward for public consultation for a period of six weeks, together with any comments or observations that Members may wish to make at this point.
26. Consultation will be focused on ensuring the information is clear and accessible for tenants, and also carried out in accordance with the draft Tenant Engagement Strategy.
27. Once consultation has ended, the report, with detailed analysis of feedback and representations, will be brought to the Executive to consider. Appropriate adjustments will also be made to the Policy and the EIA, if required.

## **EQUALITY IMPACT ASSESSMENT**

28. An Equality Impact Assessment (EIA) has been commissioned for the draft Policy. This is included as Appendix C. The EIA has identified that there would be a positive impact across ages and for those with disabilities as a result of the proposed policy, and that there are no other detrimental equality impacts against any of the other protected characteristics.

## **RISK ASSESSMENT**

29. There are no significant risk considerations in relation to this report.

## **ENVIRONMENTAL CONSIDERATIONS/CARBON IMPACT ASSESSMENT**

30. The Policy covers the repairs service for Fareham Housing tenants and sets out the obligations and responsibilities of themselves and the Council's repairs service. No detrimental environmental or carbon impacts are anticipated in relation to the Policy.

**Enquiries:** For further information on this report please contact Jon Goddard – Tel. 01329 824 375