



Public Document Pack

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26 January 2021

HOUSING & CUSTOMER SERVICES WORKING GROUP

A meeting of the Housing & Customer Services Working Group will be held virtually on Thursday 4 February 2021 **at 6.00 pm** and you are requested to attend.

Members: Councillors Bennett (Chairman), Mrs Pendleton (Vice-Chair), Bicknell, Mrs Catterson, Mrs Cooper, Goodheart, Mrs Haywood, Hughes and Ms Thurston

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.

This Council's revised Rules of Procedures for 'virtual meetings' can be found by clicking on this link: <https://www.arun.gov.uk/constitution>

For further information on the items to be discussed, please contact: committees@arun.gov.uk

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officer should make their declaration by stating:

- a) the application they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest
- d) if it is a prejudicial or pecuniary interest, whether they will be exercising their right to speak to the application

3. MINUTES

(Pages 1 - 6)

To approve as a correct record the Minutes of the meeting of the Housing & Customer Services Working Group held on 5 November 2020.

4. ITEMS NOT ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

5. SOCIAL HOUSING WHITE PAPER

(Pages 7 - 14)

This report provides Members with a summary of the Social Housing White Paper which was published in November 2020. Members are asked to note its contents.

6. GAINING ACCESS TO RESIDENTS HOMES POLICY

(Pages 15 - 24)

This report seeks approval for the adoption of Gaining Access to Residents Homes Policy which sets out the action the Council will take in order to access tenanted council homes in order to fulfil its legal and regulatory requirements as a social housing landlord.

7. REPORT BACK FROM CABINET/FULL COUNCIL

The following recommendations made to Cabinet by the working group were approved

- Additional and Selective Licensing Schemes for Houses in Multiple Occupation
- Water Hygiene Policy
- Gas Safety Policy

8. WORK PROGRAMME 2020/2021

(Pages 25 - 26)

Members are asked to review and note any changes to the work programme for 2020/21.

Note : Reports are attached for all Members of the Working Group only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager.

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [Filming Policy](#)

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Agenda Item 3

Subject to approval at the next Housing & Customer Services Working Group meeting

5

HOUSING & CUSTOMER SERVICES WORKING GROUP

5 November 2020 at 6.00 pm

Present: Councillors Bennett (Chairman), Mrs Pendleton (Vice-Chair), Bicknell, Mrs Cooper, Mrs Haywood, Hughes and Ms Thurston

Apologies: None

10. DECLARATIONS OF INTEREST

No declarations of interest were made.

11. MINUTES

The Minutes of the meeting held on 21 July 2020 were approved as a correct record by the Working Group and will be signed by the Chairman as soon as practicably possible.

12. ADDITIONAL AND SELECTIVE LICENSING SCHEMES FOR HOUSES IN MULTIPLE OCCUPATION

The Group Head of Technical Services advised Members of the Working Group that the report presented to them was as a result of a motion that was approved at the Full Council Meeting on 25 February 2020 that requested Officers to explore what options existed to introduce further controls on the number and quality of Houses in Multiple Occupation (HMOs). He advised that the report set out options to introduce an additional licensing scheme for houses in multiple occupation or a selective licensing scheme for the private rented sector as a means of addressing the quality of houses in multiple occupation. A separate report is being taken to Development Control Committee in relation to the potential controls for managing the quantity of HMOs. The Principal Environmental Officer then drew members attention to the following points contained within the report:

- Currently operate a mandatory Licensing scheme that is shared nationally across England that currently works with the criteria of:
 - 5 or more people sharing facilities
 - ensuring the licence holder is a fit and proper person
 - property inspected to ensure it meets minimum standards
 - the licence is up to maximum of 5 years at a time
- Additional Licensing schemes could be brought in where a local authority is aware that there are significant problems. The authority would need to expand the description of HMO's to be broader. The regime would be similar, and the advantages are outlined within the report it would enable us to inspect properties ensuring that they are brought up to standard and puts the onus on the landlord.

Housing & Customer Services Working Group - 5.11.20

- If we were to take this route there would be a 10-week consultation period
- Selective licensing scheme would apply to the entire private rented sector not just HMOs and applies to areas with significant issues such as migration, high levels of deprivation or an increase in crime rates, these issues would need to be evidenced in these areas in order to introduce this option. If such a scheme was to apply to the entire district, then it would require approval from the secretary of state. The Selective licensing scheme does have a larger scope.

The Group head then reminded Members that funding was required to research, if there was sufficient evidence of the criteria being met for either an Additional Licensing or Selective Licensing.

The Chairman then invited questions from Members of the Working Group a summary of the points raised is detailed below:

- Why had there not been more frequent inspections since 2012? It was explained that since 2012 proactive inspections of the private rented sector had only taken place in licensed HMOs, though other inspections had been undertaken where problems had been brought to the attention of the Council.
- Are there other seaside towns we could share best practices with? It was confirmed that Arun had been in contact with Brighton and Hove Council and could link up with them to learn more about their best practice process, however it was also highlighted that every district was different and while lessons could definitely be learnt the difference between districts would mean a bespoke approach.
- Were Officers confident that £20,000 would make a difference to the residents of Arun district? It was explained that there was no certainty that the research would conclude that the criteria to introduce either licensing regime had been met. However, if the criteria was met and the Council decided to introduce one of the licensing regimes, there would be significant benefit. The main benefit is that the licensing regime would allow the resourcing of an expanded inspection programme that would identify deficiencies in the quality/standard of housing, enabling the Council to require landlords to rectify.
- Could the extra cost of overseeing HMO's be recouped from landlords as they would be making a financial advantage from renting out their properties in this way? It was confirmed that, that would be the intention by bringing in the licensing regime.
- It was confirmed that there were a several different channels in which complaints regarding anti-social behaviour are received inclusive of work with the Community Team at Arun. It was hoped that from the research carried out it would be able to pinpoint much more clearly the root cause of these issues and the ability to evidence and track these would ultimately help the residents of Arun District.
- It was confirmed that the modelling would inform whether either regime criteria would be met and that the Council was not preferencing one over the other at this time.

The Working Group RECOMMEND THAT CABINET:

- 1) Agree officers continue to research and gather further evidence to help support whether additional HMO licensing (Housing Act 2004, s.56-60) or selective licensing of the private rented sector (Housing Act 2004, s.80-84) is justified. And;
- 2) Ask Full Council approves a supplementary estimate of up to £20,000 (which equates to a band D equivalent of £0.32) to commission the services and expertise to undertake the appropriate research and collation of data in order to support whether additional HMO Licensing or selective licensing of the private rented sector is justified.

13. CUSTOMER SERVICES STRATEGY

The Group Head of Neighbourhood Services provided Members of the Working Party with an overview of his report. It was explained that the strategy also included the addition of a customer charter. He then highlighted that a reoccurring theme throughout the strategy was the importance of obtaining and acting on feedback to drive the strategy forward. An action plan had been included to help embed the strategy. He then explained that the pandemic had really highlighted the importance and significance of the role that a digital service provides for customers. In Summing up he advised Members that consultation had been sought with both senior management and staff and that the next step was to take the strategy to Cabinet once the draft had been finalised.

The Working Group noted the contents of the report.

14. WATER HYGIENE POLICY & MANAGEMENT PLAN

The Group Head of Residential Services provided Members with an overview of her report. She explained that the Water Hygiene Policy had been compiled to ensure that the Council could comply with regulations and manage any risks for all its properties as well as clearly setting out the Councils responsibilities and its Contractors responsibilities.

The Chairman then invited comments from Members and a summary of key points raised is below:

- It was advised that an electrical safety policy would be brought to the Working Group in February 2021 and it was confirmed that a specialist contractor was used to identify any risks and undertake work. Some further questions were asked in relation to the removal of lead piping being removed and replaced with plastic. Advice was given that this level of detail is covered within the terms and conditions during the procurement of the contractor and would be documented within their risk assessments which would be separate from the policy.

Housing & Customer Services Working Group - 5.11.20

- It was asked if anyone had contracted any of the illnesses detailed within the policy and could it be proven that it was from the water. It was confirmed that there had certainly not been any cases during the Group Head of Residential Services time with the Council, she further explained that weekly and monthly testing was completed by contractors and so the Council would be aware very quickly should there be an outbreak, that would require action to be taken.

The Working Group RECOMMEND TO CABINET that:

- 2) the Water Safety Policy 2020 be adopted
- 3) delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the policy and plan

15. GAS SAFETY POLICY & MANAGEMENT PLAN

The Group Head of Residential Services provided Members of the Working Group with an overview of her report. It was explained that the policy had been compiled to ensure that the Council could comply with the Regulatory Framework for Social Housing in England and that the request of the Working Group was for them to recommend to Cabinet this policy for approval to allow managers to implement with Council contractors and staff.

The Chairman then invited comments from Members where it was discussed that under section 2.5 of the policy it referred to monitors to be fitted by 2021 and could that be extended to also dictate that batteries would be changed on an annual basis. Also, at section 2.6 it states that the Council would remove and isolate gas fires by December 2021, the question was asked if this meant all gas fires would be removed? It was confirmed that the Group Head of Residential Services would need to check but it was her understanding that all gas fires would be removed and in reference to the request to document an annual change for batteries that it was already included in the safety checks.

The Chairman then put forward a proposal which was seconded for the wording for part 2 of the recommendation to be amended to read as:

- 2) delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services and the Chairman and Vice Chairman of the H&CS Working Group to make minor changes to the policy

After a short discussion this proposal was put to the vote and declared CARRIED.

The Working Group then returned to the substantive recommendation and RECOMMEND TO CABINET that:

- 1) The Gas Safety Policy October 2020 be approved
- 2) delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services and the Chairman and Vice Chairman of the H&CS Working Group to make minor changes to the policy

16. REPORT BACK FROM CABINET/FULL COUNCIL

The Chairman confirmed that the recommendations made at the Working Groups last meeting on 21 July 2020, were approved by Cabinet at their meeting on 21 September 2020.

The working Group noted this update.

17. WORK PROGRAMME 2020/2021

The Group Head of Residential Services presented the work programme to Members advising that the electrical safety policy and the repairs policy would be brought to the Working Group in February 2021. Further to this she advised that the Income Recovery Policy was subject to a corporate review due to the breathing space policy that has been recently introduced.

The Working Group noted the update.

(The meeting concluded at 6.58 pm)

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ARUN DISTRICT COUNCIL

REPORT TO HOUSING AND CUSTOMER SERVICES WORKING GROUP ON 4 FEBRUARY 2021

PART A : REPORT

SUBJECT:	Social Housing White Paper - The Charter for Social Housing Residents
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REPORT AUTHOR:	Satnam Kaur, Group Head of Residential Services
DATE:	January 2021
EXTN:	37740
PORTFOLIO AREA:	Residential Services

EXECUTIVE SUMMARY:

This report provides Members with a summary of the Social Housing White Paper which was published in November 2020.

RECOMMENDATIONS:

Housing and Customer Services Working Group is asked to note the contents of the white paper.

1.0 BACKGROUND:

- 1.1 On the 17 November 2020 The Government published the Social Housing White Paper: The Charter for Social Housing Residents. This has been developed following the publication of the Social Housing Green Paper in August 2018 which set out a proposed strategy for reforming social housing and rebalancing the relationship between residents and landlords.
- 1.2 The White Paper sets out proposals of what the Government will do to ensure that landlords live up to the new charter. The main step is work they will do with the Regulator of Social Housing, strengthening the formal standards against which landlords are regulated against. Throughout the paper there is a real drive to create a strong consumer regulatory regime
- 1.3 The White Paper sets out a new seven-point charter which every social housing resident should be able to expect from their landlord.
 - a) To be safe in your home
 - b) To know your landlord is performing

- c) To have your complaints dealt with promptly and fairly
- d) To be treated with respect
- e) To have your voice heard by your landlord
- f) To have a good quality home and neighbourhood to live in
- g) To be supported to take your first step to ownership

1.4 To be safe in your home

- a) Legislate to strengthen the Regulator of Social Housing's consumer regulation objectives to explicitly include safety.
- b) Legislate to require social landlords to identify a nominated person responsible for complying with their health and safety requirements.
- c) Launch a consultation on mandating smoke and carbon monoxide alarms in social housing.
- d) Consult on measures to ensure that social housing residents are protected from harm caused by poor electrical safety.
- e) Build on the work of the Social Sector (Building Safety) Engagement Best Practice Group, supporting the development of statutory and good practice guidance on engaging residents in all tenures on safety issues.

1.5 To know how your landlord is performing

- a) Expect the Regulator of Social Housing to develop a process for collecting and publishing a core set of tenant satisfaction measures for all social landlords referred to in Appendix A.
- b) Landlords will be required to report on several tenant satisfaction measures on things that matter to tenants, for example, compliance with the Decent Homes standard, safety, overall satisfaction with repairs, complaints, being respectful and helpful, satisfaction with the upkeep of communal areas etc
- c) Ensure landlords provide a clear breakdown of how their income is being spent, including levels of executive remuneration and management costs relative to size of the landlord to be published alongside their tenant satisfaction measures.
- d) Require landlords to identify a senior person in their organisation who is responsible for ensuring they comply with the consumer standards set by the

Regulator of Social Housing.

- e) Expect landlords to report to every tenant on such matters at least once a year, if not continuously and the wider use of technology.

1.6 To have your complaints dealt with promptly and fairly

- a) Support improved complaint handling by landlords and hold them to account through stronger action by the Housing Ombudsman.
- b) Keep the Housing Ombudsman's powers, and compliance with them, under review and consider ways to strengthen them, including the option of legislation to put the Complaint Handling Code on a statutory footing.
- c) Run an awareness campaign so social housing residents know their rights, are confident in navigating their routes to complain, and are aware of how to escalate to get redress where needed.
- d) From March 2021, publish on the Housing Ombudsman's website, reports on the complaints the Housing Ombudsman has handled for individual landlords, as well as the determinations on individual cases.
- e) Remove the 'democratic filter' by removing the need for residents to go to a designated person or wait eight weeks before approaching the Housing Ombudsman.
- f) Landlords will be required to comply with the Housing Ombudsman's Complaint Handling Code, ensuring that they have good processes in place to respond swiftly and effectively to complaints. Code comes into effect 1 January 2021.

1.7 To be treated with respect, backed by a strong consumer regulator for tenants.

- a) Transform the Regulator of Social Housing so it proactively monitors and drives landlords' compliance with its consumer standards.
- b) Remove the 'serious detriment test' and introduce routine inspections for the largest landlords (with over 1,000 homes) every four years.
- c) Change the Regulator of Social Housing's objectives to explicitly cover safety and transparency, and work with it to review its consumer standards to ensure they are up to date and deliver its revised objectives.

- d) Give the Regulator of Social Housing the power to publish a Code of Practice on the consumer standards to be clearer on what landlords are required to deliver.
- e) Strengthen the Regulator of Social Housing's enforcement powers to tackle failing landlords and to respond to new challenges facing the sector, by removing the cap on the level of fines it can issue, introducing Performance Improvement Plans for landlords failing to comply, reducing the notice period for surveys on the condition of properties, and introducing a new power to arrange emergency repairs if needed where a survey uncovers evidence of systemic landlord failures.
- f) Make it explicit that provisions in contracts between local authorities and Arm's Length Management Organisations or Tenant Management Organisations would be deemed void if they hindered the Regulator of Social Housing in its exercise of its powers.
- g) Review the statutory Right to Manage guidance.
- h) Set out an expectation for all landlords to self-refer breaches with the regulatory standards.

1.8 To have your voice heard by your landlord

- a) Expect the Regulator of Social Housing to require landlords to show how they have sought out and considered ways to improve tenant engagement
- b) Deliver a new opportunities and empowerment programme for social housing residents, to support more effective engagement between landlords and residents, and to give residents tools to influence their landlords and hold them to account.
- c) Review professional training and development to ensure residents receive a high standard of customer service.

1.9 To have a good quality home and neighbourhood to live in

- a) Review the Decent Homes Standard, and consider whether it needs to be updated to ensure it is delivering what is needed for safety and decency now, including how it can better support the decarbonisation and energy efficiency of social homes, and improve communal and green spaces.
- b) Review professionalisation to consider how well housing staff are equipped to work with people with mental health needs and encourage best practice for

landlords working with those with mental health needs.

- c) Clarify the roles of agencies involved in tackling anti-social behaviour and signpost tenants to those agencies who can give them the most appropriate support and assistance when faced with anti-social behaviour.
- d) Consider the results of the allocations evidence collection exercise findings to ensure that housing is allocated in the fairest way possible and achieves the best outcomes for local places and communities
- e) We will work with the National Housing Federation and Local Government Association to encourage social landlords to inform residents of their right to make a community trigger application, and where appropriate, that they act as an advocate in supporting tenants to take an application forward with the relevant authority.
- f) We will expect the Regulator of Social Housing to review and amend its regulatory standards to make it clear that landlords should have a policy setting out how they should tackle issues surrounding domestic abuse

1.10 To be supported to take you first step to ownership

- a) Introduced a new shared ownership model that will be fairer, more consumer-friendly and more accessible. Reducing minimum stake to 10% and the landlord being responsible for repairs for first 10 years.
- b) Announced that around half of the homes delivered by the new Affordable Homes Programme will be for affordable home ownership.
- c) Announced a new Right to Shared Ownership, meaning that most new grant-funded housing association homes for rent will give residents the opportunity to purchase a 10% (or more) stake in their home and to purchase further shares in future.
- d) Amended the National Planning Policy Framework and published a new national design guide to emphasise the importance of beauty and good design.
- e) We are keen for local authorities to take advantage of funding available through the Affordable Homes Programme. We want to see local authorities share experiences and good practice in housebuilding, so they are well placed to build

2.0 PROPOSAL(S):

2.1 Members note the contents of this report.

3.0 OPTIONS:		
3.1 There are no other options to consider at this stage.		
4.0 CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) Members of the Housing and Customer Services Working Group	✓	
5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		✓
Legal		✓
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability	✓	
Asset Management/Property/Land		✓
Technology	✓	
Other (please explain)		
6.0 IMPLICATIONS:		
N/A		

7.0 REASON FOR THE DECISION:

8.0 BACKGROUND PAPERS:
N/A

Appendix A – Draft Tenant Satisfaction Measures

Box A: Draft Tenant Satisfaction Measures	
Theme	Draft tenant satisfaction measures
Keeping properties in good repair	Decent Homes Standard compliance
	Responsive repairs completed right first time
	Tenant satisfaction with landlord's repairs and maintenance service
Maintaining building safety	Compliance with Health & Safety obligations: <ul style="list-style-type: none"> • Gas safety • Electrical safety • Fire safety • Asbestos • Water safety • Lift safety
	Tenant satisfaction with the health and safety of their home
Effective handling of complaints	Number of complaints relative to the size of the landlord
	% of complaints resolved within agreed timescale
	Tenant satisfaction with the landlord's complaints handling
Respectful and helpful engagement	Number of complaints relating to fairness and/or respect, relative to the size of the landlord
	Tenant satisfaction that their landlord listens to their views and takes notice of them
	Tenant satisfaction with landlord's engagement with tenants
Responsible neighbourhood management	% of communal areas meeting the required standard
	Number of complaints in relation to communal areas, relative to the size of the landlord
	Tenant satisfaction with landlord actions to keep communal areas clean and safe
	Tenant satisfaction with landlord contribution to the neighbourhood associated with their home
	Number of complaints relating to anti-social behaviour, relative to the size of the landlord
	Tenant satisfaction with the landlord's handling of anti-social behaviour
Overall	Tenant overall satisfaction with the service their landlord provides

Box B: Draft Financial Measures	
Theme	Draft financial measures
Executive remuneration	Chief Executive of equivalent salary, relative to the size of the landlord
	Executive remuneration, relative to the size of the landlord
Efficiency and effectiveness	Management costs, relative to the size of the landlord

ARUN DISTRICT COUNCIL

REPORT TO HOUSING AND CUSTOMER SERVICES WORKING GROUP ON 4 FEBRUARY 2021

PART A : REPORT

SUBJECT:	Gaining Access to Residents Homes Policy
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REPORT AUTHOR:	Satnam Kaur, Group Head of Residential Services
DATE:	January 2021
EXTN:	37718
PORTFOLIO AREA:	Residential Services

EXECUTIVE SUMMARY:

This report seeks approval for the adoption of Gaining Access to Residents Homes Policy which sets out the action the Council will take in order to access tenanted council homes in order to fulfil its legal and regulatory requirements as a social housing landlord.

RECOMMENDATIONS:

Housing and Customer Services Working Group is asked to recommend to Cabinet:

- a) the adoption of the Access Policy
- b) delegated authority be given to Group Head of Residential Services in consultation with the Cabinet Member for Residential Services to make changes to the policy

1.0 BACKGROUND:

- 1.1 ADC as a landlord of social housing requires access to homes to carry out repairs and comply with statutory and regulatory requirements, i.e. carry out an annual safety check to gas appliances. Most resident are happy to provide access to their homes, but a minority do not
- 1.2 This policy sets out what legal remedies ADC will take if residents do not provide access and when we will access a resident's home without permission in an emergency. These are:
 - a) Injunction to allow access into the resident's home
 - b) Injunction to last the life of the tenancy to allow ongoing access for a specific reason for example, gas safety.

c) Where a resident still does not allow access after the court has granted an injunction, the council could ask the court to fine the resident or apply to the court for possession of the home.		
2.0 PROPOSAL(S):		
2.1 To approve the Access Policy so that responsible managers can implement it with contractors and staff.		
3.0 OPTIONS:		
3.1 If this policy is not adopted there is a risk the Council will not be able to gain access to homes in order to fulfil its legal/regulatory requirements as a landlord.		
4.0 CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		
Relevant District Ward Councillors		
Other groups/persons (please specify) Members of the Housing and Customer Services Working Group		
5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment	✓	
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		
6.0 IMPLICATIONS:		
N/A		

7.0 REASON FOR THE DECISION:	
7.1	To ensure that ADC can gain access to homes to carry out legal and statutory requirements as a landlord, protect residents and buildings.

8.0 BACKGROUND PAPERS:

N/A

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GAINING ACCESS TO RESIDENTS HOME POLICY

Policy Date	February 2021
Approved by Full Council on	
Review Date	February 2024

CONTENTS

Section	Title	Page
1	Introduction	3
2	When ADC need to access residents' homes	3
3	Residents Responsibilities	4
4	What ADC we will do if access is not provided	4
5	When ADC will enter the home without resident's permission	5
6	The Equality Act 2010 and the Human Rights Act 1988	5
7	Review	6

1.0 Introduction

1.1 This Policy outlines Arun District Council's (ADC) approach to obtaining access to residents' homes (including gardens and other outside areas) in order to fulfill statutory and legal obligations as a social housing landlord. This Policy does not relate to obtaining access to properties as part of the repossession process, nor where ADC consider a property has been abandoned.

1.2 The Policy covers:

- a) When ADC needs to access a home
- b) Resident Responsibilities
- c) What the ADC process is when the resident does not allow access

2.0 When ADC need to access residents' homes

2.1 ADC may need access to homes for lots of reasons, including:

- a) To inspect the condition of the property
- b) To carry out servicing or a repair
- c) To investigate a possible breach of tenancy.

2.2 This policy will be used to gain access in the following circumstances:

- a) Gas Safety Checks
- b) Fire Safety surveys and works
- c) Electrical Testing and works
- d) Asbestos surveys and works
- e) Surveys or works to control the risk of legionella
- f) Servicing and maintenance of personal lifts, including stairlifts
- g) Repairs to properties, especially where failure to carry out repair would place residents at risk and/or cause damage to property
- h) Any surveys required to identify condition of the property
- i) Any other reason we deem as reasonable to need access to the property for

2.3 If ADC needs to access a home, it will make all reasonable attempts to contact the resident first, including contacting their family and other people they know or who

may or may not live with them. However, there may be urgent situations where ADC is unable to let the resident know in advance such as a water leak which is damaging an adjoining property. All attempts to gain access will be consistent with landlord and tenant obligations set out in ADC's tenancy agreement.

3.0 Residents Responsibilities

- 3.1 Individual tenancy agreements will detail rights and responsibilities in relation to residents providing access to their home.
- 3.2 Residents must allow ADC employees, or contractors employed by ADC, into their home when requested or if the resident requests a repair or inspection. ADC staff or contractors will always show identification when visiting a resident's home.
- 3.3 Its important residents make ADC aware:
 - a) If their contact details change, i.e. telephone numbers, e-mail addresses or any changes in contact details for next of kin
 - b) If they have support or communication needs
 - c) The details of someone else who can give the council access if the resident is not able to when ADC needs to enter a home

4.0 What ADC we will do if access is not provided

- 4.1 Most residents allow access to their homes when required. Any resident who does not allow access, may be in breach of their tenancy, and ADC may take legal action to gain access
- 4.2 If a resident repeatedly refuses access after reasonable requests, ADC:
 - a) Can ask the court for an injunction to allow access into the resident's home and ask the court to require the resident to pay the council's legal fees.
 - b) ADC may also ask the court to grant an injunction to last the life of the tenancy to allow ongoing access for a specific reason e.g. gas safety.
 - c) In very serious cases, where the council has been granted an injunction and the resident still does not allow access, the council can ask the court to fine or imprison the resident.
- 4.4 If the resident continues to refuse reasonable access, ADC will apply to the court for possession of the home. ADC will take this decision if:
 - a) The resident has not responded to attempts to contact them, or
 - b) The resident does not allow access after the Court has granted an injunction, or

c) The resident routinely fails to give access.

5.0 When ADC will enter the home without resident's permission

5.1 ADC will only enter a resident's home without their permission in exceptional circumstances, where:

a) ADC has identified a serious health and safety risk to the occupants and others

b) There is likely to be serious, permanent or significant damage to the building if immediate action is not taken

c) There is an immediate concern for the wellbeing of someone in the property

d) The tenant has breached an injunction, and the terms allow the council to gain entry

e) And where condition 5.4 below has been met

5.2 An example of exceptional circumstances is a serious or substantial water leak and the resident is not contactable and there isn't anybody else who can allow access.

5.3 If there's any possibility an occupant could be seriously ill or has died, ADC will contact the emergency services and ask them to enter the property.

5.4 ADC will only enter without permission as a last resort. The decision must be authorised by Group Head of Residential Services or Director of Services and Legal Services.

5.5 If an emergency arises out of hours, the Duty Emergency Coordinator will decide whether the council or its contractors should enter the property

6.0 The Equality Act 2010 and the Human Rights Act 1988

6.1 Equality Act

a) The Equality Act 2010 identifies those characteristics in respect of which it is unlawful to discriminate (protected characteristics). These are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Act protects a person from discrimination if they are associated with someone who has a protected characteristic e.g. a family member.

6.2 Disability

a) The Council will have regard to those who have a disability. This is called the Public Sector Equality Duty. In relation to disability, the duty may mean treating disabled people more favourably than other tenants, having due regard to the need to remove

or minimise disadvantage suffered by protected groups, taking steps to meet their needs, where different, and encouraging participation in public life where participation is disproportionately low, i.e. tenant representative groups. The Courts have held that the disability equality duty applies to decisions about individuals, including decisions about evictions.

6.3 Human Rights

- a) The Convention Rights have a role to play in the context of social housing. The rights protected under the Human Rights Act 1998 are incorporated into the law of England and Wales. The Council is required to treat people in accordance with the Convention Rights unless required by Act of Westminster to do something that is incompatible with the Convention Rights. Interference with a person's human rights must be proportionate to those rights, this means balancing the rights of the individual with the duties and responsibilities of the Council as a landlord. The Council is responsible for showing that the actions it takes are necessary and therefore proportionate. Thus, the principles are directly relevant to the day to day decision making of officers.
- b) The Equality and Human Rights Commission states that there are rights contained in Articles 6, 8 and 14 that are most likely to be relevant to social housing.
- c) Article 6 - Right to a fair trial
- d) Article 8 - Right to respect for private life, family life and the home.
- e) Article 14 - Prohibition of discrimination
- f) These rights do not necessarily prevent the Council from managing its housing stock and acting to end or manage tenancies, but the Council must act in accordance with the law and in a way that is in pursuit of a legitimate aim and both necessary and proportionate. This is a balancing exercise between the human rights of a tenant or occupier and the rights of others. The convention does not prohibit the Council from taking sensible and proportionate measures to encourage or enforce payment or other compliance.

7.0 Review

- a) This Policy will undergo review when there is a requirement to address legislative, regulatory, best practice or operational issues.

Housing & Customer Services Meeting						
Meeting Date			21-Jul-20	22-Oct-20	04-Feb-21	15-Apr-21
Item	Lead	Origin				
Customer Services Annual Update	JRW		*			
Fire Policy & Management Plan	SK		*			
Void Standard	SK		*			
Health & Safety Update	SK		*			
Additonal and Selective Licencing Schemes for Houses in Multiple Occupation	LC			*		
Customer Services Access Strategy	JRW			*		
Water Hygiene Policy & Management Plan	SK			*		
Gas Safety Policy & Management Plan	SK			*		
Repairs Handbook	KM/SK					*
Income Recovery Policy	JB					*
Social Housing White Paper	SK				*	
Access Policy					*	
Anti Social Behaviour Policy	JB					*
Decant Policy	JB					*
Agenda Prep Timetable						
Draft Reports to Committees by 9am			08-Jun-20	07-Sep-20	21-Dec-20	01-Mar-21
Agenda Prep Date 16:30			23-Jun-20	22-Sep-20	05-Jan-21	16-Mar-21
Room			Blue	Blue	Blue	Blue
Final Reports to Committees by 9am			06-Jul-20	05-Oct-20	18-Jan-21	29-Mar-21
Despatch Agendas by 2pm Thurs			09-Jul-20	08-Oct-20	21-Jan-21	01-Apr-21
Date of Meeting 6pm			21-Jul-21	29-Sep-20	26-Jan-21	16-Mar-21
Room			PINK	PINK	PINK	PINK
OSC Meeting Dates			01-Sep-20	01-Dec-20	23-Mar-21	TBC
Cabinet Meeting Dates			19-Oct-20	14-Dec-20	22-Mar-21	TBC
Full Council Meeting Dates			11-Nov-20	13-Jan-21	TBC May 2021	TBC

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