

Report to: **Executive**

Date: **28 June 2023**

Title: **Improving Standards in Housing**

Portfolio Area: **Housing Cllr Denise O'Callaghan**

Wards Affected: **All**

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

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**Recommendations:**

**That the Executive:**

- 1. approve an enhanced approach to improving Social and Private Sector Housing standards in South Hams; and**
- 2. request an annual performance report on the investigations of housing standards complaints.**

**1. Executive summary**

- 1.1 This report sets out a commitment by the Council to support tenants of social and private sector landlords to take action against their landlords when there are unacceptable delays or challenges in remedying repairs.
- 1.2 An online form will be available from the 28<sup>th</sup> June 2023 for tenants to report to the Council complaints and where appropriate, for the Council to take action on behalf of the tenant if there are delays or challenges with remedying the disrepair.
- 1.3 The tenant will receive a response to their complaint within 2 weeks. We will respond more quickly to an emergency situation where there is a more urgent matter (such as an electrical fault) reported.

- 1.4 We will ensure every tenant can expect to live in accommodation that is free of damp and disrepair and commit to ensuring the highest possible standard of accommodation in the Social and Private Rented Sector.
- 1.5 The tragic death of Awaab Ishak, who died at the age of two, as a direct result of mould in his family home in Rochdale, serves as a national reminder of the dangers of living in poor quality accommodation. In this case, the family were living in social housing.
- 1.6 The Government have responded by publishing the Social Housing Bill that aims to give more protection to social housing tenants and re-enforce the role of the Housing Ombudsman. The Bill is expected to receive Royal Assent and become legislation in Summer 2023.
- 1.7 This report provides some details of new measures in the Social Housing Bill and sets out how the Council is already working towards making it easier for a tenant to make a complaint regarding their housing conditions and how we will deal with those complaints.

## **2. The Councils commitment**

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

- 2.5 We will record and monitor each Housing standards complaint and provide Members with an update on numbers received and actions taken on an annual basis.
- 2.6 We will continue to ensure that Environmental Health Officers are fully trained and competent to assess Housing Hazards in domestic properties.
- 2.7 We will aim to reduce the number of serious reported hazards over the next four years by dealing with all Category 1 hazards and working with Landlords to improve housing standards.
- 2.8 We can measure success by recording the number of complaints received and dealt with in an agreed timescale as a performance indicator and by benchmarking with other rural District Councils.
- 2.9 The Council will educate more private and social landlords to be aware of their responsibilities by promoting good housing standards via newsletters and social media.
- 2.10 We will continue to meet with senior officers from all Registered Providers, to ensure that our approach is understood at an Operational level.
- 2.11 We will continue to invite a Chief Officer from Livewest (our largest Registered Social Provider) to the Council's Overview & Scrutiny meeting where Councillors will have the opportunity to question Livewest.
- 2.12 We will continue to manage our 42 Seamoor lettings properties proactively and ensure that they are operating to a good standard and are working towards having an EPC rating of C or above.
- 2.13 The Council can also highlight enforcement action and prosecutions taken through press releases, newsletters and social media.

### **3. Background**

- 3.1 Members have reported that during recent canvassing ahead of the local elections, there was an increase in the number of social housing tenants who have been dissatisfied in the response they receive when raising complaints over the condition of their properties. Unacceptable delays in remedial work were also reported as a significant frustration of tenants.
- 3.2 In the South Hams there are approximately 3,450 social rented properties, owned and managed by Registered Social providers. The largest of which is Livewest, who are the owners of the stock transferred from South Hams District Council.

- 3.3 The Council were required to submit a response in January 2023, to the Secretary of State following the death of Awaab Ishak, confirming the approach the Council undertakes with regards to dealing with complaints from tenants of social housing. The letter may be found in Appendix 1.
- 3.4 Last year South Hams Council received 75 complaints from tenants of social landlords. The complaints range from mould and damp to structural issues with their property. This equates to 2% of the overall number of social housing in the District.
- 3.5 To ensure we are making the process of reporting complaints as easy as possible for tenants, we are launching a new online form as well as our traditional telephone service to report an issue. Tenants will be able to upload photos of their disrepair and officers will be able to prioritise the work appropriately. We will ensure we lend a voice to those tenants experiencing difficulty with their Registered Provider (and private Landlord) and that, according to the severity of the damp or disrepair that complaints are dealt with in a timely manner.
- 3.6 The Council has always had a role in the enforcement of Housing Standards in these properties, together with the Social Housing Ombudsman. Council Environmental Health Officers are trained and authorised to enforce the Housing Act 2004 using the Housing Health and Safety Rating System (HHSRS) to ensure that tenants live in suitable conditions.
- 3.7 The Social Housing Ombudsman investigates complaints and resolves disputes involving tenants and leaseholders of social landlords (housing associations and local authorities), as well as for voluntary members (private landlords and letting agents).
- 3.8 The Social Housing Bill has commenced its Report Stage at the House of Commons. The government has tabled several amendments as part of its commitment to improve the quality of social housing and hold social landlords to account for the service they provide to their tenants.
- 3.9 The Bill has received broad support across parliament with all the government's amendments being upheld.  
This includes:
- An amendment introducing Awaab's Law which requires social landlords to investigate and fix reported hazards in their homes within a specified time frame or rehouse tenants where a home cannot be made safe.
  - An amendment providing new powers for the Housing Ombudsman to help social landlords improve performance by instructing them to self-assess against guidance during a complaint investigation.

- An amendment enabling the Social Housing Regulator to set a standard relating to information and transparency requiring social landlords to provide residents with information on how they can make a complaint against them.
- An amendment that will require all social housing managers to have a professional qualification. The aim of this change is to help to protect residents and raise standards, ensuring residents receive a high level of service and are treated with respect at all times.

#### **4. Options available and consideration of risk**

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

#### **5. Proposed Way Forward**

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

#### **6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>The Council has a statutory duty under the Housing Act to respond to complaints of poor housing standards in the District. Specifically, under Part 1 of the Housing Act 2004- the Housing Health and Safety Rating System.</p> <p>The Secretary of State has the power to issue directions to local authorities under Housing Act 2004 and in their duty to keep housing conditions under review, authorities must comply with them. For example, the government may direct authorities to carry out reviews in respect of particular hazards, consider particular advice in the review and notify the Secretary of State of any actions identified as necessary following the review. Please see Appendix 2 for a full explanation of District Council enforcement powers and procedures.</p>
Financial implications to include reference to value for money		Whilst the renewed approach may be more resource intensive the capacity will be found by using efficiencies identified in the Environmental Health Business plan 2022-24.
Risk		Failing to ensure social rented property is maintained at a high standard could have an adverse effect on the health of our residents
Supporting Corporate Strategy		This work supports the "Housing" Corporate Priority.
Consultation & Engagement Strategy		Not applicable
Climate Change - Carbon / Biodiversity Impact		No direct impact although high standards of energy efficiency - which can be linked to reducing poor housing quality - will help reduce carbon emissions.
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		All processes must be equality impact assessed
Safeguarding		None as a direct result of this process, however there may be an increase in safeguarding referrals if there are more identified hazards
Community Safety, Crime and Disorder		None as a direct result of this process
Health, Safety and Wellbeing		The condition of a tenant's home will have impacts on Health, Safety and Wellbeing

Other implications		
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**Supporting Information**

**Appendices:**

**Appendix 1** Letter to Secretary of State January 2023

**Appendix 2** District Council Housing Duties

**Background Papers:**

None