

# FAREHAM

## BOROUGH COUNCIL

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

<b>Portfolio:</b>	Housing
<b>Subject:</b>	<b>The Fareham Housing Repairs &amp; Maintenance Policy - Adoption</b>
<b>Report of:</b>	Director of Housing
<b>Corporate Priorities:</b>	Provides Housing Choices

**Purpose:**

To seek Executive approval of the draft Fareham Housing Repairs and Maintenance policy for adoption.

**Executive summary:**

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

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

The Repairs and Maintenance policy is primarily a consolidating document, bringing together the various process and policies and updating them in line with these new requirements, and provides comprehensive information regarding the Repairs' service responsibilities, processes, background, and relevant legislation.

At its meeting of 11 July 2024, the Housing Scrutiny Panel approved the document to go to Executive. Following Executive agreement on the 03 September 2024, the draft Repairs and Maintenance policy was circulated for public consultation from 16 September to 28 October 2024.

This report summarises the outcome of the consultation and details the changes made in response.

**Recommendation/Recommended Option:**

It is recommended that the Executive:

- (a) notes the outcome of the consultation, and the changes made to the Policy and accompanying documents;
- (b) agrees that the Fareham Housing Repairs and Maintenance policy be adopted; and
- (c) agrees to delegate powers to make minor amendments needed, such as in response to future updates to Government guidance or minor corrections, to the Director of Housing, following consultation with the Executive Member for Housing.

**Reason:**

To enable the delivery of Fareham Housing's Repairs and Maintenance service in line with all relevant legislation and guidance, and to allow the fair and consistent application of the process.

**Cost of proposals:**

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

**Appendices:**

**A: Draft Fareham Housing Repairs and Maintenance policy**

**B: Draft Fareham Housing Repairs and Maintenance policy - 'Easy Read' version**

**C: Equalities Impact Assessment**

**Background papers: None**

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

# FAREHAM

## BOROUGH COUNCIL

### Executive Briefing Paper

<b>Date:</b>	03 December 2024
<b>Subject:</b>	The Draft Fareham Housing Repairs & Maintenance Policy
<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 Regulator of Social Housing, and the anticipated 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 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. At the 03 September 2024 Executive meeting, the draft policy was approved for a period of public consultation. The consultation ran from 16 September to 28 October. This report outlines the comments received, the amendments made, and requests that the policy be formally adopted.

#### LEGISLATION AND BACKGROUND

6. As detailed in the 03 September report, the legislation and statutory guidance surrounding repairs and maintenance is extremely complex, and the policy does not cover, and is not a replacement for, the numerous technical processes and specific legal requirements for individual repairs.
7. The policy therefore focuses on the key aspects of the legislation most relevant to tenants, and which are detailed below.

8. Homes must be fit for habitation, both at the start of a tenancy and throughout under the Landlord and Tenant Act 1985, as amended.
9. Social housing tenants have a 'right to repair' and for repairs to be carried out within a set time period through the 'Right to Repair' Regulations 1994.
10. 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.
11. 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.
12. 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.
13. The policy is supported by an 'Easy Read' set of Frequently Asked Questions document to ensure that tenants can navigate the policy easily, and to better meet the expectations of the Consumer Standards.

## **THE POLICY**

14. The policy sets out and explains the responsibilities of both tenants and Fareham Housing as their landlord. It details the process for reporting a repair and sets out how these will be prioritised.
15. It also explains how complex repairs may be addressed and describes the cyclical and planned maintenance programmes that form part of our responsibilities toward the Decent Homes Standard.
16. The policy details which repairs may be chargeable, and the exemptions that may be available to tenants. The policy also outlines services for those needing adaptations and / or assistance with maintenance, and details the Code of Conduct.
17. 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 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.

## **PUBLIC CONSULTATION ON THE DRAFT POLICY**

18. Public consultation on the draft Policy was undertaken between 16 September and 28 October 2024. The consultation consisted of an online survey and a tenant workshop, held on 01 October, which was attended by three tenants.
19. In total, the survey received 22 responses, 10 of whom stated that they were current Fareham Housing tenants. The survey found that the vast majority of responders were aware of the service, and just over half had cause to use it:

**Q4: Are you aware of the repairs process, and how to report a repair if needed?**

- 90% answered yes.
- 10% answered no.

**Q1: Have you ever used the repairs service?**

- 55% answered yes.
- 45% answered no.

20. The primary concerns of the consultation were whether tenants knew of the service and understood the difference between their responsibilities and those of the Council, and if the policy and process were easy to understand, particularly given the complexity.
21. Overall, the results were reasonably positive. Almost all tenants were aware of their responsibilities, although a smaller majority were aware of the type of repairs that the policy covered.

**Q5: Do you know what sort of repairs are covered by the policy?**

- 60% answered yes.
- 40% answered no.

**Q6: Are you aware of your responsibilities as a tenant?**

- 90% answered yes.
- 10% answered no.

22. The complexity of the document presented a problem for some, with only around two-thirds finding the policy 'very easy' or 'mostly easy' to understand. A significant majority did, however, know more about the range of services available after reading it.

**Q7: After reading the policy, how easy is it to understand the repairs process?**

- 65% of respondents found the policy either very easy or mostly easy to understand.
- 30% answered neutral.
- 5% of respondents found the policy somewhat difficult to understand.

**Q8: After reading the policy, do you know more about the type and number of services available?**

- 80% answered yes.
- 20% answered no.

23. Unfortunately, the number finding the document easy to understand only increased slightly after respondents had read the accompanying 'FAQs' document. This was reflected in a Facebook survey conducted simultaneously on this specific question.

**Q9: After looking at the FAQ's, how easy did you find it to understand the repairs process?**

- 70% of respondents found the repairs process either mostly or very easy to understand.

- 30% answered neutral.

**Let's Talk Fareham Facebook group results:**

- 76% voted mostly or very easy to understand.
- 23% voted difficult to understand.
- 1% answered neutral.

24. Again, this was reflected in the tenant workshop, where they found the document to be 'daunting' although they did find the FAQs easy to read and found the overall layout and tone to be friendly.
25. There were no suggestions from the online survey, although two comments were made, mainly around operational matters and some minor rewording suggestions.

Comments	Council Response
<p><b>Section 8.3</b> - states work is done faster-better wording could be used here maybe use something like work is expedited or started earlier?</p>	<p>Noted and amended</p>
<p><b>Section 6.4</b> maybe should say if 'damage' is caused by you or a member of your household.</p>	<p>Noted – refers to this in text</p>
<p><b>Section 8.10</b> - may be worth referring to Section 10 as this is confusing as classed as 'planned'.</p>	<p>Noted and amended</p>
<p><b>13.6</b> Neighbourhood Officer-needs a capital N for Neighbourhood in line with the rest of the policy outlay</p>	<p>Noted and amended</p>
<p><b>Section 15.3</b> If tenants are in arrears with their rent but they need assistance with their garden, refusing to allow access to this scheme may mean spare money is spent on trying to get garden maintained instead of paying their rent arrears. Both are breaches of tenancy but rent arrears are more likely to affect possession of property so seems unrealistic to not allow access to this scheme and contribute towards 2 breaches of tenancy rather than the one of rent arrears.</p>	<p>Noted – While this remains the policy, each request is assessed on a case-by-case basis. Tenants that are addressing their arrears will be assisted, as will those with other extenuating circumstances. Gardens will also be maintained if they are posing any risks, nuisance or encroaching on any other property.</p>
<p><b>Sections 16.3 and 16.4</b> - why are you differentiating between the 2 age categories when the qualifying criteria is the same, there is no financial assessment required on either.</p>	<p>Noted and amended - This is an anomaly created by previous changes and made unnecessary by points below. This section has been removed entirely, so the policy is now that those over the age of 75 have no financial assessment, those under this age are still required to undergo this.</p>

<p>I did not see anything about Tenant Satisfaction Measures, which are a key and transparent way that performance of Housing Providers can be measured. Why are these not included?</p>	<p>Noted – There are several references and links provided within the policy. These are ‘high level’ requirements such as ‘set timescales’ or ‘inform tenants’, and which are met by the policy. Paragraph 19.2 notes performance will be measured against the Consumer Standards, of which the TSMs form part of. Specific requirements for many aspects of the repairs service are still pending the outcome of the consultation carried out by the previous government.</p>
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26. There were also three main suggestions to come out of the tenant workshop. Two of these centred on wording, with a further suggestion that the ‘FAQ’ be replaced with an ‘easy read’ version of the policy, as it was felt that this may encourage more tenants to read it.

### **AMENDMENTS TO THE DRAFT POLICY**

27. The comments received necessitated only minor and inconsequential changes to the draft Policy. The rewording and formatting suggestions have been incorporated, and changes made at Sections 8.3, 8.10 and 13.6. Changes were also made to the wording of the ‘chargeable repairs’ section, following comments from the tenant workshop, although the extent of this is restricted by the tenancy agreement.
28. Following comments at the tenants' workshop, the ‘FAQ’ document was changed to an ‘Easy Read’ version of the policy. As such, some minor amendments were made to cover off sections in the policy such as voids, code of conduct and the complaints procedure.

### **EQUALITY IMPACT ASSESSMENT CONCLUSION**

29. An Equality Impact Assessment (EIA) was carried out prior to consultation. This document was also made available as an appendix in the 03 September report. No substantive changes have been made to the draft Policy necessitating an update to the EIA.

### **CONCLUSION**

30. The draft Fareham Housing Repairs and Maintenance policy underwent a period of six weeks consultation. The comments received resulted in minor wording and formatting amendments being made to improve the policy. Some adjustments were made to the accompanying ‘FAQs’ document in light of feedback from the tenants’ workshop, including embracing their suggestion that this becomes an ‘Easy Read’ document. The revised document can be found in Appendix B.
31. The Executive is invited to consider the contents of this report and approve the Fareham Housing Repairs and Maintenance policy.

### **RISK ASSESSMENT**

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

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

33. 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, 01329 824375.