

Rother District Council

Report to:	Cabinet
Date:	9 October 2023
Title:	Rother District Council Owned / Leased Accommodation Policies
Report of:	Joe Powell, Head of Housing and Regeneration
Cabinet Member:	Councillor McCourt
Ward(s):	All
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 11 September 2023, regarding the Council's proposed Owned / Leased Accommodation Policies. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix G) should be read in conjunction with this report.
Decision Type:	Key

Overview and Scrutiny

Recommendation(s): It be **RESOLVED:** That the following Rother District Council Owned / Leased Accommodation Policies be recommended to Cabinet and full Council for adoption:

- Unacceptable Behaviour Policy;
- Anti-Social Behaviour Policy;
- Recharge Policy;
- Compensation Policy;
- Domestic Abuse Policy; and
- Window Restrictors Policy.

Reason for

Recommendations: As a Registered Provider, the Council must have a suite of policies in relation to Council accommodation, tenants and staff/contractors, in order to comply with Housing Ombudsman, Social Housing (Regulation) Act 2023 and our duties as a landlord.

Introduction

1. In 2020, Rother District Council (RDC) became a Registered Provider (RP) of accommodation. Thus far, we have 33 units of accommodation that we own and one unit of accommodation that we lease and manage. The number of units of accommodation we own and lease is set to rise further as we increase the scale of the Temporary Accommodation Support Scheme (TASS) and leasing scheme. We currently have offers on 11 houses in Bexhill and one flat in Rye.
2. As a RP, we must ensure we have a suite of policies in relation to our accommodation, tenants and staff/contractors, in order to comply with

Housing Ombudsman, Social Housing (Regulation) Act 2023 and our duties as a landlord.

3. The policies apply to RDC tenants of temporary accommodation (TA) and leased properties only. The six named policies listed above will apply to all activity undertaken by Council staff or contractors that may be involved in property management and support of tenants. The policies can be read in full at Appendices A-F.
4. A further suite of policies will be brought forward for approval next year that will focus on Health and Safety at our properties, in order to comply with the new Social Housing (Regulation) Act and those aspects that come into force in 2024.

Background

5. The Housing Ombudsman has undergone some significant changes since its introduction in July 2020. From April 2022, they updated their Complaint Handling Code to strengthen a positive complaint handling culture. Although this code is focused on complaints, as part of the self-assessment that we complete for the Housing Ombudsman we need to have an unacceptable behaviour policy (see Appendix A).
6. RPs have a responsibility to prevent anti-social behaviour by keeping the neighbourhood and communal areas under their control safe and clean. Landlords should make it easy for tenants to report anti-social behaviour (ASB), take complaints seriously and act professionally. We have to also publish documents that set out the types of behaviours that can be tackled – we have set this out in the ASB Policy (Appendix B).
7. Damage to property is often associated with anti-social behaviour. While the Council has only experienced two cases of minor damage to property since we became a RP in 2020, the more we increase our stock, the risk of damage to property may increase. When incidents of damage to property occur, we require a means of recouping the associated costs to the Council, we can better achieve this through a formalised Recharge Policy (Appendix C).
8. We aim to provide a good quality service to all our customers. However, where we fall short of meeting these standards and commitments, we will take action to put this right as quickly as possible. When putting the situation right and apologising is not sufficient, we will consider offering compensation. The compensation we offer should restore the person to the position they would be in had the service failure not occurred. The Compensation Policy sets out our approach to this (Appendix D).
9. The Domestic Abuse Act 2021 places a duty on Local Authorities to ensure they offer safe accommodation to those at risk of domestic abuse. Refuge is not a solution to housing families while awaiting suitable long-term accommodation through private rented or social housing. The majority of refuge accommodation within East Sussex is shared facilities. Our properties, although not staffed permanently, have staff on hand to support customers. We also make property adaptations to support those at risk of domestic abuse and enhance the security. This Policy (Appendix E) is designed to formalise our approach.

10. The Health and Safety Executive advises that where assessment identifies that people are at risk of falling from windows at a height likely to cause harm, then suitable precautions must be taken. RDC have installed restrictors on all windows on first floor and above, and on ground floor windows where the drop is more than the average ground floor drop and the surface is hard. All tenants will be given the window restrictor policy (Appendix F) at their initial tenancy sign up.

Conclusion

11. It is a requirement of the Housing Ombudsman, Social Housing (Regulation) 2023 and Domestic Abuse Act 2021 that we have the above listed policies adopted and we recommend that Members approve these.

Equalities and Diversity

12. An equality impact assessment has been completed for each policy.

Financial Implications

13. If we are found to be in breach of the Complaints Handling Code or Social Housing (Regulation) Act 2023, RDC could be prosecuted, which is likely to include a significant fine and may impact on future funding bids.

Legal Implications

14. All bodies registered with the Regulator for Social Housing must be in the Ombudsman's jurisdiction by effect of the 1996 Housing Act and 2011 Localism Act. Through having this membership, RDC is held accountable and if we do not follow our policies then compensation may be requested by Ombudsman or Regulator of Social Housing to our tenants.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Lorna Ford
Report Contact Officer:	Joe Powell
e-mail address:	joe.powell@rother.gov.uk
Appendices:	Appendix A - Unacceptable Behaviour Policy Appendix B - Anti-Social Behaviour Policy Appendix C - Recharge Policy Appendix D - Compensation Policy Appendix E - Domestic Abuse Policy Appendix F - Window Restrictors Policy Appendix G – Extract from OSC Minutes
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

Minutes of the Overview and Scrutiny Meeting – 11 September 2023**OSC23/21. ROTHER DISTRICT COUNCIL OWNED / LEASED
(6) ACCOMMODATION POLICIES**

Members received the report of the Head of Housing and Regeneration that outlined the proposed Rother District Council (RDC) owned / leased accommodation policies for implementation.

In 2020, RDC became a Registered Provider (RP) of accommodation and thus far, had 33 units of accommodation that it owned and one unit of accommodation that was leased and managed by the Council. The number of units of accommodation owned and leased by the Council was set to rise further as the scale of the Temporary Accommodation Support Scheme (TASS) and leasing scheme was increased.

As a RP, the Council had to ensure it had a suite of policies in relation to its accommodation, tenants and staff/contractors, in order to comply with Housing Ombudsman, Social Housing (Regulation) Act 2023 and duties as a landlord. The six proposed policies applied to RDC tenants of temporary accommodation (TA) and leased properties only and would apply to all activity undertaken by Council staff or contractors that may be involved in property management and support of tenants. The six policies, namely: Unacceptable Behaviour Policy; Anti-Social Behaviour Policy; Recharge Policy; Compensation Policy; Domestic Abuse Policy; and Window Restrictors Policy were attached to the report at Appendices A-F.

It was a requirement of the Housing Ombudsman, Social Housing (Regulation) 2023 and Domestic Abuse Act 2021 that the Council had the policies listed in the report.

The Cabinet Portfolio Holder for Housing, who had been invited to the meeting, explained that the policies complied with legislation and included details of best practice across the sector. Members of the Overview and Scrutiny Committee were happy to recommend that Cabinet consider the adoption of all six policies, for onward recommendation to full Council.

RESOLVED: That the following Rother District Council Owned / Leased Accommodation Policies be recommended to Cabinet and full Council for adoption:

- Unacceptable Behaviour Policy;
- Anti-Social Behaviour Policy;
- Recharge Policy;
- Compensation Policy;
- Domestic Abuse Policy; and
- Window Restrictors Policy.

(Councillor Burton declared a personal Interest in this matter as her son held a licence agreement with Rother District Council to provide Temporary Accommodation at a premises and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).