

# Agenda

<b>Meeting name</b>	<b>Meeting of the Scrutiny Committee</b>
<b>Date</b>	<b>Tuesday, 3 November 2020</b>
<b>Start time</b>	<b>6.30 pm</b>
<b>Venue</b>	<b>This meeting will be held remotely - details below</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Scrutiny Committee are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	P. Cumbers (Chair)	R. Bindloss (Vice-Chair)
	R. Browne	R. Child
	J. Douglas	C. Evans
	C. Fisher	E. Holmes
	R. Smedley	J. Wilkinson

**Quorum:** 5 Councillors

<b>Meeting enquiries</b>	Democratic Services
<b>Email</b>	democracy@melton.gov.uk
<b>Agenda despatched</b>	Monday, 26 October 2020

No.	Item	Page No.
	<p><b>REMOTE MEETING JOINING INSTRUCTIONS</b>  <b>Remote Meeting Instructions</b>  <b>Meeting Participants:</b></p> <p><u>Zoom video conferencing webinar:</u>  An invitation will be sent to Members for this meeting</p> <p>Public Access:</p> <p>You Tube:  <a href="#">View the Scrutiny Committee meeting here</a></p>	
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<p><b>MINUTES</b>  To approve the minutes of the meeting held on 1 September 2020.</p>	1 - 6
3.	<p><b>DECLARATIONS OF INTEREST</b>  Members to declare any interest as appropriate in respect of items to be considered at this meeting.</p>	7 - 8
4.	<p><b>REVIEW OF SCRUTINY WORKPLAN 2020-21 AND THE ANNUAL FORWARD PLAN</b>  To consider the Forward Plan and identify any relevant items for inclusion in the Scrutiny work plan, or to request further information.</p> <p>Copies of the latest Forward Plan will be available at the meeting. It can be found on the website using the following link:-</p> <p><a href="#">Forward Plan</a></p>	9 - 16
5.	<p><b>EXECUTIVE SCRUTINY PROTOCOL</b>  The Chair of Scrutiny Committee to submit a report seeking the Committee's endorsement of a Protocol between Cabinet and Scrutiny Committee.</p>	17 - 32
6.	<p><b>HOUSING LANDLORD POLICIES FOR CONSULTATION</b>  The Director for Housing and Communities to submit a report providing Scrutiny Committee with draft Housing and Landlord Policies for consultation and feedback.</p>	33 - 108
7.	<p><b>UPDATES ON THE RESPONSE AND RECOVERY TASK AND FINISH GROUPS</b>  Chairmen of the Task and Finish Groups to provide a verbal update on the work of the groups to date.</p>	

8.	<b>URGENT BUSINESS</b> To consider any other items that the Chair considers urgent	
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# Minutes

<b>Meeting name</b>	<b>Scrutiny Committee</b>
<b>Date</b>	<b>Tuesday, 1 September 2020</b>
<b>Start time</b>	<b>6.30 pm</b>
<b>Venue</b>	<b>This meeting was held by remote access</b>

## Present:

**Chair**                      Councillor P. Cumbers (Chair)

**Councillors**            R. Bindloss (Vice-Chair)                      R. Browne  
                                  R. Child    J. Douglas  
                                  C. Evans    C. Fisher  
                                  E. Holmes     J. Wilkinson

A. Pearson

**Officers**                    Chief Executive  
                                  Director for Housing and Communities  
                                  Democratic Services Manager  
                                  Democratic Services Officer (CR)

Minute No.	Minute
61	<p><b>APOLOGIES FOR ABSENCE</b> Apologies were received from Councillor Smedley.</p>
62	<p><b>MINUTES</b> The minutes of the meeting held on 23 June 2020 were approved and authorised to be signed by the Chair.</p>
63	<p><b>DECLARATIONS OF INTEREST</b> There were no declarations of interest.</p>
64	<p><b>INTERIM UPDATE REPORT - RECOMMENDATION OF THE HOUSING VOIDS TASK AND FINISH GROUP</b> Andrew Cotton, Director for Housing and Communities gave a brief summary of the report, the purpose of which was to update Members on the work of the Housing Voids Task and Finish Group, in relation to the Housing Service's void management.</p> <p>Mr. Cotton highlighted that the report detailed:</p> <ul style="list-style-type: none"> <li>• context and performance, particularly in relation to the Covid-19 impact on the landlord and void function. This would feature in the Council's new ways of working, as it progressed its recovery planning.</li> <li>• changes in the structure of the landlord function to make sure the Council had capacity across tenancy management, specifically in dealing with voids.</li> <li>• the mission statement of the Council's weekly Working Group, which was based around the efficient letting of homes at the right time to the required standard.</li> <li>• current void turnaround performance. This was difficult to predict as average monthly figures were subject to change.</li> <li>• that the Housing Voids Working Group had started to develop the performance indicators needed to identify and categorise void properties (as re-let properties, properties in need of decent homes work or properties held for regeneration or redevelopment purposes). This would help the Council to understand the demands on the voids process.</li> <li>• the Group's recommendations and comments on activities and challenges to delivery, including input into the work on the Northgate system, which was an important aspect of service delivery.</li> <li>• contract arrangements relating to management of the void properties contract. Quality and performance issues were being dealt with as necessary.</li> <li>• the recommendation to implement a new voids policy. A voids policy and re-let standard was key and it was anticipated that this would be in place by April 2021.</li> </ul>

Councillor Alan Pearson, Portfolio Holder for Housing and Communities advised that a review of the Council's voids management had revealed that a great deal of work was needed to improve the service. The Council had a good focus on this issue and recognised that the service needed to be fit for purpose long-term. Many improvements had already been undertaken but there was still much to be done.

Councillor Pearson highlighted that there may be a number of additional issues to be dealt with as a result of Covid-19. The Council needed to consider building more social housing (as well as purchasing it).

Councillor Pearson thanked the Committee for their work in gathering information, which had been very helpful to the review.

During discussion the following points were noted:

- Members were pleased with the improvement to the turnaround times of void properties and thanked Councillor Pearson and Mr. Cotton for their work.
- reducing the need to use bed and breakfast facilities as much as possible was a priority for the Council. Families and individuals needed permanent, secure and safe properties to live in. Use of bed and breakfast was also not a cost effective solution. A lodging system, where home owners were encouraged to take-in lodgers was an option for consideration but there may always be a need to use bed and breakfast facilities in cases of emergency.
- consideration of the use of 'golden goodbyes' to encourage tenants to keep properties in good condition was noted and it was highlighted that it was vital to establish the correct management of properties before considering other initiatives and strategies.
- Mr. Cotton would provide the Committee with the latest void turnaround figures and would identify the relevant categories (re-lets, in need of decent homes work or held for regeneration or redevelopment), as referred to above).
- Members requested figures on homelessness, rent areas, expected eviction etc. and a list of the anticipated suite of policies to enable progress and prioritisation to be tracked.
- Councillor Pearson expected to receive an update report on homelessness and would circulate this to Members of this Committee.
- Mr. Cotton would confirm whether a Council grant/loan in respect of private rent deposits was available to those eligible.
- The importance of balancing the need for good social mix with social type was highlighted.

### **RESOLVED**

The Committee **NOTED** the report and **PROVIDED** the above comments in relation to progress on previous recommendations and current Covid-19 impact.

65	<p><b>REVIEW OF SCRUTINY WORKPLAN 2020-21 AND THE ANNUAL FORWARD PLAN</b></p> <p>Councillor Pat Cumbers, Chair of the Committee provided a brief overview of the draft Work Plan, highlighting:-</p> <ul style="list-style-type: none"> <li>• the draft Work Plan outlined the areas of work, which the Committee expected to scrutinise during the remainder of the Civic year;</li> <li>• at the Scrutiny Workshop on 16 July 2020, Members discussed suitable items to include in the Work Plan;</li> <li>• the draft Plan had been agreed by herself and the Vice Chair;</li> <li>• the Work Plan was a ‘living document’ and further amendments and additions suggested by Members, due to changing priorities were welcomed, subject to guidance on items for the Work Plan, as set out in the Constitution.</li> </ul> <p>During discussion the following points were noted:-</p> <ul style="list-style-type: none"> <li>• The Cattle Market was a Work Plan item for both Scrutiny and Audit and Standards Committees. It was noted that the Committee remits differed in that this Committee dealt with the formation of policy and Audit and Standards Committee were concerned with ensuring policy was followed.</li> <li>• The audit of the Cattle Market had commenced. This included review of the financial transactions and obligations to the Council. Scrutiny would receive an update on the ongoing work in relation to the Cattle Market from Councillor Leigh Higgins, as Portfolio Holder for Growth and Prosperity.</li> <li>• Audit reports were available to Members upon request but it was suggested that all audit reports should be circulated to Members of this Committee.</li> <li>• It was vital that the Council should identify priority areas to focus on. Businesses in the town were experiencing great difficulties and problems needed to be addresses quickly.</li> <li>• The first meeting of the newly established Place Task and Finish Group would be held on 24 September. Here, the main issues facing the town would be considered and priorities would be identified.</li> </ul> <p><b><u>RESOLVED</u></b></p> <p>The Committee <b>APPROVED</b> the draft Work Plan.</p>
66	<p><b>TERMS OF REFERENCE - RESPONSE/RECOVERY TASK AND FINISH GROUPS</b></p> <p>Councillor Cumbers gave a summary of the report, the purpose of which was to provide Members with the draft Terms of Reference and draft Scoping Documents for the two task and finish groups, which had been established to review the response and recovery in relation to the Covid-19 pandemic.</p> <p>Councillor Cumbers advised that at the Scrutiny Workshop on 16 July, Members had agreed that it would be useful to review the local response, impact and</p>



recovery in relation to the current national Covid-19 crisis. The proposed Terms of Reference for a People group and a Place group had been drafted and agreed with herself, the Vice Chair and relevant Lead Officers for each group and were detailed in the report.

Councillor Cumbers confirmed that the task and finish groups would have the opportunity to review their Scoping Documents at their first meetings. She highlighted that:

- the timetable for the reviews was short and it was proposed that each group review 3 overarching themes.
- Members would collate evidence and information on these themes in advance of the meetings and would present their findings to the group.
- the relevant Lead Officers could provide data on Council run services.
- it was envisioned that evidence would be collated from other sources (wider stakeholder, interest groups etc.) The purpose of the groups was to evaluate evidence and establish if the current and planned response of the Council and external groups would be sufficient to meet the needs of residents and to make recommendations in relation to any additional measures.

Councillor Cumbers confirmed the membership of the groups:

- People Task and Finish Group – Councillors Browne, Child, Cumbers, Fisher, Smedley
- Place Task and Finish Group – Councillors Bindloss, Douglas, Evans, Holmes, Wilkinson

During discussion the following points were noted:

- Mental health issues in all age groups had worsened due to the Covid-19 pandemic, particularly as a result of fear and isolation. The value of Scrutiny Committee's work would be evidence collation to identifying any gaps and clarify plans to tackle this.
- Each Group would provide periodic verbal updates to the Committee and there would be a detailed interim report to the Committee on 22 December.
- Members noted that the opportunity for the groups to speak with external experts would be of considerable benefit.

### **RESOLVED**

The Committee:

- 1) **APPROVED** to establish task and finish groups to review the response and recovery in relation to the Covid-19 pandemic;
- 2) **APPROVED** the Terms of Reference for the task and finish groups;
- 3) **NOTED** the draft Scoping Documents for the task and finish groups, which would be finalised by the groups at their first meeting.

67	<b>URGENT BUSINESS</b> There was no urgent business.
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The meeting closed at: 7.35 pm

Chair

## Advice on Members' Interests

### **COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS**

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

### **PERSONAL AND NON-PECUNIARY INTERESTS**

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### **PERSONAL AND PECUNIARY INTERESTS**

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Audit and Standards Committee.

### **DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

**If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### **BIAS**

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 3.12(2) and 3.12(3) of the Code of Conduct

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**MELTON BOROUGH COUNCIL SCRUTINY WORKPLAN 2020/21**

**SCRUTINY REVIEWS**

These are dealt with through a combination of specific evidence gathering meetings that will be arranged as and when required and other activities, such as visits. There should only be a maximum of three reviews considered annually and review topics may be changed throughout the year as topical issues arise. Once considered, these issues will be subject to further development and scoping.

Should there not be sufficient capacity to cover items which are brought to the attention of Scrutiny they could instead be addressed through a “one-off” item at a scheduled meeting of the Committee.

Suggested Topics	Officer and Member Lead	Date	Notes	Requested by (Member)/ Date agreed for addition by Scrutiny Chairman	Portfolio Holder/Chief Officer consulted on date of report
Response & Recovery Task and Finish Group – Helping People	Andrew Cotton Director for Housing and Communities  Scrutiny Chairman	September 2020 – April 2021	Group to consider current and emerging issues in relation to the Covid-19 Pandemic impact in relation to unemployment, mental & physical health and wellbeing (including Director for Public Health Report on Covid-19 impact on BAME), homelessness, universal credit and debt. Group to look at response, evaluate outcomes and provide recommendations.	Scrutiny Workshop July 2020	SLT 4/8/20
Response & Recovery Task and Finish Group – Shaping Places	Pranali Parikh  Scrutiny – Vice-Chairman	September 2020 – April 2021	Group to consider current and emerging issues in relation to the Covid-19 Pandemic impact in relation to town centre, retail, leisure centres, hospitality and tourism. Group to look at response, evaluate outcomes and provide recommendations.	Scrutiny Workshop July 2020	SLT 4/8/20
Melton Business Improvement District	Pranali Parikh Director for Growth and Regeneration  Scrutiny Chairman	Scoping - February Final Report – April 2021	The Group to identify the preferred standards of Governance for UK BID Companies and to make recommendations to the Melton BID company to consider their way forward, towards the Ballot in 2021.  2/3 members short focused review  Put back to allow time for Response and Recovery T&F's 09/10/20 Agreed with PC	Scrutiny Workshop July 2020	SLT 4/8/20

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**ONE OFF ITEMS/FORWARD PLAN(PRE-DECISION)/ANNUAL ITEM**

These are dealt with at scheduled meetings of the Committee. The following are suggestions for when particular items may be scheduled.

Suggested Topics	FORMAT	Portfolio Holder/Officer	Meeting Date	Notes	Requested by (Member)/ Date agreed for addition by Scrutiny Chairman	Portfolio Holder/Chief Officer consulted on date of report
(1) Task and Finish Group Report on Housing Voids Management and Temporary Accommodation – Interim Update Report	One off item	Portfolio Holder for Housing and Communities/Director for Housing and Communities	1 September 2020	To provide an interim update to the Scrutiny Committee on the recommendations approved by Cabinet in January 2020	Scrutiny approved the Task and Finish Group Recommendation	Portfolio holder for Housing and Communities/Director for Housing and Communities SLT 4/8/20
(2) Approval of Terms of Reference for Covid-19 Response and Recovery Task and Finish Groups	One off item (See above – establishment of Task and Finish Groups)	Director for Growth and Regeneration/Director for Housing and Communities	1 September 2020	To approve the scope, composition and terms of reference of the covid-19 Response and Recovery Task and Finish Groups	Scrutiny Workshop July 2020	SLT 4/8/20
(3) Scrutiny Cabinet Protocol	One off item – Recommendation to Council	Adele Wylie/Natasha Taylor Pat Cumbers/Joe Orson	3 November 2020	Draft Protocol for recommendation to Council	Scrutiny Workshop July 2020	SLT 4/8/20
(4) Right To Buy Policy	Forward Plan/Pre-decision	Portfolio Holder for Housing and Communities Director for Housing and Communities	3 November 2020	Scrutiny feedback on Policy	Scrutiny Workshop July 2020	SLT 4/8/20
(5) Aids and Adaptations Policy	Forward Plan/Pre-decision	Portfolio Holder for Housing and Communities Director for Housing and Communities	3 November 2020	Scrutiny Feedback on Policy	Scrutiny Workshop July 2020	SLT 4/8/20
(6) Complaints and Compliments	TBC	Portfolio Holder for Climate, Access and Engagement Director for Governance and Regulatory Services	22 December 2020	Details to be confirmed	Scrutiny Workshop July 2020	SLT 4/8/20
(7) Digital Inclusion/Access to Services		Portfolio Holder for Housing and Communities Director for Housing and Communities	22 December 2020	Review of current offer/accessibility/scrutiny feedback on alternative solutions and inclusion	Scrutiny Workshop July 2020	SLT 4/8/20
(8) Approval of Terms of Reference - Melton BID Task and Finish Group	One off item (See above establishment of Task and Finish Group)	Portfolio Holder for Growth and Regeneration Director for Growth and Regeneration	22 December 2020	To approve the scope, composition and terms of reference of the Melton BID Task and Finish Group  Moved from November 2020 to allow for Response and Recovery T&F – Approved PC 09.10.20	Chair/Vice Chair review of Draft Work Plan Aug 2020	SLT 4/8/20

ONE OFF ITEMS/FORWARD PLAN(PRE-DECISION)/ANNUAL ITEM Continued

These are dealt with at scheduled meetings of the Committee. The following are suggestions for when particular items may be scheduled.

Suggested Topics	FORMAT	Portfolio Holder/Officer	Meeting Date	Notes	Requested by (Member)/ Date agreed for addition by Scrutiny Chairman	Portfolio Holder/Chief Officer consulted on date of report
(9) Budget	Annual item	Portfolio Holder for Corporate Finance and Resources Director for Corporate Services	26 January 2021	Scrutiny of the Budget (All Members) <b>One item only agenda</b>	N/A	SLT 4/8/20
(10) Housing Strategy	One off item – consultation	Portfolio Holder for Growth and Regeneration Director for Growth and Regeneration	11 February 2021	Scrutiny consultation on strategy	Scrutiny Workshop July 2020	SLT 4/8/20
(11) Task and Finish Group Report on Housing Voids Management and Temporary Accommodation	One off item – response to Scrutiny Recommendations	Portfolio holder for Housing and Communities Director for Housing and Communities	11 February 2021	To provide a full report to the Scrutiny Committee on the recommendations approved by Cabinet in January 2020 including any evidence regarding the impact of improvements	Scrutiny approved the Task and Finish Group Recommendation	Portfolio holder for Housing and Communities/Director for Housing and Communities SLT 4/8/20
(12) Melton Business Improvement District Task and Finish Group	Final Report and Recommendations to the Committee	Portfolio Holder for Growth and Regeneration Director for Growth and Regeneration	11 February 2020	Report of the Task and Finish Group established in November	Chair/Vice Chair review of Draft Work Plan Aug 2020	SLT 4/8/20
(13) Community Support Services	One off item	Portfolio Holder for Housing and Communities Director for Housing and Communities	11 February 2021	Scrutiny Feedback on Community Hub Development	Scrutiny Workshop July 2020	SLT 4/8/20
(14) Crime and Disorder	Annual item	Portfolio Holder for Housing and Communities Director for Housing and Communities	2 March 2021	<b>One item only agenda</b>	N/A	SLT 4/8/20
(15) Scrutiny Annual Report	Annual Item	Scrutiny Officer Chairman of Scrutiny Committee	20 April 2021	Report detailing the work of the Scrutiny Committee over the previous 12 months	N/A	SLT 4/8/20
(16) Planning Services Review	Report on Implementation and impact of recommendations to date	Portfolio Holder for Growth and Regeneration Assistant Director for Planning and Delivery	20 April 2021	Review of impact on service delivery	Scrutiny Workshop July 2020	SLT 4/8/20
(17) Community-led Council	One off item	Portfolio Holder for Climate, Access and Engagement Director for Governance and Regulatory Services	20 April 2021	Pre-development work to support approach to engagement and community involvement  Engagement considered as part of Response and Recovery Task and Finish Groups – agreed to move this item to April 2021 PC 09/10/20	Scrutiny Workshop July 2020	SLT 4/8/20
(18) Melton Lottery	Report to inform Scrutiny of impact of recommendations	Portfolio Holder for Climate, Access and Engagement Director for Housing and	June 2021 (Date TBC)	Further to the recommendation from Scrutiny Committee 7 January 2020 update report to be presented to Scrutiny	Scrutiny 7/1/20 Cabinet approved review in June	Portfolio Holder for Climate, Access and Engagement SLT 4/8/20

**PORTFOLIO HOLDER UPDATES – format to be confirmed**

(19) Portfolio Holder Questions-Growth and Prosperity	Director for Growth and Regeneration		Details to be confirmed	
(20) Portfolio Holder Questions- Climate, Access and Engagement	Director for Governance & Regulatory Services		Details to be confirmed	

**PENDING ITEMS** These items are awaiting further discussion/addition to the work plan

Suggested Topics (On/Off or Review Item?)	Officer and Member Lead	Date	Notes	Requested by (Member)/ Date agreed for addition by Scrutiny Chairman
(22) <del>Off or Review</del>	Chief Executive		Details to be confirmed	
(24) Town Centre REVIEW ITEM		TBC	To be approved/discussed further at Workshop by Scrutiny Committee <b>To be included in Recovery/Response Task and Finish</b>	
(25) Cattle Market Income Stream ONE OFF	Director for Growth and Regeneration  Portfolio Holder for Growth and Prosperity	TBC	Update from <b>Portfolio Holder</b> regarding work being done with the Cattle Market. Consideration of income stream.  <b>To be included in Portfolio Holder Presentation (See above)</b>	Councillor Child
(26) Rent arrears and the link to universal	Portfolio Holder for Housing and Communities		To understand how the Council collects income and the arrears management process.	Rent arrears and the link to universal credit and Me and My



credit and Me and My Learning. REVIEW ITEM	Director for Housing and Communities		To understand internal signposting services. To understand how Universal Credit is explained to customers. To understand what methods of communication we use to engage with our customers. To understand what impact Universal Credit has on customers and colleagues To understand what support is available to our most vulnerable customers. <b>Included under a recovery item in relation to job loss/ rent arrears/reduced income/Universal Credit</b>	Learning.
(27) Empty Homes ONE OFF ITEM	Portfolio Holder for Growth and Prosperity  Director for Growth and Regeneration	TBC	To understand the extent and impact of empty homes in Melton and raise awareness.  To identify the Council's priority objectives for tackling empty properties in Melton and whether these have been met.  To identify what resources and funding is available to tackle empty homes in Melton.  To identify best practice used elsewhere in tackling empty homes which can be used in Melton <b>Included in Housing Strategy</b>	
(28) Me and My Learning ONE OFF ITEM	Portfolio Holder for Climate, Access and Engagement	TBC	Portfolio Holder presentation <b>To be included in Community Support Services Development</b>	
(29) Community Engagement including review of Community Forums ONE OFF ITEM	Portfolio Holder for Climate, Access and Engagement  Director for Governance & Regulatory Services	TBC	Access to local democracy  To understand how Melton engages with its community  Engaging with hard to reach residents- equalities considerations  Voting and elections  Tools for engagement, e.g.- consultation <b>Included in work plan see above</b>	
(30) Housing Allocations- Application of Process and Procedure ONE OFF ITEM	Portfolio Holder for Housing and Communities	TBC	To understand the role and purpose of social housing in Melton To understand the current position on housing allocations To ensure the criteria for the allocation of housing is clear and easy to understand, including a consideration of different ways of offering choice To consider types of tenure	Awaiting draft of Revised Allocations Policy
(31) Health Profile ONE OFF ITEM	Portfolio Holder for Housing and Communities  Director for Housing and Communities	TBC 2021	To look at the Health Profile of the Borough with a focus on services provided in relation to health and physical activity particularly for older people. Presentation from CCG  <b>To be included in Recovery/Response Task and Finish</b>	17/9/19 – Scrutiny Committee
(32) Debt Management Policy ONE OFF ITEM	Portfolio Holder for Corporate Finance and Resources  Director for People and Communities	TBC 2021	Scrutiny to receive an update after 4 months as to how the Policy has been implemented and whether this is having an impact on debt management.  <b>Debt will be looked into as part of the Response and Recovery Task and Finish Group</b>	

(33) implementation of Intensive Housing Management Support

Portfolio Holder for Housing and Communities  
Director for Housing and Communities

TBC

Scrutiny to receive an update following a restructure in 2018.

Note: Greyed out items have been included within other topics or abandoned

## What is a Work Plan?

The Scrutiny Work Plan outlines the areas of work which are expected to be scrutinised over the coming months/year by or on behalf of the Council's Scrutiny Committee and any Working Groups convened for review work.

Topics added to the work plan should have expected outcomes to add value to the services delivered by the Council and its partners and/or improve the quality of lives of Melton's residents.

It is recognised that there is a need for flexibility in the work plan so as to allow relevant issues to be dealt with as and when they arise.

## Sources of Work Plan Ideas

Numerous sources of information can help to inform topic selection, including:

- Concerns that have been raised by the public relating to Council delivered services
- Issues of community concern – not necessarily services delivered by the Council
- Issues that have been flagged up by reviews, audits or inspections (past and present).
- Issues relating to Councils outcomes, objectives and priorities
- Consultations and interviews
- Underperformance
- "Stakeholders" concerns – raised by the Council's partners or the users of services
- Partnership objectives
- Cabinet Members, Chief Executive or Directors presentations about the pertinent issues that are emerging and any opportunities or threats on the horizon
- Central government priority changes
- Improvement Plans
- Forward Plan
- Budgetary analysis.

Scrutiny is also encouraged to think about external Scrutiny and the monitoring of other public bodies, and how its activities will engage partner organisations, the media and the public.

## Selecting a Work Plan Topic

The Scrutiny Committee should use effective processes to select topics that will contribute towards the best possible workplan for Scrutiny. This means looking at the sources of information that may help and using them to choose the right topics.

This involves:

- Drawing out and discussing what matters most to Councillors and to the community at large
- Finding out about any research that has been completed or that is planned
- Prioritising topics
- Considering what added value is expected as a result of Scrutiny involvement
- Considering whether the topic is already being reviewed elsewhere

It is also important to note that Scrutiny has limited time and resources and therefore workplans need to be manageable. It is not possible to include every topic suggested by Members, Directors or the Public in the workplan. In addition Officer capacity may be diverted from projects if a review is added to the workplan without considering the impact on Officer resource and this should be a consideration in adding to workplans.

Successful Scrutiny is about looking at the right topic in the right way and Members will need to be selective whilst also being able to demonstrate clear arguments in favour of including or excluding topics.

## Risks

A common pitfall for Scrutiny can be the inclusion of topics on the work plan that are unmanageable, of limited interest to the community, purely for informational purposes, have few outcomes and fail to 'add value' to the work of the Council or the wellbeing of the community. As such the selection and prioritisation of topics is critical to the effectiveness of Scrutiny as such processes can ensure clearer focus, particularly in poor or weak areas of performance or major issues of concern to the wider community.

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## Scrutiny

3 November 2020

**Report of:** Councillor Pat Cumbers - Scrutiny Chairman

## Executive Scrutiny Protocol

<b>Corporate Priority:</b>	All
<b>Relevant Ward Member(s):</b>	N/A
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 The Draft Executive Scrutiny Protocol is presented to the Committee for review and feedback.

### 2 Recommendations

**That Scrutiny Committee:**

- 2.1 Provide feedback on the Draft Protocol;**  
**2.2 Agrees that final amendments may be agreed in consultation with the Scrutiny Chairman and Leader of the Council before being presented to Council for approval.**

### 3 Reason for Recommendations

- 3.1 To provide the opportunity for the Committee to consider and feedback on the protocol and for any suggestions for amendment to be discussed.
- 3.2 To establish a joint approach between the Executive and Scrutiny in relation to the function of the Scrutiny Committee and its role in the decision making structure of the Council.

## 4 Background

- 4.1 Melton Borough Council adopted the Executive model of governance in May 2019.
- 4.2 In May 2019 the Government published [Statutory Guidance on Overview and Scrutiny in Local Authorities](#) which promoted a formal working agreement between the executive and the scrutiny function in the form of a protocol. The guidance suggests that an Executive Scrutiny Protocol can help to define the relationship and expectations between the Cabinet and Scrutiny Committee to ensure that the two can work together in a positive and productive way. The protocol may provide a framework, rather than a prescriptive set of rules, it “can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics”.
- 4.3 The Melton Borough Council Scrutiny Committee published their first annual report in 2020 and committed to establish an executive scrutiny protocol in order to clarify the role of the Scrutiny Committee, provide a framework to define the relationship with the Executive and Senior Leadership Team and define the functions and remit of the Committee.

## 5 Main Considerations

- 5.1 The protocol should be read in conjunction with the Cabinet, Scrutiny and Call-in Procedures Rules. It is drafted to provide a framework which allows for certainty in relation to the responsibilities and expectations of Members and Officers but also provides a degree of flexibility and discretion to ensure that members are able to take a common sense approach and are not fettered by the provisions so as to impede or frustrate the Council’s decision making processes.
- 5.2 The document is designed to enable the decision making process and provide a basis for effective scrutiny in the following key aspects (as identified in the “Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities”):
- Providing constructive ‘critical friend’ challenge;
  - Amplifying the voices and concerns of the public;
  - Being led by independent people who take responsibility for their role; and
  - Driving improvement in public services.
- 5.3 The process of drafting of this document has exemplified the culture of collaboration that is already in existence and which has now been given a degree of formality within the protocol. The Leader and the Chairman of Scrutiny and Officers have worked together to create a document which sets out realistic and positive expectations and aspirations in relation to the Scrutiny function.
- 5.4 The Scrutiny Committee are invited to provide comment and feedback on the draft protocol.
- 5.5 Once finalised the protocol will be presented to Council for approval to be inserted into the Constitution.

## **6 Options Considered**

- 6.1 There is no statutory requirement to have an Executive Scrutiny Protocol, but it is considered a matter of good practice to establish such a framework which supports a collaborative approach to Scrutiny.

## **7 Consultation**

- 7.1 The Scrutiny Chairman has consulted with the Leader of the Council in drafting the protocol.
- 7.2 The Leader of the Council has provided an opportunity for Cabinet Members to feedback on the Protocol.

## **8 Next Steps – Implementation and Communication**

- 8.1 Once finalised the protocol will be presented to Council for approval. Subject to Council approval it will be added to the Council's Constitution.
- 8.2 It is proposed that the Protocol is added to Chapter 4 of the Melton Borough Council.
- 8.3 Compliance with the protocol will be monitored by the Monitoring Officer and the Scrutiny Officer. Any matters arising will be reported to Council through the Scrutiny Annual Report.

## **9 Financial Implications**

- 9.1 There are no financial implications to this report.

**Financial Implications reviewed by: Deputy S151 – 23 October 2020**

## **10 Legal and Governance Implications**

- 10.1 There are no legal implications to this report.
- 10.2 It is intended that the Executive Scrutiny Protocol be incorporated into the Council's Constitution. Approval and amendment of the Constitution is a Council function and therefore the protocol will be presented to Council for approval once it has been finalised.

**Legal Implications reviewed by: Monitoring Officer – 26 October 2020**

## **11 Equality and Safeguarding Implications**

- 11.1 There are no equality or safeguarding implications.

## **12 Community Safety Implications**

- 12.1 There are no Community Safety implications.

### **13 Environmental and Climate Change Implications**

13.1 There are no environmental and climate change implications.

### **14 Risk & Mitigation**

14.1 There are no risks associated with this report.

### **15 Background Papers**

15.1 There are no background papers.

### **16 Appendices**

16.1 Appendix A – Draft Executive Scrutiny Protocol

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**Melton  
Borough  
Council**

## **Executive/Scrutiny Protocol**

Author:	[OFFICER POST (not name)]
Owner:	[POST (not name)]
Version No:	1.0
Date:	

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## **1. INTRODUCTION**

Scrutiny is a key element of Cabinet model of decision making. It is imperative therefore that Scrutiny Members, Cabinet Members and Officers understand the function of the Committee and that a collaborative approach is taken to ensure that Scrutiny can fulfil its functions as set out in the constitution in a positive and proactive way.

This protocol has been agreed between Scrutiny and Cabinet members and sets out to establish a joint approach to the function of the Scrutiny Committee in relation to the decision making structure of the Council.

The protocol applies to all members of the Scrutiny Committee, all members of the Cabinet and to officers who support the Cabinet and Scrutiny function.

## **2. EXECUTIVE – LEADER AND CABINET**

The role of the Cabinet, comprising the Leader and between 2 and 9 Councillors (one of which must be appointed as Deputy Leader) appointed by the Leader is to provide strategic leadership to the Authority and to discharge Cabinet functions.

Cabinet functions are any decisions relating to Council services which have not been reserved to Council or delegated to another Committee. Functions of the Council are contained in Chapter 2 Part 1 of the Constitution.

Cabinet functions include “Local Choice functions”, functions which the Council can choose whether they are carried out by Council or the Cabinet. These are included in the Functions of the Cabinet, in Chapter 2, Part 2 of the Constitution.

## **3. SCRUTINY COMMITTEE**

Scrutiny Committees are not decision making bodies but their influence and challenge is vital to effective decision making. The Scrutiny Committee can scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions.

The Scrutiny Committee can only consider matters within the functions shown below.

### **Functions of the Scrutiny Committee**

Chapter 2, Part 10 (Scrutiny Committee Functions and Procedure Rules) of the Council’s Constitution, sets out the relevant functions of the Scrutiny Committee:

- To review and scrutinise decisions made, or other action taken, in connection with the discharge of any function.
- To make reports or recommendations to Council or the Cabinet as appropriate with respect to the discharge of any function’
- To recommend that a decision made but not yet implemented, be reconsidered by the Cabinet through the Call In Procedure. (see paragraph 7)
- To fulfil all the functions of the Council’s designated Crime and Disorder Committee under the Police and Justice Act 2006.

- To fulfil all the functions conferred on it by virtue of regulations under the National Health Service Act 2006 (local authority scrutiny of health matters).

## 4. OBJECTIVES

The key purpose of the Protocol is to clarify the relationship between the Cabinet and the Scrutiny Committee; to encourage effective communication between the two; and as such to enable and enhance the Scrutiny function in delivering positive outcomes in line with its objectives:

- To enable Scrutiny Members, Officers and Cabinet Members to fully understand their powers, roles and responsibilities in relation to the Scrutiny function, so as to maximise the effectiveness of the Council's decision making structure.
- To establish a positive framework to enable Scrutiny to be proactive, evidence-based and outcomes focused.
- To promote a culture in which there is mutual respect, trust and courtesy between Scrutiny Members and Cabinet Members. Where Scrutiny and Cabinet can work together, where there is regular dialogue and where each has the opportunity to listen and be listened to.
- To foster a climate of openness where information is provided in a timely and accurate manner in order to allow Scrutiny to carry out its duties.
- To highlight the importance of engaging with Scrutiny at an early opportunity in the decision making process.
- To recognise the value of Scrutiny in providing the voice of the community through:-
  - the regular review of its performance and customer feedback, including corporate complaints
  - as consultee; and
  - using it's inquisitorial skills to review areas of weakness in service delivery.

## 5. HOLDING THE CABINET TO ACCOUNT

One of the underpinning principles of Scrutiny is the ability of non-Cabinet Members to hold the Cabinet to account including:

- The power to review or scrutinise decisions made, or other actions taken, in connection with the discharge of Cabinet or Council functions and report to the appropriate decision making body with its findings and/or recommendations;
- The power to assist the Council and the Cabinet in the development of the policy framework and budget, subject to the limitations set out in the Budget and Policy Framework Procedure Rules;
- The power to require Members of the Cabinet to attend before it to answer questions;
- The power to request Chief Officers to attend and provide reports to the Committee on items agreed as part of the work plan;
- The power to hold enquiries and investigate the available options for future direction in policy development, matters of public concern and any other issues within their Functions through small scale reviews or in depth task and finish groups; and
- The power to recommend that a decision made but not yet implemented, be reconsidered by the Cabinet through the Call-in Procedure.

The Cabinet will be required to consider any recommendations or views expressed by

the Scrutiny Committee and to take such action it sees fit. Where any decision taken by the Cabinet is not in accordance with comments provided by the Committee, the relevant Cabinet Member should be prepared to provide an explanation of the reasons for that decision to the Scrutiny Committee.

## **6. PORTFOLIO HOLDER – ANNUAL PRESENTATION**

Chapter 2, Part 10 of the Constitution includes:

‘Portfolio Holders shall attend Scrutiny Committee on an annual basis to report on their portfolios budget and performance.’

Scrutiny members may submit questions to the Policy Holder in advance of the meeting in order to receive answers to their questions at the meeting, answers to be writing if requested. The questions must be relevant and appropriate.

## **7. CALL-IN OF CABINET DECISIONS**

Call-in is the exercise of the Overview & Scrutiny Committee’s statutory power in section 21(3) of the Local Government Act 2000, to review a Cabinet decision that has been made but not yet implemented.

The procedures for Call-in of decisions are contained in Chapter 3, Part 2 of the Constitution:

- Once made, Cabinet decisions must be published by the Democratic Services Team within two working days of the meeting. Five clear working days are given before the decision can be implemented, in which time the Call-in must be made.
- Requests for Call-in can be made by:
  - An individual Member where a decision has a particular significance for the Member’s ward
  - The Chairman of the Scrutiny Committee
  - Any two Members of the Overview & Scrutiny Committee
  - Any three non-executive Members of the Borough Council area

The Scrutiny Committee cannot overturn the decision that has been called in. It may either concur with the decision (in which case it will take immediate effect) or refer it back to the Cabinet for further consideration, including any recommendations from Scrutiny Members.

It remains the aim of the Council that call-ins should only be used as a last resort for resolution, and that other less-confrontational means should always be pursued prior to this option.

## **8. ACCESS TO INFORMATION AND INFORMATION SHARING**

- In addition to the individual rights of Members, Scrutiny Members have rights to see documents relating to any business that has been transacted at a public or private meeting of the Cabinet or its Committees, and any decision taken by an individual Member of the Cabinet or by an Officer in accordance with Executive arrangements.

- It is expected that when the Scrutiny Committee makes a formal request for information, it be delivered in a timely manner within seven working days of the request (where possible) to the Scrutiny Officer or Democratic Services, to be shared with the Committee or wider Members.
- When requesting information Scrutiny members should make clear whether they are seeking information related to a Scrutiny Work Plan item or if they are acting as a member, who happens to be part of the Committee, and is seeking information unrelated to any Work Plan matter.

## 9. SCRUTINY WORK PLAN

In determining items to be included in the work plan Scrutiny Members will have due regard to the criteria set out in the Scrutiny Procedure Rules in Chapter 2, Part 10 of the Constitution

The Annual Work Plan shall consist of:

- Matters which inform the development of the Council's Budget and Policy Framework.
- Matters which inform the development of the Council's approach to matters not forming part of the Council's Budget and Policy Framework.
- Holding enquiries and investigating the available options for future direction in policy development, matters of public concern and any other issues within their Functions.  
In addition to Council Services, these topics may also include any relevant item which affects the Borough of Melton or its residents
- Call In of Key Decisions
- Requests by a member of the Scrutiny Committee
- Requests from the Council
- If it considers it appropriate, requests from the Cabinet including those related to an item in the Forward Plan:
  - In this case Chief Officer will provide either the draft policy or a discussion paper setting out the details of the matter under consideration, the key issues identified, any constraints, timescale for decision, intended impact and a summary of progress to date. The draft policy/discussion paper will then be considered by the Scrutiny Committee and any comments/feedback will be clearly set out in the final report to Cabinet, including detail on how these have been addressed.
  - Where an item of business, which would have a significant impact on budgetary considerations, legal implications or provision of services, cannot be brought to Scrutiny before it is due to be considered by Cabinet due to time constraints, Scrutiny Committee may still review the Cabinet report and comment/feedback may be passed through the Scrutiny Chairman to the Leader. The Leader will acknowledge these comments and address them in the Cabinet debate on that item.

Portfolio Holders shall attend Scrutiny Committee on an annual basis to report on their portfolio's budget and performance. (See Paragraph 6 above)

## **The New Annual Work Plan**

At the first meeting of the Municipal Year, following discussion by members and consultation with Cabinet and SLT, members will agree the Annual Work Plan for the rest of the year.

Whilst the agreement of a Scrutiny Work Programme will provide certainty for both members and officers as well as providing a benchmark against which Scrutiny can measure itself, it is accepted that the work plan is a living document. The work plan, therefore, will be subject to some degree of flexibility to allow for the inclusion of additional one off items and changes to scheduled dates as a result of changing priorities during the year. The Annual Work Plan will therefore be reviewed at each meeting of the Scrutiny Committee.

Committee meetings will provide the opportunity for members to propose topics for inclusion in the Annual Work Plan.

In adding items for review to the Annual Work Plan, the Chair of the Scrutiny Committee shall consider:

- Which Corporate Priority the item links to;
- If the item is of significant community concern;
- If the issue is significant to Partners and/or Stakeholders;
- What the added value is of doing the work;
- What evidence there is to support the work;
- If the work can be completed within a time proportionate to the task identified;
- If the work is being done somewhere else.

## **10. SCRUTINY COMMITTEE AGENDAS**

The Agenda of each Scrutiny Committee meeting will include the following items:

- An item on the Cabinet Forward Plan  
Please refer to the Scrutiny Work Plan (see Paragraph 9)
- The Committee's Work Plan to enable the Committee's priorities for scrutiny for the remainder of the Municipal Year to be reviewed.  
Please refer to the Scrutiny Work Plan (see Paragraph 9)
- Performance Management Information
- Portfolio Holder Annual Presentations - Update

## **11. ATTENDANCE BY CABINET MEMBERS AT SCRUTINY COMMITTEES**

Cabinet Members will normally be expected to attend meetings of the Scrutiny Committee;

- for the purposes of being held to account in relation to decisions taken;
- to provide information in the form of a report or presentation on topics included in the Scrutiny Work Plan; or



- to answer questions in relation to proposed decisions that have been included within the Cabinet Forward Plan.

All Cabinet members will receive an invite for Scrutiny Committee meetings, but need only attend those meetings where items that fall within the remit of their portfolio are being considered, to provide a Portfolio Holder update, or at the request of the Scrutiny Chairman.

The relevant Portfolio Holder and Chief Officer will normally be expected to attend any meeting of the Scrutiny Committee convened to consider a request to Call-in a decision in accordance with the Call-in Procedure Rules (See Paragraph 7) and Chapter 3 Part 2 of the Constitution

## **12. CONDUCT OF THE SCRUTINY MEETING**

Scrutiny Committee Members should be prepared to ask searching questions of Cabinet Members, who in turn should be willing to respond to any question put. Scrutiny Committee Members should be aware of the fact that Cabinet Members may not always be in a position to answer every question immediately or in detail. Where this is the case, further information can be provided to Scrutiny Members outside of the meeting.

Where possible Scrutiny Members will provide questions of fact to Cabinet Members in advance of the meeting. This will facilitate the provision of more detailed responses.

Cabinet Members should, in so far as possible, anticipate and be prepared to answer questions on decisions taken, or proposed to be taken, which fall within their remit. Cabinet Members should also value the contribution of Scrutiny Committee Members who raise questions under these headings.

Cabinet Members should normally be authorised by the Committee to speak upon any item on the Agenda in relation to their Portfolio and may offer to assist the Scrutiny Committee by the provision of factual information or advice in relation to the matters under discussion, through permission of the Chairman.

The Chairman, supported by the Scrutiny Officer, should provide leadership and guidance to the Committee on all scrutiny matters and should promote the Committee's role to improve services and monitor the effectiveness of Council policies.

## **13. CONDUCT OF THE CABINET MEETING**

It is important that there is mutual respect between Cabinet and Scrutiny.

When a Scrutiny member (usually Chair/Vice-Chair) presents a Review Report (or similar) to Cabinet, with the agreement of the Leader/Deputy Leader, the member can provide factual information or advice in relation to the Scrutiny item which is under discussion.



## 14. SUPPORTING SCRUTINY REVIEWS

Scrutiny will conduct reviews through Task and Finish Groups, Working Groups or Inquiry Sessions. These reviews will be agreed as part of the Scrutiny work plan following discussion with the Senior Leadership Team and Portfolio Holder to agree scope and consider resource requirements, capacity and timing.

The terms of reference for any review will be agreed by the Scrutiny Committee before the review commences.

Scrutiny Committee members will have spent a considerable amount of time considering background information, witness evidence and performance information in order to formulate a final report and recommendations.

The report shall be considered by the Cabinet or Council at its next ordinary meeting following submission of the report to the Chief Executive and approval of the report by the Scrutiny Committee. The final report will be presented by the Chairman/Vice Chairman of the Scrutiny Committee.

The Cabinet can expect that the report will adhere to the following format:

- Analysis of evidence against proposals for improvement;
- Clear, concise, evidence based recommendations which have been subject to feasibility considerations;
- Identification of areas for improvement and methods for measuring the impact of improvements;
- Identification of realistic timeframes for implementation and specify periodic dates for updates to be reported to the Committee;
- Highlight implications in relation to financial, legal, equality and diversity, policy and solutions to overcome identified issues.

The relevant Portfolio Holder and Chief Officers may be asked to provide assistance to the review in the following ways:

- To inform the scope and methodology of the review;
- To give evidence;
- To provide feedback on the first draft of the final report.

The Chairman of the Task and Finish Group is recommended to meet with the Portfolio Holder and Officers:

- To discuss the proposed scope, methodology and sources of evidence for the review and to consider feedback and suggestions provided;
- To highlight areas of potential conflict in respect of the findings of the review and to facilitate dialogue to enable resolution before the final report is presented where possible.

This meeting will afford the opportunity for the rationale behind the recommendations to be discussed in more detail and for any issues or concerns to be clarified and explained with a view to agreement being reached wherever possible. It is, however, accepted that the independence of the Scrutiny Committee function must be preserved and therefore agreement may not be possible in relation to all the findings and recommendations in the final report of the Task and Finish Group.

Chief Officers will have a key role to play and should provide the following support to any review:

- Allocate a lead officer to support the review with technical information and evidence;
- Assist with the scoping of the review providing advice on the purpose, remit and outcomes;
- Assist with providing information in relation to relevant witnesses from within their service areas, or from external organisations;
- Review and feedback on the draft report. Factual errors will be taken into account, but incorporation of additional amendments will remain with the task and finish group.

The Scrutiny Officer will work with the Chairman to coordinate the review and secretariat support will be provided by the Democratic Services Team.

Cabinet will consider the final report and decide whether to approve or refuse the recommendations. They may decide to approve the recommendations subject to amendment. Reasons for refusal and/or amendment of the recommendations should be provided by Cabinet.

If the content of a report, including any recommendations, is likely to impact on any external organisation, the Cabinet will have the opportunity to pass comment, including whether or not it endorses the recommendations, before the report is passed to the external body.

Chief Officers will be responsible for implementing any recommendations which are approved by Cabinet and also for providing updates as requested by the Scrutiny Committee and information in relation to the implementation.

Scrutiny Committee will monitor the implementation and impact of recommendations and include relevant information on the outcomes of the review in their annual report.

## **15. ATTENDANCE BY OFFICERS AT SCRUTINY COMMITTEE MEETINGS**

Officers in attendance at Scrutiny Committee meetings should be prepared to assist the Cabinet Member in the provision of information to the Committee in response to any question raised.

## **16. MATTERS REFERRED FROM SCRUTINY COMMITTEE IN ACCORDANCE WITH SCRUTINY PROCEDURE RULES**

There will be an item on each Cabinet agenda in order to consider matters referred from the Scrutiny Committee.

Matters referred will be included in a summary document provided by the Chairman of Scrutiny Committee to the Leader and Chief Executive five working days before the publication of the Cabinet agenda.

The document will include the following information:

- Topic/Report considered by Scrutiny Committee
- Brief summary of the discussion at the Scrutiny Committee
- Recommendations/feedback from the Scrutiny Committee

Where there are no recommendations, Cabinet should note the report and may still comment on the feedback provided by Scrutiny Committee.

## **17. MONITORING AND REVIEW**

The Council's Monitoring Officer and Scrutiny Officer will monitor compliance with the protocol and liaise with Cabinet, Scrutiny Members and the Senior Leadership Team. Any matters arising will be reported to Council through the Scrutiny Annual Report.

## **18. SCRUTINY COMMITTEE ANNUAL REPORT**

The Scrutiny Committee will produce an annual report for Council which will include the following information:

- Evidence on delivery of the work plan
- Details of Scrutiny Reviews
- Details on recommendations to Cabinet, outcomes and implementation
- Evaluation of the impact of Scrutiny and lessons learnt

This report will evidence the effectiveness of the Scrutiny Function but may also be used to facilitate discussion between Scrutiny and Cabinet on their working relationship and ways in which they can continue to work together to assist both to fulfil their functions and achieve positive outcomes for the Borough.

Approved by:

Councillor Pat Cumbers – Scrutiny Chairman

Councillor Joe Orson – Leader of the Council

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## Landlord Housing Policies

<b>Corporate Priority:</b>	Providing high quality council homes and landlord services
<b>Relevant Ward Member(s):</b>	N/A
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 Scrutiny Committee has noted the current lack of an effective policy framework for the Council Housing Revenue Account services, and has welcomed the intention, driven by Corporate Priorities One and Two, to address this area of weakness.
- 1.2 This report seeks to provide Scrutiny Committee with two polices for detailed discussion, and to invite comment and question on a further three policies that, for ease, are also appended to the report.

### 2 Recommendations

**That Committee:**

- 2.1 Notes the content of the report;
- 2.2 Provides comment on the Council's draft Void Policy and Tenancy Management (Legal Action) Policy;
- 2.3 Agrees to provide any additional comment on the Right to Buy; Aids and Adaptation; and Domestic Abuse Policies.

### 3 General Context

- a) This tranche of policies seek to address areas of significant risk of either reputational or financial loss due to a clearly adopted Policy positon.

- b) All Policies are in draft format, with an intention of submitting to Cabinet in January 2021 for consideration. All Policies will by that stage have been discussed with Tenant Forum Executive Committee (TFEC), for comment and amendment as necessary. Additionally, all Policies have been or will have been subject to a full peer-challenge Equality Impact Assessment
- c) The Domestic Abuse Policy has been shared with and welcomed by the Community Safety Partnership; its adoption will allow the Council to become a signatory of the Chartered institute of Housing’s “Stamp it Out” campaign, aimed at improving the housing sector’s response to domestic abuse issues.

## 4 Suggested Points for discussion

4.1 For ease, suggested discussion points are tabulated below and comment is invited on these specifics; other questions and comments are of course welcomed.

Void Policy	The policy adopts the following mission statement: Minimise loss to the Council through the efficient letting of homes at the right time to the required standard
	The policy adopts the following key priorities: a) Provide a safe and secure home; b) Ensure that our homes meet the Decent Homes Standard; c) Improve re-let timescales; d) Provide a re-let standard that meets customers’ expectations; e) Capture excellent data on the property and its major components; and f) Maximise the use of IT.
	The policy commits to undertaking major capital works during the void period – principle “b” above, and sections 4.3.4 and 4.3.5 within the policy.
	Further work on the “Golden Goodbye” is committed to: 4.3.11 To assist with re-let times the Council may: a) Offer an incentive to tenants to leave their home in lettable condition... This is in line with the Void Task and Finish Group recommendations.
	The policy commits to a Melton Void Quality Standard (MVQS) – this is detailed in the Appendix to the Policy. This is subject to a practical exercise with TFEC and Officers testing the standard against a current void property that is “ready to let”.
Tenancy Management (Legal Action)	The principles underpinning the Policy are: a) a)the housing service will clearly explain to tenants specific actions they must take to avoid legal action at each stage; b) b)the housing service will actively promote joint working with other Council departments and external agencies; c) c)that procedures and agreed practices will be implemented consistently across the service; d) d)that training will be provided to ensure all staff are fully equipped to carry out the roles expected of them; and e) e)that all communication will be in plain language and will make clear who the appropriate officers are to provide advice and assistance.

	<p>The framework for possession action is suggested as follows:</p> <ul style="list-style-type: none"> <li>b) where there are rent arrears in excess of the equivalent of ten week's rent and no effective agreement;</li> <li>c) where there are long-standing rent arrears and a history of broken agreements to repay;</li> <li>d) where there is a significant breach of tenancy and appropriate time and advice/support has been given for it to be rectified;</li> <li>e) where there are a number of less significant breaches of tenancy and appropriate time and advice/support has been given for them to be rectified;</li> <li>f) where there is evidence of significant neighbour nuisance and appropriate time and advice/support has been given for this to be rectified;</li> <li>g) where there is a criminal conviction related to the use of the property (e.g. possession of illegal drugs found at the property) or in its locality; and</li> <li>h) evidence of serious ASB in the locality of the property.</li> </ul>
	<p>In deciding to apply for an eviction, the following issues are suggested:</p> <ul style="list-style-type: none"> <li>a) where an outright order has been obtained;</li> <li>b) where there is clear evidence of continued tenancy breaches, significant either in frequency or impact;</li> <li>c) where opportunity has been given to remedy the breach(es), but they have not been resolved;</li> <li>d) in rent arrears cases, where the tenant is more than ten weeks behind the Court order and has been given opportunity to catch up, or where the tenant is repeatedly failing to make payments as ordered by the Court;</li> <li>e) where there is clear evidence of risk to the community, or to Council Officers or contractors.</li> </ul>

## 5 Financial Implications

*Comment on financial implications (if any) will be given through the formal report seeking policy approval*

**Financial Implications reviewed by: N/A**

## 6 Legal and Governance Implications

*Comment on legal implications (if any) will be given through the formal report seeking policy approval*

**Legal Implications reviewed by: N/A**

## 7 Appendices

- 7.1 Appendix A – Draft Aids and Adaptions Policy
- 7.2 Appendix B – Draft Domestic Abuse Policy
- 7.3 Appendix C – Draft Right to Buy Policy
- 7.4 Appendix C1 – Draft Right to Buy Additional Information Request
- 7.5 Appendix D – Draft Tenancy Management Policy (Legal Action
- 7.6 Appendix E – Draft Voids Policy

7.7 Appendix E1 - Draft Melton Voids Quality Standard Policy (App 1)

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# Housing Management: Aids and Adaptations Policy

January 2021

DRAFT

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## **1. Purpose**

- 1.1 Melton Borough Council is committed to meeting the needs of its tenants and their household to live independently with privacy and dignity. We aim to support people to continue to live independently and comfortably in their homes for as long as possible or, if this is not possible or practical, to assist them in finding suitable alternative accommodation.
- 1.2 This Policy applies to persons with a disability who are permanent residents in Melton Borough Council's social rented housing and who require aids and adaptations within their home.
- 1.3 The key objectives of the Aids and Adaptations Policy are:
  - a) To set out the criteria by which the Council will assess and approve requests for adaptation work.
  - b) States clearly which adaptations will not be funded and identify limitations or exemptions to the service.
  - c) Indicates what support can be offered in terms of re-housing to more suitable accommodation where an option appraisal makes the application nonviable for the existing dwelling or its occupants.
  - d) Makes best use of existing adaptations in council properties through the reallocation of those properties to those with needs most closely meeting the property attributes.
  - e) States clearly how tenants will be made aware of their responsibility to contribute towards the costs where adaptations will cost more the maximum limit the council will fund, if this applies, or where ongoing service charges will be charged.
- 1.4 Melton Borough Council as a landlord meets the cost to supply and fit aids and adaptations to council homes. These costs are met through the Council's Housing Revenue Account. We will do all we can to ensure there is sufficient funding to meet the needs of tenants, however this may not always be possible.

## **2. Legal and Regulatory Framework**

- 2.1 In determining this policy, regard has been given to the Council's Allocations Policy alongside the Regulatory Framework for Social Landlords, which states that Registered Providers shall:
  - a) Offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock

- b) Co-operate with the local authorities' strategic housing function and their duties to meet identified local housing needs. This includes assistance with the local authorities' homelessness duties and through meeting obligations in nominations agreements
  - c) Co-operate with relevant organisations to provide an adaptations service that meets tenants' needs
  - d) Develop and deliver services to address under-occupation and overcrowding in their homes within the resources available to them. These services should be focused on the needs of the tenants and will offer choices to them
  - e) Provide tenants wishing to move with access to clear and relevant information about their housing options
- 2.2 The Equality Act 2010 has repealed much of the previous disability legislation. It includes a new duty for public bodies when carrying out their functions to have due regard to promoting equality. Discrimination on grounds of disability can be justified in law if the council has appropriately balanced the needs of the person with a disability and those of others in need of accommodation. Making better overall use of the housing stock and meeting more needs, including those with disabilities, is a legitimate aim.
- 2.3 The Equality Act 2010 'Duty to make Reasonable Adjustments' applies to Landlords and Managers of rented premises or premises available to rent. This duty is not anticipatory – it only arises if CBC are requested to make an adjustment by a person to whom the premises are let or by someone on their behalf.
- 2.4 There are two requirements under the Act:
- 2.4.1 Providing auxiliary aids and services
  - 2.4.2 Changing provisions, criteria or practices (e.g. allowing a disabled person who uses an assistance dog to take a property that might otherwise have stipulated 'no dogs') There is no legal requirement under the Equality Act for CBC to make any changes which would consist of or include the removal or alteration of a physical feature of the property which includes:
    - a) Any feature arising from the design or construction of a building
    - b) Any feature of any approach to, exit from or access to a building
    - c) Any fixtures or fittings in or on a premises
    - d) Any other physical element or quality
- 2.5 The cost of adaptations and the suitability of the current accommodation (including under occupation) are relevant factors when considering proportionality. Alternative means of meeting needs other than adapting

the current property include transfers to more suitable accommodation or tenants contributing to costs may also be considered.

- 2.6 Under the terms of this policy, a person is regarded as being disabled if they have a physical, sensory or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities within their home. A long-term effect refers to disabilities that have lasted for at least 12 months, the effects of which last for at least 12 months, or which are likely to last for the remainder of a person's life.

### **3. Scope**

- 3.1 This policy covers two areas:
- 3.1.1 Adapting existing homes
  - 3.1.2 Allocation of and best use of existing stock currently part or fully adapted to meet housing demand
- 3.2 The policy recognises the impact aids and adaptations in and around the home can have in helping someone with a disability to maximise their independence. The policy also recognises that alternatives to the provision of new adaptations will be explored with the tenant and their household and in some cases tenants will be required to move to more suitable accommodation.
- 3.3 It confirms the council's commitment to meeting the needs of tenants, which may change over time, as well as effectively using the council's existing housing stock and ensuring a fair distribution of aids and adaptations within finite resources.
- 3.4 Whilst the needs of tenants will be given proper consideration it is inevitable that the use of the councils housing stock must additionally be considered in parallel to ensure that all residents are being treated fairly particularly where the nature of the adaptation is substantial
- 3.5 The council acknowledges that the timely provision of minor adaptations can often sustain the independence of tenants and postpone the need for substantial major adaptations.

### **4. Adapting existing homes**

- 4.1 The term Aids and Adaptations covers a number of related activities including:
- a) Option appraisal and feasibility assessment of recommendations received from the Community Occupational Therapy Service

- b) Commissioning and installation of aids and adaptations to council properties
  - c) The removal and reuse of aids and adaptations in council properties where this offers value for money
  - d) Developing and maintaining an adapted council property list to support new applications for council property
  - e) Supporting tenants through the various stages of the aids and adaptations process
  - f) Receiving and prioritising new applications for re-housing from existing tenants requiring adapted or accessible housing solutions
  - g) Appropriately allocating adapted council properties
  - h) Assessment of new applications for housing
- 4.2 This policy specifically refers to disabled adaptations to properties managed by the council in its capacity as landlord. This policy does not extend to home owners, leaseholders or tenants applying for aids and adaptations to private sector or other social rented properties; such assistance is available through Disabled Facilities Grants (DFG).

## **5. Types of Assistance Available**

- 5.1 There are three categories of Aids and Adaptations for existing tenants covered by this policy.

### **5.2 Equipment and Aids**

- 5.2.1 Provided a tenant meets the Fair Access to Care (FACS) criteria, Health Services or the Community Occupational Therapy Service, Leicestershire County Council (LCC) will provide a range of freestanding portable or medical aids suitable for the functional requirements including:

- a) Portable Hoists
- b) Hospital Beds
- c) Toilet frames and Specialist seats
- d) Bed levers
- e) Wheelchairs
- f) Shower chairs
- g) Chair risers
- h) Walking frames
- i) Reaching devices
- j) Assistive technology

**5.3 Minor Adaptations:** Works which cost £1,000 or less

5.3.1 The provision of these adaptations are usually based on the recommendation of an Occupational Therapist and include items such as:

- a) Grab rails
- b) Hand rails
- c) Lever taps
- d) Stair rails
- e) Lowering/repositioning of light switches and sockets (wheelchair users only)
- f) Steps
- g) Small ramps or removable ramps
- h) Bath lifts
- i) Flashing or amplified doorbells
- j) Door and wall protectors

**5.4 Major Adaptations:** Major adaptations are works that cost over £1,000 and usually involve structural alterations, improvements to, or additions to the fabric of the property. For all Major adaptations a written recommendation from an Occupational therapist must be received.

5.4.1 Major adaptations are provided in line with the provisions of the Housing Grants, Construction and Regeneration Act 1996 for disabled facilities grants (DFG) and in summary help to facilitate:

- a) Access to and from the home
- b) Making the dwelling or building safe for the disabled occupant and other persons residing with him/her.
- c) Access to a room used or usable as the principal family room.
- d) Access to or providing for the disabled occupant, a room for sleeping
- e) Access to, or providing for the disabled occupant, a room(s) in which there is a lavatory, a shower and or bath, a wash hand basin, or facilitating the use of such facilities by the disabled occupant
- f) The preparation and cooking of food by the disabled occupant
- g) Improving/providing a heating system in the dwelling to meet the needs of the disabled occupant.
- h) The use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control.
- i) Access and movement by the disabled occupant around the dwelling in order to enable him/her to care for a person who is normally resident in the dwelling and is in need of such care.
- j) Facilitating access to and from a garden by a disabled occupant

#### 5.4.2 Examples of major adaptations include:

- a) Level access showers
- b) Large permanent ramps
- c) Door widening
- d) Stair lifts
- e) Kitchen refurbishment with low level units (appliances excluded)
- f) Through floor lifts
- g) Tracked Hoists (works associated with strengthening the structure and additional electric points only – hoists are a medical aid)
- h) Swing doors or doors operated electrically
- i) Extensions – Ground floor level only

## 6. Eligibility

- 6.1 Aids and Adaptations will only be considered for MBC tenants named in the tenancy agreement or a member of the immediate family who is permanently resident in the household.

### **And**

Have an impairment which has a significant long term effect on their ability to:

- a) Carry out normal day-day activities in and around their home
- b) Access essential facilities within their home

- 6.2 Adaptations for children of tenants will only be completed at the property which is the principal home.

- 6.3 Major Adaptations will not be approved for individuals who are waiting for medical procedures which will improve mobility until their expected recovery is complete. Adaptations will be considered when a tenant is waiting to be discharged from hospital and require their current homes to be adapted, however it may not be possible for them to be completed prior to discharge.

- 6.4 Adaptations will not be carried out for lodgers or temporary visitors

- 6.5 Generally adaptations will be carried out where a secure tenancy is held, although consideration will be given if tenants are introductory tenants. If the tenancy is in its introductory period and is less than 12 months old adaptations may not be carried out if the tenant failed to declare that they or a member of their household had a pre-existing disability where it would have been reasonable for them to do so.



- 6.6 Requests for major adaptations will not be approved where a Right-to-Buy application has been received. Tenants in these cases will be signposted to the assistance available through the council's DFG programme once they have bought their home.
- 6.7 Tenants seeking to Transfer or Mutual Exchange will be considered on their individual merit and whether they are leaving or going to a suitably adapted property will form part of this consideration.
- 6.8 The Council will not progress with an adaptation where possession proceedings have commenced or a possession order is already in place.
- 6.9 We will only consider carrying out minor and major adaptations that have been recommended by an occupational therapist from Leicestershire County Council.

## **7. The Application Process for Adaptations**

- 7.1 Mobility aids e.g., walking sticks, frames and wheelchairs are not provided by Leicestershire County Council. A GP or health care professional can provide a referral for a mobility assessment or to the wheelchair service.
- 7.2 Applications for minor adaptations can be made using the online self-service assessment form on the Leicestershire County Council website:  
  
[https://leicestershirecc-self.achieveservice.com/en/AchieveForms/?mode=fill&consentMessage=yes&form\\_uri=sandbox-publish://AF-Process-80894339-a4d5-4ec0-9956-10011cd1c601/AF-Stage-ebaac6fb-0e0c-4e42-8b05-9965d9d283eb/definition.json&process=1&process\\_uri=sandbox-processes://AF-Process-80894339-a4d5-4ec0-9956-10011cd1c601&process\\_id=AF-Process-80894339-a4d5-4ec0-9956-10011cd1c601&ga=2.126515588.801749736.1602592688-2030938730.1602231048](https://leicestershirecc-self.achieveservice.com/en/AchieveForms/?mode=fill&consentMessage=yes&form_uri=sandbox-publish://AF-Process-80894339-a4d5-4ec0-9956-10011cd1c601/AF-Stage-ebaac6fb-0e0c-4e42-8b05-9965d9d283eb/definition.json&process=1&process_uri=sandbox-processes://AF-Process-80894339-a4d5-4ec0-9956-10011cd1c601&process_id=AF-Process-80894339-a4d5-4ec0-9956-10011cd1c601&ga=2.126515588.801749736.1602592688-2030938730.1602231048)
- 7.3 Self-referrals for a care and support assessment, which will include consideration of home adaptations to meet your essential needs, can be made directly to Leicestershire Adult Social Care on (0116) 3050004.
- 7.4 Further information on Aids and Adaptations can be found here:  
  
<https://www.leicestershire.gov.uk/adult-social-care-and-health/living-independently-at-home/equipment-home-adaptations-and-assistive-technology>
- 7.5 Once a referral is received and reviewed by the Occupational Therapy Service, they will contact the tenant from which is usually by telephone

to undertake an initial screening. An appointment to visit (if required) will be made with the tenant to identify any adaptations that are necessary, appropriate and qualifying. If a need for adaptations is identified the Occupational Therapy Service will in turn send a written recommendation to the Council for consideration and an options appraisal will be undertaken.

## **8. Qualification for Adaptations**

8.1 An assessment of needs, by an Occupational Therapist must be undertaken for all major adaptations identifying any necessary and appropriate adaptations required to meet the needs of the disabled person. Following the assessment the Occupational Therapist will provide a written recommendation to the Council.

### **8.2 Threshold Indicators and Options Appraisal Process for Major Adaptations**

8.2.1 In assessing the recommendations received from the Community Occupational Therapy Service, the Council will consider in more detail a number of factors and threshold indicators to establish if it is willing to proceed. To do this it will undertake an Options Appraisal process which includes.

- a) Establishing if the aids and adaptations are feasible, reasonable and practicable.
- b) Where necessary, gather further information through an application form, site visits, case conferences and key professionals.
- c) Identify if any threshold indicators have been reached, and if they have, recommend an options appraisal be undertaken
- d) The Council must be satisfied that the recommended works are:
  - a. Reasonable, feasible and practicable with regard to the type, age and condition of the dwelling
  - b. Necessary and appropriate to meet the ongoing needs and prognosis of the disabled occupant, having regard for end of life care protocols.

8.3 For example, the Council would not normally provide a level access shower to a first floor flat unless there was lift access to the first floor. The Council will also consider the wider impact of the requested adaptation in relation to issues such as others in the household, regular visitors to the property, under-occupancy levels. Some of the Council's properties are unsuitable by design for adaptation.

- 8.4 If a tenant has expressed the intention to move from the property, e.g. by way of transfer, mutual exchange or other method, the Council may decide not to approve major adaptations at their current property. However, each application will be considered on its individual merit.

## **9. Assessing a referral**

- 9.1 On deciding whether it is reasonable and practicable to undertake major adaptations the council will consider the following threshold indicators:

### 9.1.1 The Building/ Property

- a) The age and structural condition of the property
- b) Existing adaptations at the property
- c) Cost of adaptations necessary to make the property suitable
- d) Length of time the adaptation will take and incumbent void rent loss if the tenant has to be decanted
- e) Property constraints in terms of its adaptability
- f) Architectural and structural characteristics of the dwelling, some of which may render certain types of adaptation inappropriate, for example properties with narrow doors, stairways and passages, or steep slopes and flight of steps
- g) If the adaptation is for a level access shower in a first floor flat the means of accessing the flat
- h) Where a sheltered scheme has an adapted communal bathroom and that bathroom would meet the needs of the tenant and it is reasonable that the tenant can use the facility the council will not further adapt the bathroom within the tenants accommodation
- i) Where works would require planning permission or building regulation approval which has not been, or would not be, granted
- j) Whether adaptations make the best use of the council's housing stock and future let ability of a property
- k) Whether adaptations affect the amenity of the area for other residents
- l) Whether there is a 2nd reception room which could be utilised as a bedroom /bathroom when a stair lift and wet room to the 1st floor is being recommended

### 9.1.2 The Demand

- a) Property type and demand
- b) Availability of more suitable alternative adapted or part adapted accommodation
- c) A suitable, alternative adapted property is offered and refused
- d) Whether the property is a ground floor home in a block of flats
- e) Whether the property is a bungalow

### 9.1.3 The Person/ The tenancy

- a) Availability of the disabled person's existing support network and carers
- b) Affordability (rent increase and under occupation for instance)
- c) The tenants intentions regarding the long term use of the property
- d) Where the council is taking possession proceedings against the tenant for example, for rent arrears (in line with general needs transfer requests) and anti-social behavior
- e) Any competing needs of different members of the family which cannot be met in that particular home
- f) Whether the property and proposed adaptations will meet the long-term needs of the disabled person. For instance if a tenant has a deteriorating condition which means ground floor rooms would meet their future needs better than adapting the first floor
- g) Current occupancy of a property, for example is it under-occupied or will it be over occupied on completion
- h) The request is to address specialist medical needs of an individual other than basic needs (Example of specialist needs: self-washing facilities, hospital beds or hoists)

9.2 An options appraisal process will automatically apply to cases that hit one or more of the following triggers but may also be referred through the process if a larger number of other threshold indicators are in question:

- a) Where the property is currently under or over-occupied or will become under or over-occupied if the adaptations are undertaken
- b) Where a possession order has been obtained or is in the process of being obtained
- c) Where the estimated cost of adapting a property is £5,000 or above
- d) The property cannot be adapted because of design constraints
- e) If there are likely to be excessive costs

## 10. Approval process

10.1 The Housing Asset Management Team in consultation with Tenancy Services, will complete a Options appraisal that will include a summary of the recommendations.

10.2 Where ever possible the Council will seek to carry out the most cost effective adaptation to the property which adequately meets the applicant and households needs, this usually means that an adaptation is carried out within the existing footprint and structure.

Value of Works	Options Required	Appraisal	Approval Required by
up to £1000	Not Required		Project Officer
Up to £5000	Where apply	thresholds	Housing Asset Manager
Between £5001 and £15,000	Yes		Assistant Director for Housing & Communities
Over £15,000	Yes		Director & Portfolio Holder

10.3 If adaptations qualify and are considered the most appropriate solution, the Council will:

- a) Instruct the production of any schemes, costs and drawings as necessary
- b) Ensure relevant permissions are obtained
- c) Approve the undertaking of such work with relevant contractors
- d) Monitor and ensure quality control of the works
- e) Agree and implement where applicable the need to reclassify the property in terms of adaptations undertaken and any reduction or increase in bedrooms due to the adaptations
- f) Work with relevant partners, such as our housing maintenance service provider, to facilitate the adaptations to properties
- g) Add the recommendation to the waiting list
- h) Inform the tenant of the outcome and estimate a timeframe within 6 months of receiving the recommendation
- i) If the decision is to seek suitable alternative accommodation for a 12 month period then at the end of the 12 month period the case will be reviewed and reconsidered if suitable accommodation has not been identified
- j) If the applicant has failed to engage during the 12 month period or suitable alternative accommodation has been refused this will form part of consideration when case is reviewed. The Council will not normally approve a Complex adaptation if an applicant has failed to cooperate and consider all housing options available

## 11.Exclusions

11.1 The following are examples of aids and adaptations that will not be funded:

- a) Adaptations for the use of or storage of mobility scooters
- b) Vehicular access, hard standings and driveways
- c) Certain pieces of non-specialist fixtures or equipment and appliances will not be classed as aids and adaptations. In general, this applies where the fixture, equipment, or appliance has the same use for another occupant who is not disabled. For example ovens and hobs and other appliances forming part of an adapted kitchen
- d) Safe play areas inside or outside
- e) Extensions and loft conversions would only be considered if a suitably sized property did not exist in the councils housing stock
- f) If the proposed adaptation results in the disabled person still being unable to access a significant proportion of the home

## **12. Funding and Prioritisation of Adaptations**

- 12.1 The annual funding of aids and adaptations is a fixed amount, with demand often exceeding the financial resources available. Therefore, the Council will prioritise the demand in a way that best meets the greatest needs. All major adaptations are subject to budget availability, but in exceptional cases and subject to Member approval, an increase in budget may be required.
- 12.2 The Council will normally only fund major adaptations up to a maximum limit of £30,000. This is set in line with DFG limits, currently £30,000. Anything not being funded by the Council, e.g. over the maximum limit, or having a client contribution, will need to be funded by other means. In such circumstances, the Council will discuss with the tenant the options of self-funding, alternative funding available or re-housing
- 12.3 An options appraisal will be required for all adaptations over £5,000
- 12.4 Prioritisation of adaptations will be by means of a waiting list and the Occupational Therapists assessment of how critical and urgent the adaptation is. In general terms, this means dealing with the highest priority cases first and will take into account the length of time a person has been waiting. Should funds be depleted the Council will inform tenants who are awaiting an adaptation to explain the position and give an indication as to how long they are likely to have to wait. Where necessary, the Council will also work with the tenant to explore alternative options such as re-housing or other sources of funding.

## **13. Inspections**

- 13.1 Whilst work is being undertaken the Projects Officer will wherever possible visit the property to ensure that the work is being undertaken as per the specification and when the work is completed, the officer will carry out a final inspection, with the Occupational Therapist, to ensure it has been completed satisfactorily.

## **14. Rent and service charges**

- 14.1 A service charge will be applied to cover the costs of annual servicing, testing and maintenance of any specialist equipment provided as part of the works.
- 14.2 Service charges will cover the cost of a sinking fund which will be established to pay for replacement equipment at the end of its useful life. These charges will be payable weekly with the rent in accordance with the Rent Setting and Service Charge Policy and Tenancy Agreement. If the tenant is in receipt of support for their housing costs, the charge may be covered in part or in full in accordance with the benefits regulations. The cost of charges will be discussed and agreed with the tenant before any equipment is installed.
- 14.3 Rent increases will also be made where the structure of the building is increased in size to accommodate an adaptation or internal modifications e.g. additional rooms. The increase in rent will be discussed with you before adaption work is carried out.
- 14.4 Examples of adaptations subject to weekly service charge include:
- a) Stair lift
  - b) Through floor lift
  - c) Tracked hoists
  - d) Specialist bathing equipment
- 14.5 Examples of adaptations subject to weekly rent increase include:
- a) Bedroom/living room extension
  - b) Bathroom extension
  - c) Loft or garage conversion
- 14.6 The service charge and additional rent payment will be reviewed annually.

## **15. Properties that cannot be adapted**

### **15.1 Adaptations to Common Parts/Communal Access**

- 15.1.1 Common parts relate to those areas outside of an individual dwelling but within the structure of the building, for example, entrance hallways or communal staircases to blocks of flats. Communal access relates to shared access to a group of properties, for example, shared paths and steps. Aids and adaptations to common parts and communal areas including handrails or ramps to a shared path will be reviewed on a case by case basis via an option appraisal. The council will take into account

of the health, safety and needs of all affected occupants as well as the local area needs and the most appropriate funding agreed where necessary.

## **16. Installing Own Aids and Adaptations – Permissions**

- 16.1 In some circumstances tenants may wish to install their own aids and adaptations such as showers over baths or stair lifts. Tenants need to make an application through the Alterations process, for adaptations they wish to make to the property before the work is undertaken. Introductory tenants may also be able to undertake these works if supporting evidence is provided from their Occupational Therapist or General Practitioner.
- 16.2 When tenants wish to install their own aids and adaptations these will not normally be maintained by the Council, therefore the tenant will be responsible for any servicing or repairs costs that are required as a result of the adaptation. Any Planning or Building Regulation fees and costs will be met by the tenant if applicable. Under certain circumstances the Council may agree to take responsibility for tenant alterations and the tenant will need to agree to sign over ownership free of charge, Rent and Service Charges will be levied for the ongoing maintenance and adaptations.
- 16.3 In the case of tenant installed aids and adaptations, at the end of the tenancy the tenant will be required to remove them and make good any damage to the property.

## **17. Allocation Managing and Re-letting of properties – this policy:**

- a) Identifies the appropriate matching of customers' needs on the housing register to adapted and void properties via the keyways allocation scheme
- b) Requires acceptance of the adapted property 'as is', unless a new tenant's disability at a later stage require it to be altered
- c) Ensures the adapted property list will be kept up to date
- d) Considers if current adapted properties make best use of available stock
- e) Provides financial help to existing tenants where a move to more suitable accommodation is the most appropriate option
- f) Allows the Direct Matching of adapted properties to meet current tenants needs when a decision has been reached not to adapt the tenants current home

## **18. Re-lets, Matching Need and Re-housing**

- 18.1 Adapted Properties List



18.1.1 A list of adapted properties detailing the type of adaptation present in a property will be kept up to date by the Housing Asset Management Team and shared with the Tenancy Services and Housing Options Team. Adverts for properties will clearly describe adaptations to interested bidders.

18.1.2 Allocation of properties will be based on the criteria set out in the Council's current Allocations Policy except when a direct match is required to meet the needs of a current tenant.

18.1.3 It is expected that there will be appropriate matching of applicants needs on the housing register to an adapted void property to ensure best use of the Council's facilities and resources. This could mean a part adapted property could be offered that doesn't meet exact needs but could do with additional adaptations. An example of this includes where a wet room has been installed in a 1st floor bathroom which would meet bathing needs however due to mobility problems accessing it would be difficult. With the provision of a stair lift the property would meet all essential needs.

## 18.2 Accessible Housing List

18.2.1 The Housing Options Team will keep a list of applicants requiring an adapted property detailing what is required, this will be shared with the Tenancy Services Manager.

18.2.2 The Tenancy Services Manager will share details of any approved Direct Match tenant for whom the decision has been made not to adapt their current property.

## **19. Direct Matching / Discretionary Lets**

19.1 If a property becomes vacant and has extensive or specific adaptations, the decision may be made not to advertise the property and offer a direct let. The decision will be made by the Tenancy Services Manager to meet the needs of those on the Accessible Housing List. Properties may be offered directly to a current tenant waiting for adaptations to their current home where the need has become urgent and an options appraisal identifies reasons not to proceed adapting the current home or a waiting list applicant who can make full use of the adaptations and to date no properties have become available which would suit their needs.

19.2 The council will hold a list of all the applicants who require extensive or specific adaptations. When a property is identified as not being suitable for a normal let an attempt can will be made to match it to the applicant most in need, based on priority banding and waiting time.

19.3 The council reserves the right to withdraw adapted properties from the lettings list as appropriate to meet urgent unmet demand.

## **20. Letting adapted properties**

- 20.1 If a person requiring adaptations applies to join the housing register, they may, after being assessed by an Occupational Therapist, be granted priority banding for any suitable adapted properties in line with the current Councils Allocation Policy.
- 20.2 If a tenant no longer requires the adaptations and would prefer to move from an adapted property to an un-adapted home, the council will consider awarding priority if it has someone else who needs that type of adapted home.
- 20.3 Future tenants must accept the adapted property 'as is', unless after taking up the tenancy a new recommendation identifies additional adaptations are required.
- 20.4 Where the adaptation is preventing the property from being relet, after 2 advertising cycles and Direct Match offers being made the council may consider offering it to applicants without a need for the adaptations. In most cases the adaptation will not be removed. Applications to remove the adaptation will not be approved. In some cases it may be appropriate to remove in part or the whole adaptation and where practical to do so place it into storage. Each case will be considered on a case by case basis with input and advice from relevant officers.

## **21. Re-housing current tenants**

- 21.1 For all requests for major adaptations, the council will discuss with the tenant the option of a transfer to alternative accommodation that better meets the needs of the disabled person. This will be done on receipt of an Occupational Therapist recommendation. This could include arranging a suitable alternative home within the council's stock, for which a discretionary direct match or priority medical banding may be given.
- 21.2 Examples of why this may be considered:
  - a) A vacant property which is already suitably adapted to meet the essential needs of the tenant can be identified
  - b) A vacant property which is more suitable to be adapted to meet the essential needs of the tenant can be identified
  - c) An extension can be avoided by a move to a larger property
  - d) The current property is not suitable for a particular adaptation.
  - e) Adaptations to a property may reduce its potential to be let in the future.
  - f) There is under occupation by at least one bedroom or more

- 21.3 Where it is considered that a move to more suitable accommodation would be possible and/or is the best solution, a priority banding may be given to the tenant to enable them to move more quickly.
- 21.4 If suitable accommodation is available the tenant would be expected to accept the alternative property.
- 21.5 Once an offer has been accepted on an alternative property, the customer will be expected to take up the tenancy and move in to this property as soon as is practical.
- 21.6 If a tenant refuses two reasonable offers of alternative accommodation, the council will inform the tenant that they may be excluded from any further considerations under such circumstances, the council may also discuss with the tenant the options of self-funding or alternative funding.
- 21.7 In cases where re-housing is being looked at as the approved/preferred option, then this must be possible within a reasonable timescale (based on an assessment of risk and availability of accommodation). If it is not possible to find suitable alternative accommodation within a reasonable time, adaptations to the existing property or another property will be considered. A reasonable timescale is deemed to be no longer than 12 months from the date the decision not to adapt has been made.
- 21.8 If any additional aids and adaptations are required to the new property these will not be undertaken until confirmation of the tenants intention to move has been received.

## **22. Financial assistance towards moving**

- 22.1 Where an offer is accepted to transfer/re-house under the Aids and Adaptations Policy, the council may help with the cost of moving to the other home.
- 22.2 Tenants who take up the option to be re-housed may receive financial assistance to cover relocation expenses. Assistance will vary according to circumstances but may include:
- a) Removal costs
  - b) Disconnection and reconnection of cooker, and essential appliances
  - c) Refitting of carpets
  - d) Redecoration allowance or where appropriate redecorating of rooms in a new home

## **23. Adapting Vacant Properties**

- 23.1 There may be occasion where a property would be suitable if additional adaptations were installed. However under the council's current allocation scheme unless a property meets the needs of the household

they would not be nominated to it. This does limit the choices disabled applicants and current tenants have to move. If adaptations were undertaken in a vacant property they may not be suitable for all. Many adaptations are recommended according to the individual's needs and are not a generic assumption.

- 23.2 If the council is considering offering applicants or a current tenant a vacant un-adapted or partially adapted property which may require further adaptations to address needs, council officers, the Occupational Therapist and Projects Officer will firstly assess the suitability of the property to meet essential needs. The priorities of the Occupational Therapy Service do not always result in an immediate response to such requests. However where possible this will be pursued only when it would not hold up a letting or result in void loss.
- 23.3 Once the Occupational Therapist and Projects Officer have made their assessment of a vacant property, the council reserves the right to withdraw any offer of accommodation if the property is not deemed suitable. If extensive major adaptations are required or there is no funding available to carry out the works, the offer of accommodation may be withdrawn. The customer will be advised regarding the outcome and of their alternative housing options.
- 23.4 If major adaptations are required and the property is deemed suitable, some or all of the adaptation work will be carried out as a priority where possible and practical, to minimise void times. The customer will be expected to take up the tenancy as soon as is practical. If the tenant is able to live in the property whilst awaiting some or all of the adaptation work they will be expected to do so. If minor adaptations are required the customer will be expected to take up the tenancy prior to the adaptations being carried out.
- 23.5 Prior to undertaking major works, applicants who are existing council tenants will be required to sign a tenancy agreement for the newly allocated property. The property they currently reside in will then be treated as a decant property. Upon completion of works the tenant will be required to vacate the decant property and move into their new property. They will have no rights to remain in the decant property.
- 23.5.1 Note; the tenant will only be responsible for paying rent at the property where they are actually residing.
- 23.6 Applicants who are not existing council tenants will be required to sign a Declaration of Understanding prior to works being undertaken. The Declaration of Understanding highlights that the applicant is making a commitment to move into the property as soon as it is available and adapted if they cannot take up immediate residence and that they will not receive another offer of accommodation. In such cases applicants will be considered as adequately housed. Failure to take up an adapted property offer once works have commenced, will be deemed a refusal of

a reasonable offer and this will affect any future applications they make for re-housing or aids and adaptations.

#### **24.Future occupation and successive applications**

- 24.1 Once major or extensive adaptations have been completed at a property it is expected that the tenant requiring the adaptation will continue to live at the address, unless circumstances do not allow this (for example, no longer able to use the property due to a worsening medical condition and further adaptations are not possible).
- 24.2 If a tenant applies to be re-housed, unless their circumstances have changed, they would normally be considered to be adequately housed and would have no priority on the housing register.
- 24.3 Tenants requesting consideration to undertake a mutual exchange to a property without adaptations when it is clear they have been provided for them in their current property will be refused consent if they chose to move to an un-adapted/unsuitable property.
- 24.4 Where significant work has taken place at a property and the person(s) requiring the adaptation(s) dies or is unable to remain at the property and permanently resides elsewhere, the remaining family members may be asked to move to alternative accommodation to allow the adapted property to be let to a disabled tenant or applicant. Similarly, where the disabled person remains after death of a partner in a joint tenancy, the disabled person may be required to move to alternative adapted accommodation if for example, the property is grossly under-occupied.

#### **25.Prioritising adaptations**

- 25.1 Wherever possible minor adaptations will be completed in date order, based upon the application date. Circumstances beyond the control of the Council, such as a need to order specialist equipment could impact upon this.
- 25.2 Once approved, the Council will also seek to complete complex adaptations and major adaptations in chronological order, based upon the date the referral was received from the Lightbulb team Occupational Therapist. However, delays in identifying a suitable property, in ordering specialist equipment and in finding a suitable contractor could impact on this.
- 25.3 Cases identified by the Occupational Therapist (or other officers/agencies) as an urgent priority will be escalated appropriately.

## **26. Dispute resolution**

- 26.1 If a resident or tenant is dissatisfied with a decision made under this Policy they can request a review of the decision. The review will normally be conducted by a Senior Officer not involved in the original decision.
- 26.2 If the resident or tenant remains dissatisfied with the outcome or they wish to complain about the quality of service they have received they can submit a formal complaint.
- 26.3 The Councils Corporate Complaints Policy is based on a two stage procedure:
- Stage 1 Complaint –First Contact complaint
  - Stage 2 Complaint –Service Review
- 26.4 If the complainant remains dissatisfied at the end completion of stage 2 they will be advised to contact the relevant Ombudsman.

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## Appendix A

Definition of a qualifying Disabled Person for a home adaptations is taken as the same as the definition relating to DFG legislation:-

For the purposes of the legislation relating to DFG's a person is defined as being disabled if:

- Their sight, hearing, or speech is substantially impaired
- They have a mental disorder or impairment of any kind, or
- They are physically substantially disabled by illness, injury, impairment present since birth or otherwise

A person aged under 18 is taken to be disabled if:

- They are registered in a register of disabled children maintained under the Children Act 1989, or
- In the opinion of the social services Council (Leicestershire County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989

A person aged 18 or over is taken to be disabled if:

- They are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948, or
- They are a person for whose welfare arrangements have been made under that section or might be made under it

These criteria will be used by Occupational Therapists from Leicestershire county Council in order to access those eligible for referral to Melton Borough Council for adaptations.

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**Melton  
Borough  
Council**

*Helping people | Shaping places*

# DOMESTIC ABUSE POLICY

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Service  
Area  
Policy Owner  
Introduced      2020  
Version            One

Housing & Communities  
  
Tenancy Services Manager  
Last Reviewed    n/a  
Review Date      2023

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## 1. Introduction

### 1.1. Three simple facts that are difficult to read:

- domestic abuse is a leading cause of homelessness for women in the UK;
- two women are killed by their partner or ex-partner every week; and
- one in four women and one in six men experience domestic abuse in their lifetime.

1.2. Research shows that domestic abuse is known to escalate in severity and frequency over time - the sooner it is identified and responded to, the better. That is where a local authority like Melton Borough Council comes in - we have a unique and close relationship with our residents.

1.3. Whilst the human cost is immeasurable, tackling domestic abuse makes business sense, too. 60% of survivors of domestic abuse are in rent arrears of £1k or more. Early intervention to support people who are experiencing domestic abuse helps sustain tenancies and build safe, thriving communities.

## 2. Scope and Purpose of the Policy

2.1. This policy sets out how the Council will take steps to assist and support any person suffering from or threatened with domestic violence or abuse. It applies to all customers of the Council, including all tenants and non-tenants living in our properties.

2.2. It sets out how the Council will work in partnership to address the issues that are caused by domestic abuse.

2.3. This policy will assist the Council in monitoring and continually improving its performance in identifying and responding to reports of domestic abuse.

## 3. Strategic Context

3.1. This policy will assist the Council to meet the long standing aspirations within its Corporate Plan, particularly:

“Excellent services positively impacting on our communities.”

“Continue to consolidate high-volume customer facing services into a single directorate.”

“Refocus community support services to respond to Covid impacts including increased unemployment, and increased financial, mental wellbeing and physical health needs.”

3.2. It will also assist the Council to meet aims within its Community Safety Partnership Plan:

“Continue to focus on reducing repeat victims of Domestic Abuse and increase awareness of Interpersonal Violence and how to access services.”

## 4. Legislation and Guidance

4.1. Following government consultation a draft Domestic Abuse Bill was published in January 2019, proposing the following statutory definition of domestic abuse:

Behaviour by a person (“A”) towards another person (“B”) is “domestic abuse” if -

- a) A and B are aged 16 or over and are personally connected; and
- b) the behaviour is abusive. The draft Bill includes in this definition behaviour by A that is directed towards another person, such as B’s child.

4.2. This can encompass, but is not limited to, the following types of abusive behaviour:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse; and
- psychological, emotional or other abuse.

(See Appendix A for expanded definitions).

4.3. In February 2018 the Sentencing Council revised its guidelines on domestic abuse in, recognising that an offence can be seen as more serious if it is made in a domestic context.

4.4. The Housing Act 1996 created a new ground of domestic violence, giving registered social landlords the power to evict a perpetrator of domestic abuse, whether or not they are a joint or sole tenant of the property.

4.5. Melton Borough Council has legal responsibilities in managing personal data. We recognise that incidents of domestic abuse are extremely sensitive, private incidents for survivors to report and will ensure total confidentiality on any cases that are

reported (with reference to section 7 of this policy). Information is available on our website:

## 5. Equality and Diversity

5.1. The Council recognises that it deals with a diverse range of people including those who are vulnerable and in highly stressful personal circumstances. It will therefore:

- ensure that all individuals and households are treated sympathetically and with courtesy and respect;
- be sensitive and respond to the individual needs and circumstances of the people using its services; and
- monitor its services and the outcomes for people using them in order to ensure that they are fair and responsive to needs.

5.2. To support the needs of customers whose first language is not English, the Council will provide translation and interpretation services when needed. The Council will ensure that information is accessible and available in other formats such as large print, tape and Braille, as needed.

## 6. The Policy

### 6.1. Our Approach

We believe that no one should live in fear of violence or abuse. We take domestic abuse seriously and are committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of domestic abuse. The Council believes it can make a stand in its community safety role (i.e. as a community leader) and as a landlord. Above all, we have a 'zero tolerance' approach to domestic abuse.

### 6.2. Common Principles

The Council adopts these common principles:

#### 6.2.1. As a local authority

We will:

- a) Ensure that people experiencing domestic abuse are provided with information on appropriate services as early as possible.
- b) Enable people to report domestic abuse to us in different ways, including in person, in writing, by telephone, online or via a third party such as a police officer.

- c) Ensure that people experiencing domestic abuse are provided with information on appropriate services as early as possible (see Appendix B) and are given advice to allow them to make choices about what to do next. This will include:
- Contacting the police if not already done so;
  - Completion of the Domestic Abuse Stalking and Harassment form (DASH) to assess risk;
  - Options for short and longer term housing and property security;
  - Advice on welfare benefits;
  - Legal options and where to get advice;
  - Referral to the Women's Aid Integrated Services (WAIS), or other appropriate service provider; and
  - Referral to or advice on how to self-refer to the National Centre for Domestic Violence.
- d) Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible in line with the relevant policy.
- e) Follow the relevant safeguarding procedures if we believe a child, young person or vulnerable adult is at risk due to an abusive relationship.
- f) Where a report of domestic abuse is received via a professional third party e.g. a police officer, we will seek to establish from the third party what details have been taken, what support is in place and what is required from us. Where required we will then contact the person experiencing domestic abuse directly and offer support.
- g) Share information with and attend Multi Agency Risk Assessment Conferences (MARAC). For cases which meet the MARAC risk rating threshold or if we have child protection concerns, we have a legal duty to share this with agencies. In cases where the threshold is not met, with the agreement of the person experiencing domestic abuse, we will make referrals to other support from relevant agencies (vulnerability conferences, police, victim support etc.).
- h) We will recommend a person experiencing domestic abuse contacts the Police, but do not insist on this as we understand this may re-victimise them, leaving them to feel they have no control over their own decisions. However, where there is concern about serious harm a referral will be made to the Police and/or MARAC and/or adult/children safeguarding without consent.
- i) Where a need for additional home security (e.g. security lights, window locks) is identified, permission will be sought immediately from the property owner or landlord, or granted if the Council is the landlord, subject to agreement on who will maintain such items. Use of a Sanctuary Scheme will be considered where appropriate.
- j) Support survivors of domestic abuse to rebuild their lives by working in partnership with them and other support agencies.
- k) On a case by case basis the Council may consider that a perpetrator of domestic abuse does not qualify to join the housing register on the grounds of anti-social or criminal behaviour, in line with section 6.5 of our Housing Allocation Policy.
- l) Publicise our approach, both in print and digitally, to raise awareness amongst staff and residents, with the aim of increasing reports of domestic abuse.

- m) Make domestic abuse awareness training available for all frontline staff working with residents.

#### 6.2.2. As a landlord

We will:

- a) Attempt to identify a resident experiencing domestic abuse at the earliest stages of a tenancy and will deal sensitively with any history of domestic abuse. If a history is disclosed additional security measures will be considered.
- b) Agree an action plan with the resident experiencing domestic abuse, monitor the situation and review at a frequency agreed with them.
- c) Ensure that residents experiencing domestic abuse know that they can meet staff in confidence at our offices or at an agreed choice of safe venue.
- d) In cases where the property has been damaged by a perpetrator of domestic abuse, repairs will be carried out by the Council in line with the relevant policy. Although a crime reference number is usually required, in exceptional circumstances, the Tenancy Services Manager has the authority to waive this condition. Any damage should be photographed and noted and a recharge raised to the perpetrator. Where appropriate, the Council may seek to take direct action against the perpetrator and report the damage to the police as a crime.

### 6.3. Legal Action

6.3.1. In terms of any criminal investigation, input and assistance from the relevant Housing and Neighbourhood Services teams will be given to the Police on request and as set out in this policy.

#### 6.3.2. Injunctions

Injunctions against the perpetrator can be sought by the person experiencing domestic abuse, who will need to give a statement and attend Court, as follows:

- via the services of a local solicitor;
- by applying directly to the Courts (<https://www.gov.uk/government/publications/form-fl401-application-for-a-non-molestation-order-occupation-order>), representing themselves, and engaging the services of a process server; or
- through the National Centre for Domestic Violence, who will prepare the statement on their behalf.

In cases of domestic abuse, an injunction would normally involve the perpetrator being not allowed to come into the locality of the survivor's home.

From a Landlord perspective, injunctions would be more appropriate where the perpetrator is a household member and not a tenant of the Council. Where relevant an interim injunction will be sought pending the outcome of a possession hearing.

### 6.3.3. Eviction of perpetrator - Landlord role

Options which may include eviction of a perpetrator will be discussed with the resident experiencing domestic abuse and they will be reassured of necessary support from the Council or other agencies.

Approval to seek a possession order with a view to eviction should be sought from the Tenancy Services Manager. Considerations including the survivor's wishes, evidence of abuse, serious breaches of other tenancy obligations, under-occupation and any known vulnerabilities of all involved will be taken into account.

Where seeking possession is the agreed route, an appropriate Notice of Seeking Possession will be served on the perpetrator if they are a joint or sole tenant. The Notice will cite 'Ground 2a Domestic Violence' as the ground for possession being sought.

If the property is not vacated by the effective date of the Notice of Seeking Possession then action for possession will be instigated.

6.3.3.1. In some cases it may be appropriate to advise a survivor of domestic abuse to end their joint tenancy. This route would only be considered if the survivor had already left the property and had no intention to return while the perpetrator remained. This would assist in limiting financial abuse by ending the survivor's liability for any rent due from the date of the tenancy termination. Following this date, the perpetrator would have no right to remain in the property and proceedings for possession could be instigated for unlawful occupation.

## 6.4. Responsibilities

6.4.1. We will provide support and assistance to residents experiencing domestic abuse as described in this policy. Residents are responsible for working with us and any support agencies involved.

Where residents fail to engage and show no signs of a willingness to engage, and where the behaviour is having an impact on neighbours, we may consider



addressing the behaviour under the relevant anti-social behaviour (ASB) legislation.

- 6.4.2. All tenants of the Council are responsible for adhering to their tenancy agreement. Breaches of the tenancy agreement will be addressed in accordance with the relevant policy, ensuring any action taken is reasonable and proportionate given the tenant's circumstance and the impact of their tenancy breach.

## 7. Confidentiality

In the operation of this Policy, information will be treated as confidential between the various agencies in line with their normal working practices. However, it must be remembered that public interest and the statutory duties of agencies can at times override the duty of confidentiality via the information sharing protocol.

## 8. Related Policies and Documents

Teen Abuse Leaflet

Living without Abuse (link: <http://www.lwa.org.uk/>)

The Bridge Housing Services (link: <https://www.thebridge-eastmidlands.org.uk/>)

Safeguarding Policy

Equality and Diversity Policy

Corporate Enforcement Policy

## 9. Review

This Policy will be reviewed every three years, unless legislative or regulatory changes require an earlier review. If Council staff become aware that there are problems with effective operation of the Policy or the associated procedures, they should report this to the Policy Owner. This feedback will be incorporated into the Policy / procedural review process.

## Appendix A

### TERMS AND DEFINITIONS

The draft Domestic Abuse Bill (January 2019) describes that:

1. Behaviour by a person ("A") towards another person ("B") is "domestic abuse" if –
  - A and B are each aged 16 or over and are personally connected; and
  - the behaviour is abusive.
2. Behaviour is "abusive" if it consists of any of the following:
  - physical abuse (*including for example hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing or shoving, cutting or stabbing, restraining, strangulation, choking, murder*);
  - sexual abuse (*including for example rape and coerced sex, forcing person B to take part in unwanted sexual acts, refusal to practice safe sex or use contraception*);
  - violent or threatening behaviour (*such as intentionally putting person B in fear of physical or mental harm, injury or material loss*);
  - controlling behaviour (*this could include a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour*);
  - coercive behaviour (*including for example acts or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten person B*);
  - economic/financial abuse (*see section 3 below*); and
  - psychological, emotional or other abuse (*such as creating isolation for example by limiting or preventing other social activities and relationships, use of threats such as to spread rumours or to cause physical harm, humiliation and undermining the person's confidence*).
3. "Economic/Financial abuse" means any behaviour that has a substantial adverse effect on B's ability to –
  - acquire, use or maintain money or other property;
  - Making her / him beg for money
  - Threatening to kick her / him out of house
  - Withholding information regarding welfare benefits by isolating her / him
  - Running up debts in her / his name
  - obtain goods or services
  - Withholding money for basic necessities
4. A's behaviour may be behaviour "towards" B despite the fact that it consists of conduct directed at another person (for example, B's child).
5. Two people are "personally connected" if any of the following applies –

- they are, or have been, married to each other;
  - they are, or have been, civil partners of each other;
  - they have agreed to marry one another (whether or not the agreement has been terminated);
  - they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
  - they are, or have been, in an intimate personal relationship with each other;
  - there is a child in relation to whom they each have a parental relationship;
  - they are relatives.
6. A person has a parental relationship in relation to a child if –
- the person is a parent of the child; or
  - the person has, or has had, parental responsibility for the child.
7. In the draft Domestic Abuse Bill –
- “child” means a person under the age of 18 years;
  - “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
  - “parental responsibility” has the same meaning as in the Children Act 1989; and
  - “relative” has the meaning given by section 63(1) of the Family Law Act 1996.
8. The government’s definition of domestic abuse from 31 March 2013, which is not a legal definition, includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and recognises that it is clear that people experiencing or surviving domestic abuse are not confined to one gender or ethnic group.
9. It must also be recognised that although persons aged under 16 are not included in the government’s 2013 definition, domestic abuse can have a huge impact on children and young people under 16 in the household.

## Appendix B

### FURTHER INFORMATION ON SERVICES

#### Leicestershire Police

- In an emergency call 999
- Non-emergency contact number: 101
- [www.leicestershire.police.uk/page/domestic-abuse](http://www.leicestershire.police.uk/page/domestic-abuse)

#### National services

- National Centre for Domestic Violence: free 24hr legal helpline specialising in obtaining injunctions. Call 0800 970 2070 or text 'NCDV' to 60777 for a call back, [www.ncdv.org.uk](http://www.ncdv.org.uk).
- Women's Aid: 24hr helpline on 0808 2000 247 run by Women's Aid and Refuge, or email (with 5 day response time) [helpline@womensaid.org.uk](mailto:helpline@womensaid.org.uk). Access 'The Survivor's Handbook' at [www.womensaid.org.uk/the-survivors-handbook/](http://www.womensaid.org.uk/the-survivors-handbook/).
- Refuge: helpline as above, or email [helpline@refuge.org.uk](mailto:helpline@refuge.org.uk), [www.refuge.org.uk](http://www.refuge.org.uk).
- Men's Advice Line: for men experiencing domestic abuse. Call 0808 801 0327 (Monday to Friday 9am to 5pm) or email [info@mensadviceline.org.uk](mailto:info@mensadviceline.org.uk) (two day response time), [www.mensadviceline.org.uk](http://www.mensadviceline.org.uk).
- ManKind Initiative: helping men escape domestic abuse. Call 01823 334244 (Monday to Friday, 10am to 4pm), [www.mankind.org.uk](http://www.mankind.org.uk).
- Galop: LGBT+ domestic abuse helpline on 0800 999 5428 or email [help@galop.org.uk](mailto:help@galop.org.uk), chat online at [www.galop.org.uk](http://www.galop.org.uk) (Monday to Friday 10am to 5pm, Wednesday and Thursday also 5pm to 8pm).
- Karma Nirvana: support for victims of honour-based abuse and forced marriage. Call 0800 5999 247 (Monday to Friday 9am to 5pm) or email [info@karmanirvana.org.uk](mailto:info@karmanirvana.org.uk), [karmanirvana.org.uk](http://karmanirvana.org.uk).
- Childline: helpline on 0800 1111, chat online to a counsellor or email via [www.childline.org.uk](http://www.childline.org.uk).
- The Hideout: an online space created by Women's Aid for children and young people, [thehideout.org.uk](http://thehideout.org.uk).
- Civil Legal Advice (CLA): advice as part of legal aid. Call 0345 345 4345 (Monday to Friday 9am to 8pm) or text 'legalaid' and your name to 80010 for a call back, [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice).
- Health services

Should you contact any of these services and find they are no longer in existence or their provision has significantly changed, please contact the Council's customer services team on 01664 502 502.



# Melton Borough Council: Right to Buy Policy January 2021

DRAFT

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## **1. Policy Purpose**

This Right to Buy Policy statement sets out Melton Borough Council's position as a landlord in relation to Right to Buy issues. It seeks to adopt a responsible approach which balances the business needs of the Council with its statutory responsibilities.

## **2. Scope**

The policy covers all Right to Buy applications received by the Council in respect of its housing stock contained within the Housing Revenue Account.

## **3. Context**

### **3.1 What is the Right to Buy?**

The Right to Buy scheme helps eligible council tenants in England to buy their home with a discount. It is a statutory right of Secure tenants. From May 2015, the eligibility criterion was reduced from five years public sector tenancy to three. This means Secure tenants who have been a public sector tenant for three years can apply to buy their home.

### **3.2 Financing the Right to Buy**

There is nothing in law that specifies how a Right to Buy purchase can be financed. A family member (or someone else) can provide the funding for the purchase. However, legal ownership of the property can only be in the names of the eligible tenant(s) and other eligible applicants.

Joint applications for the Right to Buy are relatively common; in addition to joint tenants, the Right to Buy may be shared with:

- Spouses or civil partners; and
- Up to 3 family members who have lived with the tenant(s) for the past 12 months.

### **3.3 Discount**

Any period spent in as a public sector tenant, including armed forces accommodation, can count towards the three year qualifying period for Right to Buy and the qualifying period for the discount.

The following discount levels apply in relation to eligible tenancies:

House	Flat
3, 4 and 5 years - 35%	3, 4 and 5 years - 50%
6 years - 36%	6 years - 52%
7 years - 37%	7 years - 54%
Discount will continue to increase by 1% for every complete year of tenancy, up to a maximum 40 years - 70%	Discount will continue to increase by 2% for every complete year of tenancy, up to a maximum of 15 years - 70%

#### 4. Right to Buy Sales and Business Planning

The Right to Buy has an impact on the Council's income as a landlord and consequently its ability to plan its business. Right to Buy sales are assumed to be at XX per year from 2019/20. In the financial year 2018/19 a total of XX council properties were sold through RTB. Of the £X market value of the properties sold, the Council received £Y after the discount was awarded to purchasing tenants. The Council pooled £Z to central government (including mortgage pooling) and retained £A for investment within the housing capital programme. An indicative rent loss figure for XX properties would be £YY a year (based on an indicative rent of £ZZ per week over 52 weeks).

#### 5. Risk

The risk to the Council's income and its ability to plan its business is clear from section 4.

Additionally, the Council is exposed to the risk posed by fraudulent Right to Buy application. This risk is managed through:

- a) Identity checks (this includes household members wishing to be included in the application);
- b) Verification of claimed tenancies (discount); and
- c) Additional checks on the financing of the purchase.

There is also the potential of family members taking advantage of being able to purchase a heavily discounted property, and the tenant inadvertently putting their home at risk / unwittingly entering into a deferred resale agreement and triggering the repayment of the discount.

#### 6. Specific Policy Areas

Naturally, the Council will act lawfully at all times and absolutely respect the statutory rights of tenants. However, where the Council has options it will choose to act reasonably but robustly to protect its rental income and assets.



## 6.1 Rural Exemption

Section 157 of the Housing Act 1985 provides that local authorities in certain areas can impose certain restrictions on the subsequent resale of homes acquired under the Right to Buy scheme. The areas concerned are:

- a) National Parks,
- b) Areas of Outstanding Natural Beauty, and
- c) areas designated by the Secretary of State as 'rural'.

Local authorities may apply to have specified areas designated as 'rural'. These areas might be a whole district or part of a district. When an application is submitted, an assessment is made for each parish in the area for which designation is sought. The criteria are that:

- a) There should be a population density of no more than two persons per hectare, and
- b) Towns with more than 3,000 inhabitants are ineligible.

The first criterion (the density test) can be applied flexibly. For example, some parishes just over these limits may be designated in order to avoid a 'patchwork' situation where some parishes are designated while others, broadly similar, are excluded.

The Council will apply to the Secretary of State to obtain the rural exemption designation in all areas of the district where it is applicable.

## 6.2 Right to Buy Applications

### 6.2.1 Eligibility and Discount

The Council will ensure that it follows the correct legal procedure, but the Council will robustly check both the eligibility and qualifying tenancies (discount) of Right to Buy applicants. It will work with applicants and keep them informed throughout the Right to Buy process, but will expect applicants to provide clear and unambiguous evidence of their eligibility and qualifying tenancies. Admittance of the Right to Buy and qualifying period must be authorised by the Tenancy Services Manager or, in their absence, the Director of Housing and Communities.

### 6.2.2 Family Members

The Council will allow family members to share the Right to Buy, but only where the qualifying criterion is met and evidence is provided. This must be authorised by the Tenancy Services Manager or, in their absence, the Director of Housing and Communities.

### 6.2.3 Valuation

Works undertaken by the tenant without the written permission of the Council will be discounted for the purposes of the valuation. If approval has not been sought and granted, the valuers will not be requested to disregard the added value these improvements may give to the property's market value.

The property will be valued in its condition at the date the application and offered for sale on that basis. Once an application is received no improvements to the property which could increase its value will be carried out, with the property removed from any planned maintenance programmes, such as replacement windows, rewiring or structural

improvements. Only essential repairs which could threaten the occupants or the property if not carried out will continue through the buying process.

The Council will honour the valuation of the independent surveyor; it will expect a tenant who disagrees with the valuation to seek the review of the district valuer.

#### 6.2.4 Notice Periods

The Council will seek to serve the relevant notices to either accept the offer or to complete the Right to Buy without delay (i.e. the tenants must complete the sale or the application lapses). Notices must be authorised by the Tenancy Services Manager or, in their absence, the Director of Housing and Communities.

#### 6.2.5 Completion

The Council is not bound to complete the sale if there are more than four weeks' arrears and it expects no outstanding rental debt at completion. However, each case will be considered individually having regard to the reason why rent (or any other payment) remains outstanding. Completion with rent arrears can only be authorised by the Tenancy Services Manager or, in their absence, the Director of Housing and Communities, and only in exceptional circumstances.

#### 6.2.6 Mortgage and Financial Assistance

The Council will not offer mortgages or other financial assistance to Right to Buy applicants.

### 6.3 Post Right to Buy Options

#### 6.3.1 Right of First Refusal

The only discretion the Council has with regard to the right of first refusal is whether to exercise the right to "buy back" the property. Consideration will be given to:

- a) funding;
- b) housing need and demand;
- c) location; any likely refurbishment and the costs thereof; and
- d) if the purchase represents value for money in the context of the Housing Revenue Account Business Plan.

The Housing Asset Manager or, in their absence, the Director of Housing and Communities will consider offers of buy back in the first instance and obtain an independent valuation of the property. Subject to this valuation, either, inform the applicant in writing that the Council does not wish to exercise the right of first refusal, or, following the property acquisition procedure, and seek approval in line with the Council's Constitution.

#### 6.3.2 Discount waiver on resale

Any request to exercise the discretion to waive repayment of the discount will be considered on its merits, but it is only expected to apply in exceptional circumstances. It will be necessary to establish both the facts justifying the move and that the move could not take place unless all or part of the discount repayable were waived. The Council will follow the Ministry of Housing and Local Government's guidance which includes examples of where the use of discretion may be justified. This decision to waive a covenant will be taken in accordance with the Council's Constitution.

6.3.3 Covenants on Works to the Property

The Housing Asset Manager or, in their absence, the Head of Housing and Property Services will consider requests for permission to undertake work; permission will not be unreasonably withheld, but the Council may impose conditions to any permissions granted to ensure its assets are protected and no costs are incurred to the Council.

**7. Extra Checks to request - working document**

In order for the Council to process the application in line with the legislation governing the Right to Buy scheme and that surrounding Data Protection and Fraud and Money Laundering, Melton will require tenants to complete the following information.

Please verify the identity and permanent address of all applicants  
 Please provide us with details of;  
 National Insurance number(s)

Tenant Name	NI Number
1)	
2)	
Family Member Name	
1)	
2)	
3)	

Do you (or a family member living with you) own, or have an interest in, another property in the UK? Yes/No

If Yes please give details

.....  
 .....

We are required to comply with the Money Laundering Regulations and to policies adopted worldwide by financial and government authorities, preventing the use of laundering systems to disguise the proceeds of crime.

Please give details of how you wish to finance the purchase of your property through the Right to Buy scheme:

Will you require a mortgage in full or in part payment of the sale price?

Full mortgage  Part mortgage  No mortgage required

Buy to Let mortgage

Name of mortgage provider if known

.....

Are you receiving a financial gift to purchase the property? Yes/No

If Yes please give details.....

.....

Will the property be paid for by an inheritance?

Yes/No

If Yes please give details

.....  
.....

Are you using savings to pay for the property?

All savings  Part savings  No savings being used

If All or Part savings are being used, please give details

.....  
.....

Please give details of any other means being used to pay for the property purchase:

.....  
.....  
.....

Any tenant or family member who is subject to certain Court Orders (or who have a Court Hearing date pending ) will not be eligible for the Right to Buy scheme until such time as the Order has ended.

Are you currently subject to (or have a Court Hearing date pending) for any of the following Court Orders?

	Court Order in place	Court Hearing date pending	No Court Order
Bankruptcy*			
Possession Order			
Demotion of tenancy			
Anti-Social Behaviour Order			

\*For more details on the Bankruptcy option, please see the notes below.

**BANKRUPTCY**

In order to comply with Section 121 of the Housing Act 1985, we need to establish any person(s) to whom the Right to Buy belongs who may be an undischarged bankrupt (or have made a composition or arrangement with his/her creditors) the terms of which remain unfulfilled, or who have a bankruptcy petition or receiving order pending. This is because in these circumstances the Right to Buy cannot be exercised until such an order or arrangement has been discharged.

**DECLARATION AND SIGNATURES**

I/we grant permission to Melton Borough Council to make any enquiries necessary in order to confirm information specified in this form. To the best of my knowledge and belief the information given in this form is true, complete and correct. I understand that by giving false or misleading information or by omitting information for the purpose of gaining the Right to Buy, it may be regarded as a criminal offence and action may be taken against me.

Signed (Tenant 1) .....  
Signed (Tenant 2) .....  
Signed (Family member 1) .....  
Signed (Family member 2) .....  
Signed (Family member 3) .....  
Date .....

**Right To Buy additional information request**

In order for us to process your application in line with the legislation governing the Right to Buy scheme and also that surrounding Data Protection and Money Laundering, we require you to complete this form and return it to us with your Right to Buy application.

We need to be able to verify the identity and permanent address of all applicants.

**Please provide us details of:**

Tenant Name	NI Number
1)	
2)	

Family Member Name	NI Number
1)	
2)	
3)	

Do you (or a family member living with you) own, or have any interest in, or have another tenancy in or outside the UK? (please tick)	
Own	
Have interest	
Have a tenancy	
Please provide details: (if applicable)	

Do you reside at this property? (please tick)	
Yes	
No	

**We are required to comply with the Money Laundering Regulations and to policies adopted worldwide by financial and government authorities, preventing the use of laundering systems to disguise the proceeds of crime.**

Please give details of how you wish to finance the purchase of your

Property through the Right to Buy scheme:

Will you require a mortgage in full or in part payment of the sale price? (please tick)

Full mortgage	
Part mortgage	
No mortgage required	
Name of the mortgage provider:	

Are you receiving a financial gift to purchase the property? (please tick)

Yes	
No	
If yes, please give details:	

Will the property be paid by an inheritance? (please tick)

Yes	
No	
If yes, please give details:	

Are you using savings to pay for the property? (please tick)

All savings	
Part savings	
No savings being used	

If all or part savings are being used, please give details:	

Please give details of any other means being used to pay for the property purchase: (please use box below)

**Any tenant or family member who is subject to certain Court Orders (or who a Court Hearing date pending) will not be eligible for the Right to Buy scheme until such time as the Order has ended.**

Are you currently subject to (or have a Court Hearing date pending) for any of the following Court Orders? (please tick)			
	Court Order in place	Court Hearing date pending	No Court Order
Bankruptcy			
Possession Order			
Demotion of tenancy			
Anti-Social Behaviour Order			

\*For more details on the Bankruptcy option, please see below notes

**Bankruptcy**

In order to comply with Section 121 of the Housing Act 1985, we need to establish any person(s) to whom the Right to Buy belongs who may be an undischarged bankrupt (or have made a composition or arrangement with his/her creditors) the terms of which remain unfulfilled, or who have a bankruptcy petition or receiving order pending. This is because in these

circumstances the Right to Buy cannot be exercised until such an order or arrangement has been discharged.

**Declaration and Signatures**

I/we grant permission to North Kesteven District Council to make any enquiries necessary in order to confirm information specified in this form. To the best of my knowledge and belief the information given in this form is true, complete and correct. I understand that by giving false misleading information or by omitting information for the purpose of gaining the Right to Buy, it may be regarded as a criminal offence and actions may be taken against me.

Signed (Tenant 1)	
Signed (Tenant 2)	
Signed (Family member 1)	
Signed (Family member 2)	
Signed (Family member 3)	
Date:	





# Tenancy Management Policy (Legal Action) January 2021

DRAFT

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## **1. Scope of the Policy**

- 1.1 This policy sets out the circumstances in any tenancy agreement provided by the Council as a residential landlord will end due to possession action, (including evictions) and the associated activities and responsibilities involved.
- 1.2 This policy recognises that the Council's role as a landlord may conflict with its statutory homelessness duties. It therefore sets out the processes that will be undertaken before an eviction is carried out, to ensure that all possible alternative remedies are explored.
- 1.3 An eviction is defined as the recovery of accommodation, owned or managed by the Council, by using the legal processes that are available.
- 1.4 The Council seeks to ensure that this Policy does not discriminate between tenants on any grounds. Publishing standard information and documentation in different languages and other formats, as required, will enhance the promotion of equal opportunities.

## **2. Objectives and Principles of the Policy**

- 2.1 The overall aim of the Council's Policy is to ensure that legal action (including evictions) is carried out only after other options have been exhausted and tenancy management remedies proved ineffective, that proper authorisation is obtained, that an up-to-date risk assessment is carried out prior to the eviction, and that any eviction is carried out lawfully.
- 2.2 The specific objectives of the Eviction Policy are:
  - a) to prevent homelessness occurring by exhausting all other management remedies, where appropriate;
  - b) to provide early intervention in an attempt to prevent eviction occurring;
  - c) to define the authorisation process for an eviction enforcement;
  - d) to deal with evictions in a consistent way;
  - e) to protect the wellbeing and interests of occupiers (see section 9.2) and other residents in the community; and
  - f) where necessary, to take appropriate action to protect the assets and income of the Council.
- 2.3 The principles underpinning the Policy are:
  - a) the housing service will clearly explain to tenants specific actions they must take to avoid legal action at each stage;
  - b) the housing service will actively promote joint working with other Council departments and external agencies;
  - c) that procedures and agreed practices will be implemented consistently across the service;
  - d) that training will be provided to ensure all staff are fully equipped to carry out the roles expected of them; and
  - e) that all communication will be in plain language and will make clear who the appropriate officers are to provide advice and assistance.

## **3. Legal framework**

- 3.1 The Council will ensure that the Policy meets all legislative and good practice requirements and minimises evictions being carried out. This will include, but is not restricted to, the Housing Acts 1985 and 1996 (and subsequent legislation), the Localism Act 2011, the Pre Court Protocol, ASB Crime and Policing Act 2014, the requirements of the Regulator of Social Housing, and any Chartered Institute of Housing's good practice.
- 3.2 The Council will ensure that no tenant's human rights are breached by the implementation of this policy. In particular, the Council will ensure that tenants have a fair hearing and will have respect for their private and family life, the home and correspondence in accordance with the Human Rights Act 1998 (in particular, Articles 6 (fair trial); 8 (respect for family life); and 14 (the prohibition of discrimination)). Consideration is also given to the responsibility of the Council in promoting and assisting in the building of sustainable and balanced communities.
- 3.3 In addition, the Council will ensure that no personal data relating to legal action is passed to a third party in breach of the Data Protection Act 1998 and General Data Protection Regulation 2018 without the explicit consent of the tenant(s). This will include information given to other occupiers of the property (see section 9.2) and elected Members.
- 3.4 The decision to grant a possession order and then a warrant of execution (eviction) can only be made by the County Court, not the Council. The grounds for possession are contained within the relevant Housing Acts. Possession will only be granted when the court is satisfied that it is reasonable to do so and that the Council has adhered to the prescribed legal process including serving a valid notice on the tenant and all qualifying occupiers.

#### **4. Tenant's responsibilities**

- 4.1 The term 'tenant' refers to sole and any joint tenants.
- 4.2 If two or more people have signed a tenancy agreement they are jointly and severally liable for ensuring that the tenancy conditions are adhered to. This includes ensuring the actions of those living in, or visiting, their property is acceptable (as detailed in the tenancy agreement).
- 4.3 Tenants have an obligation under the terms and conditions of their tenancy agreement to pay rent due every week on or before the first day of each rental period. Failure to do this may lead, after other management options have been exhausted, to possession action being taken by the Council.
- 4.4 Tenants have a responsibility to ensure that they actively manage their tenancy to prevent the need for possession proceedings being raised. This includes, but is not limited to, ensuring that the house is not used for illegal or immoral activity, for example, using or permitting the use of Controlled Drugs, handling stolen goods, and illegal betting and gambling.
- 4.5 Tenants have a responsibility to ensure that they, and the people living with them, or visiting them, have respect for others. This includes, but is not limited to, ensuring that harassment and/or nuisance, annoyance or disturbance is not caused to any

other person in the locality, for example, loud noises, dog barking and fouling, using offensive language, and causing damage.

- 4.6 Tenants will be encouraged to seek their own independent advice from a housing aid service or solicitor.

## 5. Council's responsibilities

- 5.1 The Council has a duty to protect its interests, including its rental income. Enforcing the terms of the tenancy agreement will assist this.
- 5.2 The Council has a duty to all its tenants and the wider community to ensure that they are able to live in an environment that is attractive, well maintained and safe and secure. This includes taking appropriate action against those living in, or visiting, Council tenancies when the behaviour of the person threatens to disrupt the community and put the safety and security of other tenants and residents at risk.
- 5.3 At the start of a tenancy, the Council will make every effort to ensure that tenants are informed of all the responsibilities and activities associated with maintaining a tenancy. Tenants will be encouraged to take appropriate action to prevent placing their tenancy at risk.
- 5.4 Tenants will be advised of the consequences of failing to adhere to the tenancy agreement. This will include any action that may be taken by the Council to remedy a situation.
- 5.5 Where appropriate, tenants will be offered support and assistance to ensure their tenancy is maintained successfully.
- 5.6 Where enforcement action is taken, this will be proportionate to the breach of tenancy conditions, clearly state what action the tenant must take to resolve the issue and use an escalation process to advance action where the issues continue.
- 5.7 The Council will ensure that it follows the correct legal procedure involved when taking possession action. This will include serving tenants and qualifying occupiers with a Notice of Possession Proceedings, Notice of Seeking Possession, Notice of Seeking Demotion, or a Notice To Quit. Officers are expected to keep accurate file notes and to be aware they could be used as evidence in Court.
- 5.8 The Council will write to tenants prior to serving them with a Notice to advise them of the process involved and the legal requirement placed on the Council to serve the appropriate Notice. In exceptional circumstances, possession proceedings can begin immediately i.e. as soon as the Notice is served. This will be confirmed to the tenant, in writing, and the reason for the immediate possession action will also be notified.
- 5.9 **Possession action will only be used as a last resort and only after all other management remedies prove ineffective.**
- 5.10 Tenants and any occupiers who are due to be evicted will be fully advised of the homelessness responsibilities the Council has towards them. This will be provided by the Council's Housing Options Section and will include advice and assistance on

temporary accommodation and how to secure alternative permanent accommodation.

## **6. Preventative action**

- 6.1 The Council will ensure that all reasonable steps will be taken to remove the need for court action to enforce the terms of the tenancy. This will include early, regular and sustained intervention to avoid the escalation of a situation.
- 6.2 The Council will follow an escalation policy based on preventative measures that are proportionate to the level of the situation.
- 6.3 In all situations where the Council feels that it is reasonable to recover possession of a property, the Council will ensure that reasonable preventative measures have been taken to avoid eviction. This will include the use of voluntary and alternative processes for example, referring the Case Management team for intensive support. The Council's Housing Options Service will be notified whenever a Notice is served.
- 6.4 Where there is a risk of abuse, violence and/or danger to neighbours, colleagues or the person who is being evicted, the Council will act quickly and appropriately to ensure the risk is minimised.

## **7. Assessment, Support and Liaison with other agencies**

- 7.1 The Council will undertake a risk assessment for all tenants when it is identified that their tenancy is at risk.
- 7.2 During the assessment, the tenant's needs will be identified. Existing and future sources of support will also be identified. Tenants will be encouraged to obtain advice from a solicitor or housing advice centre.
- 7.3 Where an external agency or Council service is providing support, full co-operation will be given by Tenancy Services to try to resolve a situation without the need for legal action to recover possession of a property. For example, where a referral has been made to the Case Management team for intensive support, the Tenancy Services team will suspend action for a reasonable period to allow an agreement to be reached and implemented. However, the Tenancy Services team retains the right to proceed with possession action where there are overwhelming housing management issues e.g. chronic anti social behaviour with a high likelihood of recidivism.
- 7.4 The Council's Housing Options Service will be formally notified of all eviction dates.
- 7.5 In all cases, where the tenant's household includes dependent children, the eviction will be notified to the Leicestershire County Council's Children's Service.

## **8. Authorisation for possession action and subsequent eviction**

- 8.1 It is impossible to consider all possible circumstances where legal action becomes appropriate. Equally, it is appropriate for there to be internal checks and balances on the Council resorting to legal action in respect of a tenancy. Accordingly, Officers must use their judgement within a framework.

- 8.2 Generally, possession action should be considered in the following circumstances and where there is no alternative action:
- a) where there are rent arrears in excess of the equivalent of ten week's rent and no effective agreement;
  - b) where there are long-standing rent arrears and a history of broken agreements to repay;
  - c) where there is a significant breach of tenancy and appropriate time and advice/support has been given for it to be rectified;
  - d) where there are a number of less significant breaches of tenancy and appropriate time and advice/support has been given for them to be rectified;
  - e) where there is evidence of significant neighbour nuisance and appropriate time and advice/support has been given for this to be rectified;
  - f) where there is a criminal conviction related to the use of the property (e.g. possession of illegal drugs found at the property) or in its locality; and
  - g) evidence of serious ASB in the locality of the property.
- 8.3 Formal possession action is always initiated by the service of a notice. The Housing Officer is responsible for the preparation of the notice, the service of which must be authorised by the Senior Housing Officer. The tenant's personal circumstances, including vulnerability and communication difficulties, must be considered in all cases. Except in exceptionally serious circumstances, the Council considers the service of the notice as an opportunity for the tenant to understand the consequences of continuing tenancy breaches, and a clear opportunity to rectify those breaches.
- 8.4 The decision to make an application to Court will be managed by the completion of a Possession Action Case Review by the Housing Officer. This will be authorised by the Tenancy Services Manager.
- In deciding to make an application to Court, the following must be considered in all cases:
- a) that all relevant regulatory guidance has been taken into account;
  - b) that Melton Borough Council's own policies and procedures have been followed;
  - c) that the pre-action protocol for possession claims based on rent arrears has been followed (in rent arrear cases);
  - d) that alternative solutions and interventions have been considered and/or exhausted;
  - e) that the requirements of the Disability Discrimination Act have been met; and
  - f) that adequate support has been provided for vulnerable tenants.
- 8.5 Generally, a suspended possession order will be sought for Secure tenants – in such cases the Council will not seek possession where conditions, imposed by the Court, are maintained. In serious circumstances, the Council may seek outright possession from the outset – this must be authorised by the Tenancy Services Manager or, in their absence, the Director of Housing and Communities. Outright possession will always be sought for Introductory and Non Secure tenants.
- 8.6 Where the Court has issued an outright possession order, a date will be specified for the tenancy to end. The Council has the right to recover the tenancy on or after the date specified on the order.

- 8.7 The Council will evict the tenant(s) as soon as possible after the date specified on an outright possession order. However, if an outright order is granted for rent arrears, and full payment of the rent arrears and Court costs is made prior to the eviction, the eviction may be withdrawn. This is at the discretion of the Tenancy Services Manager or, in their absence, the Director of Housing and Communities, considering previous conduct, any vulnerability and any other relevant tenancy concerns. Tenants will be fully advised of this.
- 8.8 Breaches of a suspended order, or, where an outright order is obtained, where the tenant does not return the property to the Council, means a further application must be made to the Court, for a Warrant of Execution (eviction). Again, this is managed through the completion of the Possession Action Case Review by the Housing Officer. This will be authorised by the Tenancy Services Manager or, in their absence, the Director of Housing and Communities. In deciding to apply for an eviction, the following must be taken into account:
- a) where an outright order has been obtained;
  - b) where there is clear evidence of continued tenancy breaches, significant either in frequency or impact;
  - c) where opportunity has been given to remedy the breach(es), but they have not been resolved;
  - d) in rent arrears cases, where the tenant is more than ten weeks behind the Court order and has been given opportunity to catch up, or where the tenant is repeatedly failing to make payments as ordered by the Court;
  - e) where there is clear evidence of risk to the community, or to Council Officers or contractors.
- 8.7 Where there is clear evidence that the tenant has abandoned the property, the Council can consider taking possession of the property. For example, the property may have been abandoned, left unsecured, and at risk of vandalism. This action can only be authorised by Tenancy Services Manager or, in their absence, the Director of Housing and Communities.

## **9. Carrying out an eviction**

- 9.1 An eviction cannot be carried out unless the County Court has granted an order for possession and a Warrant of Execution has been granted.
- 9.2 The Housing Officer will send a letter to tenants to advise them of their date of eviction. A home visit or office interview must also be undertaken to give advice, including the role of the Court and how to make an application to suspend a Warrant. Where there are other occupiers of the property (e.g. a lodger), Officers must be careful not to breach Data Protection requirements. However, general advice should be given, including the option of an interview with the Council's Housing Options Section.
- 9.3 The County Court Bailiff carries out the eviction, not Council employees. However, the Housing Officer will need to be present, together with the Council's Contractor (to obtain access). All evictions will require a specific risk assessment; if necessary, and on a risk management basis, other staff and/or partners will attend.
- 9.4 Evictions will be carried out following legal guidelines and in accordance with good practice.



- 9.5 Locks will be changed after each eviction and a detailed void inspection of the property, garden and any outbuildings made. This will be in accordance with the Council's Voids Policy.
- 9.6 All tenants evicted will be recharged for the expenses incurred by the Council during and after the eviction. This will include legal expenses and the cost of any rechargeable repairs. A robust, risk-based approach will be taken where belongings are left behind by the tenant. This may involve storage of items of value for a reasonable period before disposal.
- 9.7 Tenants who have been evicted will be liable for all debts they have with the Council after their eviction takes place.

## **10. Review and Complaints Process**

- 10.1 A review process exists for tenants who are not satisfied with the way the Council has dealt with their tenancy. They should, in the first instance, ask for an explanation from the Housing Officer. If the tenant is not satisfied he/she can contact the Tenancy Services Manager, who will review the case.
- 10.2 If the tenant remains dissatisfied, the tenant will be advised of the Council's Complaints procedures.
- 10.3 The Council operates a Complaints Procedure that is available to any applicant who is not satisfied with the way in which their case has been dealt with. Details of the Complaints Procedure can be obtained from the Council Office at Parkside or via the Melton Borough Council's website.

## **11. Performance Monitoring**

- 11.1 The Council will monitor performance on evictions using the following performance indicators:
- the total number of notices served for introductory and secure tenancies; and
  - the number of evictions.
- 11.2 The above performance indicators will be reported to tenant representatives and Elected Members as required.
- 11.3 The Council will review this Policy two years after adoption unless legislative or regulatory changes mean an earlier review is necessary.

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# Melton Borough Council Voids Policy January 2021

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## 1. Purpose and strategic context

- 1.1 Melton Borough Council is committed to providing high quality homes for our tenants. The purpose of the Void Policy is to make void properties available for letting as quickly as possible, minimising rent loss and maximising the housing available, whilst enabling our tenants to know what they can expect from their home: that it will be clean, safe, secure, and comply with any legal requirements.
- 1.2 This Policy ensures consistency of the standard of properties that we let to our tenants; in doing so, it supports Priority One and Two of the Council's Corporate Plan:

*Excellent services positively impacting on our communities*

*Providing high quality council homes and landlord services*

- 1.3 The Policy will enable the Council's ambitions for its housing function in the following ways:
  - a) Ensure that all properties are available to our tenants at an acceptable standard, meeting the Council's legal obligations and the terms of the Tenancy Agreement.
  - b) Confirm the minimum standard our tenants can expect when they move into a property, ensuring consistency throughout the standard of every property we let.
  - c) Explain how the Council will maintain its housing stock and preserve its value.
  - d) Ensure that the Council let its properties quickly and efficiently to ensure we meet housing demand and that we don't lose valuable rent.
  - e) Set out appropriate standards to measure performance delivery and ensures that no unnecessary expenditure is incurred in meeting these standards.

## 2. Policy Scope

- 2.1 This Policy applies to all properties held by the Council within its Housing Revenue Account and is triggered by a tenancy ending and it being appropriate for the Council to re-let the property.
- 2.2 Both mutual exchanges and direct lets for housing management reasons are outside the scope of the policy, although appropriate landlord compliance checks are carried out in relation to these functions.

## 3. Legislation and Guidance

- 3.1 This Policy will ensure compliance with current legislation, promote good practice and has regard to:
  - a) The Human Rights Act 1998
  - b) The Disability Discrimination Act 1995, 2005
  - c) The Sex Discrimination Act 1975
  - d) Equality Act 2010
  - e) Construction Design and Management Regulations (CDM 2015)
  - f) Gas Safety (Installation and Use) Regulations 1998
  - g) The Landlord and Tenant Act 1985
  - h) The Housing Act 2004

- i) Homes (Fitness for Human Habitation) Act 2018
- j) Regulator for Social Housing: Homes Standard

## 4. Principles

### 4.1 Mission Statement

To meet the purposes of the Policy, the Council adopts this Void Mission Statement:

*Minimise loss to the Council through the efficient letting of homes at the right time to the required standard*

This statement can be expanded as follows:

- a) Minimise loss – this includes: rent loss; Council Tax charges; avoiding expensive nightly paid accommodation due to lack of temporary accommodation; avoiding refusals; and avoiding tenancies starting with a poor experience that leads to failure
- b) Efficient letting – taking into account: void turnaround times; void expenditure; balancing major works against doing the minimum required; avoiding refusals
- c) Right time – working to consistent timescales and delivering to the targets given
- d) Required standard – meeting or exceeding the basic re-let standard, including cleanliness, and meeting all landlord statutory requirements (including: gas; electric; and water safety).

### 4.2 Priorities

Accordingly, this gives a number of key priorities:

- a) Provide a safe and secure home;
- b) Ensure that our homes meet the Decent Homes Standard;
- c) Improve re-let timescales;
- d) Provide a re-let standard that meets customers' expectations;
- e) Capture excellent data on the property and its major components; and
- f) Maximise the use of IT.

### 4.3 Policy Specifics

- 4.3.1 We continue to invest in our properties so that the Decent Homes Standard is maintained. We do this through annual improvement and maintenance programmes and by having a minimum standard for the properties we re-let once they become void.
- 4.3.2 A recharge will be raised for removal of goods and clearance of gardens to recoup expenditure and repairs where the tenancy agreement has been breached.
- 4.3.3 Where non-standard tenant improvements are in place and meet statutory and regulatory requirements, the re-let will be done with the following confirmed to the new tenant in writing:
  - i. The improvement is gifted to the incoming tenant
  - ii. The Council does not accept any responsibility for the maintenance of the improvement
  - iii. If the improvement is not maintained to a reasonable standard by tenant and/or it reaches the end of its lifespan, the Council will remove it and undertake remedial works to restore the property to the Council's

standard, and that this will be at no cost to the incoming tenant, save any redecoration

- iv. If white goods are in good condition we will PAT test and gift to new tenants.

If the incoming tenant refuses the improvement, it will be removed and remedial works will be done.

4.3.4 Properties coming back with history of damp and mould issues will have improvements made to the heating system. Where possible storage heaters will be replaced by gas central heating, following the below requirements:

- a) Existing or cost effective gas supply can be arranged.
- b) Assuring ventilation is adequate

4.3.5 Where there is no gas mains supply, the Council will undertake an options appraisal considering:

- a) New efficient storage heaters; or
- b) Alternative methods including ground and air source heat pumps.

This will be a best value approach based on but not limited to cost, ease of installation, the thermal characteristics of the property, and likely heating costs for future tenants.

4.3.6 Existing disabled adaptations will be left in place, subject to testing to establish they remain safe and appropriate for the property type. The property will be matched to an applicant with an appropriate long-term housing need.

Medical aids or equipment, e.g. walking frames, shower chairs etc. left in properties without a clear indication of ownership (provider labels etc.) will be deemed to be tenant belongings that have been abandoned and will be disposed of in line with the Council's usual approach.

4.3.7 Any arrangements between the outgoing tenant(s) in relation to the sale or disposal of their goods is a matter between third parties that the Council has no interest in. It must be concluded prior to the Council taking possession as access to the property will not be possible from that point.

4.3.8 The Council will restrict access to lofts in properties, going through the void process, where loft access is deemed unsafe.

4.3.9 Sheltered housing and properties used for Temporary Accommodation are to be fully decorated.

4.3.10 The Council will continue to aim to minimise the time a property is unoccupied by carrying out inspections in the tenant's notice period wherever possible.

4.3.11 During void works, the property is effectively a building site. Applicants who have been offered the property will only be able to undertake a viewing by prior appointment, accompanied by a Council Officer, and subject to appropriate risk assessment

4.3.11 To assist with re-let times the Council may:

- a) Offer an incentive to tenants to leave their home in lettable condition

- b) Complete non-urgent repairs once the new tenant has moved in. If this is the case, tenants will be informed of the timescale for their completion.
- c) Leave work to the garden if this means the property can be let to a new tenant faster. The gardening work will be completed once the property is occupied.
- d) Fully consult with the incoming tenant in relation to any major works needed at the new property, for example, a new kitchen.

## 5. Melton Borough Council's Void Quality Standard (MVQS)

- 5.1 This Policy confirms the following Policy approach to re-let standards:
- a) Carry out a gas safety check where gas is installed and leave a copy of the certificate at the property.
  - b) Carry out a safety check of the electrical installation.
  - c) Undertake a water hygiene test and provide a certificate.
  - d) Remove any rubbish from the property and garden.
  - e) Clean the property.
  - f) Re-decorate some or all of the property if it is required, or provide a decoration voucher to assist with the cost.
  - g) Carry out all of the urgent repairs and try and complete all other repairs whilst the property is empty.
  - h) Keep the incoming tenant informed of the date the property will be ready.
- 5.2 The full re-let standard is covered by the Melton Void Quality Standard (Appendix One).

## 6. Performance and Standards

- 6.1 The overall aim is to be within the national top quartile for void performance. Performance will be monitored regularly to help drive up management standards, ensure value for money by reducing costs, improving efficiency and satisfaction levels.
- 6.2 The Council acknowledges its stock requires considerable capital investment to improve it to the Decent Homes Standard and has committed to doing so. However, this does mean properties needing re-let works are often identified as requiring capital works. To reflect this, void performance will be managed operationally by reporting monthly using the following categories:

<b>Void type</b>	<b>Definition</b>
Type 1	Minimal works with quicker turnaround for relet
Type 2	More complex repairs required including addressing the Decent Homes Standard, improvement works
Type 3	Properties requiring reconfiguration, significant works and / or unsuitable to let, or held vacant for decant and/or regeneration/refurbishment projects
Type 4	Ready to let

- 6.3 Overall, void turnaround times are reported as part of the suite of Corporate Performance Indicators. Void budgets are managed through the usual Corporate budget monitoring processes.
- 6.4 In addition to the above, all void properties will be post-inspected upon completion of any identified works required prior to the new tenant viewing the property to ensure it



meets the MVQS and any identified repairs required after re-let will be checked by our Housing Asset Management Team.

- 6.5 The Council will also capture new tenant feedback and use this to inform process and policy improvements in relation to the re-let standard, allocations process, and tenancy sign-up.

## **7. Equality and Diversity**

7.1 Melton Borough Council will ensure its procedures are non-discriminatory and will promote equal opportunity by preventing and eliminating discrimination on the grounds of equality, disability, gender, sexual orientation, religion, belief, culture or age. We will ensure our services are accessible, responsive and sensitive to the diverse needs of individuals.

7.2 To support the needs of customers whose first language is not English, the Council will provide translation and interpretation services when needed. The Council will ensure that information is accessible and available in other formats such as large print, tape and Braille, as needed.

## **8. Complaints**

8.1 Should there be a complaint from the outgoing tenant or the new tenant concerning any aspect of the void works, this will be dealt with via the Council's Corporate Complaints Policy.

## **9. Policy Review**

9.1 The Policy will be reviewed every four years or if required by changes to statute or regulation.

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Melton Borough Council  
Voids Policy: Appendix One  
Melton Voids Quality Standard  
January 2021

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## **1. Purpose**

- 1.1 Melton Borough Council is committed to providing high quality homes for our tenants. The purpose of the Melton Voids Quality Standard (MVQS) is to enabling our tenants to know what they can expect from their home: that it will be clean, safe, secure, comply with any legal requirements, and meet the criteria specified in the standard.

## **2. Priorities**

- 2.1 The specifics of the MVQS sit below a number of key priorities and the MVQS should be read in conjunction with the Council's Void Policy, which gives the following general priorities:
- a) Provide a safe and secure home;
  - b) Ensure that our homes meet the Decent Homes Standard;
  - c) Improve re-let timescales;
  - d) Provide a re-let standard that meets customers' expectations;
  - e) Capture excellent data on the property and its major components; and
  - f) Maximise the use of IT.

## **3. Melton Void Quality Standard – general approach**

- 3.1 The Voids Policy confirms the following approach to re-let standards:
- a) Carry out a gas safety check where gas is installed and leave a copy of the certificate at the property.
  - b) Carry out a safety check of the electrical installation.
  - c) Undertake a water hygiene test and provide a certificate.
  - d) Remove any rubbish from the property and garden.
  - e) Clean the property.
  - f) Re-decorate some or all of the property if it is required, or provide a decoration voucher to assist with the cost.
  - g) Carry out all of the urgent repairs and try and complete all other repairs whilst the property is empty.
  - h) Keep the incoming tenant informed of the date the property will be ready.

## **4. Inspection**

- 4.1 Before we re-let every property the Council will undertake a thorough visual inspection of the following:
- a) Gas central heating system
  - b) Electrics
  - c) All plumbing
  - d) Ceilings and roofs
  - e) Internal walls
  - f) Internal floors, stairs and landings
  - g) Internal doors
  - h) External doors and windows
  - i) Smoke and CO alarms, where fitted
  - j) Previous tenant alterations
  - k) Sanitary fittings
  - l) Kitchen units
  - m) Walls, fencing and gates
  - n) Paths and gardens

o) Polystyrene tiles and polystyrene coving

#### **5. Kitchens**

- a) All units will be in a useable condition.
- b) Where space allows, we will supply at least one wall unit, one base unit with a sink top above and one length or worktop to prepare food (this is the minimum standard but most kitchens will meet a higher standard with additional units and worktops).
- c) Worktops will be clean and sealed where the worktop meets the wall and around the sink.
- d) The sink will be clean and free from rust and stains.
- e) Taps will be useable and labelled hot or cold.
- f) A cold and hot water supply will be provided to the kitchen sink.
- g) There will be at least two rows of tiles on the walls above the sink where space allows.
- h) The kitchen will provide sufficient food storage and food preparation areas.
- i) Where space allows we will ensure there is provision made to site a fridge, washing machine and cooker.

#### **6. Bathrooms and WC's**

- a) The bath will be clean and sealed where the bath edges meet the tiling on the walls.
- b) The WC will be clean, easy to flush with a seat and lid.
- c) The wash hand basin will be clean.
- d) Taps will operate easily and be labelled hot or cold.
- e) A cold and hot water supply will be provided to the wash hand basin, bath and shower where fitted.
- f) There will be at least two rows of tiles on the walls above the bath and wash hand basin where space allows.

#### **7. Gas Services**

- a) The Council's Gas Contractor will visit the new tenant to fire up their heating system, issue a test certificate and provide a demonstration on how to use it.

#### **8. Electrics**

- a) A full electric test will be undertaken and an electrical certificate will be provided to the tenant.

#### **9. Water Services**

- a) The water supply will be flushed.
- b) All pipe work, leaks, overflows, taps, waste systems, cisterns and storage tanks will be inspected, reattached, repaired or renewed to function correctly.

#### **10. Ceilings**

- a) All ceilings will be free from large cracks, bulges, large holes, and polystyrene tiles and coving will be removed.

#### **11. Walls**

- a) All walls will be free from major defects including large cracks, bulges or large holes.

#### **12. Floors**

- a) Damaged tiles will be replaced and damaged floorboards renewed.
- b) Flooring surfaces will be ready to take floor covering.
- c) Carpet grips will be left in place for the new tenant to reuse, however if it is their preference not to use them they will be removed at the tenant's request.

### **13. External Doors and Windows**

- a) All doors and windows will be in good working order with secure locks.
- b) Window Glass will be intact and secure.
- c) A full set of keys including window lock keys will be issued.
- d) All door locks will be replaced.

### **14. Internal Doors**

- a) Internal doors will open and close with useable door furniture.
- b) All door openings will have a door fitted.

### **15. Staircase**

- a) A safe handrail will be provided to all staircases.

### **16. Smoke alarms and Carbon Monoxide Detectors**

- a) Adequate numbers of smoke alarms will be fitted, and Carbon Monoxide Detectors where required.
- b) Where these are provided, they will be checked and serviced.
- c) If not hard wired the batteries will be changed.

### **17. Damp**

- a) All properties will be free from damp.
- b) The Council will ensure an exhaustive inspection whenever damp or mould is present and will undertake whatever works are needed, e.g. upgrading fans and ventilation.

### **18. Gas and Electricity**

- a) It is the responsibility of the new tenant to arrange their utility supplier.

### **19. Decoration**

- a) The Council is not responsible for the decorative order of the property; however where standards are so poor that re-letting is difficult, minimum redecoration will be completed at the discretion of the Void Working Group.
- b) A decoration grant may be given for rooms which we feel do not meet a satisfactory standard in accordance with our Policy, to assist the new tenant with the cost of decorating.
- c) Sheltered accommodation and Temporary Accommodation will be redecorated

### **20. External**

- a) Fences and walls will be sound.
- b) Hedges in conservation areas will not be removed.
- c) Lawns will be left manageable and no longer than six inches in height.
- d) Trees will not be over eight foot in height.
- e) Overgrown shrubs will be trimmed back.
- f) Sheds/outbuildings in a poor condition will be removed.
- g) Rubbish and debris will be removed.

### **21. Repairs After Re-let**

- a) Not all repairs will be carried out before re-letting. Some repairs may be completed once the incoming tenant has moved in. These will be repairs that wouldn't prevent the tenant from living in the property.
- b) The new tenant will be advised of any outstanding work during viewing and/or during sign-up. New tenants will be asked to sign an acceptance form that confirms the property is of an acceptable standard, with any repairs due after re-let clearly noted.

## **22. Planned Capital Works**

- a) New tenants will be provided with details of capital works due in the next five years.

## **23. Tenant Improvements/Alterations**

- a) Our homes are of an age that it should be expected by incoming tenants that fixtures and fittings are in a used condition. The homes we let will have been occupied by other tenants who may have differing standards and decorative tastes; however we will ensure that any previous tenant alterations the Council deem to be substandard will be removed.
- b) Existing tenant improvements will be left in place and, in effect, gifted to the new tenants.

## **24. Energy Performance – SAP Rating**

- a) Standard Assessment Procedure (SAP) has been adopted by the Government as part of the national standard for calculating the energy performance of buildings. SAP ratings are expressed on a scale of 1 to 100 – the higher the number, the better the rating:
  - A 92-100 points (Most efficient)
  - B 81-91 points
  - C 69-80 points
  - D 55-68 points
  - E 39-54 points
  - F 21-38 points
  - G 1-20 points (Least efficient)
- b) All properties will be assessed and an Energy Performance Certificate (EPC) will be issued.
- c) Our aim is to have an average SAP rating within Band C across the Council's housing stock.

## **25. Complaints**

- a) Should there be a complaint from the outgoing tenant or the new tenant concerning any aspect of the void works, this will be dealt with via the Council's Corporate Complaints Policy.

## **26. MVQS Review**

- 26.1 The MVQS has been developed with the input of the Tenants Forum Executive Committee and will be reviewed every two years or if required by changes to statute or regulation.