

North Tyneside Council

Report to Cabinet

Date: 9 July 2012

ITEM 7(g)

**Title: Council Tenants
Repair Matrix**

Portfolio(s): Housing

**Cabinet
Member(s):**

Councillor Paul Mason

Report from Directorate: Community Services

Report Author: Ian Conway, Head of North Tyneside Homes
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Wards affected: All

PART 1

1.1 Purpose:

The purpose of this report is to obtain agreement from Cabinet for the implementation of a repair matrix that clearly sets out the Council's repairing obligations as Landlord and the responsibilities of the tenant.

1.2 Recommendation(s):

It is recommended that Cabinet approve the Repair Matrix as set out in Appendix 1 of this report.

1.3 Forward Plan:

This report does not appear on the current Forward Plan. The report arises from ongoing work initiated by the Cabinet Member for Housing and the Operational Partnering Board to ensure repairs and maintenance expenditure was targeted appropriately to control expenditure within the budget envelope. The development of clear guidelines on the Council's and tenant's repair responsibilities was one of the recommendations of the Overview and Scrutiny Task Group Study into the joint venture arrangements which was accepted by Cabinet at its meeting on the 14th May 2012.

1.4 Council Plan and Policy Framework

There are no specific references to this item within the Council Plan 2012-15.

1.5 Information:

1.5.1 Background

The respective responsibilities and obligations of the Council and the tenant in relation to repairs and maintenance are set down within the Council's tenancy agreement.

The tenancy agreement sets out the legislative and contractual position of the respective parties in broad terms. Additional information on the repairs service is available on the Council's website, service information leaflets and the repairs and maintenance local offer.

The present information does not provide clear and detailed guidance in relation to the responsibilities for individual components, fixtures and fittings within the property and the circumstances under which the repair and replacement of certain items may become the responsibility of the tenant. In particular the tenant has a responsibility to take care of their home and make good any wilful or negligent damage caused by them, their family, their visitors or pets.

In the absence of clear unequivocal guidance staff have in some circumstances applied their own interpretation on where responsibility lies and as a consequence some inconsistency in service provision has occurred resulting in the Council incurring expenditure on items which are the responsibility of the individual tenant.

The Cabinet Member for Housing and the Operational Partnering Board for the Kier Joint Venture partnership initiated the development of a Repair Matrix to set out clearly where the responsibility for various repairs and maintenance elements lay.

This was included within the recommendations from the Overview and Scrutiny Task Group study into the Council's Joint Venture Agreement which were accepted by Cabinet at its meeting on the 14th May 2012. The development and implementation of the Repair Matrix would ensure that the following recommendations from the Overview and Scrutiny Task Group would be met:

- In the light of increased demands on the housing repairs service, the Cabinet review the Council's repairs policy to ensure there is clarity and understanding among tenants and customers on
 - those repairs that will be completed as part of the North Tyneside Homes repairing obligations;
 - those repairs that will be undertaken only as part of a programme of works; and
 - repairs which are considered to be the tenants responsibility and those which are considered to be rechargeable.

1.5.2 Development of the Repairs Matrix

The Repair Matrix has been developed over the last 12 months working closely with the Cabinet Member, Kier North Tyneside, staff and tenants who have been involved throughout the process. The Repair Matrix at Appendix 1 in conjunction with the 'Repairs Handbook' will provide more clarity for tenants and staff within the Council and at Kier North Tyneside to ensure consistency and effective deployment of financial resources.

The work in establishing the Repairs Matrix has involved:

- Detailed discussions at the Operational Partnering Board involving the Cabinet Member and senior officers of the Council and Kier North Tyneside. This included initiating work to develop the repair matrix.
- A review of best practice operated by other housing providers including Hackney Homes, East Durham Homes, Ashfield Homes, Homes for Islington, Ascham Homes and Mid-Suffolk District Council.

- Ongoing work with tenants who sit on the Repair Service Development Group and Overview Panel which has included:
 - Agreeing a local offer with tenants in relation to the repairs and maintenance service.
 - The development of a repair handbook that provides a guide to tenants on the repairs service including how to report a repair, the standards of services, the repair priority system, diagrams to aid accurate reporting and diagnosis and a handy hints section to assist tenants in completing small tasks around the home.
 - A review of completed repairs which identified that a number of non-essential repairs which could be classed as the tenant's responsibility were being undertaken at a cost to the Council.
 - The development of the Repair Matrix including a review of documentation provided by other housing providers.
- Discussion with the Overview and Scrutiny Joint Venture Task Group regarding the Council's repairing obligations and tenant responsibilities.

The Repair Matrix has been developed to comply with the Councils repairing obligations which are set out in three key areas:

- **Legislation** primarily section 11 of the Landlord and Tenant Act 1985 which in summary are to keep in repair the:
 - Structure and exterior of the property,
 - Installations in the property for the supply of water, gas and electricity and for sanitation and the installations in the dwelling-house for space heating and heating water.
- **The Council's Tenancy Agreement** which provides some further clarification on the respective rights and obligations of the Council and tenants in respect of repairs and maintenance.
- **The Regulatory Framework** developed by the Homes and Communities Agency (HCA) sets out the requirements that registered providers must comply with. The primary responsibility for setting standards and resolving disputes is between landlords and their tenants at a local level and enshrining agreements in the form of local offer. The HCA will only intervene in cases of serious detriment that have caused, or are likely to cause, harm. The Regulatory framework covers two broad areas as follows:
 - Economic regulation comprising governance, financial viability and value for money which primarily apply to the housing association sector, and
 - Consumer regulation comprising standards for tenant involvement and empowerment, home, tenancy, neighbourhood and community which apply to all providers.

The adoption of the Repair Matrix will assist in targeting resources to those repairs that are the Council's responsibility and assist in managing demand within the repairs service.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

To agree the proposals of this report and recommendation as set out in section 1.2 of this report.

Option 2

Not agree the proposals as set out in section 1.2 of this report.

Option 3

To refer the matter back to officers for further consideration of any specific issues(s),

1.7 Reasons for recommended option:

1.7.1 Option 1 is the recommended option as it will provide the Council and tenants with a clear understanding of their repairing obligations and responsibilities. It will ensure that resources are targeted towards those areas that are the Council's responsibility to complete and help manage demand on the repairs and maintenance service

1.8 Contact officers:

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David Foster, Senior Manager Property Services, tel. (0191) 6437801
Alison Campbell, Finance Business Manager, tel (0191) 6437038

1.9 Appendices:

Appendix 1 : Repairs Matrix

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) 'A Better Deal for Tenants: Your Right to Repair' published on 5 November 2001, Communities and Local Government.
- (2) 'Repairs – A guide for landlords and tenants' published on 21 April 2009, Communities and Local Government.
- (3) Landlord and Tenant Act 1985
- (4) North Tyneside 'Tenancy Agreement' July 2010.
- (5) North Tyneside Homes – Your Repairs Handbook 2012
- (6) Overview and Scrutiny Study into the Joint Venture Agreement with Kier North Tyneside March 2012
- (7) Homes and Communities Agency – The Regulatory Framework for Social Housing in England from April 2012. http://www.homesandcommunities.co.uk/sites/default/files/our-work/regulatory_framework_2012.pdf

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

2.1.1 There are no cost implications in implementing the Tenants Repairs Matrix and this tool is to be used to target our resources more effectively.

The Repair Matrix will assist us in keeping expenditure within existing repair and maintenance budgets that have been built into our Housing Revenue Account.

2.2 Legal

2.2.1. The repairing obligations of the Council as landlord are set out in section 11 of the Landlord and Tenant Act 1985. This sets out a Landlord's obligations in short leases as follows:

- to keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes);
- to keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences, but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity); and
- to keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.

2.2.2. The Regulatory Framework for Social Housing in England from April 2012 sets out the framework for Consumer regulation for registered providers and the elements relating to repairs and maintenance are contained within the Home Standard.

2.2.3. In addition there are a number of repair issues referred to within the Council's Tenancy Agreement which are in line with the Council's statutory repairing obligations.

2.2.4. The Repair Matrix used in conjunction with the guidance given in the 'Repairs Handbook' will demonstrate the Council's compliance with the Landlord and Tenant Act 1985, the Regulatory Framework and the rights and responsibilities set out within the Council's secure and introductory tenancy agreement.

2.3 Consultation/community engagement

The following consultation has been undertaken.

2.3.1 Internal Consultation

Consultation has been undertaken with Legal Services, Finance, the Cabinet Member for Housing, the Overview and Scrutiny Committee Joint Venture Task Group, Kier North Tyneside Senior Team, North Tyneside Homes Senior Management Team and Property Services Team.

The Repair Matrix has been considered and approved by the Operational Partnering Board for the Joint Venture Partnership with Kier North Tyneside.

2.3.2 External Consultation/Engagement

A number of other external housing providers have been contacted and their approach and the documentation developed to set out the responsibility of the Council as Landlord and their tenants relating to repairs and maintenance has been considered and incorporated as part of the development of the Repair Matrix where appropriate. These have included Hackney Homes, East Durham Homes, Ashfield Homes, Homes for Islington, Ascham Homes and Mid-Suffolk District Council.

A number of detailed consultation and development meetings were held over the last 12 months with the Repairs service development group made up of tenants. The Repair Service Development Group have been consulted in detail from the commencement of the project through to completion. The Repair Matrix has also been considered by the Overview Panel which is also made up of tenants from each of the Service Development Groups.

2.3.3 Further consultation

Further information will be published in Housing Matters providing the key information which will be sent to all tenants and leaseholders.

2.4 **Human rights**

There are no human rights implications directly arising from this report.

2.5 **Equalities and diversity**

An Equality Impact Assessment has been undertaken in the development of the Repair Matrix. There are no adverse impacts directly arising from this report and the implementation of the repair matrix.

2.6 **Risk management**

2.6.1. There are no significant risk implications arising directly from this report

2.7 **Crime and disorder**

There are no significant crime and disorder implications directly arising from this report.

2.8 **Environment and sustainability**

2.8.1 There are no significant environment and sustainability issues directly arising from this report

PART 3 - SIGN OFF

- Strategic Director(s)
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Strategic Manager, Policy and Partnerships