



**WEAR
VALLEY**
DISTRICT COUNCIL

Agenda Item No. 3

HOUSING SERVICES COMMITTEE

2 MARCH 2005

Report of the Director of Housing Services

ALMO UPDATE

purpose of the report

To inform Committee of next steps in the ALMO process and summarise a programme of work until November 2005.

background

1. The Housing Services Committee finalised Wear Valley District Council's bid for a place on round 5 of the ALMO programme on the 13th January 2005.
2. The Council was notified that the stock options appraisal process had been "signed off" (agreed) by Government Office for the North East (GONE) on 17 January 2005.
3. The amendments and additions proposed by Councillors and the Customer Panel were made to the bid and the GONE sign off was included in section B of the final bid.
4. The completed ALMO bid and all supporting documentation were taken to the Office of the Deputy Prime Minister and submitted to Andrew Dack, ALMO Support Officer in the Decent Homes Division of the ODPM, on Friday, 21 January 2005. The closing date for ALMO applications was Friday, 28 January 2005.
5. An announcement of successful applications will be made by the ODPM in May 2005. This is subject to change if a general election is called.

next steps

6. Until an announcement of successful ALMO applications is made, the ODPM recommends that authorities proceed as if they have been successful. The Housing Services Department will begin work on:
 - An ALMO Project Team;
 - An impact assessment;
 - Consultation with staff and elected member training;
 - Consultation with customers;

- The development of a Management Agreement;
 - The development of Articles of Association;
 - The appointment of ALMO Board Members;
 - Preparation for an indicative Best Value inspection in September 2005; and
 - An application to the Secretary of State for approval to delegate the housing management function to the ALMO under section 27 of the 1985 Housing Act.
7. A process map of the work to be undertaken in developing the new ALMO is attached at Annex 1.

almo project team

8. An ALMO Project Team was established in February 2005 and includes representation from the following departments:
- Housing – including Business Support, Neighbourhood Operations and Community Involvement;
 - Finance;
 - Personnel;
 - Management Support Unit;
 - Legal;
 - Trade Union representation; and
 - Regeneration
9. The ALMO Project Team is responsible for:
- Undertaking an impact assessment;
 - Reviewing and redeveloping the Council's Housing Strategy;
 - Developing a Management Agreement;
 - Developing Articles of Association; and
 - Developing a "Decent Homes Strategy" and associated ALMO strategies and plans.

impact assessment

10. Whilst the Council has an understanding of the immediate financial implications of the ALMO a further detailed impact will need to be carried out. This will cover issues such as –
- The reduction in staff numbers and both strategic and operational capacity in the Council;
 - The retention of expertise to effectively discharge the strategic housing function in the longer term;
 - Consideration of the roles and responsibilities of the policy committee in monitoring the ALMO and the strategic housing role;
 - The most appropriate method of councillors as 'community champions' to engage with the ALMO; and
 - The cost of establishing the ALMO financed through the HRA.

consultation with staff and elected member training

11. Information will be regularly distributed to staff and members via internal newsletters and regular briefings.
12. There will also be opportunities for staff and elected members to undertake training in issues such as customer involvement, ALMO governance and finance and Best Value Inspection. Training will be provided by PS Consultants, the Independent Tenant's Advisor (ITA) and the Community Housing Task Force.
13. In accordance with regulation 10 of the Transfer of Undertakings (Protection of Employment) Regulations 1981 letters will be sent to employees and trade unions informing them of:
 - The transfer;
 - The reason for the transfer;
 - Their transferral to the ALMO;
 - The legal, economic and social implications of the ALMO;
 - Their right to object to the transfer; and
 - Any measures that will effect employees. Employees representatives must also be consulted about these measures to ensure agreement.
14. A detailed staffing structure of the ALMO will be developed following the impact assessment and consultation with staff. The final staffing structure will be a matter of agreement between the Council and the ALMO Board. Trade Unions will also be consulted in this matter.

consultation with customers

15. In accordance with the 2004 ALMO Guidance the Council will provide customers and leaseholders with information and the opportunity to comment on:
 - The reasons for setting up an arms length body;
 - The functions to be transferred and the continuing role of the local authority;
 - The composition and status of the arms length body and its Board, including the selection and role of the tenant Board Members;
 - Tenants and leaseholder rights; and
 - Performance standards for the ALMO.
16. The Council and the Customer Panel have also agreed that PS Consultants should continue in their role as ITA throughout the ALMO process. The Council will work with PS Consultants in delivering:
 - Training sessions with the Customer Panel ALMO Working Group;
 - A freephone facility;
 - The production of 4 newsletters for all tenants (one of which will include a tear off slip to gauge customer support for the ALMO proposals);
 - A minimum of 2 visits to each residents group;

- Support, recruitment and training of tenant Board Members; and
 - Consultation with hard to reach groups. This includes young people, elderly people, Black Minority Ethnic (BME) groups and other minority societal groups.
17. The Council will undertake a campaign of extended consultation. This will include roadshows across the district, workshops, focus groups and a poster and leaflet campaign. This will provide the Council with the opportunity to directly discuss ALMO proposals and implications with customers and leaseholders it will also provide customers with numerous opportunities to engage with the Council and ask questions.
18. The Customer Panel has nominated 11 representatives to become the Customer Panel ALMO Steering Group. This group will advise the Council on customer engagement in establishing the ALMO. This group will also undertake some training in issues such as customer involvement and empowerment and ALMO finance and best value inspection. The training will be provided by PS Consultants.

management agreement

19. According to the 2004 ALMO Guidance, the relationship between a local authority and an ALMO is defined in a Management Agreement, which sets out the obligations of each party. This needs to cover:
- The functions to be delegated to and carried out by the ALMO;
 - The standards to which they are to be carried out;
 - Arrangements for reporting on and monitoring performance;
 - Requirements for the involvement of tenants in decision making;
 - The financial relationship and obligations of each party;
 - Arrangements for liaison and consultation between the authority and the ALMO;
 - The ALMO's role in helping to deliver the authority's housing strategy, including means to ensure that the authority, as an ALMO shareholder, can achieve its objectives without unduly inhibiting the ALMOs freedom to manage the stock;
 - The length of the agreement: for example an initial period of 5 years, renewable; or 10 years, renewable with provision for a break after 5 years;
 - Actions to be taken where there is non compliance or failure; and
 - Arrangements for termination

articles of association

20. The council must develop "Articles of Association" to set out the internal regulations that cover procedures, meetings, directors and other administrative issues of a company. These Articles will define the responsibilities of the Board Members and their relationship with the executive team and the Council. They

will also establish terms of reference for the proper management and monitoring of the company.

the appointment of almo board members

21. The Board Member recruitment process will begin once the successful bids for a place on round 5 of the ALMO programme are announced in May 2005. However if a general election is called an announcement of successful bids may be delayed until June 2005. Therefore Councillors are advised to allow a month for slippage in the timetable for Board Member recruitment.
22. The Council will initiate the nomination and election of tenant/leaseholder Board Members. The Council will also identify its nominees for the shadow Board and will observe the following principles:
 - Council nominations should be serving councillors; and
 - Councillors serving on the Board should not play a significant role in decisions within the Council that relate to the ALMO and it's functions;
23. Once the tenant Board Members are elected and Council nominees have been identified, a skills audit will be undertaken. Vacancies for independent Board members will then be advertised in the local press and independent Board Members will be appointed by the Council, following an application and interview process. It is envisaged that that independent members should be encouraged to apply if they have experience of social housing, regeneration, social cohesion, finance or other ALMO responsibilities.
24. Each Board Member will be given a formal letter specifying the Board member's obligations, a copy of the code of conduct and they will be requested to sign a copy to indicate their acceptance of the terms and conditions of the post.
25. The 2004 ALMO Guidance advises that when the Secretary of State considers an authority's application to delegate the housing management function to an ALMO (section 27 of the 1985 Housing Act) Ministers will usually expect all Board members to have been appointed, to have met as a full Board at least once and to have undertaken some initial training.
26. Shadow ALMO Board Members will undertake some initial training in summer 2005, which will be facilitated by PS Consultants, the Community Housing task Force and other specialist training providers. The programme will include training on corporate governance, housing management, Best Value, equalities, development of board skills, leadership skills and housing finance.
27. The new Board will have met at least once before the application for section 27 approval is submitted to the Secretary of State in October 2005. The Board will have had a shadow running period of at least nine months before the ALMO assumes operational responsibilities in April 2006.

indicative best value inspection

28. The Housing Inspectorate encourages Councils planning to establish an ALMO to request an “indicative” inspection of housing services. This should take place before the transfer of key services to the ALMO. The ODPM requires that all key service areas have been subject to a Best Value review prior to the full inspection of the ALMO. Wear Valley District Council has completed Best Value reviews on the key repairs and maintenance service in 2001 and 2003.
29. The indicative inspection will assess the service, score its performance and identify areas in need of improvement. Indicative inspections have enabled some Councils to establish a realistic timetable for their ALMO inspection and have identified key areas of weakness in need of address to achieve a positive outcome in the full Best Value review of the ALMO.
30. The indicative inspection does not remove the need for an inspection once the ALMO is set up. A full Best Value inspection is scheduled for October 2006, six months after the ALMO has been established.
31. The Council’s housing services will be subject to an indicative Best Value Inspection in September 2005. Dates are yet to be confirmed.

section 27 application

32. In considering applications from local housing authorities for approval under section 27 (1985 Housing Act) to enter into agreements with an ALMO for the exercise of some or all of their housing management functions, the Secretary of State will wish to be satisfied that authorities and their ALMOs:
 - Have complied and are likely to comply with the key principles specified in the ODPM’s ALMO Guidance; and
 - Will deliver improved housing management services that are responsive to tenant’s needs offer good value for money and make significant contributions to meeting the Government’s decent homes target;
33. The Council must include the following in its application for section 27 approval:
 - Information on the Council’s housing stock;
 - A list of the housing management functions to be delegated to the ALMO;
 - Information on the Council’s future strategic housing role, including arrangements to ensure this role is adequately resourced;
 - Dates, scope and summary of the findings of any Best Value reviews undertaken by the Council or inspections undertaken by the Housing Inspectorate. A timetable of reviews should also be included;
 - A summary of tenant involvement and consultation throughout the process and information detailing tenant support for the proposals;
 - Information on the composition of the ALMO Board;
 - Information on the Management Agreement and Articles of Association;

- Details of discussions held with staff on the ALMO proposals and future staffing information; and
 - Forecasts of expenditure and projections of meeting the decent homes target
34. Authorities can submit their applications for section 27 approval at any time. It is proposed that Wear Valley District Council will submit an application for section 27 (1985 Housing Act) approval in November 2005.

RECOMMENDED

1. Committee recognises and agrees the proposed work programme until November 2005.
2. Committee instructs the Director of Housing Services to begin the work programme.

Officer responsible for the report

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Author of the report

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ALMO Process Map January 2005 (Draft)

Action	Date	Responsible Officer
Development of an ALMO project team	Feb 2005	Director of Housing Services
Impact study, examining the: <ul style="list-style-type: none"> ▪ Effect of the ALMO on the Council ▪ New political and performance reporting structures ▪ The composition and structure of the ALMO ▪ ALMO principles of establishment (i.e. delegation of functions and staff, constitution, composition of the Board) ▪ Review of support services ▪ Impact on the General Fund ▪ Strategic housing functions ▪ Budget for establishing an ALMO ▪ Possible premises 	From Feb 2005 – March 2005	ALMO Project Team
Information sharing and staff consultation <ul style="list-style-type: none"> ▪ Teamtalk ▪ Consultation on staff transfers 	Feb 2005 onwards	Head of HR
Tenant consultation to begin <ul style="list-style-type: none"> ▪ ALMO steering group ▪ Customer Panel ▪ Publications WVHM, WVM and press ▪ Appointment of communications consultant 	From Feb 2005	Community Involvement Team
Performance Management System to be developed to enable dept to reach 2 stars and subsequent service development	From Feb 2005	Housing Services Performance Review Team
Review and amendment of Housing Strategy	Mar 2005	Head of Regeneration
Management Agreement to be developed	From Apr 2005	Head of Legal Services
Articles of Association to be developed	From Apr 2005	Head of Legal Services
TUPE staff consultation	May 2005	Head of HR/ Union representatives/ ALMO Project Team

Action	Date	Responsible Officer
Evidence for Best Value review to be gathered and teams established	May 2005	Service Development Manager
Development of supporting ALMO strategies including: <ul style="list-style-type: none"> ▪ Decent Homes Delivery Strategy ▪ Outline ALMO Business Plan 	May 2005 (although preliminary work can be undertaken now)	Head of Business Support (consultants if required)
Identification of premises and consultation with staff and customers on premises	June 2005	Head of Property Services
Appointment of ALMO Board Members	From June 2005	Director of Housing Services/Customer Panel
ALMO Board to be trained and Board to have met at least once as a group	End of July throughout August 2005	PS Consultants/Community Housing Task Force
Indicative Best Value inspection	September 2005	
Application to the Secretary of State for section 27 approval	November 2005	Head of Legal Services/Service Development Manager



HOUSING SERVICES COMMITTEE

2 MARCH 2005

Report of the Director of Housing Services

HOUSING ALLOCATIONS POLICY AND PROCEDURE GUIDE

purpose of the report

To seek Committee's approval to amend the Allocations Policy and Procedure.

background

1. In November 2003 Committee agreed to adopt an amended Allocations Policy and Procedure subject to consultation.
2. In June 2004 Shelter raised a number of concerns about the policy, namely our eligibility criteria and our practice of suspending applicants who have a housing related debt.
3. Shelter's concerns are founded.
4. Whilst implementing the policy officers have highlighted areas for improvement in working practices.

proposals

5. The procedure is amended in accordance with identified improvements.
6. Annex 2 is the proposed policy and procedure guide, with amendments in bold italics.

financial implications

7. Since the new system has already been costed and funding is in place, the financial implications of this proposal are minimal.

legal implications

8. The Council's obligations under the Homelessness Act 2002 and Housing Act 1996 have been taken into account.
9. In reviewing the policy the Council has also considered the requirements of the Race Relations (Amendment) Act 2000; and the new allocations system, for

General Needs and Homeless applicants will also be monitored in accordance with the CRE Code of Practice.

10. If the procedure is not amended it is likely we would be challenged, through a judicial review, on its implementation.

information technology

11. The necessary IT plans for the new system are already in place. The proposals do not impact on these in any way, requiring only the application of different parameters.

crime and disorder and other implications

12. There are no crime and disorder implications. However the proposal is felt to strengthen the Council's position with regard to fairness and equality.

timescale

13. The policy can be fully adopted, following staff training, by March 2004.

RECOMMENDED

1. Committee approves the revised Allocations Policy and Procedure attached at Annex 2.
2. Committee authorises the Principal Neighbourhood Operations Manager to advise the Customer Panel of the revised Policy and Procedure.

Officer responsible for the report	Author of the report
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Director of Housing Services	Principal Neighbourhood Operations Manager
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HOUSING ALLOCATIONS
POLICY AND PROCEDURE GUIDE
CONTENTS

1. ***Policy Statement***
2. ***Procedure Guide***
2. Completion of registration form
3. Officer Code of Conduct
4. Checking information
5. ***Eligibility***
6. *Assessment and registration*
7. Applicant selection
8. Vetting
9. Arranging a viewing
10. Sign up
11. Customer care visit

Policy Statement

Wear Valley District Council is committed to equal opportunities and equality of access to services. Applications are welcomed regardless of a person's ethnic origin, religious beliefs, language, geographic location, special needs and learning difficulties, sexual orientation, gender, age or disability.

A copy of this document is available in Braille, in large print, on audio tape, on CD Rom, or in other languages.

Wear Valley District Council operates two housing registers. One for the elderly/special needs and one for general needs. Registration forms will be accepted from applicants living outside the Wear Valley area.

In the allocation of Council houses it is important that the Council's policy is applied fairly and efficiently. The policy is based around the principles of allocating to those in need, clarity for applicants and encourages sustainable communities. ***We offer a Tenancy Support Service to customers who may require advice and assistance in setting up and maintaining their tenancy. We also offer a Money and Debt Advice Service and customers are offered a financial health check before accommodation is allocated to ensure income is maximised and that they can meet the costs of running a home.***

We will fulfil our nomination rights with Housing Associations to assist our customers in acquiring the home of their choice.

It is the Council's aim to provide choice for applicants. ***Applicants are not restricted in their areas of choice and are not limited to the number of offers of accommodation they can receive.***

The procedure guide is intended to assist officers in applying the policy in an efficient and timely manner.

All applications for Council housing are assessed and dealt with under this policy, regardless of the types or location of housing that is required.

PROCEDURE GUIDE

Completion of registration form

One form will be used for all applicants, covering elderly and general needs. When an applicant contacts us and indicates their wish to register for housing they must, in the first instance be offered a personal interview for assistance with the completion of the registration form. This is not only good practice but also allows us the opportunity to ensure the form is correctly completed. It will also give us the opportunity to advise the applicant of previous allocations in their area of choice and how quickly they can expect to be offered accommodation. If the applicant does not wish or is not able to attend an interview the form will be posted or handed to them. The guidance notes must also accompany any form issued. When a form is completed in the presence of an officer the information must be checked, the form signed and the subsequent procedure explained.

All registration forms will be date stamped upon receipt or completion at the office. If the form is not fully completed or signed it shall be returned to the applicant with a covering letter requesting full completion. If this information is returned within 14 days the form will be registered from the original date. Otherwise it will be registered from the date it is subsequently received. If however, all the information is provided but further supporting information e.g., doctor's notes, registration can proceed with the application being placed onto the register and the applicant advised of their responsibility to provide such evidence. Officers will use their judgement as to cases where further supporting evidence is required. As a general principal this should not be asked for unless necessary. The applicant may be advised that the points awarded may be subject to this evidence being provided by them.

Upon receipt of a fully completed form it will be acknowledged, in writing, within 5 working days.

Officer Code of Conduct

Should a registration form be received from a Councillor, Council staff member or close relative of an officer who is involved in the allocation process, this must be brought to the attention of the Neighbourhood Manager. Once the applicant becomes next on turn on the housing register only Neighbourhood Manager and their Managers can authorise the offer of accommodation to a relative of an officer and the Director of Housing only can authorise the offer of accommodation to a Councillor or council staff member.

This is to ensure that all applicants are treated fairly and the policy can be seen to be transparent.

Checking the information

Upon receipt of the registration form it is imperative that the Customer Service Assistant checks the information. According to the information submitted the following checks must be made:

- ◆ With existing landlord, if any. This will verify length of tenancy, condition of home, anti social behaviour, rent arrears and any other relevant problems. If the landlord requests payment for this check it is the responsibility of the applicant to pay it;
- ◆ Housing history with other social landlords to verify the same as above;
- ◆ Previous Wear Valley District Council tenancy records and
- ◆ With building society, banks if appropriate i.e., possession orders

The check sheet on the registration form must be updated with full details of all checks made and signed by the officer.

Assessment and registration

Eligibility

Every application will be considered individually to ensure that the scheme is not applied so rigidly as to produce an unfair outcome.

An applicant will not be eligible for an allocation if:

- ◆ ***they are people who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (Appendix One) This does not apply to existing local authority secure or introductory tenants; or***
- ◆ ***the Council is satisfied that they, or a member of their household, have been guilty of unacceptable behaviour making them unsuitable to be a at the time the application is considered. Behaviour will be classed as unacceptable if it would have entitled the Council to a Possession Order had the applicant been a tenant at the time the behaviour took place.***

A proportion of all applications will be checked with the police to ascertain whether the applicant meets any of the above criteria. . A check can also be requested if information is received that leads us to believe the applicant may not conduct a tenancy in a satisfactory manner. Neighbourhood Managers, their Managers and the Tenancy Enforcement Manager have delegated authority to decide on eligibility. Should an applicant be deemed ineligible they will receive a letter clearly stating the grounds for ineligibility and advising the applicant of their right to appeal against the decision.

The authority will remain conscious of its statutory duties set out in the Housing Act 1996, as amended by the Homelessness Act 2002. This means that even if the applicant is deemed ineligible under the housing register, but the council owes the applicant the full homeless housing duty, under S193, accommodation will have to be secured, however, this need not be from the Council's housing stock,

Registration

All registration forms should be date stamped upon receipt. The Customer Service Assistant will check the registration form has been fully completed. A fully form will be acknowledged within 5 working days. If the form needs further completion then it will be returned to the applicant with a covering letter explaining what information is required and that the form has not been registered. If the completed form is returned to us within 14 days then the form will be registered from the initial receipt date. After 14 days it will be registered from the date we received the completed form.

Accommodation designed for the elderly or disabled will be allocated to applicants aged 60 years or over or who have medical requirements which will be met by living in ground floor or adapted accommodation.

Nominations will be sought from Social Services for accommodation that has been adapted to suit those with mobility difficulties i.e., ramps, flat floor showers.

Single applicants and couples without children will only be registered for 1 or 2 bedroomed accommodation. However should a vacancy arise for a 3 bedroomed property and there are no applicants registered they will be considered for the allocation. Applicants who do not meet the criteria for one bedroom bungalows will also be considered for areas where there is low demand from qualifying applicants.

Families with 3 or more children will be given priority over other families for 4 bedroomed accommodation. This could mean that an allocation would be made to families who are not next on turn on the housing register.

Assessment

Reasonable preference will be given to the following categories of people, as set out in s167 of the Housing Act 1996:

- ◆ *People who are homeless (within the meaning of Part 7 of the 1996 Act; this includes people who are intentionally homeless and those who are not in priority need. The Homeless Officer will decide if an applicant is “homeless”. It is the Council’s aim to provide the greatest security of tenure possible;*
- ◆ *People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;*
- ◆ *People who need to move on medical or welfare grounds; and*
- ◆ *People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship to themselves or to others.*

Allocation of points

Applicants may meet a number of the following criteria and will be awarded the allocated points for each criteria they meet.

Homeless applicants (under the meaning of the 1996 Act) (points to be awarded by Homelessness Officer)

Applicants where full duty is owed **50 points**
Applicants where partial duty is owed **25 points**

Points awarded for applicants fulfilling the above criteria will be time bound for 3 months. After 3 months the applicant's circumstances will be reviewed again by the Homeless Officer. This will ensure we have up to date, accurate information for the applicant and whether we need to consider securing accommodation in advance of an offer from the housing register. The conditions attached to any offers made on homelessness grounds will be advised to applicants as part of the official decision into their homelessness application. This could result in an offer in an area that they may not have specifically requested.

An applicant who is awarded homelessness points is also likely to qualify for points from the following categories.

At risk of losing current accommodation when a legal notice has been served

Single/Couple without child(ren) 10 points
Single/Couple with child(ren) 15 points

Occupation of unsanitary, unsatisfactory or overcrowded accommodation (if an applicant is pregnant the unborn child is counted as a member of the family)

Lack of inside WC 5 points
Lack of bathroom or kitchen 5 points
Lack of cold/hot water supplies electricity, 5 points
Lack of living room 5 points
Lack of bedroom (1 person per bedroom) 5 points
Single person sharing accommodation 5 points
Couple (without children) sharing accommodation 10 points
Single/couple (with children) sharing accommodation 15 points
Couple unable to live together (without children) 10 points
Couple unable to live together (with children) 15 points
Household living in an upstairs flat with children under the age of 10 years 15 points
Relationship breakdown **15 points**
House in disrepair (classified by an Environmental Health Officer) **15 points**

Medical Need

Medical need will be taken into account only when a move to alternative accommodation will improve the applicant's standard of living. Only in extreme circumstances will an applicant be asked to provide information from their doctor. In these cases the Council will pay for any fees incurred.

Mental illness or disorder	10 points
Physical or learning disability	10 points
Chronic or progressive medical condition (eg., HIV/AIDS)	10 points
Infirmity due to old age	10 points
Need for improved heating	10 points
Need for ground floor accommodation	10 points
Need for adapted housing or extra facilities	10 points
To gain access to specialised medical treatment	10 points

Violence

To escape all forms of violence (incl sexual, racial and physical)	15 points
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Social Need

<i>Applicants with a support plan in place</i>	10 points
Young people at risk/ or those with restricted Ability to fend for themselves	15 points
Those with behavioural problems (where present accommodation is detrimental to the behaviour)	15 points
The need to give or receive care	15 points
Management reasons	Discretionary

A customer may be referred to the Tenancy Support Service if it is believed they will benefit from assistance in setting up and maintaining their home.

Time on housing register

For every full year	5 points
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Financial Difficulties

Difficulty maintaining rent or mortgage payments due to a change in circumstances	10 points
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A letter will be generated to the customer confirming registration; giving information as to the points awarded and confirms the registration number and the customer's right to appeal.

Adjusting Priority

Neighbourhood Managers and their Managers can adjust an applicant's priority (points) if information is received that:

- ***there is an outstanding debt to a current or previous landlord;***
- ***the applicant or a member of his/her household has acted in an anti social manner;***

- ***a previous tenancy was not conducted in a satisfactory manner***

Although the above is a general guideline every application will be looked at on an individual basis and priority will only be adjusted if there are genuine reason to believe a future tenancy may not be conducted in a satisfactory manner.

Priority (points) will be removed from an applicant if there is evidence of the above. They will, however, remain on the housing register and accrue time waiting points. They will be allocated a property should their turn arise on the housing register. If priority has been adjusted the customer will receive a letter explaining the reason for the adjustment and their right to appeal.

Transfers

Transfer requests will be dealt with in the same manner as all other application. The applicant will also be considered for nominations if they have indicated this on their registration form.

Appeals

An applicant can appeal against the following:

- Level of points
- Ineligibility
- Adjustment of priority

Upon receipt of an appeal all related paperwork will be passed to the Principal Neighbourhood Operations Manager or in his/her absence the Head of Neighbourhood Operations, within 3 working days. The Principal Neighbourhood Operations Manager will review the application and respond within 5 working days.

Applicant selection

When the Customer Service Assistant is ready to select an applicant for a property they will interrogate the allocation system, selecting the applicant with the highest number of points. Once the applicant is selected the offer will be produced and passed to the Housing Officer.

Vetting

The Housing Officer will contact the applicant, preferably by telephone, within 2 working days of the paperwork being processed. An appointment will be made to visit the applicant at the address on the registration form to verify the information supplied. A property inspection will also be carried out for Wear Valley District Council tenants.

Viewing

The Housing Officer should arrange a mutually convenient appointment for the viewing to take place. The Housing Officer should arrive at the property at least 10 minutes

before the viewing is scheduled to take place. They will be given the opportunity to open the doors, check for amenities such as electric metre, gas metre, telephone point, cooker point. It would also provide the officer with an opportunity to seek out the property's benefits i.e., view, gardens, in order to relay this information to the applicant. The applicant is required to make a decision within 48 hours following the viewing. Failure to respond within 48 hours will result in the offer being withdrawn and the applicant will be advised of this during the viewing.

Refusal

Applicants will not be penalised for refusing a property, they will return to the housing register keeping the same level of points as previous.

Sign up

Once the customer has indicated they would like to accept the property an office visit will be arranged for them. Normally the Customer Service Assistant will carry out the sign up interview but the Housing Officer can also do this if it expedites matters. The sign up sheet must be completed and signed by both the officer and customer. During the interview the customer must be advised as to the type of tenancy they have been granted, repairs which will be completed once they are living in the property, their and the Council's obligations. If the customer is to apply for Housing Benefit then the claim form will also be completed at the sign up interview. The customer should be advised as to the connection of services and that they must inform us when they have a gas and electric supply so that we may carry out safety checks. **Safety checks will not be carried out on a Friday afternoon.** In all instances the customer must receive a copy of the last gas service record. The customer should be advised of any Resident Association in their area and details of the Customer Panel. If they are interested in receiving further information then their details will be passed to the Community Involvement Manager. It is good customer service to arrange a post tenancy visit at this stage.

Post tenancy visit

A customer care visit should be carried out within 6 weeks of the tenancy commencing. This visit gives us the opportunity to ensure the customer has moved into the property, that all repairs have been carried out and that there are no rent arrears.

Monitoring

Neighbourhood Managers will review 5% of all allocations every month to ensure compliance with the policy.

Appendix One

Classes of applicants who are eligible for an allocation of housing

Class of applicant	Conditions of eligibility	How to identify/verify
Existing social tenant(allocated accommodation by LA)	None	
British Citizen	Must be habitually resident in the CTA (1))	Passport
EEA Citizen (2)	Must be habitually resident in CTA, unless applicant is a worked (3), or applicant has a right to reside in the UK(4)	Passport or national identity card
Person subject to immigration control granted refugee status	None	Stamp in passport or Home Office letter
Person subject to immigration control granted exceptional leave to remain	ELR must not be subject to a condition requiring him/her to maintain him/herself and dependants	Stamp in passport or Home Office letter
Person subject to immigration control granted indefinite leave to remain	Must be habitually resident in CTA, and, if ILR was granted on undertaking that a sponsor(s) would be responsible for maintenance & accommodation and 5 years has not elapsed since date of entry to UK or the undertaking no sponsor remains alive	Stamp in passport or Home Office letter
Person subject to immigration control who is a citizen of a country that has ratified ECSM(5) or ESC(6)	Must be lawfully present(7) in UK. Must be habitually resident in CTA	Passport

1. CTA - The Common Travel Area includes the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.
2. EEA countries are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and the UK
3. A worker for the purpose of Council Regulation (EEC) No. 1612/68 or (EEC) No. 1251/70
4. A right to reside pursuant to Council Directive No. 68/360/EEC or No. 73/148/EEC
5. ECSMA is in the European Convention on Social and Medical Assistance. Non EEA ratifying countries are: Malta and Turkey
6. ESC is the European Social Charter. Non EEA ratifying countries are: Cyprus, Czech Republic, Hungary, Latvia, Poland and Slovakia

Persons subject to immigration control are not lawfully present in the UK unless they have leave to enter or remain in the UK. Asylum seekers are generally granted temporary admission and do not have leave to enter or remain

Code of Guidance



HOUSING SERVICES COMMITTEE

2 MARCH 2005

Report of the Director of Housing Services
RECOVERY OF FORMER TENANTS' ARREARS

purpose of the report

To advise Committee on the recovery of Former Tenants' Arrears and to consider a proposed policy and procedure guide in respect of former tenants' arrears.

background

- 1 A Former Tenant Arrears Officer was appointed in September 2003, the previous officer having retired in 2002. At the time former tenant arrears (FTA) were £466,966. Part of the recovery process was to pass the debt to a Collection Service if recovery by the FTA Officer had been unsuccessful. The commission for this service was 35% of all monies recovered, plus £10 for every case returned if they were unsuccessful.

current situation

- 2 As at 31 January 2005 FTAs were £428,376, this equates to 57% of all debts outstanding to the Housing Services Department. Robust recovery action on current tenant arrears has had an impact on the level of former tenant arrears. Housing Officers now act quicker to recovery current arrears, which should lead to a lower level of former tenant arrears in cases where an eviction has to be carried out.
- 3 The Former Tenant Arrears Officer has collected £127,601 since September 2003.
- 4 A new contract has been entered into with a collection service (Jacobs) on a 25% "no win, no fee" commission basis which has seen £5,768.02 recovered.

alternatives methods of recovery

- 5 The outsourcing of the collection of FTAs has been examined. Two companies have expressed an interest in carrying out this service on our behalf.
 - Oriel Business Services Limited; and
 - Pinnacle.

- 6 Oriel Business Services would collect debts on our behalf and charge of 30% of all monies collected. On this basis, if the £127,601 that has been recovered in house had been collected by Oriel Business Services, the Council would have received a net sum of £89,320. However, there is no evidence at present to show whether Oriel would be more successful than the Council's own officer.
- 7 Pinnacle have failed to provide costings but most businesses offer a similar service to Oriel.
- 8 In addition to collection, companies such as these offer a tracing service for which additional premiums would be incurred.

human resource implication

- 9 If the collection of FTAs was to be outsourced this would impact upon the duties of the post of Former Tenant Arrears Officer leading to redeployment, which would depend on a suitable post being available, or redundancy.

the former tenants' arrears officer

- 10 The Former Tenants Arrears Officer is dedicated to this task. This enables him to concentrate on the tracing of former tenants, making early contact, making arrangements for repayment of the debt and pursuing court action in conjunction with the Council's Legal services section. Since his appointment in September 2003 in house action is felt to have now become a successful method of recovery.

conclusion

- 11 Following preliminary contact made with external sources regarding the possible collection of FTAs it is my opinion that the service can be carried out cost effectively in house. As such, a policy and procure guide is proposed as detailed at Annex 3. The service will then be reviewed in 12 months time.

RECOMMENDED

- 1 Committee notes the current level of former tenants' arrears at £428,376 and the recovery of £127,601.
- 2 Committee approves the retention of the service in house, to be reviewed in a further 12 months.
- 3 Committee approves the attached Policy and Procedure Guide (Annex 3)

Officer responsible for the report

Michael Laing
 Director of Housing Services
 Ext 281

Author of the report

Joanne Dunn
 Principal Neighbourhood Operations Manager
 Ext

FORMER TENANTS' ARREARS

POLICY AND PROCEDURE GUIDE

March 2005

Policy Statement

Wear Valley District Council is committed to equal opportunities and equality of access to services. The recovery process will not discriminate against a person because of their ethnic origin, religious beliefs, language, geographic location, special needs and learning difficulties, sexual orientation, gender, age or disability. ***A copy of this document is available in Braille, in large print, on audio tape, on CD Rom, or in other languages***

Wear Valley District Council's aim is to always recover former tenants' arrears in a fair and equitable manner. Debts owed to the Council greatly reduce the level of service we can provide to our customers. The Council also has a legal obligation to recover debts from customers.

The Council have an Officer dedicated to recovering former tenants' arrears. This Officer works closely with colleagues and with other agencies to ensure that debts left by former tenants are recovered as quickly and as fully as we possibly can.

The Council will always follow the available legal courses available to it and will prosecute to recover debts wherever this proves necessary.

Where it has not proved possible or economical to recover a debt it may be referred to Council with a recommendation that it be written off. This means that whilst it is removed from our current accounting systems it is held on record and will be recovered should circumstances allow at a later date.

We will take into account a customer's ability to repay but will seek to have debts recovered in a reasonable period of time.

PROCEDURE GUIDE

IDENTIFICATION OF FORMER TENANTS ARREARS

Within 7 days of identifying arrears consideration will be given to be best course of action, taking into account the level of the debt, if the former tenants' whereabouts are known and whether the tenant is deceased. At this point where no forwarding address is available the trace process begins. This will include checks with neighbours, utility companies, electoral registration and any other contacts available through our records.

STAGE ONE – First Letter

Within 7 days of the account terminating FTA1 (APPENDIX ONE) will be sent to the customer requesting payment or contact within 7 days. The account will be checked for any likelihood of overpaid housing benefit or supporting people chargers. It is also possible that once a property inspection has taken place rechargeable repairs could be identified. The letter advises of this.

If the customer has deceased letter DEC1 (APPENDIX TWO) will be sent to the executors informing them of the debt and requesting payment from the estate.

Should the customer have been unable to clear the account in full, either because there is no estate or due to financial difficulties a reasonable offer of repayment will be accepted taking into account income and expenditure. An arrangement is more likely to be adhered to if it is reasonable and affordable.

STAGE TWO – Second Letter

This next stage is dependent upon the level of arrears. If contact has not been made or an acceptable arrangement not achieved within 7 days the following action will be taken:

- £20 and under or no estate - process for write off
- Over £20 FTA2 (APPENDIX THREE)

FTA2 requests the customer to contact us within 7 days otherwise the debt will be handed to our collection service.

Reasonable offers of repayment will also be accepted at this stage.

STAGE THREE – Referral to Collection Service

This next stage is also dependent upon the level of arrears. If contact has not been made or an acceptable arrangement not achieved within 7 days the following action will be taken:

- Below £30 process for write off
- Over £30 FTA3 (APPENDIX FOUR)

FTA3 is sent to the customer advising them that we are now placing the recovery of the debt in the hands of our collection service. From this point on the customer must deal directly with the collection service.

STAGE FOUR – Consideration for write-off

The case is returned from the collection service as they are unable to collect the debt. A decision will be taken at this stage whether to write off the debt taking into account the following:

- do we know where the tenant lives
- the age of the debt
- level of the debt
- income of the debtor – are they in employment, in receipt of state benefits etc

If the debt is uneconomical to pursue because of the above factors a report will be produced for the Neighbourhood Manager. Should the Neighbourhood Manager agree to the write off he/she will forward the report to Central Resources for action.

STAGE FIVE – Recovery through the County Courts

There are a number of methods of recovery debts through the County Court: depending on the level of arrears and if a Judgement had already been obtained:

Judgement in Force

- request an Attachment of Earnings, if the customer is in employment
- Third Party Debt and Charging Order, if the customer holds a bank account or owns property
- Warrant of Execution, if the customer has worthwhile assets

No Judgement In Force

- Issue a claim in the County Court

In the above instance if the Court finds in favour of the Council they will award a Monetary Judgement Order which means the customer is ordered to repay the debt at an agreed rate and intervals.

STAGE SIX – Write-Off

If all methods of recovery have been unsuccessful the debt will be written-off. However, our records will still show the customer has an outstanding debt with us and the recovery process can begin again at any time.



Civic Centre
Crook
County Durham
DL15 9ES
Telephone 01388 765555
Fax 01388 766660
Minicom 01388 761515

WEAR
VALLEY
DISTRICT COUNCIL

HOUSING SERVICES DEPARTMENT

DIRECTOR MICHAEL LAING

This matter is being dealt with by «ArrsOff»

Direct Line: «ArrOffMob»

e.mail address: «ArrOffEmail»

Reference

Dear

Your tenancy of _____ ended on _____ with an outstanding balance of £ _____. In the event of any Housing Benefit reclaim or repairs to the property considered your responsibility, this may not be the final balance.

If you are unable to clear the account in full and wish to make an agreement to pay by instalments please contact me within 7 days. If you do not clear the account or contact me further action will be taken to recover the debt.

If you have difficulty understanding this letter, please contact us on the above number and we can arrange to have it produced in other formats, such as Braille, in large print, audio tape or in other languages.

Yours sincerely

«ArrsOff»
Housing Officer



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Crook
County Durham
DL15 9ES
Telephone 01388 765555
Fax 01388 766660
Minicom 01388 761515

**WEAR
VALLEY**
DISTRICT COUNCIL

HOUSING SERVICES DEPARTMENT

DIRECTOR MICHAEL LAING

This matter is being dealt with by «ArrsOff»

Direct Line: «ArrsOffTel»

e.mail address: k.dawson@wearvalley.gov.uk

Tenancy Reference: «TencyRef»

Dear Sir/Madam,

Formerly of

I was sorry to hear that died recently. Please accept my sincere condolences on your loss.

Our records show that at the time the tenancy ended there was an amount outstanding on the rent account of £«CurBal». If it is possible to clear the account payment should be made quoting the above tenancy reference number. Should you not be in a position to do so please contact me at the above address. Alternatively, if there is an estate or will, I would be grateful if you would pass this request to the solicitor or executor handling their affairs.

Rent is charged until such times as the keys to the property are returned to the housing department. This means that for any weeks that the keys are not in our possession following the death of full rent is payable. You should also be aware that Housing Benefit will not be paid during this time.

If you have difficulty understanding this letter, please contact us on the above number and we can arrange to have it produced in other formats, such as Braille, in large print, audio tape or in other languages

If I can be of further help please contact me at the above address.

Yours faithfully

«ArrsOff»
Housing Officer



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Minicom 01388 761515

WEAR
VALLEY
DISTRICT COUNCIL

HOUSING SERVICES DEPARTMENT

DIRECTOR MICHAEL LAING

This matter is being dealt with by «ArrsOff»

Direct Line «ArrOffMob»

e.mail address: «ArrOffEmail»

Dear

Former Tenancy of
Arrears £

I refer to my previous correspondence regarding the above outstanding amount.

As you have not contacted me and the debt still remains unpaid I now intend to refer this matter to The Authority's Debt Recovery Agency (Jacobs Certificated Bailiffs).

If you want to stop this action you must contact me within seven days.

If you have any difficulty understanding this letter, please contact us on the above number and we can arrange to have it produced in other formats, such as Braille, in large print, audio tape or in other languages.

Yours sincerely

«ArrsOff»
Housing Officer



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WEAR
VALLEY
DISTRICT COUNCIL

HOUSING SERVICES DEPARTMENT

DIRECTOR MICHAEL LAING

This matter is being dealt with by «ArrsOff»

Direct Line «ArrOffMob»

e.mail address: «ArrOffEmail»

Dear

Former Tenancy of
Arrears £

I refer to my previous correspondence regarding the above outstanding amount.

As you have not contacted me and the debt still remains I have referred this matter to The authority's Debt Recovery Agency (Jacobs Certificated Bailiffs).

Jacobs will contact you shortly to recover the debt.

If you have any difficulty understanding this letter, please contact us on the above number and we can arrange to have it produced in other formats, such as Braille, in large print, audio tape or in other languages.

Yours sincerely

«ArrsOff»
Housing Officer



HOUSING SERVICES COMMITTEE

2 MARCH 2005

Report of the Director of Housing Services

KEY LINES OF ENQUIRY (KLOE)

purpose of the report

To inform Committee of the addition of three Key Lines of Enquiry to the Audit Commission's Housing Key Lines of Enquiry and the implications for the housing service.

background

1. Following a consultation exercise carried out in late 2003, the Housing Inspectorate revised their methodology for inspecting the housing services delivered by local authorities, ALMOs and housing associations.
2. The Key Lines of Enquiry (KLOE) were introduced as an element of the revised methodology and they provide a set of questions and statements against which inspectors and inspected bodies review and assess the quality of services and their chances of improvement.
3. The KLOEs cover service specific areas within housing and deal with issues that need to be assessed in arriving at a score of excellent, good, fair or poor for current levels of service.
4. There are thirteen KLOEs that will be used to inspect the quality of housing services. These are:
 - Prospects for improvement;
 - Strategy and enabling – local authorities only;
 - Stock investment and asset management – including repairs and maintenance;
 - Housing income management;
 - Resident involvement;
 - Tenancy and estate management;
 - Allocations and lettings;
 - Homelessness and housing needs - local authorities primarily;
 - Private sector functions – local authorities only;
 - Supporting people;
 - Supported housing – including sheltered housing;
 - Leasehold management, shared ownership and right to buy; and
 - Regeneration and neighbourhood renewal.

5. In December 2004 the Housing Inspectorate reviewed the existing KLOEs and added three cross cutting KLOEs which pull together issues around access to services and customer care, diversity and value for money.
6. These KLOEs will not be used independently for inspection purposes, as the thirteen existing KLOEs have been revised and questions around these issues have been embedded within each of the service specific KLOEs.

access and customer care

7. The Access and Customer Care KLOE is intended to cover the following areas:
 - Corporate culture and governance;
 - Access to the service;
 - Information;
 - Complaints; and
 - Consultation and feedback mechanisms.
8. The KLOE asks a series of questions in relation to customer access and care and provides an example of an excellent service provider and a fair service provider. The Access and Customer Care KLOE is attached at Annex 4.

diversity

9. The purpose of focusing on diversity is to ensure that services address the different needs that customers have. Customers' needs differ for a variety of reasons these could include age, ethnic background, their ability to access services or their ability to participate in the life of their community.
10. The Diversity KLOE is intended to cover the following areas:
 - Corporate culture and governance;
 - Access to customer services;
 - Service user involvement;
 - Partnerships; and
 - Harassment and domestic violence.
11. The Diversity KLOE provides a series of questions for inspectors to ask and for organisations to use in assessing the current level of services provided to diverse groups. The Diversity KLOE is attached at Annex 5.

value for money: securing efficiency and effectiveness

12. The purpose of the Value for Money: Securing Efficiency and Effectiveness KLOE is to assess the organisation's management of resources and the way the organisation allocates resources to priority policy and strategic areas, to ensure the delivery of quality public services.

13. The Value for Money: Securing Efficiency and Effectiveness is attached at Annex 6.

RECOMMENDED

1. Committee recognises the introduction of the new KLOEs and the significant impact they have on the inspection of the Council's housing service.
2. Committee instructs the Director of Housing Services to raise awareness of the additional KLOEs in the housing services department.
3. Committee instructs the Director of Housing Services to use the new KLOEs as a framework to review and assess housing services.

Officer responsible for the report	Author of the report
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Michael Laing Director of Housing Services Ext 281	Marie Roe Service Development Manager Ext 345
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HOUSING SERVICES COMMITTEE

2 MARCH 2005

Report of the Director of Housing Services
DRAFT REGIONAL HOUSING STRATEGY (RHS) 2005

purpose of the report

To seek Committee approval of a response to the RHS.

background

- 1 In 2003 the Office of the Deputy Prime Minister set up Regional Housing Boards (RHB) in England. RHBs have two main tasks. These are
 - to produce an RHS for submission to Ministers for approval
 - to allocate resources based on the RHS
- 2 The first RHS was published in 2003. A revised draft version has been published for consultation, an Executive Summary is attached at Annex 7. A response is required by 11 March 2005. The housing authorities in County Durham and the Council intend to put in a joint response. This is attached at Annex 8.

general points

- 3 In general terms the revised draft version –
 - prioritises investment in former coalfield areas of County Durham;
 - is an accurate representation of the housing market in the region;
 - is realistic and achievable;
 - corresponds to the ongoing aspirations and experience of organisations and partnerships operating within County Durham;
 - is evidence based but recognises the speed of change within the housing market and the impact this has on planning. However the sub-regional section on County Durham needs significant expansion;
 - recognises the tensions between the housing market, demand in County Durham and the proposals in the RSS; and
 - should contain revised definitions of rural areas

- 4 The definition of rural areas is of particular concern to Wear Valley. Areas of 'deep rurality' will be prioritised for investment in affordable housing. The proposed definition would exclude, for example, the parishes of Stanhope and Wolsingham. The response argues for a change in the definition of rural areas.

wear valley issues

- 5 With the exception of the rural area definition the revised draft is, overall, favourable to Wear Valley. It recognises that out of all of the local authority areas in the North East, Wear Valley has had the highest percentage increase in house prices. Between the first quarter of 2001 to the last quarter of 2004, Wear Valley average house prices increased by 90%. In cash terms this was from £47,220 to £89,738.
- 6 Of the top five average house price increase areas, three were in County Durham (Wear Valley 90%, Durham 80.2% and Teesdale 78.8%).
- 7 Homelessness has increased in County Durham by 132% between 2002 and 2004. This is the highest percentage increase in the North East. The North East total increase was 60.8%. In Tyne and Wear the increase was less than half, 58.3%, of County Durham.
- 8 The document recognises that the main housing issues in the North East are no longer widespread voids and low demand in the public sector. The revised version gives more emphasis to quality, choice, clearance, replacement and the housing market.

community safety implications

- 9 There are no direct implications in the revised version.

human resource implications

- 10 There are no direct implications in the revised version.

legal implications

- 11 There are no direct implications in the revised version.

financial implications

- 12 As the RHS will inform regional housing investment decisions, there may be considerable financial implications in terms of borrowing consents and Government allocations.

RECOMMENDED

- 1 Committee approves the response to the RHS attached at Annex 8.

Officer responsible for the report
Michael Laing
Director of Housing Services
Ext 281

Author of the report
Michael Laing



Executive Summary

NORTH EAST HOUSING STRATEGY

Introduction

The draft Regional Housing Strategy is out for consultation from 17 December 2004 until 11 March 2005. This is an executive summary of the strategy. The full version can be seen on the North East Housing Board (NEHB) web site www.nehb.org.uk or contact the NEHB Unit for a hard copy (contact details at the end).

The Executive Summary is of the draft objectives, policies and aims. The first Regional Housing Strategy for the North East was produced in 2003. The draft consultation strategy takes into account:

- Feedback about the first Regional Housing Strategy, its strengths and weaknesses.
- Guidance from the Office of the Deputy Prime Minister about what the new strategy should cover.
- Decisions and comments of the North East Housing Board and Executive members.
- The responses to the Consultation Paper and from the events that have been held.

The four objectives of the current strategy

1. Rejuvenating Housing

We must build new high quality houses to provide what people want in the 21st Century. These should replace housing where people don't want to live. They must be built in the right place to make sure that strong communities develop.

2. Increasing the type and mix of new Houses to provide more choice

The new housing must provide plenty of choice and it must link in with new jobs. This choice must range from relative low cost to high cost, must provide for single people through to families and must provide for both city people and country people.

3. Improvement and Maintenance of Existing Housing

Existing houses must be improved to an acceptable standard. This will help keep any communities strong at present, still strong in the future.

4. Meeting Specific Community and Social Needs

Housing must be managed well. Any money put into housing should be directed at specific needs, including older people and minority communities. This work needs to tie in with the 'Supporting People' scheme that local authorities are working on. Part of this scheme works to involve local people in improving their homes.

More details about each of the four objectives.

1. Rejuvenating Housing

Aims

The Regional Housing Strategy ties in with the [Regional Spatial Strategy](#). This aims to clear 3,700 dwellings each year. Redeveloping areas must involve local communities and make sure that strong communities develop.

The Regional Housing Strategy also ties in with [The Northern Way](#) strategy. This wants to clear even more dwellings over the next 10 years than the Regional Spatial Strategy spells out. The strategy also wants to bring in more money from private companies so that it's not just public money being spent.

The Regional Housing Strategy wants to bring together all regional programmes to replace or improve houses. The aim is to reduce the number of unwanted dwellings.

Other strategies and projects

We believe the [Bridging NewcastleGateshead](#) project will have a big effect on rejuvenating housing in Newcastle and Gateshead. The Regional Housing Strategy will support this project and also other similar projects in the North East.

The Regional Housing Strategy will encourage programmes to rejuvenate housing in areas where people don't want to live. The areas of main concern are parts of the Tees Valley, the former coalfield areas of County Durham, South East Northumberland and North Tyneside, and an area of Sunderland.

The strategy will support programmes where they show:

- On-going work with, and support of local people;
- That strong communities will emerge with people wanting to live there well into the future;
- That the effects on neighbouring communities have been considered and taken into account;
- That housing programmes fit in with new jobs and other regional projects;
- That there is input of cash and skills from private companies;
- Overall cost-effectiveness and value-for-money.

The Regional Housing Strategy encourages working with [English Partnerships](#) and with [One NorthEast](#) to develop new ways of working with private companies to reduce spending of public money. This includes encouraging Real Estate Investment Trusts or similar means of getting private company money spent on housing.

Commentary

The main obstacle to rejuvenating housing is cost. To clear or replace 3,700 dwellings each year (if this includes 1,000 privately owned houses) would cost between £40 and £60 million. To make sure that some of these houses are either relatively low cost to rent or to buy could add an extra £20 million. So the need for good ideas in getting the money to rejuvenate housing is very important.

The Northern Way Growth Strategy is clear, saying that the Region should aim to replace even more houses. During consultation, people said they agree with this as long as there is community support. There is wariness about the cost. To be successful, the Strategy has to convince people that replacing houses on a large scale, with good management, will offer people the choice of better housing and be supported by the public. The faster that housing can be improved will help the region to be more attractive to incoming companies.

2. Increasing the type and mix of new Houses to provide more choice

Aims

The Regional Housing Strategy ties in with the [Regional Economic Strategy](#).

To provide more relatively low cost housing to rent or to buy. Ideally people will be able to move easily between renting and buying. The housing should be in the areas that have been chosen as areas where relative low cost is particularly important for both local people and for incoming workers.

In certain rural areas, relatively low cost housing should be bought or built to help keep communities strong. Targets will be set and looked again every two years and rural groups will be asked for their views.

The amount of public money put into relatively low cost housing should be reduced. The figures need to be agreed with the Housing Corporation and tie in with national figures.

We must encourage a mixture of types of housing so that the region has a good variety of dwellings on offer.

Policies

More relatively low cost housing will be provided in areas where it will be needed long term. The Housing Board has worked out a way of measuring low cost housing in different local authority areas. It takes into account the amount of council or housing association houses, what the changes are likely to be in what people want and what the current house prices are. Local authorities that show greatest need for relative low cost housing through this measure will be the main concern.

[Note that this is extra housing is on top of the numbers of relatively low cost housing that needs replacing. It is also different from specialist housing needed by particular groups.]

This applies to certain rural areas where there is a policy to strengthen already strong communities. There should be enough cash set aside to provide relatively low cost housing in rural areas to enable the policy to be carried out. Also to take advantage when the few chances come along to have new housing built or to buy existing houses.

The Housing Corporation will work to provide as many relatively low cost houses as possible in the areas of main concern with the amount of public money available. It will do this by working closely with planning authorities and house builders to get the best possible value for money.

Planners will decide on the right type of housing for an area. Their plans should include different types of houses, especially in areas where they don't already exist and provide what local people and people in the future will want. The information we gather through research will show how the mix needs to change across the region.

The health of the housing market will be looked at each year. It will take into account new houses being provided and built. This will be useful when we review both the Regional Spatial Strategy and the Regional Housing Strategy. It will keep an eye on trends or events that could undermine strong communities or lead to a shortage of housing.

Commentary

The Research Group is working on a way to measure which are the areas of main concern. They may be different from those in the Regional Spatial Strategy. If this is the case, The Board may ask for the Regional Spatial Strategy to be changed.

A possible way to measure whether people have 'reasonable' access to the houses they need includes:

- Seeing how long people have to wait for a suitable house
- How many people are accepted as homeless
- And from what people tell us

Note: Rural areas are shown on a map in the draft Regional Housing Strategy. This includes market towns.

Objective 3: Improving Maintenance of Existing Housing

Aims

All housing owned by the council or a housing association should reach an acceptable standard (known as the 'Decent Homes Standard') by 2010.

To make sure more houses owned by private landlords and where vulnerable people live (e.g. elderly, disabled) reach an acceptable standard. This must be at least 65% by 2006/7, 70% by 2010/11 and 75% by 2020/21.

The Department for Environment and Rural Affairs set a target for all vulnerable people to be able to afford their fuel by 2010. The Regional Housing Strategy will support this target. Once vulnerable people have been helped, then other households should be helped to afford their fuel.

Policies

The government has made three suggestions of ways to bring homes up to a decent standard. The Board will help local authorities to choose one and to carry it out. It will:

- Look carefully at how many people want council and housing association houses into the future. This will make sure that money is spent on houses where people will still want to live in years to come.
- Make cash available to local authorities, based on an agreed amount, that isn't more than the government funding they have had for building houses in the past.
- The Board will work with the Housing Corporation to make sure that housing associations bring homes up to a decent standard. Housing associations are expected to pay for this themselves.

Before 2006/7, local authorities or groups of local authorities must prepare cost-effective plans for private landlords to bring homes up to a decent standard. The plans must be based on information about the current condition of houses. They must also take into account any other plans to bring homes up to a decent standard. The Board will support first plans which show the best use of cash in bringing homes up to a decent standard.

As part of this, local authorities and housing associations are asked to tackle the problem of households who struggle to afford fuel. This is both in privately owned or rented homes and in council or housing association homes. The main concern should be vulnerable households i.e. elderly or disabled people. They should, working with energy companies and others, make sure that money spent on housing and housing maintenance will reduce the cost of fuel. It should also make houses use less fuel e.g. by lagging loft cavities, installing double glazing.

Commentary

The targets and policies about improving the maintenance of existing housing are quite definite. This is because of the small amount of cash available and a limit to how much organisations have time to do.

The Board considered an action plan to bring privately owned homes up to a decent standard and there are more details about this in the full Regional Housing Strategy. The Energy Saving Trust has an important role to play.

It is important to switch from grants to loans and to attract cash from private lenders.

The Board at this stage is unable to make cash available to improve homes beyond a basic decent standard. This issue is often raised during consultation and the government is going to consider it and set targets for 2010. The strategy looks at the discussion around this, agrees to look at regional issues with other organisations and will help the policy to be drawn up.

The new draft consultation strategy, just like the first strategy, also gives direction on managing existing houses. Other peoples' work on neighbourhood renewal, crime and anti-social behaviour and social programmes is linked in to the strategy. The Strategy supports the targets set by the Neighbourhood Renewal Unit.

**Objective 4:
Meeting Specific Community & Social Needs**

Aims

Supporting People Strategies and Older Persons' Housing Strategies point out particular groups of people who are at present unable to get suitable housing e.g. ex-offenders, people with learning difficulties. The Board wants housing provided for vulnerable people who are of main concern.

New homes should be built, homes converted, or provided through major improvement works (target to be agreed with Housing Corporation).

The Board will prepare a regional action plan for housing issues for black and ethnic minority groups. This includes the needs of minority faith groups, by the end of 2005. The Board will set targets that the strategy flags up.

The Disabled Facilities Grant and other funding provides cash to adapt houses for disabled people. The Board wants to make sure this level of cash continues or increases if possible.

Policies

The Board wants to encourage working between Supporting People teams and Housing Strategy teams in Durham, Teesside, Northumberland and Tyne and Wear. This will help to:

- The Supporting People plan tells us what peoples' needs are and, where we are able, we will encourage spending on housing to meet these needs.
- Make sure that cash spent on building houses co-ordinates with that spent on maintaining them. The Supporting People programme will do this. Also cash spent through Health and Social Services should co-ordinate with the housing.
- Pinpoint any research or plans which need to be considered regionally.
- Speak to organisations about the housing needs of travelling communities.

Commentary

There is such a variety of different needs for different people that it's difficult to set targets and policies. Because it's also difficult to co-ordinate cash from Supporting People spent on building houses with that spent on maintaining them, this area of work is sometimes set aside. The Board intends to work with partners to ensure this doesn't happen.

It is important that local authorities and housing associations take into account the needs of vulnerable and excluded people. It is known that these people are

more likely to be homeless and this gives them more problems. The strategy gives strong advice on how best to deal with vulnerable and excluded people.

Contact us

To contact the North East Housing Board Unit:

Write to:

North East Housing Board Unit
C/O Government Office for the North East
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4WH

Telephone: 0191 202 3837

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Email: nehb.gone@go-regions.gsi.gov.uk

Web site: www.nehb.org.uk

DRAFT NORTH EAST REGIONAL HOUSING STRATEGY (RHS)**CONSULTATION RESPONSE****General Points**

1. The document -
 - is an accurate representation of the housing market in the region.
 - is realistic and achievable.
 - corresponds to the ongoing aspirations and experience of organisations and partnerships operating within County Durham.
 - is evidence based but recognises the speed of change within the housing market and the impact this has on planning. However the sub-regional section on County Durham needs significant expansion.
 - recognises the tensions between the housing market, demand in County Durham and the proposals in the RSS.
 - should contain revised definitions of rural areas.

Introduction

2. **Para 1.2** We agree that the RHS should be closely integrated with the Northern Way Growth Strategy and that it should aim to deliver a greater rate of improvement. We do not agree that it should reflect the Regional Spatial Strategy (RSS). The RSS plans for decline in County Durham, has not been accepted by partners and was described as ‘unacceptable’ at the CDSP
3. **Para 1.3** We agree that the focus has shifted from vacant housing to the mismatch between the nature of supply and demand.
4. **Para 1.6 –1.7** We believe that the NEHB and the Unit have been very successful in the past 2 years in the areas mentioned plus supporting NECTAR, developing better databases and stimulating realistic debate about the future of housing in the region. Perhaps you want to mention these achievements
5. **Para 1.8** See comments on para 1.2 about alignment with the RSS.
6. **Para.1.11-1.12** We support the four objectives of the RHS and the importance placed on Objective 1.
7. **Para 1.18** See comments on para 1.2 about alignment with the RSS.
8. **Para 1.22** There is general acceptance that the City Regions and their spheres of influence will drive economic growth. However it should not be assumed that the people of the North East will want to live within the City Regions. The RHS recognises the need to offer choice across the region to satisfy demand. The NEHB has recognised the need to invest in a variety of rural, urban, sub-urban and former coalfield communities throughout the region.

9. **Para 1.23 – 1.24** Having used a shared evidence base the RHS and RSS have come up with different solutions to the housing and neighbourhoods challenge. We believe that the RHS offers the more realistic, achievable solution which reflects the market and the aspirations of the people of the North East.
10. **Para 1.26.4** We welcome the comment that redevelopment and new building are economic stimulants. Mention may be made of the inward investment from stock transfer and ALMO.

Rejuvenating the Housing Stock

11. **Para 2.2** (second bullet point) We strongly support the emphasis on community orientation and the focus on quality as well as clearance. Perhaps the paragraph could be placed in the RSS with good effect.
12. **Para 2.4 – 2.5 and 2.7** We support the recognition that low demand is the outcome of a complex set of social and physical factors.
13. **Para 2.6** As mentioned the CURS report has been overtaken by market changes. The position in County Durham is that most of the public sector stock in those communities identified in the CURS work are experiencing increased demand. The localised public sector housing market is in equilibrium or demand exceeds supply. In some private sector areas, which are predominantly former coalfield communities, significant intervention is needed. Paragraph 2.6 recognises this.
14. **Para 2.8** Table 1 supports the comments above. Of the 5 highest average house price increases, 3 are County Durham local authority areas. This significant market led change is not reflected in the RSS. It also illustrates forcefully that housing markets are differentiated across County Durham.
15. **Para 2.10 – 2.11** We agree that the rate of replacement should reflect increased demand and this should be complemented by sustained clearance supported by the community. This corresponds to the Northern Way Growth Strategy.
16. **Para 2.13** The Group, although primarily concerned with County Durham, recognises the regional importance of the existing Pathfinder and supports the proposals for Tees Valley.
17. **Para 2.14 – 2.16** We support the statements that the RSS clearance rates will require new financial models or significant public sector investment which is unlikely to be provided. This reflects the work underway sponsored by EP, the Group and others in County Durham.
18. **Para 2.21 – 2.24** We would support the priorities listed in the RHS and recognise the inclusion of North West Durham and the central coalfield communities.

Providing Choice

19. **Para 3.5** Bearing in mind the contents of paragraph 2.8 Table 1, do we need to review the affordability indicators?
20. **Para 3.10 – 3.14** We agree with the proposals for the use of SHG and to increase cost effectiveness.
21. **Para 3.14** The proposed 10% reduction on SHG contradicts the statements in paragraphs 3.8 and 3.9 about locally determined needs. It does not follow from paragraphs 3.10 to 3.14 or the recognition that increased clearance may mean additional SHG to assist quality replacement.
22. **Para 3.15 – 3.17** These paragraphs show the increase in homelessness. The 132.9% increase in County Durham is the highest in the region. This should be reflected in the affordability indicators and questions the proposed 10% reduction in SHG.

Rural Areas

23. **Para 3.18** We support the realisation that rural areas have different needs. The document mentions differences between the Durham Dales and rural formal coalfields. This is an indication of the realistic approach of the RHS.
24. **Para 3.23 – 3.24** We would ask for the definition of 'rural areas' to be reviewed. Their relationship to 'market towns' is not clear. It is surprising that the settlements around Barnard Castle, Stanhope and Lanchester have been classified as 'non-rural'. Consequently the target in paragraph 3.24 should also be reviewed.

Getting the Balance Right

25. **Para 3.33** We support the proposed annual assessment of the health of the housing market.

Improvement and Maintenance of Existing Housing

26. **Para 4.15** We support the approach to the Decent Homes Standard in the private sector. This links to a proposed LPSA2 Project in County Durham.

Meeting Specific Community and Social Needs

27. **Para 5.4 – 5.32** This part of the document reflects work done within County Durham e.g. Peter Fletcher Associates about the housing needs of vulnerable people. It shows increasing demand and complexity. There may be a tension between the increasing need and the proposal to reduce SHG and recently announced cuts in the Supporting People Programme.
28. **Para 5.36** Provision for gypsies and travellers is an area of work we welcome as being within the RHS.

Sub Regional Profiles and Strategies

29. **Para 6.5** Generally we support the section on County Durham. We would suggest that:-

- the former coalfields in the whole of the County, not just the east should be mentioned.
- the evidence supporting the view that parts of the County link to housing markets in the Tees Valley would be interesting. The impression is that the links to Tyne and Wear can be shown, but it is not as strong to Tees Valley.
- the information on County Durham is noticeably less than other sub-regions. Perhaps we could work together to resolve this gap.

Appendix C Performance Indicators

The connection with national BVPIs needs to be made clear. Perhaps indicators relating to the housing contribution to the economy and the sustainability of communities could be developed.



HOUSING SERVICES COMMITTEE

2 MARCH 2005

Report of the Director of Housing Services

AUDIT COMMISSION - GAS SAFETY: GUIDANCE NOTES FOR LANDLORDS

purpose of the report

To seek Committee approval of revisions to the Council's Gas Safety Policy and Procedure in response to new guidance notes on gas safety issued by the Audit Commission Housing Inspectorate.

background

- 1 Housing Inspection reports have emphasised very strongly the landlord's responsibility for gas safety. This Committee has received a number of reports on this issue and additional resources have been put into this area of work. To help landlords the Audit Commission Housing Inspectorate has issued guidance notes (Annex 9).
- 2 New guidance notes have been issued to highlight the instances of death and suffering each year from carbon monoxide poisoning. The notes draw on statutory documentation and regulations from which the guide was established. The notes emphasise the requirements to ensure a procedure is in place to gain access to properties where the safety check/service goes beyond twelve months. Key points are listed that the Housing Inspectorate will examine, including good practice to reduce or eliminate instances where properties do not have a gas safety check/service carried out within twelve months. It also makes brief mention of solid fuel servicing and states that that while this is not a legal requirement it is deemed as being good practice.

current position

- 3 Wear Valley District Council has a gas safety policy and procedure which was introduced in 2002. This policy was reviewed in 2003 to keep up to date with any changes in legislation and changes in council procedures and reviewed again in January 2004.

- 4 The policy was produced involving input from the Council's gas management staff, Health and Safety officer. Legal Section, external barrister's advice, the Health and Safety Executive and Council for Registered Gas Installers (CORGI).
- 5 The Council's Gas Safety Policy includes robust procedures for dealing with no access to carry out gas servicing. These procedures cover points raised in the Audit Commission's guidance notes.

changes to the revised policy and procedure

- 6 The following changes have been made in response to the Audit Commission's notes.
 - The wording in the introduction;
 - Quality control percentages;
 - Section 5 has been re-written and responsible persons column updated; and
 - Various appendices have been updated in line with those currently used

smoke alarms

- 7 The guidance notes raises the point of servicing smoke alarms and carbon monoxide detectors as good practice. This requires further discussion and research as to legal duties, cost and effective programming. A report will be made in the near future regarding the best way of proceeding in this matter.

legal implications

- 8 The law in this area is particularly technical. The Council can only exclude liability having taken 'all reasonable steps' in undertaking gas safety checks. Given the potential for a high level of risk the revised documents should be checked by a legal specialist.

financial implications

- 9 There are no immediate financial implications to this report. However further investigation of the suggestions about smoke alarms may have financial implications.

RECOMMENDED

- 1 Committee adopts the amended Gas Safety Policy and Procedures (Annex 10) subject to specialist legal advice being sought by the Director of Housing Services and subsequent changes incorporate into the documents.

Officer responsible for the report	Author of the report
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Michael Laing	Phil Cummings
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Director of Housing Services	Gas Services Manager
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Ext 281	Ext 354
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Housing Inspectorate – Gas Safety: Guidance Note for Landlords

Gas Safety: Guidance Note for Landlords December 2004

Introduction

Every year, about 40 people die and 200 suffer from carbon monoxide poisoning as a result of faulty gas fires, central heating boilers, cookers, and other appliances. In many of these cases, the incident could have been prevented if a maintenance regime was followed and an annual safety check performed. Sensible health and safety is about managing risks, and the risks present by domestic gas appliances can be easily controlled providing that landlords are aware of their duties and act upon them

Any appliance which burns fossil fuels, such as gas, coal or oil, can give off carbon monoxide. Excess gas, which is poisonous, is produced when the fuel does not burn properly. It can kill or maim without warning in just a matter of hours. In 2003, there were 31 gas-related fatalities, of which 24 resulted from carbon monoxide poisoning

To check if gas installers are registered with CORGI, or for technical advice relating to gas appliances phone: 01256 372300. The HSE operates a Gas Safety Advice Line on freephone 0800 300 363.

Copies of Gas Appliances: Get Them Checked, Keep Them Safe (INDG238) and Landlords – A Guide To Landlords' Duties: Gas Safety (Installation and Use) Regulations 1998 (INDG285) are available free from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA, tel: 01787 881165 or fax: 01787 313995.

These leaflets are available online as PDF files at <http://www.hse.gov.uk/pubns/gasindex.htm> Languages available include Albanian, Arabic, Bengali, Chinese, Czech, Gujarati, Hindu, Polish, Punjabi, Turkish, Urdu and Welsh.

This briefing note should be read in conjunction with the Audit Commission's Key Lines of Enquiry on stock investment and asset management.

Relevant Documentation

There are two main documents that are relevant in assessing an organisation's approach to gas safety. The first of these, 'Safety in the installation and use of gas system and appliances' published by the HSC is basically an explanation of the requirements of the legislation. The latest version of this was published in 2001 and included new guidance.

The second key document relates to the fundamental review of the gas safety regime undertaken by the HSE. From this review and report entitled 'Gas Safety Review - Proposals for Change'; there were 47 recommendations. These included action on both publicity and awareness. An e-mail from the HSE to the

Inspectorate in 2002 confirmed that all of these have been accepted by both the

Health and Safety Commission and Government Ministers and as such are part of the procedural requirements. A copy of the report is available from HSE's Gas Safety website (www.hse.gov.uk/gas/index.htm).

The Regulations as outlined in 'Safety in the installation and use of gas system and appliances' document make reference to 'all reasonable steps' being taken to ensure safety checks are undertaken. The important word here is the use of the term 'all'. Each housing organisation has a tenancy agreement for all of its lettings. Within this there is a right for the organisation to take steps to undertake work or for the right of access to the property. In the unfortunate event of a fatality occurring where an appliance has exceeded the 12-month safety check, the housing organisation has to satisfy the HSE within a formal legal environment that all reasonable steps had been taken.

Regulation 36 relates to the requirements of landlords. The relevant sections are:

208. *Regulation 36 places important duties on most landlords of domestic property to ensure that gas appliances and flues are maintained in a safe condition, annual safety checks are carried out, and records are kept and issued (or in certain cases displayed) to tenants. These duties are in addition to the more general ones that landlords have under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.*
213. *All reasonable steps should be taken by landlords (including through tenancy agreements) to ensure access to property for safety checks and maintenance work to be done, this may involve giving written notice to a tenant (e.g. by recorded delivery) explaining the reasons why access is required and requesting arrangements to be made (at a mutually agreed date/time); follow-up action, including personal visits, might be required, for instance, if there is no response to a written request. Tenants should co-operate with landlords in allowing the necessary access to their accommodation. However, landlords should keep a record of their action in case a tenant refuses entry and it is necessary to demonstrate the steps taken to discharge their duties (see regulation 39). Action to gain access does not involve making arrangements for forced entry into property. See also paragraph 245.*

The key words within the above paragraph are '**including through tenancy agreements**' and the '**follow-up action including personal visits**' after there has been no response to a more formal approach.

Regulation 39 deals with exception as to liability. The relevant sections are:

245. *This regulation provides certain exceptions as to liability, under which a person is not deemed to be guilty of an offence, where they can show that they took all reasonable steps to prevent contravention of the provision concerned. This publication contains guidance in various areas, e.g.*

concerning access to premises to discharge landlords duties under regulation 36 (e.g. see paragraph 213.) However, it is finally for a court to decide whether 'all reasonable steps' have in fact been taken in particular circumstances and whether a person is guilty of an offence.

We would therefore ask the question as to how confident the organisation would be in defending its position whereby a fatality within one of its properties had occurred where access to undertake a safety check to the appliance had not been achieved.

Good practice examples from a cross section of local authorities and housing associations have demonstrated an ability to meet the 'all reasonable steps' requirement within the legislation. However, a number of others still fail to recognise there are a number of other avenues available to them. Furthermore a number of organisations have also sought additional legal advice from specialist disrepair solicitors of their existing procedures and where appropriate, arranged for these to be amended accordingly.

Any housing organisation would need to be explicit as to the reasons why these other options had not been explored after a 12 month period had elapsed. It is reasonable to assume that the risk of an appliance being faulty and posing significant risk of injury or death to a property's occupants or those from neighbouring properties increases significantly during this period.

Some organisations currently force access to properties where repeated attempts at access have failed. This cannot be seen as good practice, but it also needs to be seen in context, such as how many attempts have been made to gain access to a particular property, whether forced entry is a standard part of an organisation's procedures or an exceptional action and what other remedies have been attempted. In **all** cases where forced access is used this should be in accordance with the requirements of the relevant housing legislation and with specialist legal advice and/or a court order.

In addition to the above, the review of the gas safety regime undertaken by the HSE developed a series of recommendations that were agreed by Government and the HSE. Recommendation 30 considered the requirements of landlords. Again the relevant section from this document is:

279. (e) – (f) While sympathising with views on practical difficulties sometimes encountered, we believe that the existing regulations (including exceptions as to liability in regulation 39) already provide an adequate level of protection for landlords. We are concerned that more specific provisions could tie the hands of courts, by removing the flexibility currently offered to take account of specific circumstances (e.g. for defining levels of gas safety management responsibility commensurate with the extent of control exercised through contractual arrangements). With regard to access powers,

we believe that separate provisions (i.e. through Court Order), e.g. in the Landlord and Tenant Act 1985 (s 11(6)) and the Housing Act 1988 (s 16) already provide adequate recourse generally, and it is neither necessary or appropriate for GSIUR to extend the law in this difficult and controversial area. Again we propose that additional guidance is the best way of addressing landlords concerns for clarification in this regard.

The key point in the above is the clear reference to the expectation that landlords will now use the options available to them **under the existing housing legislation** (usually as prescribed and detailed within the tenancy agreement)

As well as the risk of prosecution and liability from a lack of a thorough approach to ensuring gas safety checks are undertaken, we would also point to some of the adverse publicity that arises when a fatality or serious injury arises due to a failure by the landlord to discharge their duties under the legislation. Three example case studies are listed below:

- Example 1: in October 1998, a landlord was fined £18,000 for failing to ensure that a gas fire had been properly installed; in this case, a man had died from CO poisoning;
- Example 2: a landlord was prosecuted under the Health and Safety at Work, etc. Act 1974, and was fined £60,000 for three breaches of the Regulations; and
- Example 3: negative publicity within the housing press for a number of councils and housing associations where their practices were found to be failing to meet their statutory requirements as a landlords, either through a failure to follow their procedures or an over zealous application of these.

Legal Options

In most cases the tenancy agreement gives right to the landlord to undertake work or for the right of access to the property. The legal options are:

1. Injunction - places onus upon the individual to allow access while not endangering occupancy rights;
2. Section 54 of the Housing Act 1985 - housing organisations given legal right to gain access to its properties - injunction route;
3. Suspended possession - uses threat of potential loss of home (as for arrears) as incentive to allow access; and
4. Section 81/Schedule 3 of Environmental Protection Act 1990 - issue of warrant by magistrate allowing entry and can include forcible entry **BUT** does not allow for servicing to be undertaken, only inspection and disconnection gas appliance (not supply).

The guidance and the Regulations are **not** about forcing access to a tenant's home. They are about making sure the housing organisation takes all reasonable steps to undertake a full safety check of the appliances for which they have a responsibility. Housing organisations need to take a rigorous risk assessment of its own and residents' circumstances when considering its policy in relation to

gas servicing. The key driver for this should be to ensure the safety of residents as well as ensuring compliance with the legislation.

Good practice examples include the use of injunctions (not to gain access to the property but to place additional pressure on the tenant to allow the landlord reasonable access) or possession proceedings, on a number of grounds, dependant upon the conditions as outlined within the tenancy agreement.

An analysis of 100 recent housing inspection reports has enabled access levels to be split into performance quartiles. However, it should be noted that to comply with their legal requirements as a landlord, a housing organisation should be looking to achieve 100 per cent servicing each year and not merely aiming for top quartile performance. The importance of this point is exemplified by a top quartile performing organisation with a housing stock of 10,000 units who would still have 100 households outside the required safety check and servicing period. The quartiles are as shown below:

Upper quartile	99.0%
Median	96.5%
Lower Quartile	92.3%

Where a small number of services are not completed within the 12 month period, it is important that landlords take action to prioritise gaining access to those properties and to complete any outstanding services at the earliest opportunity. The successful completion of services in a high percentage of properties can be seriously undermined by the existence of properties where services have not been carried out for two years or more.

The previous reference to external specialist legal service again picks upon good practice employed by a number of other councils and housing associations. They have recognised the specialist area and issues for landlords in fully complying with their responsibilities under the Regulations. To ensure these are fully met they have employed the services of specialist external advice to confirm their procedures are rigorous and provide the housing organisation with a fully defensible position should the worst case scenario arise.

In areas where there is a high proportion of coal fire/solid fuel heating the housing organisation should also have a solid fuel servicing policy. This is not a legal requirement but is good practice as outlined by the NACS

Key Things the Inspectorate Will Look For

1. Governance, Monitoring and Compliance

- Is there a clear procedure to gain access to properties to undertake a gas safety check every 12 months?
- Is this followed and clearly documented/recorded?
- Are actions taken within the prescribed timescales?
- How many properties have CP12s older than 12 months and what stages are they all at?

- In cases of no access how is the housing organisation ensuring it meets its legal obligations?
- Is the final stage letter sent by Recorded Delivery or hand delivered?
- Is there a 'policing' role for gas safety check within the **landlord** function? If so are they suitably qualified?
- Is progress on servicing monitored at least monthly?
- Does the housing organisation do its own cross-checks on completion of servicing?
- Does the housing organisation cross-check whether paperwork has been completed appropriately?
- Are there clear procedures for dealing with persistent no-access properties and prioritising them for access in subsequent years?
- Has the housing organisation's gas servicing policy been approved and reported through its governance structures?
- Have the governance structures been informed of risk in relation to its policy on gas servicing and are there assessments of progress and effectiveness of its practices?
- Do the governance structures receive progress or monitoring reports on a regular or an exceptions basis?
- Does the organisation involve contractors, quality assurance agents and residents in reviewing the effectiveness of its arrangements for servicing and the legal remedies available to it?

2. *Contractors*

- What checks does the housing organisation undertake to ensure the competency of the contractors they employ?
- Are the same competency checks of contractors applied to planned maintenance contract works?
- What quality checks are undertaken of the gas paperwork and by who?
- Is servicing approached on a structured basis (area/street etc) and clear procedure for advising tenants in advance
- Are there regular meetings/liaison arrangements with contractors?
- Is performance on annual servicing close to 100 per cent?
- Do contractors make appointments for servicing?
- Are contractors unpaid for no-access calls?
- What use is made of evening and weekend appointments?

3. *Residents*

- Do the procedures have a safety net built in for potentially vulnerable tenants or language issues?
- Is the importance of gas safety positively promoted to tenants?
- Are CP12 (safety certificates) provided to tenants at the time of the safety check and are they also issued to any new/incoming tenants?
- Are customer satisfaction surveys undertaken on a regular basis?
- Are newsletters, letters, and local press used to inform tenants of the importance of gas checks?
- Is there specific provision within the tenancy agreement to the obligation to provide access for servicing?

- Is there an escalation procedure based on risk assessment of the length of period overdue, property type, and previous non compliance by the resident?
- What measures are in place to identify and make specific access arrangements for vulnerable and non-English speaking residents?
- Are access arrangements for servicing works widely available and customer focussed?

Other areas we also consider include arrangements for service programming; the use of legal remedies; incentives to tenants; and arrangements for maintaining carbon monoxide detectors. Some organisations include the servicing of smoke alarms at the same time as gas appliances are serviced.

Further Information Sources

- Documents outlined in this note
- HSE - www.hse.gov.uk/gas/index.htm and HSE booklet L56
- CORGI
- Transco
- National Association of Chimney Sweeps

Part of our role is to highlight and share positive practice where this is found. The Housing Inspectorate has a number of examples and useful contact names that may be of use to organisations in developing their work in this area.

Our comments and observations in respect of gas safety have been made in good faith and in an attempt to assist housing organisations in fully complying with their responsibilities as a landlord.



HOUSING SERVICES DEPARTMENT

**GAS SAFETY POLICY
AND
PROCEDURES**

January 2005

Introduction

The Gas Safety (Installation and Use) Regulations 1998 Regulation 36 requires Wear Valley District Council as a Landlord to ensure that there is maintained in a safe condition: -

- a) Any relevant gas fitting; and
- b) Any flue which serves any relevant gas fitting

So as to prevent the risk of injury to any person in lawful occupation of relevant premises.

A relevant gas fitting means: -

- a) Any gas appliance (other than an appliance which the tenant is entitled to remove from the relevant premises) or any installation pipework installed in any relevant premises: and
- b) Any gas appliance or installation pipework, which directly or indirectly, serves the relevant premises and which either-
 - I. Is installed in any part of the premises in which the landlord has an estate or interest; or
 - II. Is owned by the landlord or is under his control, except that it shall not include any gas appliance or installation pipework exclusively used in a part of premises occupied for non-residential purposes.

Regulation 36 also requires, amongst other things, that a landlord shall ensure that;

- each appliance and flue is checked for safety within 12 months of being installed and at intervals of not more than 12 months since it was last checked for safety
- such checks are carried out by those who are CORGI registered
- in any room occupied or to be occupied as sleeping accommodation by a tenant there is not fitted a relevant gas fitting of a particular type (see section 3)
- written records are kept giving details of appliances or flues checked, dates of checking, any defects identified and remedial action required/taken
- A copy of the written record is provided to the tenant within 28 days of the check and a copy of the last record is given to any new tenant.

Gas Safety

This document contains procedures and policies which, to satisfy legal responsibilities, must be complied with by all Wear Valley District Council staff and other employees and any sub contractors employed to carry out duties with

respect to the installation and use of gas at premises under the control of Wear Valley District Council.

Statutory Regulations (adhered to within this Policy & Procedures)

- Health and Safety at Work etc Act 1974
- Building Regulations (England & Wales) 2000 (2002 Edition)
- The Gas Safety (Installation & Use) Regulations 1998
- The Gas Safety (Management) Regulations 1996
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995

In adopting these policies and procedures, Wear Valley District Council has the following objectives:

1. to ensure, as far as is possible, that all gas appliances used in properties owned by WVDC and for which WVDC as landlord has a responsibility, are in a safe condition and that all the occupants of and persons visiting these properties are in no danger from such appliances.
2. to set out the legal obligation imposed upon the Council in connection with gas appliances within the properties owned by the Council
3. to set out the obligations which the Council owes to the tenants of such properties and others
4. to set out a procedure which will enable the Council to meet its obligation on safety
5. to ensure that all persons who are involved with the installation, inspection and servicing of gas appliances are properly trained and accredited.

Statement of General Policy

Wear Valley District Council is aware of its statutory responsibilities and duties to its customers/users, both internal and external and acknowledge that certain items of equipment may be the responsibility of other individuals/tenants.

“The Gas Safety (Installation and Use) Regulations 1998 Regulation 36 sets out what responsibilities the Council owes as a Landlord.

The Council has no legal responsibility for carrying out the relevant safety check to appliances the tenant is entitled to remove from the relevant premises, however:-

- a) in order to ensure clarity for service engineers the Council will carry out the relevant Regulation 36 safety inspection of all tenants gas heating/hot water appliances installed in the relevant premises.
- b) In the interests of safety, the Council will carry out a visual check of tenants gas cookers

If the engineer considers any appliance to be unsafe he should make the appliance safe and issue warning notice(s) informing the tenant of the unsafe situation. The information will be recorded on the Landlords Gas Safety Record.”

Wear Valley District Council's commitment to training and in particular the legislative training as required by the Accredited Certification Scheme for Gas Operatives, ensures that our customers/users are protected from the dangers which may arise from faulty gas appliances/installations. This is done by ensuring that the Supervising Officers and all Maintenance Personnel whose work falls within the scope of the current edition of the Gas Safety (Installation and Use) Regulations 1998, hold all necessary up to date certificates of gas competence.

Wear Valley District Council further protects customers/users from danger arising from faulty gas appliances/installations by instructing all our Maintenance Staff to comply with our Warning Notice Procedures and the full requirements of the current edition of the Gas Safety Regulations and all other standards and specifications, which may apply from time to time.

Wear Valley District Council will instruct all employees, including any sub contractors, who may make or take reports on gas installations, that they are responsible for gas safety, and that where a gas safety certificate cannot be issued, Wear Valley District Council (further referred to as W.V.D.C.) Warning Notice Policy should be followed implicitly.

This document is split into the following sections:

Section 1: Description of Service

Section 2: Gas Heating Installation Procedure

Section 3: Gas Servicing and Repair Procedure

Section 4: Quality Control, Management Review and Training

Section 5: Service Control and Administrative Procedure

Section 6: Performance Management and System Review

Section 1: Description of Service

- 1.1 This document illustrates the general procedure for the installation, maintenance and servicing of domestic gas appliances in accordance with associated manufacturers, statutory and regulatory legislation.

- 1.2 When any work is carried out in relation to gas appliances and other fittings, all Wear Valley District Council gas operatives will be competent and hold a valid certificate of competence for each work activity that they undertake.
The valid certificate will have been issued under the Nationally Accredited Certification Scheme (ACS) for individual gas operatives

Section 2: Gas Heating Installation Procedure

- 2.1 To remove as applicable existing system/equipment i.e. boiler, cylinders tanks, flues, radiators etc, and fit replacement gas fired central heating system including renewal of gas installation pipe work all in accordance with relevant project specification/s (special care must be taken when encountering any suspect Asbestos Containing Materials (ACM's))
- 2.2 If suspect ACM's are discovered, work will cease immediately and a Maintenance Officer must be contacted at once for further guidance In relation to policy paper 4 of Wear Valley District Council's Health and Safety Policy
- 2.3 The whole of the works shall be installed in accordance with the appropriate manufacturer's installation instructions and comply with the requirements of the Gas Safety (Installation and Use) Regulations, current IEE Wiring Regulations, current Building Regulations and all other stated bye-laws, Regulations and British Standards/Codes of Practice.
- 2.4 On completion of the installation the system will be fully tested and all CH pipework will be flushed in accordance with BS 7593, when satisfactory results are achieved a commissioning / Benchmark certificate will be completed by the Installation Engineer who will sign and date as a true record of the test. (this certification will be left with the tenant)
- 2.1 Instruct the tenant on the operation of the installation and provide a copy of the manufacturer's operating instructions.

Section 3: Gas Servicing and Repair Procedure

- 3.1 To service, maintain and repair as appropriate appliances/installations
- 3.2 All servicing/repairs shall be carried out in strict accordance with the manufacturers/ appliance installation and servicing instructions
- 3.3 All works and materials will comply with the requirements of the Gas Safety Regulations and all other stated Byelaws, Regulations, British Standards and Codes of Practice.
- 3.4 When SERVICING/REPAIRING any appliance always refer to the manufacturers installation and maintenance instructions for guidance
In the absence of manufacturer's instructions or guidance, gas engineers should use their own competencies to carry out a full and comprehensive service/repair

Upon completion of the gas service and all tests, a Landlord's Gas Safety Record will be fully and accurately completed by the engineer (see appendix 1), one copy to be handed to the tenant/responsible person and the remaining two copies attached to the job ticket and returned to Housing Services via the Maintenance Officer.

Tenants sleeping in a room containing and open-flued appliance

(i.e. gas fire/back boiler unit)

If an engineer encounters an open flued appliance with a gross heat input of more than 14 kilowatts installed into a room that is being used as a sleeping accommodation, on a **TEMPORARY*** basis (e.g. for a tenant to recover from an operation) and providing that all safety checks are carried out successfully, the appliance may still be left connected.

However as an additional safety measure WVDC will install a CO detector into the room

The tenant will be informed that the above situation must only be on a temporary basis. (See appendix 2)

However if the change of use to sleeping accommodation is permanent, e.g. in cases of incurable medical conditions), or likely to be so, or is long term, then the gas appliance (s) in the room where the tenant sleeps should conform with regulation 30 (2) and 30 (3) therefore ultimately this could eventually lead to the tenant being re-housed or the replacement or removal of the appliance (s).

*Temporary is not defined in the Gas Safety (Installation and Use) Regulations, nor in the ACoP

Procedure when encountering a non live gas supply

When it is not possible for the engineer to carry out a soundness test for any reason i.e. no credit in gas meter etc. The engineer will insert a blanking disc into the customer's side/outlet of the primary gas meter and the relevant paper work completed. (see Gas Servicing new procedures notice appendix 3)

When the gas supply is re-established the customer will contact Housing Services and an engineer will remove the blanking disc and the appliances will be commissioned

Note: when a WVDC engineer performs work on a gas appliance he will immediately thereafter examine:

- **The effectiveness of the flue**
- **The supply of combustion air**
- **Its operating pressure or heat input or where necessary, both**
- **Its operation so as to ensure its safe functioning**

The results of the above tests will be added to the job ticket (see sample job ticket appendix 4)

If a defective appliance/installation (unsafe situation) is found during 'gas work', guidance from the **CORGI 'Gas Industry Unsafe Situations Procedure' (dealing with unsafe situations in customers premises) must be adhered to (also see warning notice procedure) **this pocket-sized paperback booklet is issued to all gas engineers.

3.5 As each job is undertaken the Gas Service Engineer will record on the appropriate completion document (job ticket), the status of each service/repair including any details, which form a comprehensive record of that particular job, sign and date. (Refer to Section 5)

3.6 Warning Notice Procedure:

3.6.1 W.V.D.C. Warning Notice Procedure has been designed in a way, which allows the department to follow up on identified defects with a view to providing our customers/users with an efficient and cost-effective solution. It complies with Section 26(9) and 34(1) of the Gas Safety (Installation and Use) Regulations 1998 and also the CORGI Gas Industry Unsafe Situation Procedure

3.6.2 Classification of defective appliance/installation may fall within one of the following three categories:

- **Immediately Dangerous (ID)**
- **At Risk (AR)**
- **Not to Current Standards (NCS)**

(Refer to Appendix 5)

3.6.3 In the event of an appliance/installation being **Immediately Dangerous/At Risk** then the following will apply:

- a) If classed as **Immediately Dangerous** disconnect the appliance/installation and cap off gas supply**
- b) If **At Risk** turn off the appliance/installation
- c) Attach a Warning Label (Ref.TG3/WL1) to the defective appliance/installation
- d) Record details of the defect on a Warning Notice Report (Ref.CP14) signed and dated by the fitter and customer. Pink copy to be kept by the installer and the white copy handed to the customer.
- e) Inform the customer of the defect found and confirm the reason for not reconnecting/using the appliance/installation.

**If the customer will not grant permission to disconnect and cap off, inform the National Gas Emergency Service Call Centre and record relevant job document number/time of day (They have powers for disconnection)

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995

Note: - Since 1st April 1996 the responsibility for the reporting of **RIDDOR** situations have been placed on CORGI Registered Gas Installers, therefore when an engineer encounters a possible RIDDOR situation (refer to Unsafe Situation Booklet) he/she will complete a WVDC 'Incident Report Form' (see appendix 6) and forward the form to WVDC's Health and Safety Officer. The Health Safety Officer will then, when necessary, complete a F2508G and forward this to HSE.

3.6.4 Procedure to be adopted to remove a Warning Notice:

- a) The fitter must verify that the appliance or installation is now safe to use.
- b) The fitter must then carry out a full inspection and test of the installation
- c) Should the appliance be safe to use then the Warning Notice can be removed and the customer/user informed that the appliance/installation is now safe to be left commissioned and that W.V.D.C. are now authorising normal use.

3.7 Void Property Procedure:

- 3.7.1 Work instructions relating to gas works in void properties are as follows:
- 3.7.2 Immediate instruction to disconnect the installation pipework from the live gas supply, this is achieved by the insertion of a line disc above the emergency control valve.
- 3.7.3 Any other work instruction or repairs as necessary ie removal/disposal of any gas cooker fitted
- 3.7.4 A work instruction is to be issued for the day identified as being when the new tenant will take up residence (and the gas and electricity supplies re-established)
- 3.7.5 This work instruction will be to perform all necessary works to re-commission the gas supply/appliances (including a full gas service)
Following completion of the works the new tenant will be issued with a Landlord's Gas Safety Record. (this satisfies Regulation 36 (6)b of The Gas Safety (Installation and Use) Regulations 1998
The tenant will also be instructed on the operation of the heating system

3.8 Tenants Own Heating Appliances & Cookers Procedure:

- 3.8.1 As previously mentioned, Flues and chimneys serving the tenants' own appliances are not covered under regulation 36 of the Gas Safety (Installation and Use) Regulations 1998. Landlords, however have a duty of care under Section 3 of the Health and Safety at Work etc. Act to maintain the flue.
- 3.8.2 Tenants heating appliances are serviced and safety checked following the same procedures as are own.
- 3.8.3 A visual check only is carried out on gas cookers and the tenant will be advised of any defects or corrective action required. (Also see warning notice procedure)
- 3.8.4 Service Engineers have a duty to disconnect/turn off and apply a Warning Notice to any cooker/appliance suspected of being unsafe to use due to lack of servicing etc, or if an escape of gas is detected from the cooker/appliance. It will then be the customer/tenant's responsibility to contact a Corgi Registered Engineer to have the defect rectified and the appliance reconnected.

Section 4: Quality Control, Management Review and Training

4.1. The Gas Safety (Installation and Use) Regulations 1998, place responsibilities upon W.V.D.C to ensure that all appliances are left in a safe condition. It would therefore follow that we exercise a legitimate interest in the manner that work is undertaken. This will be carried out in a meaningful and structured way i.e. the monitoring of gas work and the visual inspection of all completed work documentation.

4.2. Measurement (other than visual quality control of documentation) will be carried out in two ways:

- The physical monitoring of work and the competence of individuals.
- Management review of performance feedback into the system for continued improvement via documentation.

4.3. Quality checks are:

a)	Documentation	100%
b)	Post inspection/Physical Work Check	5%
c)	Customer Satisfaction	5%

See Appendix 7, 7a and 7b

4.4 Training of Current Maintenance Personnel

4.4.1 Will be in accordance with ACS requirements

4.4.2 On going product training will continue as necessary

Section 5: Service Control and Administrative Procedure

5.1	<u>Service control and administrative procedure:</u>	<u>Responsible Person</u>
5.1.1	Monthly servicing schedule produced from IBS system, which also inputs job tickets.	I B S
5.1.2	Tickets printed.	I B S
5.1.3	Maintenance Officer receives job tickets.	Phil Cummings
5.1.4	All tenants to receive confirmation in writing approximately 14 days beforehand when servicing is to be undertaken (when new IT system is up and running) (see appendix 8)	I B S
5.1.5	If access is gained and servicing is completed plus any necessary repairs. (See Section 3). A Landlord's Gas Safety Record (CP12) is completed and signed by the tenant, the tenant is handed their copy immediately.	Engineer on-site
5.1.6	If during the servicing, it is not possible for the engineer to carry out a tightness test (no credit in gas meter/quantum meter locked out etc.) The engineer will insert a blanking disc into the customer's side/outlet of the primary gas meter; this will prevent the customer from using the appliance/installation until all safety checks have been carried out. (See Section 3)	Engineer on-site
5.1.7	<p>One copy of the remaining Landlord's Gas Safety Record is attached to the job ticket, which is filed and retained for two years.</p> <p>The other is passed to Neighbourhood Management.</p> <p><i>Where Landlord Safety Gas Records have been amended by the Contractor, a copy will be sent to the respective tenant</i></p>	<p>K Tillotson</p> <p>T Cranston & P Cummings</p>
5.1.8	Any properties found to be void will have the job ticket cancelled. These properties to be serviced when property is let. (see section 3)	Engineer on-site & Housing Services
5.1.9	If on the first visit access cannot be gained, then a card should be left stating when the next visit will be (see appendix 9). This should be no later than seven days but not the next day, either a.m. or p.m. and the date.	Engineer on-site
5.1.10	If there is no access on the second visit, a second card/notice will be left (see appendix 10) requesting the tenant make an appointment.	Engineer-on-site

	<u>Service control and administrative procedure:</u>	<u>Responsible Person</u>
5.1.11	A stage 46 will be added to the job ticket, this will appear on the stage history and will be used for reporting purposes to show outstanding gas services. (At the same time a letter will be sent to the tenant confirming the two no access dates and for them to contact Housing Services immediately (see appendix 11)	K Tillotson
5.1.12	If access or an appointment is not made within seven days, a letter will be sent to the tenant stating that if an appointment is not made within seven days then legal action will be taken (see appendix 12) a stage code 47 will be added to the job ticket.	K Tillotson
5.1.13	Prior to contacting Legal Services, Housing Management will be contacted to ascertain if there are any special access arrangements or circumstances relating to property.	K Tillotson
5.1.14	If still no access, Housing Services will e-mail the Head of Legal Services who will within 5 working days of receiving such e-mail send a letter before action to the tenant giving 7 days to contact Housing Services to make an appointment for the gas servicing to be undertaken (see appendix 13) File copies will be returned to Housing Services. Also a stage 49 will be added to the job ticket.	K Tillotson & Housing Officers
5.1.15	If no contact is made in the 7 day period or if the tenant makes an appointment but does not allow access then Housing Services will issue possession proceedings (by way of NOSP/NPP/Notice to Quit and having taken into consideration any further breaches of tenancy)	K Tillotson & Housing Officers
5.1.16	If the issue of the Notice does not bring about access then Housing Services will, once the Notice becomes operative, issue a formal request to the Head of Legal Services (HOLS) (see appendix 14) who will, subject to 5.1.17 within 15 working days issue a summons for possession of the property.	K Tillotson Housing Officers Legal Services
5.1.17	Where the Head of Legal Services considers that there is a more suitable enforceable remedy available (injunction/EPA) then HOLS will issue such proceedings.	Legal Services
5.1.18	Once proceedings have been issued the Head of Legal Services and Housing Services shall, on a fortnightly basis, discuss the present position of outstanding cases.	K Tillotson Legal Services

	<u>Service control and administrative procedure:</u>	<u>Responsible Person</u>
5.1.19	HOLS will advise Housing Services of the outcome of legal proceedings whereupon Housing Services will make the necessary access arrangement in accordance with the Court order.	K Tillotson Legal Services
5.1.20	The job will not be completed (status 90) until access has been made and the gas service completed. The current stage code will be used to signify an outstanding or overdue gas service and will provide information for a report done on a weekly basis.	K Tillotson

See appendix 15 for flowchart showing all stages of above procedures.

HEALTH AND SAFETY

Regulation 39 of The Gas Safety (Installation and Use) Regulations 1998 states that, provided the landlord can show all reasonable steps have been taken to prevent the contravention of Regulation 36, no further liability exists.

By adhering to Section 5 above, WVDC will have demonstrated that all reasonable steps have been taken to gain access.

Section 6: Performance Management and System Review

- 6.1 The system operated by W.V.D.C. for the installation and servicing of gas appliances/installations will be continually reviewed and monitored, allowing for weaknesses to be identified and improvements to be made.
- 6.2 The system will ensure that levels of customer satisfaction are closely monitored and that the needs of residents are met through liaison with resident groups and customer panels.
- 6.3 A report will be prepared for the Housing Services Committee on an annual basis which will outline performance in terms of:
 - a) Number of properties serviced.
 - b) Number of no access jobs outstanding
 - c) Number of properties post inspected.

This report will also give details of the feedback from the customer satisfaction survey.



HOUSING SERVICES COMMITTEE

2 MARCH 2005

Report of the Director of Housing Services

PRE-PAINT REPAIRS AND PAINTING WORKS 2005/06

purpose of the report

To update Committee on the progress of the pre-paint repairs and painting works during 2004/05 and the proposals for 2005/06.

background

1. Members may recall the Housing Inspectors' criticism of the Council for suspending the cyclical programme for painting of Council dwellings. To address this criticism, the Council provided £100,000 to recommence the programme during 2004/05.
2. Housing Services Committee on 26 May 2004 agreed to the recommendation that Bell Group (UK) Ltd be appointed to undertake the works, which commenced at Henknowle, Bishop Auckland.
3. The recent increases in maintenance and management allowances has enabled the Council to increase the pre-paint and painting works budget to £200,000 for the year 2005/06.

progress 2004/05

4. For the works during 2004/05, it was proposed that Bell Group undertake all surveys of works required and these be checked by Wear Valley staff on a 10% random sample. This system was thought to be more efficient and provide better value than previous methods of working.
5. Commencing in the Henknowle ward, it was anticipated approximately 200 properties would receive works. This figure was based on historical cost of undertaking similar works. In addition, technical staff fees historically accounted for approximately £20,000.
6. The works have progressed very well and, to date, over 350 houses and 77 garages have been completed. In addition, 8 community centres have been redecorated internally during the winter months within the current budget.

proposed works 2005/06

7. The works carried out during the past year have been very encouraging and illustrate good value for money. The Council is proposing to work very closely with the contractor in developing the forthcoming year's programme.
8. It is anticipated that works will commence in Rosedale Estate, Willington and include Low Mown Meadows and other areas of Crook. Part of these works will incorporate the routine maintenance of recently installed double glazed windows. This will involve close relationships between our painting contractor and Windowman UK, our window contractor. However, this will ensure the windows are maintained to a high standard with the minimum disruption to our customers.
9. The budget and quality of the works will continue to be closely monitored by the Council and any future works agreed by the Contractor and the Council and further reports will be Committee's information regarding progress.

legal implications

10. The Council's Contract Standing Orders, section 3 refers to the Council and its committees having the power to waive the requirement of a Standing Order in specific circumstances. Last year's contract was tendered for on the basis of a one year contract with the possibility of future negotiations, subject to satisfactory performance. As illustrated above the works undertaken during 2004/05 have proven very cost effective and completed to a high standard. The methods of working have also saved the Council approximately £17,00 in terms of staff time that has resulted in more works being undertaken and staff resources directed elsewhere.
11. Accordingly it is proposed that negotiations commence with Bell Group (UK) Limited to deliver this forthcoming year's programme of pre-paint repairs and painting works. In order for this to be carried out it is recommended, following consultation with the Director of Central Resources and the Head of Legal Services, that Standing Order 8.1 be suspended.

financial implications

12. The overall budget of £200,000 is to be funded from the Housing Revenue Account. It is anticipated that this budget will be fully expended in the proposed works.
13. The method of working proposed enables Council Officers to be re-directed from previous inspection and scheduling towards service improvement and increased customer satisfaction.

RECOMMENDED

1. Committee notes the progress during 2004/05 on pre-paint repairs and re-painting works.
2. Committee agrees to suspend Standing Order 8.1.
3. Committee agrees to the appointment of Bell Group (UK) Limited as contractor up to the maximum budget provision.

Officer responsible for the report

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