

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Housing Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **21 November 2022**

Council Chamber, Civic Offices, New Road, Grays, Essex RM17 6SL

Membership:

Councillors Allen Mayes (Chair), Colin Churchman (Vice-Chair), Steve Liddiard, Shane Hebb, Joycelyn Redsell and Lynn Worrall

Carol Purser, Housing Tenant Representative

Substitutes:

Councillors Adam Carter, John Kent, Georgette Polley, Elizabeth Rigby and Lee Watson

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 12
To approve as a correct record the minutes of the Housing Overview and Scrutiny Committee meeting held on 29 September 2022.	
3 Urgent Items	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972. To agree any relevant briefing notes submitted to the Committee.	
4 Declaration of Interests	
5 Fees & Charges Pricing Strategy 2023/24	13 - 28

6	Housing Ombudsman Report: Spotlight on Damp and Mould	29 - 96
7	Allocations Policy Update 2022-23	97 - 218
8	Blackshots Estate - Proposals for the Way Forward	219 - 258
9	Work Programme	259 - 260

Queries regarding this Agenda or notification of apologies:

Please contact Jenny Shade, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **11 November 2022**

Information for members of the public and councillors

Access to Information and Meetings

Advice Regarding Public Attendance at Meetings

If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.

Hand sanitiser will also be available at the entrance for your use.

Recording of meetings

This meeting will be live streamed and recorded with the video recording being published via the Council's online webcast channel: www.thurrock.gov.uk/webcast

If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities. If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee. The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, smartphone or tablet.

- You should connect to TBC-GUEST
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

How to view this agenda on a tablet device



You can view the agenda on your [iPad](#) or [Android Device](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature

You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Housing Overview and Scrutiny Committee held on 29 September 2022 at 7.00 pm

Present: Councillors Steve Liddiard, Augustine Ononaji, Joycelyn Redsell and Adam Carter (Substitute) (substitute for Allen Mayes)

Apologies: Councillors Colin Churchman (Vice-Chair) and Lynn Worrall

In attendance:
Keith Andrews, Housing Development Manager
Mike Jones, Strategic Lead, Finance
Ewelina Sorbjan, Assistant Director of Housing
Alastair Wood, Technical Services Delivery Manager, Housing – Technical Services

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

In the absence of the Chair and Vice Chair nominations were received for Chair. Councillor Carter nominated Councillor Redsell and this was agreed by Members.

6. Minutes

The minutes of the Housing Overview and Scrutiny Committee held on 21 June 2022 were approved as a correct record.

7. Urgent Items

No urgent items were received

8. Declaration of Interests

No interests were declared

9. Structure of HRA

The Strategic Lead for Corporate Finance presented the report on the Structure of the Housing Revenue Account (HRA).

The Strategic Lead for Corporate Finance explained that the report was to provide information on the structure of the HRA and how it operates. The Strategic Lead for Corporate Finance confirmed the HRA records the income and expenditure related to the Council's own housing stock and closely related services of facilities. It is different from the general fund and is a ring-

fenced account, any income that comes into the HRA has to be of direct benefit to the tenant.

The Strategic Lead for Corporate Finance stated that the HRA is required to produce a 30 year business model and this is reviewed annually.

The Strategic Lead for Corporate Finance confirmed that currently there is 59 million pounds worth of income and 59 million pounds worth of expenditure. The HRA has to operate on the money it generates through rent, service charges and other sources of income and it cannot have a deficit budget. The Strategic Lead for Corporate Finance highlighted that there is currently a consultation from Central Government taking place about a potential cap to the rent increase which can be applied, and they are gathering Local Authorities views on this.

The Strategic Lead for Corporate Finance explained that right to buy receipts are the amount of money that the Council retains when selling council houses through right to buy, which can then be used to reinvest in new stock either on the open market or as part of new build stock. Over the next 5 years 27 million pounds of right to buy receipts are expected to be received. Sales under the right to buy scheme have remained stable even throughout the pandemic of around 45-50 sales a year.

Councillor Redsell queried if the doors at the back of the garages can be painted as some of them haven't been painted for 30 years.

The Assistant Director of Housing explained that they have a garage investment plan, and they will get round to as many of them as possible and referred to the garage briefing note previously circulated which provides more information on this.

Councillor Liddiard commented that it would be good to see some data on how Thurrock compares with other Local Authorities.

The Strategic Lead for Corporate Finance confirmed that they do complete benchmarking exercises on the finance side when setting the budget. The Assistant Director of Housing added that there is a new set of regulations coming into force from the regulator for Social Landlords where they will be required to submit their returns on performance and tenant satisfaction measures. Some of this will start in April 2023 but currently they are not obligated to provide this data.

Councillor Liddiard also raised that the fascia boards in Lansbury Gardens, Tilbury need repairing.

Councillor Carter echoed Councillor Liddiard's comments and confirmed he would also like to see data from Thurrock's statistical neighbours. He also asked about the Tower block refurbishment and carbon reduction requirements and noted the work being completed on the Chadwell tower

blocks, he questioned if there were plans to complete work on any of the other high rises.

Alistair Wood confirmed they are looking to deliver a similar project in Tilbury but they are not able to confirm any details around a potential timeline for that yet.

Councillor Redsell asked for an update on the tower blocks in Blackshots. The Strategic Lead for Housing Development confirmed they are reviewing the cost planning and looking through the proposals for redevelopment and replacement. Once the work is complete an update will be given to the Committee at that point.

Councillor Ononaji queried how transparent the HRA process is and how it is monitored.

The Strategic Lead for Corporate Finance confirmed that all of the income to the HRA in terms of accountancy is kept separate from the general fund and is reconciled down to a single tenants rent account and is all subject to an external audit.

Councillor Ononaji also queried why the income and expenditure on the HRA account is the same and asked why they are not saving any surplus?

The Strategic Lead for Corporate Finance clarified that the HRA is not set up to provide a surplus and the idea is that the rent collected should not be more than they are going to spend. If they were setting a budget to obtain a surplus of money that would be at a cost directly to tenants. The HRA needs to generate enough income to cover its expenditure. The Strategic Lead for Corporate Finance confirmed this is in line with what other Local Authorities do as there is rent setting process guidance of CPI + 1 %.

Councillor Liddiard commented that he would like to see a breakdown of how much money is spent on houses in each ward.

The Assistant Director of Housing responded that this is a challenge as budgets are structured per type of work or program as opposed to by location but it can be done.

Councillor Redsell expressed concern that the provision for bad debt was just 1 %.

The Strategic Lead for Corporate Finance confirmed that even through the pandemic rent collection has remained steady at 99% so to date there hasn't been a need to take money out of front-line services for this. It is reviewed every year and as there may be some challenges to come this year this may need to be taken account.

Councillor Redsell asked whether CCTV footage could be obtained from the Chadwell St Mary flats concierge as she understood residents have experienced difficulties with this.

The Assistant Director for Housing confirmed there is a process that needs to be followed when requesting CCTV footage and due to data protection laws there is a strict criteria. The Assistant Director for Housing confirmed that she could obtain further information on how to request the footage and circulate it.

RESOLVED:

1.1 That the Housing Overview and Scrutiny Committee note and comment on the report.

10. Housing Development Programme Update

The Strategic Lead for Housing Development presented the report on the Housing Delivery Programme Update.

Councillor Redsell queried why C01 is being demolished.

The Strategic Lead for Housing Development referred back to previous reports to the Housing Overview and Scrutiny Committee and also to Cabinet which set out that the condition of the building evidenced that demolition and redevelopment was the preferred option.

Councillor Carter noted the 505 potential dwellings on new build projects being considered and queried how much this will cost in total.

The Strategic Lead for Housing development responded that each one would be costed individually as there will be different types of properties, and he was unable to give a global figure at the meeting.

Councillor Carter asked if the 20 million pounds received from right to buy receipts could be used to fund this.

The Strategic Lead for Housing Development confirmed that only 40% of the cost can be used from right to buy receipts and the balance is funded from borrowing. Funding grants from Homes England can also be substituted in place of the right to buy receipts also.

The Housing Tenant Representative commented that the tenants at Beaconsfield place are not happy as all the metres were wrong and tenants received incorrect bills. Furthermore, children are banging on the windows and the tenants are frightened. A small wall with a fence on top around could stop this.

The Strategic Lead for Housing Development responded that the issue of the metres was a failing on the contractor's part, they have acknowledged that and are putting it right.

Councillor Ononaji queried if 341 out of the 505 potential dwellings on new build projects under consideration are anticipated to be HRA, what will the remainder of the dwellings be?

The Strategic Lead for Housing Development confirmed that they will be built by Thurrock Regeneration Ltd (TRL) and they will be selling them or privately renting them. Each TRL site will have its own S106 requirements for affordable housing proportions. There are plans within the TRL projects to develop shared ownership.

Councillor Liddiard noted that there are a number of tower blocks in the Borough and there appears to be problems with all of them, he queried what was the difference between the Blackshots tower blocks and the other tower blocks in the Borough.

Alastair Wood confirmed there are 15 tower blocks in the Borough consisting of 981 flats. He confirmed the construction of the tower blocks are different so the way in which they would approach works for each block is different.

RESOLVED:

1.1.1 Note the update on sites being considered for housing development

1.1.2 Note the sites no longer being considered for Housing Revenue Account Housing development at Argent Street, Grays and Richmond Road, Grays.

11. Interim report for Stock Condition Survey of Housing Portfolio

The Technical Services Delivery Manager for Adults, Housing & Health presented the interim report on Stock Condition Survey of Housing Portfolio. He explained it is an interim report as the delivery of this has been delayed. Section 2 of the report sets out why a Housing Stock Condition Survey is completed and the Council's approach to undertaking this.

The Technical Services Delivery Manager for Adults, Housing & Health confirmed that Government funding has been launched today which targets properties lower than a band C and funding to bring them up to a band C can be applied for. He explained that having up-to-date data is key to inform the current investment programmes but also to allow the Council to bid for additional funding also.

Councillor Redsell thanked the Technical Services Delivery Manager for Adults, Housing & Health for the report and highlighted the amount being spent on roofs.

The Technical Services Delivery Manager for Adults, Housing & Health confirmed that across the borough roofs are in the 40-60 year age range and it is therefore expected there will be a high level of expenditure on this over the next few years.

Councillor Redsell asked how much the Consultants are charging to carry out this piece of work.

The Technical Services Delivery Manager for Adults, Housing & Health stated that the surveying company are charging around £300,000 to complete the survey.

RESOLVED:

1.1 The Housing Overview & Scrutiny Committee are asked to note and comment on the interim findings of the stock condition survey.

12. Work Programme

Members discussed the work programme.

Councillor Carter requested some data from the Council's statistical neighbours for the fees and pricing strategy 2022/23 report for the next meeting. The Assistant Director for Housing confirmed that the regulations will not start to come into play until April 2023 but they may be able to get some data from Housemark. The Assistant Director for Housing stated that she welcomed the regulations.

It was agreed the Garage update report for the next meeting in November be removed from the work programme as a briefing note has been provided already. It was agreed the briefing note will be re-circulated to members.

The meeting finished at 8.22 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

This page is intentionally left blank

21 November 2022	ITEM: 5
Housing Overview and Scrutiny Committee	
Fees & Charges Pricing Strategy 2023/24	
Wards and communities affected: All	Key Decision: Non-Key
Accountable Assistant Director: n/a	
Accountable Director: Ewelina Sorbjan, Interim Director of Housing	
This report is Public	

Executive Summary

This report specifically sets out the fees and charges in relation to services within the remit of this Overview and Scrutiny Committee.

Charges will take effect from the 1 April 2023, unless otherwise stated. In preparing the proposed fees and charges, Directorates have worked within the charging framework and commercial principles set out in Section Three of this report. We have also taken into account the effect that the increase in interest rates and the cost-of-living crisis has had on the Local Economy and our services and the continued implications from Covid-19.

Further Director delegated authority will be sought via Cabinet to allow Fees and Charges to be varied within financial year in response to changes in government legislation, all other changes in year will be brought back to Cabinet via the Service Director for transparency.

The full list of proposed charges is detailed in Appendix 1, and the proposed removal of current fees and charges are detailed in Appendix 2 to this report.

1. Recommendation(s)

- 1.1 That Housing Overview and Scrutiny Committee note the revised fees, including those no longer applicable, and that Housing Overview and Scrutiny Committee comment on the proposals currently being considered within the remit of this committee.**
- 1.2 That Housing Overview and Scrutiny Committee note that Director delegated authority will be sought via Cabinet to allow fees and charges to be varied within a financial year in response to legal and regulatory requirements.**

2. Background & Introduction

2.1 The paper describes the fees and charges approach for the services within the Housing Scrutiny Committee remit for 2023/24 and will set a platform for certain pricing principles moving forward into future financial years. The paper provides narrative for the General Fund aspects of the Housing area and includes:

- Houses in Multiple Occupation (HMO) Licence.
- Housing Enforcement Notices.
- Works in Default.
- Penalty Charges – Housing Planning Act 2016.
- Penalty Charges – Smoke & Carbon Monoxide Alarm Regulations 2015.
- Energy Efficiency Regulations 2015 & Amendment Regulations 2022.
- Mobile Homes Act 2013.

2.2 The fees & charges that are proposed are underpinned by statutory, regulatory, and discretionary conditions.

3. Thurrock Charging Policy

3.1 The strategic ambition for Thurrock is to adopt a policy on fees and charges that ensures that all discretionary services will fully cost recover wherever possible.

3.2 Furthermore, for future years, while reviewing charges, services will also consider the level of demand for the service, the market dynamics and how the charging policy helps to meet other service objectives.

3.3 Rather than set a blanket increase across all service lines, when considering the pricing strategy for 2023/24 some key questions were considered:

- Where can we apply a tiered/premium pricing structure.
- How sensitive are customers to price (are there areas where a price freeze is relevant).
- What new charges might we want to introduce for this financial year.
- How do our charges compare with neighbouring boroughs.
- How do our charges compare to neighbouring boroughs and private sector competitors (particularly in those instances where customers have choice).
- How can we influence channel shift.
- Can we set charges to recover costs.
- What do our competitors charges.
- How sensitive is demand to price.
- Statutory services may have discretionary elements that we can influence.
- Do we take deposits, charge cancellation fees, and charge an admin fee for duplicate services (e.g. lost certificates).

3.4 For Housing, a number of different methods to tier their charges depending on the service area are used:

- **Houses in Multiple Occupation** – are tiered based on the number of rooms.
- **Enforcement Notices** – are tiered around the number of bedrooms in the accommodation.
- **Mobile Homes Licensing** - These charges are tiered around number of pitches.

3.5 The key following points should be noted for 2023/24 fees and charges:

- **Houses in Multiple Occupation.** These charges will increase by an average of 11% (£159.50), as rounded to the nearest pound.
- **Housing Enforcement Notices** – These charges have been restructured to recover the council's full administrative cost.
- **Works In Default** – New administrative fee charge introduced.
- **Penalty Charges – Housing Planning Act 2016.** These charges are scaled up to the maximum sum allowed.
- **Penalty Charges – Smoke & Carbon Monoxide Alarm Regulations 2015.** These charges are scaled in line with industry standard.
- **Penalty Charges – Energy Efficiency Regulations 2015.** These charges are scaled in line with industry standard.
- **Penalty Charge – The Electrical Safety Standards in the Private Rented Sector [England] Regulations 2020.** These charges are scaled in line with industry standard.

4. Proposals and Issues

4.1 The fees and charges for each service area have been considered and the main considerations are set out below.

4.2 To allow the Council services to better respond to changes in the commercial environment for fees and charges; the Director of the Service area jointly with the agreement of Cabinet may vary service charges within the financial year due to commercial considerations:

- This will allow service areas, providing services on a traded basis to vary their fees and charges to reflect commercial and operational considerations that impact the cost recoverability calculations.
- Any changes to fees and charges due to commercial considerations will require consultation with, and agreement of, the relevant Portfolio Holder.

4.3 Unless indicated otherwise, fees and charges for 2023/24 can increase in line with forecast inflation (subject to rounding).

5. Mandatory and Additional Houses of Multiple Occupation (HMO) Licences

5.1 Mandatory HMO Licensing is a non-discretionary scheme introduced by the Government in 2006.

- 5.2 Private Housing introduced an Additional licensing scheme on 1st June 2019, a discretionary scheme for shared houses let to three to four unrelated persons in certain parts of the borough. It lasts for five years ending on 31st May 2024.
- 5.3 Section 63[3] of the Housing Act 2004 gives the Council the power to recover all reasonable costs associated with the administration of the HMO licensing function.
- 5.4 Licensing fees will increase by inflation for the financial year 2023/24.
- 5.5 The HMO 5 years Licence fee has been restructured for all landlords to pay the same amount for covering the cost of processing their application.
- 5.6 An administrative fee will be introduced for paper licence applications, invalid applications letters and invoice reminders for officers to administer this service.
- 5.7 A new licence fee has been introduced to grant a 3 year's licence in certain circumstances to improve the landlords' housing and property standards within the private rented sector and deliver better outcomes for tenants. Officer time and resources involved in processing a new application have been calculated.
- 5.8 The following list contains examples to grant a 3 year's licence:
- Failure to comply with previous HMO licence conditions.
 - Failure to comply with Planning requirements.
 - Failure to comply with HMO management regulations.
 - History of substantiated complaints in respect of the property.
 - Failure to apply voluntarily for licence.
- 5.9 All licensing fee money is ring fenced to be used for the purposes of operating a scheme.

6. Housing Enforcement Notices

- 6.1 The Housing Act 2004 Section 49 gives the Council the power to charge for certain enforcement actions under Part 1 of that Act. This includes notices to improve housing conditions, prohibition orders and emergency action. The provisions are clear that only the costs associated with determining whether enforcement action is necessary, identifying the type of action and the serving of the notice can be recovered.
- 6.2 The average officer time and resources for carrying out these functions have been recalculated and a revised standard fee has been proposed. An additional fee is charged for each bedroom inspection. This reflects the average time on carrying out those duties.

7. Works in default Section 31, Schedule 3, Housing Act 2004

- 7.1 This is a discretionary power the council may carry out works in default in certain circumstances. For example, this may be carried out if there is an imminent risk to health and safety, and an undue delay would put the occupier, visitors or the public in danger, and this remedy must be easy to achieve.
- 7.2 The Housing Act 2004 makes provisions for the council to carry out those works to a property where the person responsible has failed to comply with an enforcement notice. This applies to an owner occupier and Landlord.
- 7.3 Works in default can be carried out either instead of a prosecution or in addition to a prosecution.
- 7.4 It is proposed that the full cost of the work carried out is recovered and officer time and expenses to arrange and oversee the works is charged at 20%.
- 7.5 A local land charge is applied against the property for any outstanding amount in relation to the works in default owed to the council by an owner occupier or Landlord who failed to comply with an enforcement notice.

8. Penalty Charges – Housing Planning Act 2016

- 8.1 There is no suggested change to this penalty under these regulations.
- 8.2 The Housing and Planning Act 2016 allows the Council to impose a financial penalty on an owner of a property where they have failed to comply with certain provisions under the Housing Act 2004 as an alternative to prosecution.
- 8.3 Civil Penalties cover:
- Failure to comply with an improvement notice [section 30].
 - Offences in relation to licensing of HMO [section 72].
 - Offences in relation to licensing of houses under Part 3 of the Act [Section 95].
 - Offences of contravention of an overcrowding notice [section 139].
 - Failure to comply with management regulations in respect of HMO [section 234].
- 8.4 The maximum penalty is £30,000. This will be applied in accordance with the Private Housing Enforcement Policy and the council's Statement of Principles policy on applying the civil penalty.
- 8.5 Penalty charges can be appealed to the First-tier Tribunal Property Chamber who have the power to confirm, vary [increase or reduce] the size of the civil penalty or cancel the civil penalty.

9. Penalty Charge - Smoke and Carbon Monoxide Alarm 2015 & Amendment Regulations 2022

- 9.1 There is no suggested change to this penalty under these regulations. These charges are scaled in line with industry standard 2023/24.
- 9.2 The amendment to the new regulations come into force on 1st October 2022 and landlords must be compliant with the following requirements:
- 9.2.1 All landlords including Registered providers of social housing must ensure at least one smoke alarm provided on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015.
- 9.2.2 All landlords must ensure a carbon monoxide alarm is provided in any room used as living accommodation which contains a fixed combustible appliance e.g., boiler, wood stove, fireplace, oil fired furnace, etc.
- 9.2.3 All landlords will be legally obligated to ensure smoke alarms and carbon monoxide alarms are repaired or replaced once they are informed and the alarms are found to be faulty.

10. Penalty Charge - Energy Efficiency [Private Rented Property] 2015

- 10.1 There is no suggested change to this penalty under these regulations. These charges are scaled in line with industry standard 2023/24.

11. Penalty Charge – The Electrical Safety Standards in the Private Rented Sector [England] Regulations 2020

- 11.1 These regulations came into force in July 2020 with a maximum fine of £30,000 for non-compliance to improve electrical safety in all residential premises.
- 11.2 The Private Housing Service can impose a civil penalty notice which is scalable on those who are in breach of their duties under regulations and on failure to take remedial action to make their electrical installation safe.
- 11.3 There is no suggested change to this penalty under these regulations.

12. Mobile Homes Act 2013

- 12.1 There is no suggested change to this application fee or fit and proper test.
- 12.2 The council cannot charge a licensing fee on sites where a caravan site licence is not required under the Caravan Sites and Control of Development Act 1960. For example:
- Use within curtilage of a dwelling house
 - Use by a person travelling with a caravan for one or two nights

- Use of holdings of five acres or more in certain circumstances
- Sites granted for holiday use only
- Travelling Showman sites are exempt from licensing
- It does not include sites that are owned by the council

12.3 The current charges are broadly in line with other Essex Authorities, and it remains prudent to keep them at the same level for 2023/24.

13. Reasons for Recommendation

13.1 The setting of appropriate fees and charges will enable the Council to generate essential income for the funding of Council services. The approval of reviewed fees and charges will also ensure that the Council is competitive with other service providers and neighbouring councils. The ability to vary charges within financial year will enable services to more flexibly adapt to changing economic conditions.

13.2 The granting of delegated authority will only apply to legal or regulatory changes. If there is a need to alter fees during the financial year to enable the Council to better respond to commercial challenges, additional reports may be brought to Cabinet for approval.

14. Consultation (including Overview and Scrutiny, if applicable)

14.1 Consultations will be progressed where there is specific need. However, with regard to all other items, the proposals in this report do not affect any specific parts of the borough. Fees and charges are known to customers before they make use of the services they are buying.

15. Impact on corporate policies, priorities, performance and community impact

15.1 The changes in these fees and charges may impact the community; however, it must be taken into consideration that these price rises include inflation and no profit will be made on the running of these discretionary services.

16. Implications

16.1 Financial

Implications verified by: **Mike Jones**

Strategic Lead – Corporate Finance

The effect of any changes to fees and charges on individual income targets will be determined as part of the 2023-24 budget setting process in which Corporate Finance and service areas will review anticipated level of demand, fee increases, previous performance and potential associated costs. Covid-19 significantly impacted the Authority's ability to achieve income targets, and this will be taken into consideration when setting future targets. Income generated through fees and charges support the provision of services.

The Council-wide draft budget report will include the 2023-24 income targets across all directorates.

16.2 Legal

Implications verified by: **Godwin Mangse**

Locum Housing Lawyer – Law & Governance

The Council's obligations as landlord to repair and maintain Council properties are set out in the tenancy agreement. In addition, section 11 of the Landlord Tenant Act 1985 sets out statutory obligations to ensure that the structure of homes are repaired and the repairs are carried out within a reasonable time. Given this is an update report and the nature of the recommendation to the Committee, there are no legal implications directly arising from the recommendation.

16.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**

Community Engagement and Project Monitoring Officer

The Council is responsible for promoting equality of opportunity in the provision of services and employment as set out in the Equality Act 2010 and Public Sector Equality Duty. Decisions on setting charges and fees are subject to Community Equality Impact Assessment process and the Council's wider decision making structures to determine impact on protected groups and related concessions that may be available.

16.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder or Looked After Children

None

17. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

18. Appendices to the report

Appendix 1 – Schedule of Proposed Fees and Charges for 2023/24

Appendix 2 – Schedule of Fees and Charges no longer applicable

Report Author

Kelly McMillan

Business Development Manager

This page is intentionally left blank

Name of Fee or Charge	2022/23 - Charges				2023/24 - Charges				Changes from 2022/23				Detail				
	VAT	Net Charge	VAT Amount	Total Charge	VAT	Net Charge	VAT Amount	Total Charge	Net Change	VAT Amount	Total (£)	Total (%)	S/D	Status	Direct.	O&S	Owner
HMOs 5 year licence (Fees for single tenancies and shared houses) - 2 to 5 rooms (Application Fee £694, Licence Fee £592)	O	£ 1,158.00	£ -	£ 1,158.00	O	£ 1,286.00	£ -	£ 1,286.00	£ 128.00	£ -	£ 128.00	11.05%	D	I	AHH	H	Dulal Ahmed
HMOs 5 year licence (Fees for single tenancies and shared houses) - 6 to 10 rooms (Application Fee £722, Licence Fee £621)	O	£ 1,209.00	£ -	£ 1,209.00	O	£ 1,343.00	£ -	£ 1,343.00	£ 134.00	£ -	£ 134.00	11.08%	D	I	AHH	H	Dulal Ahmed
HMOs 5 year licence (Fees for single tenancies and shared houses) - 11 to 15 rooms (Application Fee £866, Licence Fee £613)	O	£ 1,332.00	£ -	£ 1,332.00	O	£ 1,479.00	£ -	£ 1,479.00	£ 147.00	£ -	£ 147.00	11.04%	D	I	AHH	H	Dulal Ahmed
HMOs 5 year licence (Fees for single tenancies and shared houses) - 16 to 20 rooms (Application Fee £855, Licence Fee £664)	O	£ 1,368.00	£ -	£ 1,368.00	O	£ 1,519.00	£ -	£ 1,519.00	£ 151.00	£ -	£ 151.00	11.04%	D	I	AHH	H	Dulal Ahmed
New HMOs 5 year licence (Fees for single tenancies and shared houses) - 21 to 29 rooms (Application Fee £966, Licence Fee £888)	O	£ 1,670.00	£ -	£ 1,670.00	O	£ 1,854.00	£ -	£ 1,854.00	£ 184.00	£ -	£ 184.00	11.02%	D	I	AHH	H	Dulal Ahmed
New HMOs 5 year licence (Fees for single tenancies and shared houses) - 30 or more rooms (Application Fee £1,138, Licence Fee £1,005)	O	£ 1,930.00	£ -	£ 1,930.00	O	£ 2,143.00	£ -	£ 2,143.00	£ 213.00	£ -	£ 213.00	11.04%	D	I	AHH	H	Dulal Ahmed
HMOs 3 year licence (Fees for single tenancies and shared houses) - 2 to 5 rooms (Application Fee £417, Licence Fee £356)					O	£ 773.00	£ -	£ 773.00	£ 773.00	£ -	£ 773.00	0.00%	D	N	AHH	H	Dulal Ahmed
HMOs 3 year licence (Fees for single tenancies and shared houses) - 6 to 10 rooms (Application Fee £433, Licence Fee £372)					O	£ 805.00	£ -	£ 805.00	£ 805.00	£ -	£ 805.00	0.00%	D	N	AHH	H	Dulal Ahmed
HMOs 3 year licence (Fees for single tenancies and shared houses) - 11 to 15 rooms (Application Fee £520, Licence Fee £372)					O	£ 892.00	£ -	£ 892.00	£ 892.00	£ -	£ 892.00	0.00%	D	N	AHH	H	Dulal Ahmed
HMOs 3 year licence (Fees for single tenancies and shared houses) - 16 to 20 rooms (Application Fee £513, Licence Fee £400)					O	£ 913.00	£ -	£ 913.00	£ 913.00	£ -	£ 913.00	0.00%	D	N	AHH	H	Dulal Ahmed
New HMOs 3 year licence (Fees for single tenancies and shared houses) - 21 to 29 rooms (Application Fee £580, Licence Fee £533)					O	£ 1,113.00	£ -	£ 1,113.00	£ 1,113.00	£ -	£ 1,113.00	0.00%	D	N	AHH	H	Dulal Ahmed
New HMOs 3 year licence (Fees for single tenancies and shared houses) - 30 or more rooms (Application Fee £683, Licence Fee £603)					O	£ 1,286.00	£ -	£ 1,286.00	£ 1,286.00	£ -	£ 1,286.00	0.00%	D	N	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 2 to 5 rooms (Application Fee £550, Licence Fee £636)					O	£ 1,186.00	£ -	£ 1,186.00	£ 1,186.00	£ -	£ 1,186.00	0.00%	D	N	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 6 to 10 (Application Fee £585, Licence Fee £671)					O	£ 1,256.00	£ -	£ 1,256.00	£ 1,256.00	£ -	£ 1,256.00	0.00%	D	N	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 11 to 15 (Application Fee £642, Licence Fee £739)					O	£ 1,381.00	£ -	£ 1,381.00	£ 1,381.00	£ -	£ 1,381.00	0.00%	D	N	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 16 to 20 (Application Fee £700, Licence Fee £805)					O	£ 1,505.00	£ -	£ 1,505.00	£ 1,505.00	£ -	£ 1,505.00	0.00%	D	N	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 21 to 29 (Application Fee £805, Licence Fee £927)					O	£ 1,732.00	£ -	£ 1,732.00	£ 1,732.00	£ -	£ 1,732.00	0.00%	D	N	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 30 or more units (Application Fee £933, Licence Fee £1,072)					O	£ 2,005.00	£ -	£ 2,005.00	£ 2,005.00	£ -	£ 2,005.00	0.00%	D	N	AHH	H	Dulal Ahmed
Other Misc. Income - Change of Manager	O	£ 177.00	£ -	£ 177.00	O	£ 196.00	£ -	£ 196.00	£ 19.00	£ -	£ 19.00	10.73%	D	I	AHH	H	Dulal Ahmed

Assisting with Licensing application (First 30 minutes free for accredited landlords, thereafter £50.00 per hour pro rata) - Landlord Accredited	O	£	67.50	£	-	£	67.50	O	£	75.00	£	-	£	75.00	£	7.50	£	-	£	7.50	11.11%	D	I	AHH	H	Dulal Ahmed
Assisting with Licensing application (First 30 minutes free for accredited landlords, thereafter £50.00 per hour pro rata) - Non Accredited	O	£	67.50	£	-	£	67.50	O	£	75.00	£	-	£	75.00	£	7.50	£	-	£	7.50	11.11%	D	I	AHH	H	Dulal Ahmed
Failure to comply with an improvement notice [section 30] - Minimum Charge, capped at £30k maximum	O	£	1,580.00	£	-	£	1,580.00	O	£	1,580.00	£	-	£	1,580.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Offences in relation to licensing of Houses in Multiple Occupation [section 72] - Minimum Charge, capped at £30k maximum	O	£	2,555.00	£	-	£	2,555.00	O	£	2,555.00	£	-	£	2,555.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Offences in relation to licensing of houses under Part 3 of the Act [Section 95] - Minimum Charge, capped at £30k maximum	O	£	2,555.00	£	-	£	2,555.00	O	£	2,555.00	£	-	£	2,555.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Offences of contravention of an overcrowding notice [section 139] - Minimum Charge, capped at £30k maximum	O	£	1,025.00	£	-	£	1,025.00	O	£	1,025.00	£	-	£	1,025.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Failure to comply with management regulations in respect of Houses in Multiple Occupation [section 234] - Minimum Charge, capped at £30k maximum	O	£	1,585.00	£	-	£	1,585.00	O	£	1,585.00	£	-	£	1,585.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Offences for Smoke & Carbon Monoxide Alarm Regulations non compliance (Initial fine followed by repetition within 2 years)	O	£	£1,000 then £5,000	£	-	£	£1,000 then £5,000	O	£	£1,000 then £5,000	£	-	£	£1,000 then £5,000	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Private Housing Services - Housing Non Statutory work for Border Agency (per case)	O	£	180.00	£	-	£	180.00	O	£	200.00	£	-	£	200.00	£	20.00	£	-	£	20.00	11.11%	D	I	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Part 1 Notices								O	£	420.00	£	-	£	420.00	£	420.00	£	-	£	420.00	0.00%	D	N	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Part 1 Notices - Administration per hour per bed								O	£	74.00	£	-	£	74.00	£	74.00	£	-	£	74.00	0.00%	D	N	AHH	H	Dulal Ahmed
Private Housing Services - Works in default costs and administration fees (interest charged after 3 months)								O	20% of works	£	-	20% of works	£	-	£	-	£	-	£	-	0.00%	D	N	AHH	H	Dulal Ahmed
Offences for Energy Efficiency Regulations 2015 non compliance - registered false or misinformation on PRS Exemption Register capped at 1k	O	£	1,000.00	£	-	£	1,000.00	O	£	1,000.00	£	-	£	1,000.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Offences for Energy Efficiency Regulations 2015 non compliance - sub standard property let with EPC F or G, capped at 4k	O		< 3 mnths £2,000 > 3mnths £4,000	£	-		< 3 mnths £2,000 > 3mnths £4,000	O		< 3 mnths £2,000 > 3mnths £4,000	£	-		< 3 mnths £2,000 > 3mnths £4,000	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Mobile Home Licensing Fee [1-10 pitches]																							AHH	H	Dulal Ahmed	
Mobile Homes initial set up - Application Fee	O	£	568.00	£	-	£	568.00	O	£	568.00	£	-	£	568.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Application to Transfer a Site Licence	O	£	259.00	£	-	£	259.00	O	£	259.00	£	-	£	259.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Application to Amend a Site Licence	O	£	326.00	£	-	£	326.00	O	£	326.00	£	-	£	326.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed
Mobile Home Licensing Fee [11-20 pitches]																							AHH	H	Dulal Ahmed	
Mobile Homes initial set up - Application Fee	O	£	615.00	£	-	£	615.00	O	£	615.00	£	-	£	615.00	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed

Application to Transfer a Site Licence	O	£	259.00	£	-	£	259.00	O	£	259.00	£	-	£	259.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Application to Amend a Site Licence	O	£	326.00	£	-	£	326.00	O	£	326.00	£	-	£	326.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Mobile Home Licensing Fee [21-50 pitches]																					AHH	H	Dulal Ahmed			
Mobile Homes initial set up - Application Fee	O	£	650.00	£	-	£	650.00	O	£	650.00	£	-	£	650.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Application to Transfer a Site Licence	O	£	259.00	£	-	£	259.00	O	£	259.00	£	-	£	259.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Application to Amend a Site Licence	O	£	326.00	£	-	£	326.00	O	£	326.00	£	-	£	326.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Mobile Home Licensing Fee [51-99 pitches]																					AHH	H	Dulal Ahmed			
Mobile Homes initial set up - Application Fee	O	£	705.00	£	-	£	705.00	O	£	705.00	£	-	£	705.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Application to Transfer a Site Licence	O	£	259.00	£	-	£	259.00	O	£	259.00	£	-	£	259.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Application to Amend a Site Licence	O	£	326.00	£	-	£	326.00	O	£	326.00	£	-	£	326.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Mobile Home Licensing Fee [100 pitches+]																					AHH	H	Dulal Ahmed			
Mobile Homes initial set up - Application Fee	O	£	750.00	£	-	£	750.00	O	£	750.00	£	-	£	750.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Application to Transfer a Site Licence	O	£	259.00	£	-	£	259.00	O	£	259.00	£	-	£	259.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Application to Amend a Site Licence	O	£	326.00	£	-	£	326.00	O	£	326.00	£	-	£	326.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Offences of contravening electrical safety standard regulations 2020 'minimum charge' capped at £30k	O	£500 - £30K	£	-	£500 - £30K	O	£500 - £30K	£	-	£500 - £30K	£	-	£	-	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Mobile Homes Fit and Proper person Test	O	£	323.00	£	-	£	323.00	O	£	323.00	£	-	£	323.00	£	-	£	-	0.00%	D	U	AHH	H	Dulal Ahmed		
Administration Fee - Reminder letter								O	£	25.00	£	-	£	25.00	£	25.00	£	-	£	25.00	0.00%	D	N	AHH	H	Dulal Ahmed
Administration Fee - 2nd Reminder letter								O	£	50.00	£	-	£	50.00	£	50.00	£	-	£	50.00	0.00%	D	N	AHH	H	Dulal Ahmed
Administration Fee - Additional fee for paper applications								O	£	100.00	£	-	£	100.00	£	100.00	£	-	£	100.00	0.00%	D	N	AHH	H	Dulal Ahmed
Administration Fee - Invalid application								O	£	25.00	£	-	£	25.00	£	25.00	£	-	£	25.00	0.00%	D	N	AHH	H	Dulal Ahmed

This page is intentionally left blank

Name of Fee or Charge	2022/23 - Charges				2023/24 - Charges				Changes from 2022/23				Detail				
	VAT	Net Charge	VAT Amount	Total Charge	VAT	Net Charge	VAT Amount	Total Charge	Net Change	VAT Amount	Total (£)	Total (%)	S/D	Status	Direct.	O&S	Owner
HMOs 5 year licence (Fees for single tenancies and shared houses) - 2 to 5 rooms - Landlord Accredited (Application Fee £611, Licence Fee £499)	O	£ 999.00	£ -	£ 999.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
HMOs 5 year licence (Fees for single tenancies and shared houses) - 6 to 10 rooms - Landlord Accredited (Application Fee £633, Licence Fee £533)	O	£ 1,050.00	£ -	£ 1,050.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
HMOs 5 year licence (Fees for single tenancies and shared houses) - 11 to 15 rooms - Landlord Accredited (Application Fee £755, Licence Fee £531)	O	£ 1,158.00	£ -	£ 1,158.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
HMOs 5 year licence (Fees for single tenancies and shared houses) - 16 to 20 rooms - Landlord Accredited (Application Fee £744, Licence Fee £661)	O	£ 1,265.00	£ -	£ 1,265.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
New HMOs 5 year licence (Fees for single tenancies and shared houses) - 21 to 29 rooms - Landlord Accredited (Application Fee £844, Licence Fee £766)	O	£ 1,450.00	£ -	£ 1,450.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
New HMOs 5 year licence (Fees for single tenancies and shared houses) - 30 or more rooms - Landlord Accredited (Application Fee £999, Licence Fee £866)	O	£ 1,680.00	£ -	£ 1,680.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 2 to 5 rooms - Landlord Accredited	O	£ 495.00	£ -	£ 495.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 2 to 5 rooms - Non Accredited	O	£ 573.00	£ -	£ 573.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 6 to 10 - Landlord Accredited	O	£ 527.00	£ -	£ 527.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 6 to 10 - Non Accredited	O	£ 604.00	£ -	£ 604.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 11 to 15 - Landlord Accredited	O	£ 578.00	£ -	£ 578.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 11 to 15 - Non Accredited	O	£ 665.00	£ -	£ 665.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 16 to 20 - Landlord Accredited	O	£ 630.00	£ -	£ 630.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 16 to 20 - Non Accredited	O	£ 725.00	£ -	£ 725.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 21 to 29 - Landlord Accredited	O	£ 725.00	£ -	£ 725.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 21 to 29 - Non Accredited	O	£ 835.00	£ -	£ 835.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 30 or more units - Landlord Accredited	O	£ 840.00	£ -	£ 840.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed
Renewable HMO's licence (5 year-no changes or management regulation breaches) - 30 or more units - Non Accredited	O	£ 965.00	£ -	£ 965.00	O	REMOVED	£ -	REMOVED	£ -	£ -	£ -	0.00%	D	R	AHH	H	Dulal Ahmed

Other Misc. Income - Change of Manager - Accredited landlord	O	£	153.00	£	-	£	153.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Travellers Charges - Rent/ Water/ Amenity (Weekly)	O	£	116.00	£	-	£	116.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 1 to 4 Hazards - 1 Bed accommodation	O	£	415.00	£	-	£	415.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 1 to 4 Hazards - 2 Bed accommodation	O	£	465.00	£	-	£	465.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 1 to 4 Hazards - 3 Bed accommodation	O	£	515.00	£	-	£	515.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 1 to 4 Hazards - 4 Bed accommodation	O	£	620.00	£	-	£	620.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 1 to 4 Hazards - 5 or 6 Bed accommodation	O	£	670.00	£	-	£	670.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 1 to 4 Hazards - over 6 Bed or HMO accommodation	O	£	805.00	£	-	£	805.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 5 or more Hazards - 1 Bed accommodation	O	£	515.00	£	-	£	515.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 5 or more Hazards - 2 Bed accommodation	O	£	570.00	£	-	£	570.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 5 or more Hazards - 3 Bed accommodation	O	£	620.00	£	-	£	620.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 5 or more Hazards - 4 Bed accommodation	O	£	735.00	£	-	£	735.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 5 or more Hazards - 5 or 6 Bed accommodation	O	£	790.00	£	-	£	790.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Private Housing Services - Housing Enforcement Notices - 5 or more Hazards - over 6 Bed or HMO accommodation	O	£	880.00	£	-	£	880.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Dulal Ahmed
Sheltered Housing Visitor's Room - per night per person	O	£	15.00	£	-	£	15.00	O	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	AHH	H	Sue Kane
Dispersed Alarms - Lifeline Private	S	£	17.33	£	3.47	£	20.80	S	REMOVED	£	-	REMOVED	£	-	£	-	0.00%	D	R	SEG	H	Tina Mitchell

21 November 2022		ITEM: 6
Housing Overview and Scrutiny Committee		
Housing Ombudsman Report: Spotlight on Damp and Mould		
Wards and communities affected: ALL	Key Decision: Non-Key	
Report of: Susan Cardozo, Strategic Lead Assets, Repairs and Compliance Mohammed Saheed Ullah, Housing Repairs and Planned Maintenance Manager		
Accountable Assistant Director: n/a		
Accountable Director: Ewelina Sorbjan, Interim Director for Housing		
This report is Public		

Executive Summary

This report is being presented to the Housing Overview and Scrutiny Committee to provide an update on how the Council is addressing the management of damp and mould within its housing stock in the context of the Housing Ombudsman’s Spotlight on Damp & Mould Report published in October 2021.

The Ombudsman’s report identified 26 recommendations across four main themes to assist social landlords with the management of damp and mould within its housing stock. The Committee has received two reports in June and November 2021 which set out the Council’s approach to managing damp and mould within its housing stock. There will be some references to those reports to provide an update on management developments in progress.

Since the publication of the Ombudsman’s report, Thurrock has made progress in adopting number of service improvements and measures in managing damp and mould within its properties which are consistent with the Ombudsman’s recommendations. There remains some further progress in some areas, and these will also be highlighted in this report.

1. Recommendation(s)

- 1.1 **The Housing Overview and Scrutiny Committee are invited to comment on the Council’s progress on the management of damp and mould within the housing portfolio in relation to the Ombudsman’s Spotlight report on Damp and Mould.**

1.2 The Housing Overview and Scrutiny Committee are invited to comment on the Council's measures that are still in development on the management of damp and mould.

2. Introduction and Background

2.1 The Ombudsman's recommendations fall under four key themes:

- From reactive to proactive approach to tackling damp and mould
- From inferring blame to taking responsibility
- From disrepair claims to resolution
- From a complaints to a learning culture.

2.2 The Housing Ombudsman called for housing providers to establish clear and comprehensive approaches and management policies to the management of damp and mould. The focus should be on proactively identifying potential issues that is informed by intelligence data and resident experiences. These approaches are to be in conjunction with decarbonisation and building safety measures.

2.3 The Ombudsman's report recognises the challenges for landlords in tackling damp and mould issues as these are diverse and multi-faceted and include overcrowding, poverty, the age and design of homes. However, the report asserts that landlords should avoid inferring blame on residents due to 'lifestyle', when it is often not solely their issue, and take responsibility for resolving problems. In support of this, the report identifies best practice and makes 26 recommendations for landlords to implement, including:

- greater use of intelligence and data to prevent issues
- adopting a consolidated policy for actions it may take based on diagnosis
- reviewing communications with residents to improve tone
- improve access to complaints to resolve

3. Issues, Options and Analysis of Options

3.1 The reports to Overview & Scrutiny in June and Nov 2021 identified the Council's planned capital investment priorities and programmes in the housing stock to improve the energy efficiency and performance of these properties and included:

- replacement heating:
- window and door replacements,
- roof renewals,
- improved insulation,
- replacement of rainwater goods
- remediation of structural defects that have caused damp problems.

- 3.2 The Council has commissioned stock Condition Surveys across its social housing estate to identify wide ranging fabric and structural issues. Every year 30% of council housing stock are to be surveyed. These surveys included a specific focus on damp and mould issues within the surveyed properties. The stock condition surveys will provide further evidence base for on-going and future capital investment programmes.

Recommendation 5 for senior management

Landlords should implement a data driven, risk-based approach with respect to damp and mould. This will reduce over reliance on residents to report issues, help landlords identify hidden issues and support landlords to anticipate and prioritise interventions before a complaint or disrepair claim is made.

- 3.3 The Stock condition surveys will cover 2952 properties. To date 2905 surveys have been completed (98% completion rate). The surveys commenced in March 2022. Residents were contacted via letters to arrange the surveys. Key data captured as part of this survey includes:

- Stock Condition Survey – recording the condition of the main internal and building components, the age of the component, estimated year of replacement together with quantity to provide lifecycle costing for asset management purposes and assist with the development of future planned works
- Housing Health & Safety Rating System (HHSRS) – identifying the 29 common risks associated with domestic living, adopting an indicative assessment method
- EPC – an official Energy Performance Certificate will be completed by qualified Domestic Energy Assessors. EPCs and the data captured offer the opportunity to report on carbon output
- Backlog Repair – any “backlog” type of repairs that should be carried out in order to maintain the standard of the property including recording any building defects that compromise the health and safety of residents/visitors.

- 3.4 The surveys also identify works required over the next 5 and 30 years together with analysis into the distribution of identified works on a component-by-component basis. To date the surveys have identified that the main building components that will require remediation or replacement in the next five years are roofs, external fabric works and heating and plumbing elements. The main component for investment in the next 30 years are external building fabric.

- 3.5 From the completed condition surveys the following properties with damp and mould conditions were detected.

- Of 2905 properties surveyed, 264 properties have been identified with a “slight risk” (minor damp/mould presence in one room only) for damp

- Of the 264 properties with slight risks identified, 52 properties were known to have an issue with damp and mould.
- Of 2905 properties surveyed, 79 properties have been identified as a “moderate risk” (any level of damp/mould presence in more than one room) for damp.
- Of the 79 moderate risks identified, 18 properties were known to have on-going issues with damp and mould.

By way of follow up actions on these properties to identify potential building fabric causes of the damp and mould, specialist damp surveys and treatment works have been commissioned or completed.

- 3.6 Since the June 2021 and November 2021 reports to Housing Overview and Scrutiny Committee, the Council has developed business intelligence dashboards which can be used to analyse and visualise damp and mould repairs data. These dashboards have been used to select properties with a high prevalence of damp and mould based on historical data and the Council’s Repairs and Maintenance contractor (Mears) has been commissioned to visit and survey the selected properties as part of a proactive pilot programme of preventative maintenance. The aim of these proactive surveys was to identify any early indications of damp and mould. Where there were indications then the appropriate corrective works were ordered/undertaken.
- 3.7 To date 171 properties have been scheduled for these surveys with 90 completed to date. As a result, 46 follow up work (orders) are to be undertaken. These surveys were deliberately timed to take place between August 2022 and November 2022 so that any works would be completed in time for the peak winter period. From previous records the reporting of damp and mould by residents normally concentrate in January/February.
- 3.8 The Stock Condition Surveys and the Mears’ data driven pilot approach are to be linked with the new Housing Asset Management database that is currently being configured. The intended outcome is to ensure more robust data capture, recording and diagnosis of damp and mould issues within the housing stock. This will ensure more intelligence-based service and investment decisions to managing and tackling damp and mould within the housing stock.
- 3.9 The Council is in the process of submitting a bid to the Government’s Social Housing Decarbonisation Fund for the retrofitting of energy efficiency systems and technologies to council housing stock to deliver warm efficient homes, reduce carbon emissions and fuel bills and tackle fuel poverty. The Council has identified properties within its stock that are the lowest performing energy efficiency. If successful, this will also help address and tackle damp and mould in these properties.

4. Reasons for Recommendation

4.1 The Ombudsman's recommendations fall under four key themes:

- From reactive to proactive approach to tackling damp and mould
- From inferring blame to taking responsibility
- From disrepair claims to resolution
- From a complaints to a learning culture.

4.2 The Ombudsman's first key theme was highlighted in the report,

“Landlords should adopt a zero-tolerance approach to damp and mould interventions. Landlords should review their current strategy and consider how their approach will achieve this.”

Section 3 above has highlighted some of the proactive measures that have been implemented to assess, survey, identify and remediate condition issues with the housing stock before they become very serious.

4.3 In addition, there have been a number of person-centred approaches to ensure residents are supported in a non-judgemental manner to inform, empower and support residents experiencing damp and mould within their properties.

Recommendation 15 for senior management

“Landlords should ensure that their staff, whether in-house or contractors, have the ability to identify and report early signs of damp and mould”.

4.4 Tenancy Audits were referenced in the report to Overview and Scrutiny Committee in Nov 2021. These audits at resident's properties continue. Both residents and Tenant Management Officers have been supplied with information materials on condensation, damp and mould to provide clear advice and guidance. This information was shared and reviewed by the Housing Excellence panel members.

4.5 The Council is exploring the provision of the printed information online via the Housing web portal. The Council will also explore the signposting for residents on the Housing Web portal to ensure information and advice on damp and mould is easier to access. The possibility of a dedicated email inbox for reporting damp and mould can also be considered as part of this process but may be subject to current IT policies and parameters.

4.6 The Council is exploring online training provision for all Council officers. This will enable existing officers to receive online guidance, information and refresher training. This will also form part of the induction process for new starting officers. This online training provision will be designed to be clear and factual as well aim to engender an empathetic, non-patronising approach to

informing and supporting residents on damp and mould. This measure will enable a consistent corporate approach.

- 4.7 There are a several recommendations in the Ombudsman's report relating to complaints process and handling for damp and mould.

Recommendation 19 for senior management

Landlords should ensure that their complaints policy is effective and in line with the Complaint Handling Code, with clear compensation and redress guidance.

- 4.8 The Housing Repairs Quality Assurance Team lead on the investigation and responding to all corporate complaints and enquiries received. This includes liaising with relevant colleagues across various housing colleagues and contractors to confirm repair history and the status of any ongoing/new remedial repairs required. Any commitments outlined within a complaint response are monitored by the Quality Assurance team through to completion, ensuring residents are kept informed and updated.
- 4.9 The Quality Assurance Officers support in the booking out of all Surveyor inspection requests relating to damp and mould, again monitoring the attendance through to completion and where required, rescheduling of appointments in cases of no access or further attendance being required. The Quality Assurance Team assist in ad-hoc monitoring of the outcome of inspections, to ensure that recommendations are being progressed.
- 4.10 The corporate complaints team have changed the complaints process so that this is now in line with the Ombudsman's Complaint Handling Code. This includes changing from a 3 stage to a 2-stage complaint process. In addition, timeframes for responding to complaints have also changed, so this is in line with the Ombudsman complaint handling code.
- 4.11 Furthermore, the Housing department is also in the process of developing a new policy document relating to compensation as there currently is no corporate compensation policy. All and any compensation offered is in line with Ombudsman suggested remedies and guidance and Right to Repair.
- 4.12 The Quality Assurance Team complete monthly Learning Actions for all upheld complaints relating to repairs issues, allowing the service team to identify common themes and trends and implement learning actions, including review of processes. These are then used for discussions as part of contractual meetings and performance monitoring allowing the monitoring of themes month on month and year on year. These Learning action Plans inform the overall Corporate Complaints annual report.

Recommendation 3 for senior management

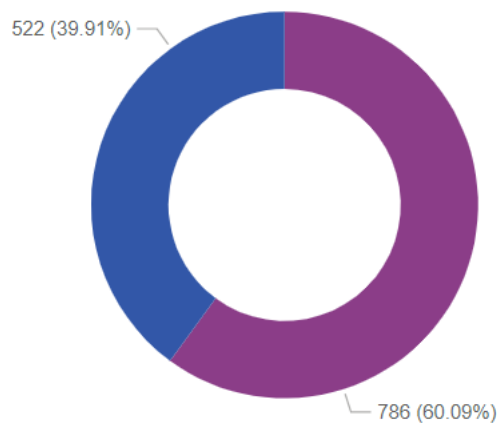
Landlords should review the accessibility and use of their systems for reporting repairs and making complaints to 'find their silence'.

4.13 In response to the Ombudsman’s recommendations, the Housing service decided to include additional survey questions on unreported damp and mould across a number of satisfaction surveys as a measure to pro-actively detect unreported repairs. When a tenant indicates that damp and mould is present in their home and have reported a repair during a satisfaction survey, an alert is generated to the Council and its repairs contractor to engage with tenants to address any unreported damp and mould. Data collection for the additional questions on unreported damp and mould via the KWEST alerts began in December 2021 with data reports compiled from January 2022.

Between 01/01/2022 and 30/09/2022, a total of 1308 damp and mould works orders were issued. Of these 1308 works orders, 786 (60.09%) were reported by tenants directly to Mears and 522 (39.91%) were pro-actively detected from tenant satisfaction surveys.

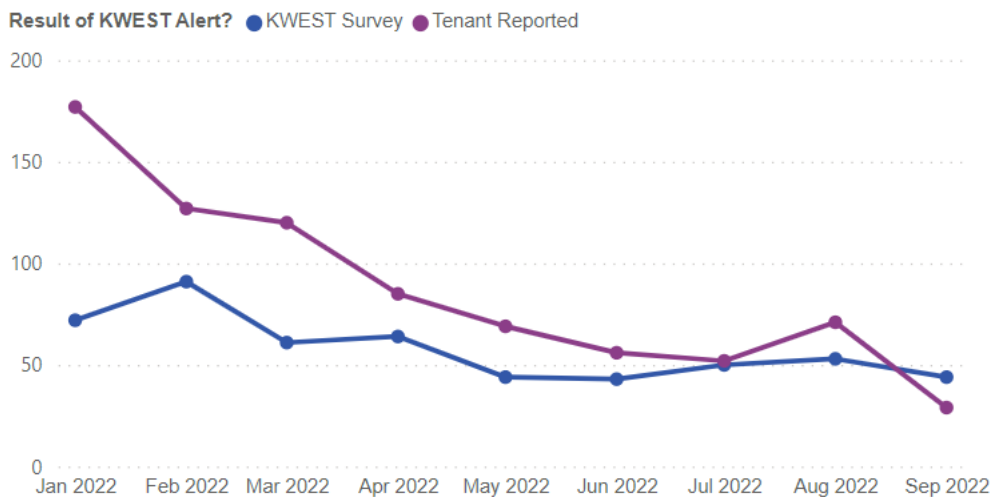
Number of Works Orders by Repair Result of KWEST Alert?

● Tenant Reported ● KWEST Survey



During this period, the number of repairs pro-actively detected through telephone satisfaction surveys on a monthly basis has remained relatively consistent whereas the number of repairs reported directly to Mears by the tenant on a monthly basis has fallen. In September 2022, the number of repairs pro-actively detected through tenant satisfaction surveys exceeded the number of repairs reported directly to Mears by the tenant for the first time. This is a clear illustration of the Council being proactive in *‘finding their silence’* to address those residents who may be experiencing damp and mould in their properties and not reporting this to the Council.

Number of Works Orders by Month



4.14 In summary the Council has made steady and positive progress against many of the Ombudsman’s recommendations. There are a number of measures that are in progress and require further development such as;

- Specific Damp & Mould Policy
- Online Training resources for staff
- Online resources and reporting for residents.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Housing carry out customer satisfaction surveys on individual repairs; and hold a bi-annual STAR survey. The performance data for these are reported to Housing Overview and Scrutiny.

5.2 The Resident Excellence Panel have regularly review the detailed performance on our repairs and maintenance contractor through participation in monthly contract governance.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The ongoing investment, maintenance and improvement of the Council’s housing stock supports the Council’s key strategic priorities as articulated through the Housing Asset Management Strategy through the provision of quality housing and estates people are proud to live on.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Strategic Lead – Corporate Finance

The Housing Revenue Account Business Plan makes provision for the ongoing investment in the existing housing stock. These works will be financed from the funding which has been set to facilitate ongoing maintenance and improvements.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Litigator

As set out in this report the Council has a responsibility under the Landlord and Tenant Act 1985 as amended by the Housing (Fitness for Human Habitation) Act to ensure that their property is fit for human habitation at the beginning of the tenancy and for the duration of the tenancy; and where a landlord fails to do so, the tenant has the right to take action in the courts for against the Council breach of contract on the grounds that the property is unfit for human habitation.

To address this duty the council needs to have a planned maintenance programme with periodic inspections and an effective responsive repairs service.

The Council's obligations as landlord to repair and maintain Council properties are set out in the tenancy agreement. In addition, section 11 of the Landlord Tenant Act 1985 sets out statutory obligations to ensure that the structure of homes are repaired and the repairs are carried out within a reasonable time. Given this is an update report and the nature of the recommendation to the Committee, there are no legal implications directly arising from the recommendation.

As this report is an information item there are no direct legal implications.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

A full community equality impact assessment has been undertaken of the implementation of the Housing delivery of the investment programmes.

Many residents are experiencing high levels of fuel poverty. Fuel poverty has many negative impacts on physical and mental health. Fuel poverty creates a harsh choice for our residents to choose between a warm home or food. The provision of tailored advice and the introduction of further energy efficiency measures and heating systems are designed to address this financial exclusion.

All information regarding Community Equality Impact Assessments can be found here: <https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder or Impact on Looked After Children

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Report to Housing Overview and Scrutiny Committee June 2022, Damp and Mould in Council Housing Properties
- Report to Housing Overview and Scrutiny Committee November 2022, Damp and Mould in Council Housing Properties

9. **Appendices to the report**

- Housing Ombudsman Service Spotlight on Damp and Mould; It's not Lifestyle October 2021

Report Author

Mohammed Saheed Ullah

Housing Repairs and Planned Maintenance Manager

**Spotlight on:
Damp and mould**

It's not lifestyle

October 2021

Contents

	Page
<u>Foreword</u>	<u>1</u>
<u>Our jurisdiction</u>	<u>4</u>
<u>Summary of recommendations for senior management</u>	<u>5</u>
<u>Background and methodology</u>	<u>8</u>
<u>Key data</u>	<u>11</u>
<u>Chapter 1: From reactive to proactive</u>	<u>21</u>
<u>Chapter 2: From inferring blame to taking responsibility</u>	<u>31</u>
<u>Chapter 3: From disrepair claims to resolution</u>	<u>44</u>
<u>Chapter 4: From complaints to a learning culture</u>	<u>51</u>
<u>Conclusions: Demonstrating change</u>	<u>53</u>

Foreword



When I started as the Ombudsman, one of the first cases I saw concerned damp and mould. The issues we investigated, and the experiences of residents living with it are now all too familiar.

I feel strongly these cases can be different. There are many and varying root causes that lead to damp and mould in the cases we investigate; but the impact on the resident is a thread that runs between them. You can see the distress, disruption, even embarrassment, felt by the resident. You can see the evident concern about their health and well-being, especially mental health; the impact on any children. Whether or not we uphold their complaint, this experience is real, and it is profound. It also reveals the strain on the resident and landlord relationship; the loss of trust and reputation.

These are circumstances that no one working in social housing should want to see. We decided to produce this report because of the high uphold rate and reoccurring reasons leading to maladministration. In the context of Covid-19, looking at housing conditions felt important, and the media stories we have seen throughout this year has reinforced the need for an examination. I know many housing professionals, who are passionate and committed to improving housing conditions, are alarmed by the stories they have seen. I recognise the challenges sometimes presented for landlords in tackling this problem; overcrowding, poverty, the age and design of homes. That's why this report, more than any other investigation we have done, identifies best practice and innovation within the sector.

Yet evidently there are also other deep-rooted reasons why landlords are sometimes falling short, evidenced by our high maladministration rate. These require changes in culture, behaviour and approach by them; from being reactive to proactive, and from inferring blame to taking responsibility. Our unique and entirely independent perspective as an Ombudsman provides important lessons and practical recommendations that are within the landlord's control. Our 26 recommendations are based on hundreds of investigations across 142 landlords – a really powerful body of evidence – more than 500 responses to our call for evidence and candid discussions with residents and landlords. It contains learning for everyone whatever their role. Nor is any landlord exempt from this learning; yes, urban high-rise presents more challenges, but one of the landlords we investigated manages fewer than 50 homes.

Our view is that landlords should adopt a zero-tolerance approach to damp and mould. This does not mean zero cases. But it does mean less fatalism. Fatalism that can sometimes result in a loss of empathy. The policy and legislative basis for taking a zero-tolerance attitude is compelling. It is clear many landlords are reacting to

residents rather than proactively reviewing the homes and buildings they manage or lease. Landlords should be on the front foot identifying potential issues which, given the age of some social housing, are likely to be more extensive than we have seen. Intelligence, data, and complaints should inform this strategic approach, which we know that some landlords are successfully taking. When there is a problem, effective diagnosis is critical. My view is landlords would also benefit from a consolidated and comprehensive policy in relation to damp and mould if they have not already adopted one. Establishing a clear and transparent framework on the landlord's approach to diagnosis and use of independent expertise; the steps they would take depending on whether the issues are structural or not; timescales, effective communication and appropriate mitigations; and after care. This approach would give the landlord and its residents insight and clarity. If such a comprehensive policy already exists, it may be time to review it.

This leads to the most sensitive area – the inference of blame on the resident and the associated onus on them when it is often not solely their issue. Our call for evidence revealed an immense frustration and sense of unfairness at the information residents are sometimes provided by landlords about issues like condensation and mould. This reoccurred so often it is appropriate to call it systemic. I met with residents who spoke about feeling patronised, even stigmatised. While I appreciate this is not intended, I would urge engagement with residents to review communication and literature, working together with them to co-design meaningful advice that shares responsibility and supports them at a distressing time. In doing so I hope the word 'lifestyle', when it may be a consequence of limited choices, is banished from the vernacular.

Although these steps may reduce complaints, it remains critical for complaint procedures to be accessible and responsive. Landlords need to 'find their silences' where complaints are not being raised when all indicators suggest there may be issues. It is profoundly wrong for any resident to feel their best option is to resort to the courts or media. Effective complaint handling is preferable to increasing disrepair claims, which may take longer or leave the issue unresolved. It is also important to remember the Ombudsman may order an independent inspection following an investigation and actions to resolve repair issues. It remains the individual's choice to pursue legal action, but the pre-action protocol on housing conditions encourages the use of alternative dispute resolution. Yet we have seen the complaints process being closed once the protocol commences. This is a missed opportunity to use the complaints process to its fullest potential and resolve issues in a less adversarial way. It is my opinion that the protocol does not constitute proceedings. Our jurisdiction guidance for landlords has been revised to make this clear and how complaint procedures and the protocol should work together is set out in this report. This should empower complaints teams to resolve issues, and I am also asking the Ministry of Justice to strengthen the protocol further to promote the use of the complaint procedure.

When we took the decision to conduct this investigation, damp and mould was not yet the focus of debate about social housing, but we have seen attention shift over the course of the last six months. Alongside building safety and net zero, it is clear

that a strategic response to damp and mould is required, particularly in the context of decarbonisation. The Decent Homes review is also an opportunity to consider these issues afresh. A better, fairer, more reasonable approach can be achieved and I would encourage landlords to share how they may do things differently with residents over the coming months.

Richard Blakeway
Housing Ombudsman

Our jurisdiction

We can consider complaints from the following people¹

- A person who has a lease, tenancy, licence to occupy, service agreement or other arrangement to occupy premises owned or managed by a landlord who is a member of the Housing Ombudsman Scheme
- An ex-occupier if they had a legal relationship with the member at the time that the matter complained of arose
- A representative or person who has authority to make a complaint on behalf of any of the people listed above

This means that, as well as considering complaints from tenants, we can also accept complaints from leaseholders and shared owners. The only category of homeowners who are not eligible to bring a complaint to the Housing Ombudsman about a member landlord are those who own the freehold of their home.

However we cannot consider complaints where:

- The landlord/managing agent is not a member of the scheme
- The complainant does not have a landlord/tenant relationship, including leaseholders and shared owners, with a member landlord/managing agent
- The landlord complaints procedure has not been exhausted
- They concern matters that are, or have been, the subject of legal proceedings and where the complainant has or had the opportunity to raise the subject matter of the complaint as part of those proceedings
- That involve the level of service charges or costs associated with major works
- They fall within the jurisdiction of another Ombudsman, regulator or complaint handling body.

¹ Para. 25 of the Housing Ombudsman Scheme lists the people who can make a complaint to the Ombudsman.

Summary of recommendations for senior management

Chapter 1: From reactive to proactive

1	Landlords should adopt a zero-tolerance approach to damp and mould interventions. Landlords should review their current strategy and consider whether their approach will achieve this.
2	Landlords should consider whether they require an overall framework, or policy, to address damp and mould which would cover each area where the landlord may be required to act. This would include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare.
3	Landlords should review the accessibility and use of their systems for reporting repairs and making complaints to 'find their silence'.
4	Landlords should identify opportunities for extending the scope of their diagnosis within buildings, for example by examining neighbouring properties, to ensure the response early on is as effective as possible.
5	Landlords should implement a data driven, risk-based approach with respect to damp and mould. This will reduce over reliance on residents to report issues, help landlords identify hidden issues and support landlords to anticipate and prioritise interventions before a complaint or disrepair claim is made.
6	Where properties are identified for future disposal or are within an area marked for regeneration, landlords should proactively satisfy themselves that residents do not receive a poorer standard of service or lower living conditions, that steps are taken to avoid homes degrading to an unacceptable condition and that they regularly engage and communicate with these residents.
7	Landlords should avoid taking actions that solely place the onus on the resident. They should evaluate what mitigations they can put in place to support residents in cases where structural interventions are not appropriate and satisfy themselves they are taking all reasonable steps.
8	Together with residents, landlords should review the information, materials and support provided to residents to ensure that these strike the right tone and are effective in helping residents to avoid damp and mould in their properties.

9	Landlords should be more transparent with residents involved in mutual exchanges and make the most of every opportunity to identify and address damp and mould, including visits and void periods.
10	Landlords should ensure their strategy for delivering net zero carbon homes considers and plans for how they can identify and respond to potential unintended consequences around damp and mould.

Chapter 2: From inferring blame to taking responsibility

11	Landlords should review, alongside residents, their initial response to reports of damp and mould to ensure they avoid automatically apportioning blame or using language that leaves residents feeling blamed.
12	Landlords should consider their current approach to record keeping and satisfy themselves it is sufficiently accurate and robust. We would encourage landlords to go further and consider whether their record keeping systems and processes support a risk-based approach to damp and mould.
13	Landlords should ensure that their responses to reports of damp and mould are timely and reflect the urgency of the issue.
14	Landlords should review the number of missed appointments in relation to damp and mould cases and, depending on the outcome of any review, consider what steps may be required to reduce them.
15	Landlords should ensure that their staff, whether in-house or contractors, have the ability to identify and report early signs of damp and mould.
16	Landlords should take steps to identify and resolve any skills gaps they may have, ensuring their staff and contractors have appropriate expertise to properly diagnose and respond to reports of damp and mould.
17	Landlords should ensure that they clearly and regularly communicate with their residents regarding actions taken or otherwise to resolve reports of damp and mould. Landlords should review and update any associated processes and policies accordingly.
18	Landlords must ensure there is effective internal communication between their teams and departments, and ensure that one individual or team has overall responsibility for ensuring complaints or reports are resolved, including follow up or aftercare.
19	Landlords should ensure that their complaints policy is effective and in line with the Complaint Handling Code, with clear compensation and redress guidance. Remedies should be commensurate to the distress and inconvenience caused to the resident, whilst recognising that each case is individual and should be considered on its own merits.

Chapter 3: From disrepair claims to resolution

20	Landlords need to ensure they can identify complex cases at an early stage, and have a strategy for keeping residents informed and effective resolution.
21	Landlords should identify where an independent, mutually agreed and suitably qualified surveyor should be used, share the outcomes of all surveys and inspections with residents to help them understand the findings and be clear on next steps. Landlords should then act on accepted survey recommendations in a timely manner.
22	Where extensive works may be required, landlords should consider the individual circumstances of the household, including any vulnerabilities, and whether or not it is appropriate to move resident(s) out of their home at an early stage.
23	Landlords should promote the benefits of their complaints process and the Ombudsman to their residents as an appropriate and effective route to resolving disputes.
24	Landlords should continue to use the complaints procedure when the pre-action protocol has commenced and until legal proceedings have been issued to maximise the opportunities to resolve disputes outside of court. Landlords should ensure their approach is consistent with our jurisdiction guidance and their legal and complaint teams work together effectively where an issue is being pursued through the complaints process and protocol.

Chapter 4: From a complaints to a learning culture

25	Landlords should consider how best to share learning from complaints and the positive impact of changes made as a result within the organisation and externally. Systems should allow the landlord to analyse their complaints data effectively and identify themes, trends and learning opportunities.
26	Landlords should ensure they treat residents reporting damp and mould with respect and empathy. The distress and inconvenience experienced by residents in this area is some of the most profound we have seen, and this needs to be reflected in the tone and approach of the complaint handling.

Background and methodology

Overview

No one can have failed to have been shocked by the conditions some residents evidenced in media coverage earlier this year. While most social housing is of a decent standard it is clear this is an area where, compared to others, residents feel a great deal of frustration and dissatisfaction. Cases like those shown in the media are thankfully a minority, however, even one such case is one too many. The recent media coverage clearly demonstrates the significant impact on residents when things do go wrong, complaints are not responded to appropriately, and lessons are not learned.

There is a strong legislative and policy basis to prevent these issues arising but it is clear that despite this, residents are still facing problems, sometimes extreme problems, and landlords are struggling to resolve these. This means we need a fresh approach.

This report is published as we move into the time of year when damp and mould is more prevalent and a rise in reports of damp and mould is probable this year as people have been spending more time at home due to the Covid-19 pandemic and subsequent changes to working patterns.

Following each news report, we reviewed our own casebook and identified that none of the cases featured had been referred to us for consideration. We are deeply concerned that we did not see any of those cases where we could have helped. The call for evidence helped us 'find our silence' and we have since seen a 50% increase in complaints about damp and mould.

The media investigation and our call for evidence highlight how vital it is that landlord complaint processes are accessible and effective for residents. Clearly there is also an awareness issue with our own service, and we have initiated a project to widen access to complaints in response².

The nature of an Ombudsman's role means that we are more likely to see cases where things have gone wrong than cases where they have gone right. We also know that some landlords are doing excellent work in this space. As such we have highlighted examples of good practice throughout this report to help landlords make improvements to both their services and residents' lives.

This report prompts learning for three groups within landlords. Our case studies provide learning points for case handlers. Our recommendations are aimed at senior management to consider their organisation's approach. In our final chapter we ask a series of questions for governing bodies to discuss and seek assurance on, and

² [Housing Ombudsman launches project on widening access to complaints - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)

strongly encourage any learning as a result of this report, or wider work by the landlord, be shared with residents.

Legislative requirements

There are legislative requirements setting out what is considered to be a decent home. The Decent Homes Standard was updated in 2006 to take account of the Housing Health and Safety Rating System (HHSRS), which replaced the Housing Fitness Standard¹. According to the Standard, for a home to be considered 'decent' it must:

1. Meet the current statutory minimum standard for housing
2. Be in a reasonable state of repair
3. Have reasonably modern facilities and services, and
4. Provide a reasonable degree of thermal comfort.

However, the Government's Social Housing White Paper identified that the Decent Homes Standard does not "reflect present day concerns".

The Homes (Fitness for Human Habitation) Act 2018 amended the Landlord and Tenant Act 1985, with the aim of ensuring that all rented accommodation is fit for human habitation. While it did not create new obligations for landlords, it required landlords to ensure their properties are fit for human habitation at the beginning of, and throughout, the tenancy. The Landlord and Tenant Act does not define "fit for human habitation", but consideration should be given to repair, stability, freedom from damp, internal arrangement, natural lighting, ventilation, water supply, drainage and sanitary conveniences, facilities for preparation and cooking of food, the disposal of wastewater and any prescribed hazard.

The Act also strengthened tenants' means of redress where landlords do not fulfil their obligations, with the expectation that if tenants are empowered to take action against their landlord, standards will improve. The Act gives the tenant the right to take their landlord to court and can therefore be costly if the court does not find in the landlord's favour. For registered providers, it has led to an increase in speculative disrepair claims from solicitors on a "no win no fee" basis. This is not necessarily the most effective route to resolution for residents as some registered providers will settle the claim out of court while the underlying disrepair issue remains outstanding.

Social housing compared to the private rented sector

According to the 2019-20 English Housing Survey³, serious condensation and mould problems were present in at least one room in 133,000 (3%) social sector homes and 192,000 (5%) of homes lacked thermal comfort. Homes built between 1981 and 1990 were most likely to fail the decent homes standard for thermal comfort.

Although damp and mould is not specifically mentioned in relation to private rented sector (PRS) properties, the survey does note that the PRS had the highest proportion of non-decent homes (23%, 1.1 million). In comparison, the social housing sector had the lowest proportion of non-decent homes (12%, 504,000). We heard

³ [English Housing Survey 2019 to 2020: headline report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424242/English_Housing_Survey_2019_to_2020_headline_report.pdf)

from private tenants in our call for evidence, many facing problems with damp and mould. Given our mandatory membership consists of social landlords, the PRS is considered outside the scope of our recommendations but private tenants' responses evidence the need for redress to be strengthened across the housing market.

Health and well-being

One of the areas where we see damp and mould having the greatest impact is on health and wellbeing. This came across repeatedly in our casework and in our call for evidence, with distress and health issues referenced in almost every case. While our investigations do not find causation with health conditions, we do consider the detriment, and this is a reoccurring factor where we find maladministration.

Residents living in homes with damp and mould may be more likely to have respiratory problems, allergies, asthma, and other conditions that impact on their immune system⁴. This, set against the context of the COVID-19 pandemic, highlights the potential seriousness of this issue for residents. There are also other broader impacts on the mental health, education and career prospects of residents living with damp and mould, highlighting why there is a real urgency for change.

Methodology and structure of the report

In addition to reviewing our casebook for the last two financial years, we also conducted a call for evidence that ran for seven weeks during April to June 2021, asking for assistance from both the public and sector professionals to inform our understanding. We held discussions with landlords and with several representative bodies, including the National Housing Federation, the G15 organisation and the Northern Housing Consortium. We also held discussions with our Resident Panel and the Tenant Participation Advisory Service.

This report will set out the data from our casebook before moving onto the insight we gathered from the call for evidence. We will then explore the four themes identified by the datasets and our discussions, making recommendations, and using case examples to illustrate our findings, before drawing conclusions and setting out the next steps.

⁴ [Can damp and mould affect my health? - NHS \(www.nhs.uk\)](https://www.nhs.uk)

Key data

Overall complaint volumes and outcomes – April 2019 to March 2021



1,595 complaints from residents about damp and mould were reported while within the landlord's complaint process and were assisted by our Dispute Support Team



410 damp and mould complaints were formally investigated because the resident was dissatisfied with the landlord's response



56% of cases we investigated resulted in findings of maladministration



976 individual findings were made within those complaints



501 orders were made to put something right with 288 additional recommendations



£123,094.57 in compensation was ordered across 222 cases, with sums over £1,000 being ordered in 21 cases

Maladministration findings related to landlord size

We investigated 142 landlords within our formal remit, finding maladministration against 92 of them; nearly two thirds of the landlords we investigated. As would be expected, the majority (52%) of the landlords we investigated were large landlords who account for the majority of social homes.

Landlords investigated by size			
	Under 1,000 homes	Between 1,000 and 10,000 homes	Over 10,000 homes
Number	8	60	74
Percentage	6%	42%	52%

The following table shows a breakdown of complaints maladministration findings by landlord size.

Maladministration findings by landlord size			
	Under 1,000 homes	Between 1,000 and 10,000 homes	Over 10,000 homes
Number	3	39	50
Percentage	3%	42%	55%

The following table shows the maladministration rate – the proportion of their cases that we find maladministration on – by reference to landlord size.

Maladministration rate by landlord size			
	Under 1000 homes	Between 1000 and 10,000 homes	Over 10,000 homes
Percentage	38%	65%	67%

While the data may appear to indicate that there is less of a problem for smaller landlords, this is not necessarily the case as will be discussed in later chapters.

Landlord performance

The following table shows landlord performance in relation to cases concerning damp and mould.

The table is ordered by maladministration (mal) findings per 10,000 homes to make a fairer comparison that accounts for the size of the landlord. The table also includes other important factors including amount of compensation paid and the maladministration rate as a percentage of all cases investigated by the Ombudsman.

All of these landlords are large landlords with more than 10,000 homes and this correlates with the perception that local councils and landlords covering high density urban areas, with a greater prevalence of flats and converted properties, have the highest maladministration rate.

Overall						
Landlord	All damp and mould cases	Cases with mal	% mal	Number of homes	Total compensation	Mal per 10,000 homes
Hammersmith and Fulham Council	20	13	65	12,022	£8,785.00	10.8
A2Dominion Housing Group	11	10	91	33,106	£10,037.22	3.0
Camden Council	10	8	80	32,351	£11,692.00	2.5
Lambeth Council	10	5	50	24,051	£2,882.00	2.0
Southwark Council	13	10	77	53,800	£3,450.00	1.9
Leeds City Council	14	8	57	56,654	£1,967.00	1.4
Clarion Housing Association	21	14	67	109,545	£5,557.00	1.3
Birmingham City Council	13	8	62	65,600	£525.00	1.2
Sanctuary Housing Association	12	6	50	75,831	£9,375.15	0.8
London & Quadrant Housing Trust	12	6	50	79,811	£3,382.47	0.8

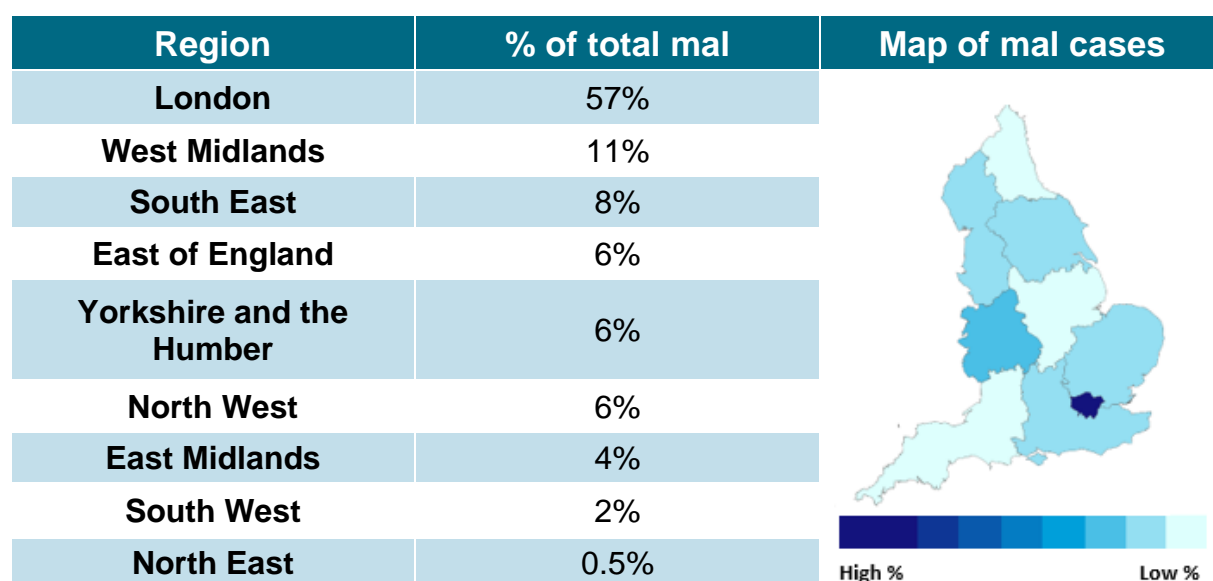
The following table shows landlord performance in relation to cases concerning damp and mould for landlords with between 1000 and 10,000 homes.

1,000 to 10,000 homes						
Landlord	All damp and mould cases	Cases with mal	% mal	Number of homes	Total compensation	Mal per 10,000 homes
Harrow Council	4	3	75	5,969	£774.00	5.0
Newlon Housing Trust	4	3	75	7,241	£4566.50	4.1
Waltham Forest Council	5	1	20	9,653	£1,130	1.0

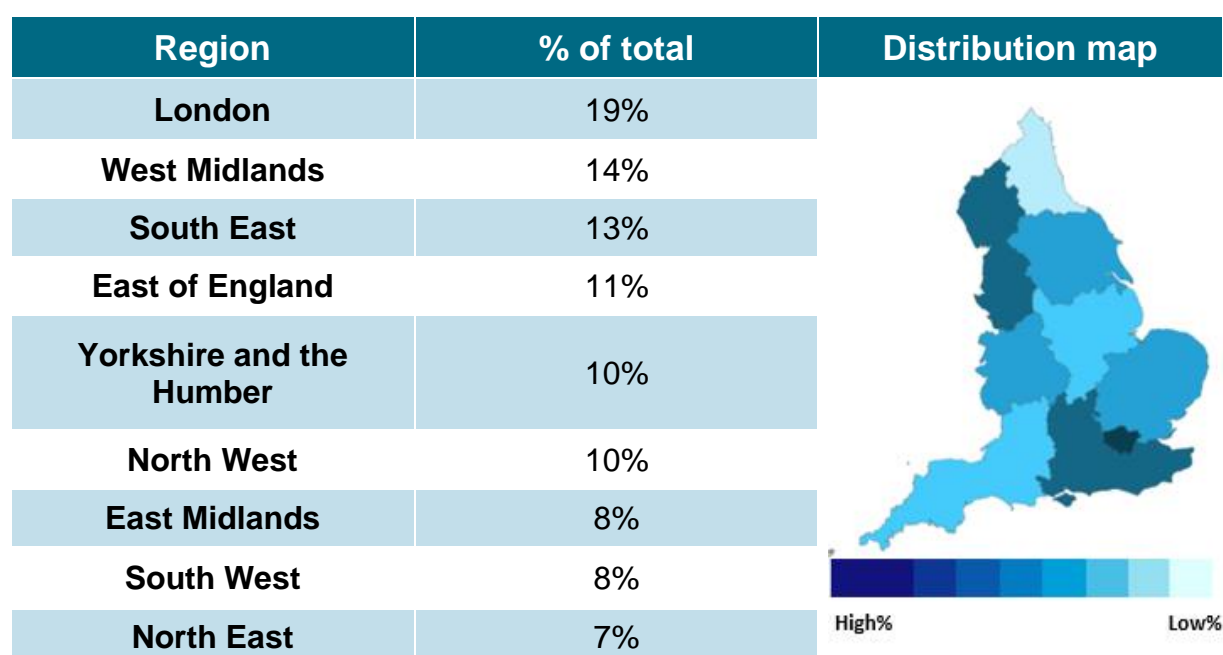
No table has been produced for landlords with less than 1,000 homes as the data for this group is highly variable and does not enable meaningful comparisons to be made.

Heat map of maladministration cases

The maps below show the geographical locations of all damp and mould cases with findings of maladministration and the geographical distribution of social housing. Although this clearly demonstrates a disproportionately higher proportion of cases in London, this could be influenced by other factors such as age profile and occupancy levels (i.e. overcrowding) of homes.




Heat map of distribution of social housing⁵



⁵ We have been unable to find postcode data for leasehold properties where the freeholder, head leaseholder or managing agent is a social landlord. Consequently, the number of homes represented are for social rent only.

Landlord response to fixing damp and mould problems

This data is a subset of the overall data above showing landlord performance in relation to dealing with reports of damp and mould. This analysis uses individual findings from the cases we investigated; a single case may have one or more findings associated with it.



We found maladministration on issues related to damp and mould in **40%** of cases



373 findings



286 orders
with 189 additional
recommendations



£87,553.97
compensation in total was ordered in 177 cases

The table below shows landlords with findings in relation to damp and mould. Again, local councils and landlords with portfolios in high density urban areas have the highest maladministration rate.

Landlord	All damp and mould findings	Mal findings	mal %	Number of homes	Mal rate per 10,000 homes
Hammersmith and Fulham Council	23	15	65%	12,022	12.5
Haringey Council	10	6	60%	15,106	4.0
A2Dominion Housing Group Limited	12	11	92%	33,106	3.3
Camden Council	12	9	75%	32,351	2.8
Lambeth Council	11	6	55%	24,051	2.5
Southwark Council	13	10	77%	53,800	1.9
Leeds City Council	16	9	56%	56,654	1.6
Birmingham City Council	14	9	64%	65,600	1.4
Clarion Housing Association Limited	21	14	67%	109,545	1.3
Islington Council	11	4	36%	34,594	1.2
Sanctuary Housing Association	16	8	50%	75,831	1.1
London & Quadrant Housing Trust	14	8	57%	79,811	1.0
Notting Hill Genesis	10	4	40%	50,466	0.8

Landlord complaint handling performance

This data is a subset of the overall data above showing landlord performance in relation to complaint handling when the substantive issue was damp and mould. This analysis uses individual findings from the cases we investigated; a single case may have one or more findings associated with it.



We found maladministration on complaint handling in 64% of cases



144 findings



105 orders
with 53 additional
recommendations



£12,556
compensation in total was ordered in 84 cases

The table below shows landlords with findings in relation to complaint handling with respect to damp and mould, which is a universal factor and not directly related to the location of the landlord portfolio. Local councils generally have the highest maladministration rate.

Landlord	All findings	Mal findings	Mal %	Number of homes	Mal rate per 10,000 homes
Hammersmith and Fulham Council	7	4	57%	12,022	3.3
Camden Council	8	6	75%	32,351	1.9
Lambeth Council	6	4	67%	24,051	1.7
Southwark Council	6	6	100%	53,800	1.1
Birmingham City Council	5	5	100%	65,600	0.8
Clarion Housing Association Limited	7	6	86%	109,545	0.6
Sanctuary Housing Association	5	4	80%	75,831	0.5

Call for Evidence insights

Under the new Housing Ombudsman Scheme, we can conduct investigations into potential systemic and thematic issues. In March 2021 we published our systemic framework setting out how we look beyond individual disputes to identify key issues that impact on residents and landlords' services. A review of our case data identified that damp and mould featured significantly in our work and that compensation levels are proportionately higher, reflecting that damp and mould can have a significant impact on residents.

We used our new powers to issue a call for evidence. We invited submissions from all stakeholders, including member landlords, their residents and relevant housing professionals. The call for evidence opened on 13 April 2021 and ran until 4 June 2021.

Increased awareness

Prior to the call for evidence, we received an average of 6-7 damp and mould cases per week. This has increased by approximately 50%. During the call for evidence itself, we received 523 cases relating to damp and mould, 464 of which were from member landlords with the rest from the private sector. We referred 76 responses to the call for evidence to our dispute support team for follow up action as these were of concern.

Call for evidence survey responses



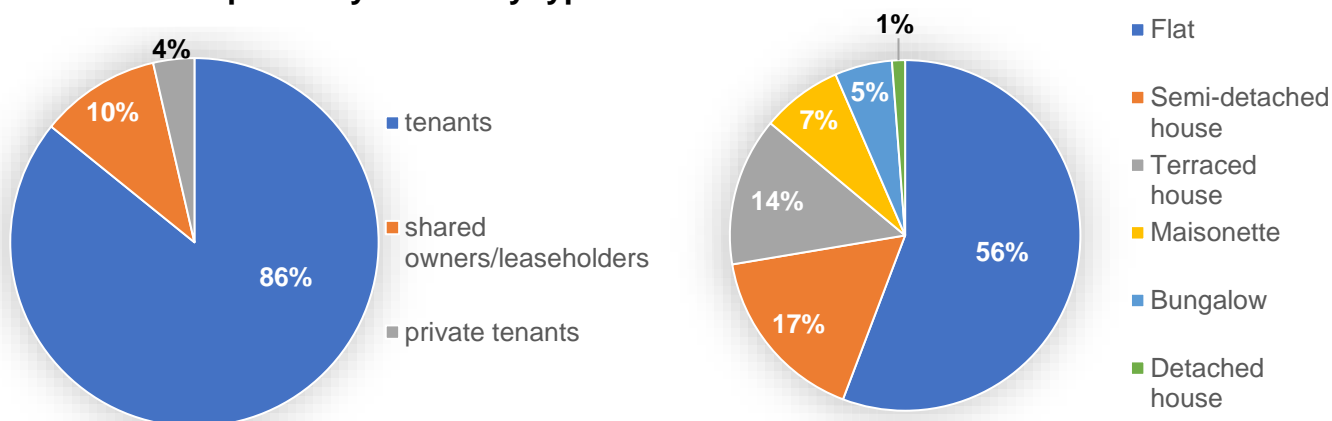
We also received 20 written responses from landlords and other relevant agencies including Citizens Advice, the National Housing Federation (NHF), the Chartered Institute of Public Health, and the National Federation of ALMOs. While these written submissions have been considered and insights from them do feature throughout the report, they have not been included in our data tables.

According to survey responses, the top three causes of damp and mould are:



Condensation was fourth with 18%. It should be noted that these causes are often not mutually exclusive, and our respondents acknowledged that some or all of the causes may be present in any particular case.

Resident response by residency type

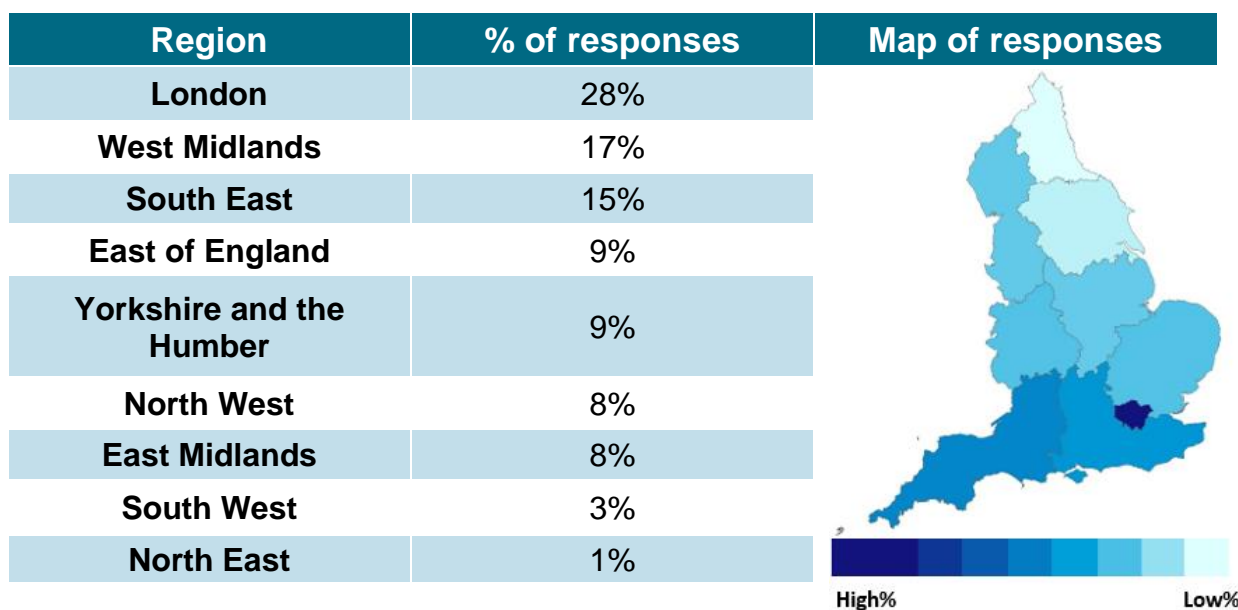


Of the 416 residents that responded to the survey, 357 said they were tenants, 44 said they were shared owners/leaseholders and 15 said they were private tenants. The Ombudsman can only consider complaints from private tenants where their private landlord has opted to be a voluntary member of the Scheme.

Most residents responding to the survey lived in a flat and are therefore likely to experience issues in addressing damp and mould issues that residents in houses do not experience, such as landlords requiring access to other properties to locate the source of a leak.

Heat Map of Call for Evidence respondents

This heat map shows the geographical location of the respondents to our call for evidence. Notably, although London is top, by comparison to the location of social housing and our maladministration findings we received proportionately more responses from the South West, which may be indicative of an emerging issue for providers in that area.



Quotes from respondents

Most people surveyed did not think the root causes of damp and mould were difficult to identify but did think they were difficult to address.

The general sense of frustration felt by residents who did not feel that they were being heard or their landlord did not seem to them to be taking their repair reports or complaints seriously was apparent from several responses.

The selected quotes below are proportionate and reflective of the responses to the call for evidence.



"It is very tiresome trying to explain to tenants it is not rising damp, time consuming and they don't believe it"

Landlord



"Most landlords will tend to blame the issue on condensation created by the tenants unless the damp has reached the water stain stage."

Contractor



"There are obvious holes and cracks in the walls. I keep the property heated properly and let out condensation ... I spend hours cleaning off mould and I can smell it when I sleep at night."

Resident



"They have been steadfast in insisting that you ventilate, open windows and keep the heating on low. I have been put off bringing it to their attention because ... there was a hostile attitude towards tenants. It brow beats you down. When even care coordinators and social workers repeat ... that the council won't do anything, you just give up."

Resident



"Landlords I feel don't care ... according to them and the person that came to my property, it's the tenant's responsibility. Which I found was an easy way out for them."

Resident



“It appears to be an issue that is dismissed ... The inspector [that came to the house] said he doesn’t know why the council are doing this inspection as they are unlikely to take any action.”

Resident



“There is a culture of not caring as they hear it all the time. There is a lack of involvement with their tenants which leads to a them and us culture and where issues could be dealt with quickly and efficiently, the lack of communication means things take much longer.”

Resident

Chapter 1: From reactive to proactive

Zero-tolerance approach

The building safety crisis and the challenge of net zero is leading many landlords to proactively examine the homes they rent or lease. This is an opportunity for landlords to improve their approach to damp and mould by adopting a zero-tolerance approach. Both our casework and call for evidence suggest that landlords miss opportunities to address issues early on either because of a protracted diagnosis or by failing to extend their investigations to other properties within a block after a problem is reported. Moving from a reactive to proactive approach to tackling damp and mould is essential to improving the experience of residents.

The need to address damp and mould has been raised in successive policy measures, including legislation, seeking to improve the conditions of homes. The Government has also said it will review the Decent Homes Standard, as it does not fully reflect present day concerns.

Our investigation indicates that addressing damp and mould needs to be a higher priority for some landlords. A proactive attitude needs to be the bedrock of a revised approach. We are aware that some landlords are revising their approach, but this is not necessarily universal.

Nor is it evident that all landlords have a clear, comprehensive, and consolidated framework, or policy, to respond to damp and mould. This means that landlords may need to rely on different policies or procedures to inform their response to the resident, such as their repairs policy if there are structural issues. This can lead to a lack of clarity and inconsistency and make it harder to manage the resident's expectations. Such a policy or framework would ensure a shared understanding and approach across different teams within the organisation, to reduce the risk of silos.

Good practice – a consolidated, comprehensive policy

One council has implemented a specific damp and mould policy with the key principles of ensuring they provide dry, warm, healthy homes for their tenants, and to ensure that the fabric of the buildings are protected from deteriorating due to damp and mould.

The policy also outlines their approach to proactive and reactive investigations, planning of resources in anticipation of periods of higher demand, budget management to reduce instances of damp and mould and ensuring staff have the correct equipment to assess cases.

The policy clearly sets out how they will achieve those aims with a focus on reducing condensation, recognising the health risks of living with damp and mould, staff training to enable them to spot risk factors and understand the stock portfolio. They are also committed to seeking out and adopting best practice from other organisations.

Recommendation 1 for senior management

Landlords should adopt a zero-tolerance approach to damp and mould interventions. Landlords should review their current strategy and consider whether their approach will achieve this.

Recommendation 2 for senior management

Landlords should consider whether they require an overall framework, or policy, to address damp and mould which would cover each area where the landlord may be required to act. This would include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare.

Reducing over-reliance on residents to report issues

It is evident that many landlords have been too reliant on residents reporting issues. We have also heard from landlords that many of their customers complained after having to chase missed appointments and report recurrence of damp and mould in their homes. Landlords should consider proactive actions to identify homes that have, or may be at risk of, developing problems rather than waiting for their residents to report issues.

The challenges which some residents face in accessing complaints procedures may also mean issues are not being addressed. Responses to our call for evidence suggest some residents may simply give up reporting issues to their landlord where trust has been eroded. This means there is likely to be a gap between what is known by the landlord and the true extent of these issues. By taking steps to 'find your silence' landlords can reduce the size of that gap.

Options include surveying residents, especially where there have been previous reports of damp and mould, or identifying underrepresented groups who are not approaching the landlord.

Recommendation 3 for senior management

Landlords should review the accessibility and use of their systems for reporting repairs and making complaints to 'find their silence'.

Understanding and managing risk

Where we have found maladministration, it is often because the landlord missed opportunities to identify and address problems earlier in an individual case. This lesson can be applied across all the homes for which the landlord has responsibility. We have found some landlords are proactive in their approach and use information held about the homes and households on their systems to ensure they understand the risk profile in relation to damp and mould. This includes exploring to see if there

are wider problems within a building or linking reports to other cases thereby avoiding additional time, cost, and impact on their residents at a later stage.

Crucially the way we use our homes has changed significantly over the last 18 months as a result of the COVID-19 pandemic and this change may extend into the future, potentially altering the risk profile of properties for damp and mould.

Landlords should consider how they incorporate these changes into the intelligence they hold about their stock.

There are a range of factors that will affect the risk profile of a property which we have divided into two categories: structural and occupancy. Structural factors include property age, design, and modifications. For example, certain types of properties such as converted street properties, buildings of concrete construction or traditional solid type construction are more susceptible to damp and mould than others and can require significant investment to address the issues.

Occupancy factors may include overcrowding and the availability and use of heating and ventilation systems. They also include individual circumstances such as disability, financial hardship, and health conditions. Proactive management could potentially involve checks from landlords to assure themselves about the condition of the property. While the upfront cost may be significant, this can aid resolution and reduce the time and cost of repeat visits to the same properties to respond to damp and mould issues.

Good practice – Adopting a data led, proactive approach

Following a review of current approaches and interventions in response to damp and mould, one large landlord adopted a data-led, proactive approach and have implemented eight key changes. They have building reports based on where they have known issues with damp and condensation to help identify building typologies, locations, property age and tenancy types that are more vulnerable to condensation, damp, and mould. The model will be used to proactively target properties for specialist interventions before problems arise.

In 2018, another large landlord undertook a pilot scheme in one of their estates. They completed a risk assessment of nearly 300 homes to classify properties as low, medium or high risk of condensation, damp, and mould. Interventions for the homes included:

- Low risk: 1-to-1 energy advice and anti-mould paint applied to affected room(s).
- Medium risk: as low risk plus a smart heating controller.
- High risk: as medium risk plus a centralised mechanical extract ventilation system.

On review a year later 100% of residents reported that their condensation, damp, and mould issues had been rectified. The landlord concluded that the use of risk assessments enabled targeted interventions.

Recommendation 4 for senior management

Landlords should identify opportunities for extending the scope of their diagnosis within buildings, for example by examining neighbouring properties, to ensure the response early on is as effective as possible.

Recommendation 5 for senior management

Landlords should implement a data driven, risk-based approach with respect to damp and mould. This will reduce over reliance on residents to report issues, help landlords identify hidden issues and support landlords to anticipate and prioritise interventions before a complaint or disrepair claim is made.

Case study – Landlord failed to take proactive action to ensure property was of a decent standard

Within three months of moving into his home, Mr A reported that the wall in his bedroom was wet and there was extensive mould. On inspection, the landlord found wallpaper that had been put up a week earlier was already peeling off, the underside of the carpet was mouldy, and the wardrobe and drawers were also mouldy. A damp survey indicated there was no evidence of damp in or around the bedroom wall. Mr A submitted a claim for damage to his belongings, which the landlord acknowledged and advised it would respond to on receipt of a technical survey.

Following a further inspection, the landlord noted the ventilation brick had been blocked by expanding foam, which it attributed to the previous tenant. The landlord ordered the installation of additional air bricks in three rooms and offered Mr A £250 for the damage to his belongings which he accepted. Mr A was decanted for remedial works to start but an inspection a week later noted the remedial works had not solved the problem and the property was uninhabitable due to the *“foul smell and sheer amount of mould growth.”* The landlord ordered further air bricks and left the property to dry out.

Three months later, the landlord ordered further remedial works including the removal of plaster in the hallway and bedrooms, and the installation of foil-backed plasterboard. It subsequently fitted new flooring, a new radiator and adjusted the internal doors which had swollen due to the amount of moisture in the property.

Mr A submitted a complaint and received two letters from the landlord on the same day. One acknowledging the complaint and outlining the timeframe for a response, the other summarising the complaint and advising an offer of compensation would be made shortly. After not receiving an offer of compensation, Mr A asked for his complaint to be escalated. In its response the landlord offered to pay a cleaning company to clean his sofa, carpet, and cushions, to replace Mr A's bed and bedding and £500 in recognition of the disruption caused.

Mr A accepted the offer apart from the cleaning of furnishings, as he wanted to replace the sofa instead and brought his complaint to the Housing Ombudsman.

Outcome

We found service failure in the landlord's response to the reports of damp and mould and its complaint handling. We found the landlord had not adequately inspected the property prior to re-letting it and had failed to inspect the ventilation bricks. The landlord acknowledged the property was in such a poor state that it should not have been re-let. We also found the landlord delayed unreasonably in responding to Mr A's reports and that it did not follow its complaint policy. We ordered the landlord to pay the £870 to Mr A directly instead of the cleaning company so Mr A could replace his sofa. We also ordered the landlord to replace the items and pay the £500 in compensation as per its final offer.

Learning

Landlords should ensure that they thoroughly inspect empty properties before re-letting them and consider whether the property is suitable for re-letting in its current state. If a property is not suitable for re-letting, landlords should ensure works are completed to bring it to a reasonable standard before it is re-let. If this is not possible, landlords should manage the property in accordance with its disposal policy.

Questions for landlord complaint handlers

- What processes do you have in place to ensure properties are of a reasonable standard before being re-let?
- Does your void checklist cover the repairs history of the property as well as checking ventilation such as air bricks and extractors?

Disposal and regeneration

Landlords should be especially mindful of how they respond to reports of damp and mould in stock that may be nearing the end of its life or is within an area earmarked for future regeneration as this may influence how staff deal with such reports. The regeneration process can be complex and costly, but landlords still have an obligation to ensure the homes they provide are of a decent standard.

Landlords should consider the condition of properties identified for regeneration and that ensure appropriate steps are taken to mitigate against the risk of homes degrading into an unacceptable condition through reduced investment and maintenance. This includes regular resident engagement and communication to manage expectations and enable open dialogue. Crucially, landlords should remember that their asset is someone's home, and they should not receive a lesser service than residents living in other areas.

Recommendation 6 for senior management

Where properties are identified for future disposal or are within an area marked for regeneration, landlords should proactively satisfy themselves that residents do not receive a poorer standard of service or lower living conditions, that steps are taken to avoid homes degrading to an unacceptable condition and that they regularly engage and communicate with these residents.

Occupancy

Where the cause of damp and mould is non-structural it can be too simplistic to blame residents for drying their laundry on radiators if there is no space in their home for a tumble dryer or the weather is poor, other than those residents fortunate enough to have outdoor space.

Occupancy factors do not mean that the landlord has no responsibility, and landlords should recognise that some homes were not designed with modern living in mind. Landlords should take reasonable steps in partnership with residents in these circumstances including considering improving ventilation or other appropriate measures.

Insight from the Call for Evidence

“Change the thought process from an industry consideration that it’s always condensation and lifestyle – instead of seeing how the lifestyle needs to be adapted to suit the property – how can the property be adapted to suit the lifestyle.”

Landlord

Recommendation 7 for senior management

Landlords should avoid taking actions that solely place the onus on the resident. They should evaluate what mitigations they can put in place to support residents in cases where structural interventions are not appropriate and satisfy themselves they are taking all reasonable steps.

Communication with residents

Throughout this investigation, residents expressed strong reservations about the tone, suitability, and practicability of some of the advice and information they were provided by landlords. Landlords have also acknowledged to us that some of the information they are providing is not having the impact they expected. This aspect is considered in more depth in Chapter 2.

Advice can be a useful tool in a landlord’s response, but the advice should be unambiguous and easy to understand; for example comparing the cost of running mechanical ventilation to the cost of running everyday appliances rather than stating “6p per hour” and clearly stating how long a window should be left open or a fan should be turned on after cooking. Providing customised advice to residents at

tenancy sign up about how to best manage the environment within their home can help to prevent damp and mould occurring.

Landlords should ensure that any information available for residents is accessible to all. Several landlords reported they had specific damp and mould mini-websites which, whilst a good preventative tool, could be inaccessible to some residents.

Landlords should use their resident engagement mechanisms to involve residents in the design of their information resources to ensure they are accessible and easy to understand. Where a particular format is not working for a resident, landlords should consider how they can adapt their approach to ensure a positive outcome for both parties.

Recommendation 8 for senior management

Together with residents, landlords should review the information, materials and support provided to residents to ensure that these strike the right tone and are effective in helping residents to avoid damp and mould in their properties.

Maximising opportunities for intervention

Periods of time where the house is not inhabited (known as void periods) are an ideal time to proactively respond to damp or mould issues before the incoming resident moves into the property.

Whilst landlords may have re-let targets, this should not drive poor service provision to the incoming resident. Our casebook shows that this is a particular problem for mutual exchanges where residents are expected to accept the property “as seen”. If landlords are already aware of reports of damp and mould, they should be transparent with the incoming resident at an early stage to make them aware and to resolve the matter as soon as possible.

Insights from call for evidence

“...I had it suggested to me by a housing officer to do a property swap with someone else and hope they don't notice it. Despicable.”

Resident

We have investigated complaints where the landlord has argued that the resident accepted the property in its current condition and therefore, they have no obligation to resolve their complaint of damp, or mould. This is unreasonable, and landlords have an obligation to provide a decent home that is fit for human habitation regardless of the condition of the property at the start of the tenancy.

Good Practice - Using the void period

One landlord's void standard requires the replacement of all faulty fans or upgrading existing fans with improved design trickle-fed humidistat units. They also ensure doors and windows are serviceable and can effectively ventilate the property and apply mould treatments where necessary.

Another landlord's void standard requires operatives to clean extractor fans to ensure they are working well, and they install mechanical ventilation to any void property that shows signs of condensation or mould.

A council completes a damp profile survey during the void period whilst another completes works during the void period to bring properties up to an EPC B rating.

Case study – Landlord policy prevented resident from reporting inherited damp and mould issues

Ms F moved into her home following a mutual exchange and immediately raised several repair issues with the landlord including damp and mould. The landlord told her that as she had taken the property under the mutual exchange process, she would have to wait six months before repairs to be actioned, except for emergency repairs.

Ms F submitted two complaints to the landlord, approximately five months apart. She complained about the outstanding repairs including that she could not use her lounge due to damp and mould, missed appointments, dissatisfaction with repairs and in the second complaint, the landlord's handling of the complaint. The landlord responded acknowledging that its service had fallen below the standard expected, apologised for the inconvenience, and outlined a list of repairs it had completed and those outstanding.

Ms F asked for her complaint to be escalated, stating some repairs listed as completed had not been and that as she had not been able to live in her home properly for a year, she was seeking legal advice regarding compensation. She subsequently confirmed that she was seeking compensation for the inconvenience, stress, delays, not having full use of her home, the impact on her health and the damage to her belongings.

The landlord arranged a survey which stated Ms F was living in damp rooms; mould growth behind the wallpaper in the bedroom was inevitable and was already evident in the lounge. The report recommended internal waterproof tanking and plastering was completed *“as soon as possible to allow a decent standard of living.”* Ms F was subsequently decanted from the property for six weeks while works were completed. After returning to the property, the landlord offered £512.92 in compensation for belongings that had been damaged. Following negotiations between the landlord and Ms F, this was increased to £1,827 in recognition of the damage to her belongings and the gas and electricity costs incurred during the time she was decanted. The landlord also offered a goodwill gesture of £750. Following contact from the Ombudsman, the landlord explained its compensation policy had changed and increased its goodwill gesture to £1,275.

Outcome

We found that it would have been appropriate for the landlord to apply its compensation policy and provide a refund of 20% of the rent for the period in question. We found maladministration for the landlord's response to Ms F's compensation request and ordered the landlord to pay the resident an additional

£1,075 in compensation relating to the period the property did not meet the decent living standard.

Learning

Landlords should ensure that their policies do not treat residents who have accepted a property through the mutual exchange process differently to residents who have been allocated a home through the usual allocation process. Regardless of how a resident came to reside in their home, landlords have the same legal obligations to maintain the home to a reasonable standard and respond to reports of repairs in a reasonable manner.

Questions for landlord complaint handlers

- Does your policy treat residents differently depending on how they came to live in their home?
- How do you ensure that homes allocated through mutual exchange are of a reasonable standard?

Recommendation 9 for senior management

Landlords should be more transparent with residents involved in mutual exchanges and make the most of every opportunity to identify and address damp and mould, including visits and void periods.

Fit for the future

The social housing sector has significant challenges ahead on its journey towards net zero carbon. Updated building regulations will require all new homes to reduce carbon emissions by 31%, but the question for landlords is how to bring ageing homes, and residents who live in them, on the journey. This was a point which came across strongly during our evidence session with landlords.

Landlords have already been retrofitting modern solutions to homes in the form of double glazing, upgraded heating systems, modern insulation, and ventilation. Retrofitting homes with modern technology can prevent damp or mould and can improve the efficiency of the home, but evidence indicates that it can also have unintended consequences, particularly where adequate mechanical ventilation is not installed to counter the building being “sealed”. There are also significant issues with the higher costs of running electrical heating, compared to gas. Some landlords have committed to contributing to heating costs to mitigate against the higher cost of electrical heating for their residents.

Landlords need to be confident their net zero carbon strategy considers and plans for how they can identify and respond to these unintended consequences which may increase the prevalence of damp and mould in their residents’ homes.

Insights from Call for Evidence

“Older properties where we have retrofitted new windows and doors or central heating systems cause the property to sweat.” [Landlord response]

“Retrofitting energy efficiency measures such as double glazing over the last 30 years designed to make houses more efficient and lower energy bills have improved the airtightness of our homes but are making this situation worse, there has been no requirement to assess the ventilation strategy employed which means the home cannot breathe and the moisture-laden air can’t escape. As a result there is a build-up of water vapour causing condensation and increasing the risk of mould forming.”

Ventilation manufacturer, installer and surveyor

Recommendation 10 for senior management

Landlords should ensure their strategy for delivering net zero carbon homes considers and plans for how they can identify and respond to potential unintended consequences around damp and mould.

Chapter 2: From inferring blame to taking responsibility

Avoiding blame

Our investigation found that complaints about the landlord's response to reports of damp and mould are more likely to occur where the landlord has not taken responsibility for resolving the issue. Where landlords do not take responsibility, their response is unlikely to be effective or timely. There is also usually poor communication with the resident and associated remedial works can become protracted.

An effective response begins when the resident first contacts the landlord. It is crucial that landlords avoid paternalistic attitudes, automatically apportioning blame or using language inferring blame on the resident. We have seen examples of this with landlords initially assuming that the cause is condensation due to the resident's 'lifestyle'. The term 'lifestyle' suggests that it is a resident's choice to live in that way. As noted in the previous chapter, this was a common and reoccurring theme in the call for evidence and can lead to the relationship between the resident and the landlord deteriorating and result in missed opportunities to address the problem.

Insights from Call for Evidence

"...most common mistake is assuming that condensation will be resolved by adjusting heating, ventilation, or 'atmospheric moisture input' – serves to focus blame on the tenant or their 'lifestyle'."

Chartered Institute of Environmental Health

"...they talk about the problem being caused by cooking/breathing/bathing/lack of air circulation. All of which is possible and factual but when foundation bricks are literally breaking down into dust and brickwork on outside is in need of repointing with visible green mould growth and a history of leaking roof and gutters unblocked for several years which all cause greater damage and problems..."

Resident

It is clear some landlords are revising their approach in response to residents raising these concerns. For instance, one landlord explained how their perspective had changed and it now recognises that in many cases 'lifestyle' issues are *"more about the challenging realities of modern life in social housing settings than quick behavioural fixes: families grow but available space doesn't"*. Its research has also shown a strong link between fuel poverty and damp and mould, with 44% of 10,000 homes surveyed experiencing fuel poverty, and over 25% experiencing mould issues.

Good Practice - Taking a holistic approach

One landlord's programme seeks to tackle issues of damp and mould by looking at a property as a whole and the pattern of mould, installing humidity and temperature sensors, and supporting behavioural change where necessary. As part of the programme, during visits the landlord identifies any factors that may lead to mould rather than just cleaning the mould. It identified fuel poverty as often an understandable cause of residents neither heating nor ventilating their homes adequately and, therefore as part of this programme, support is offered to help people manage their heating costs in a way which avoids the risk of damp and mould issues.

Recommendation 11 for senior management

Landlords should review, alongside residents, their initial response to reports of damp and mould to ensure they avoid automatically apportioning blame or using language that leaves residents feeling blamed.

Record keeping

It is evident from across our casework that some landlords struggle with record keeping, even at a basic level, and damp and mould complaints are no exception. Improving record keeping would result in significant benefits for both landlords and residents.

For individual complaints it would enable accurate information to be shared across teams and with residents which would improve the landlord response. It would also assist our investigations by improving our understanding of the situation at the time of the landlord response. More broadly, it would allow the landlord to better understand the resident, the history of the property and previous actions in relation to both so that they can consider the most appropriate response.

For landlords to have an effective proactive and risk-based approach to managing damp and mould across their homes – as outlined in the previous chapter – it will need to be data-driven and heavily reliant on accurate records. For some landlords this will mean significant investment in their systems.

Recommendation 12 for senior management

Landlords should consider their current approach to record keeping and satisfy themselves it is sufficiently accurate and robust. We would encourage landlords to go further and consider whether their record keeping systems and processes support a risk-based approach to damp and mould.

Timely response

It is imperative that residents are not left living with damp and mould for an extended period. However, a consistent theme identified through our casework is a lack of timely response from landlords. This not only increases the frustration and

discomfort of the resident but can lead to problems worsening and becoming more complex and intrusive to resolve. This reinforces the importance of focussing on an accurate diagnosis at an early stage.

Good practice – urgency of response

One landlord aims to respond to reports of damp and mould on the day they are reported with works such as mould washes completed, and advice provided at the visit. If the job is likely to take longer than two hours or is more complex, it is referred to the supervisor who will also attend the same day or at a time agreed with the resident. The supervisor will identify any work required and if the resident's circumstances appear to be a contributory factor, advice is given along with a hygrometer. Any contributing factors are referred to the housing management team. If the supervisor is unable to identify the cause, or the cause is disputed by the resident, the matter is referred to the asset management team for a survey or to a third party if a solution cannot be agreed upon.

Landlords should recognise that issues can have an ongoing detrimental impact on the health and well-being of the resident and should therefore be responded to in a timely manner. Landlords should consider appropriate timescales for their responses to reflect the urgency of the case and set these out clearly for residents so their expectations can be managed. In addition, landlords should ensure that any follow up appointments are booked for as soon as possible.

Recommendation 13 for senior management

Landlords should ensure that their responses to reports of damp and mould are timely and reflect the urgency of the issue.

Missed appointments

Missed appointments are a frequent reason for an ineffective response, resulting in jobs being closed prematurely or residents having to repeatedly chase the landlord.

Landlords must ensure that jobs are not closed before they are fully resolved and that new appointments are booked quickly. If landlords are aware an appointment will be missed, they should inform the resident early on and rearrange it at the same time.

We are aware that there will be instances where appointments are missed because it is not possible to gain access to the property. Landlords should have processes in place to follow up with the resident to rearrange the appointment promptly.

Case study – Landlord took five years to resolve report of damp

Ms B first reported damp in 2014 and subsequently made a complaint. The landlord's final response in December 2015 confirmed it had found damp in broadly the same areas as those found in an earlier inspection in 2014. It noted the persistent or reoccurring damp had existed at the property for a considerable amount of time. The landlord accepted that the need for a specialist damp report had repeatedly been identified but not actioned and during this time Ms B had been left

for extended periods of time without bathing facilities or with no water supply to the kitchen. The landlord recommended that a programme of outstanding works was produced, a member of staff was identified as a single point of contact and Ms B was kept informed of intended actions and timescales.

In 2016, Ms B expressed dissatisfaction that little progress had been made in six months, and by February 2017 the outstanding works were still extensive. Ms B complained about the length of time works were taking and raised concerns that she had been paying rent for a property she could not live in since 2015.

In its response to Ms B's second complaint, the landlord advised that the rent rebate was in dispute and noted she had arranged her own accommodation rather than waiting to be decanted by the landlord. It explained how it would calculate any rent rebate owed, taking into account the period of time Ms B could not reasonably have been expected to live in the property and the estimated cost of alternative accommodation if it had been provided by the landlord. The landlord also advised the resident that she should claim for any damage to her belongings on her own contents insurance or under the landlord's policy if liability was accepted.

The matter of compensation for the periods Ms B considered the property to be uninhabitable remained under dispute. Ms B stated she had to vacate the property on three occasions between 2014 and 2017, and at the time of her complaint to the Ombudsman, she was still not residing at the property. The landlord's position was that Ms B only needed to vacate the property between April and July 2017 when damp work and occupational therapy adaptations were completed. The landlord maintained that whilst it accepted Ms B could not live in the property alone, it was not unfit for habitation. In November 2018, the landlord asked Ms B to confirm when she would return to the property.

Following further works that would ordinarily have been the resident's responsibility, the landlord confirmed in May 2019 that the property was ready for Ms B to return to. It advised any compensation due would be calculated by the complaints team the following week. At the time of Ms B's complaint to the Ombudsman, no substantial compensation had been offered.

Outcome

Works were first requested in 2014 and the matter took until May 2019 to be resolved. The reports in response to the complaints in 2014 and 2017 indicated there were extensive problems at the property and it would not have been reasonable for Ms B to live there.

Throughout the life of the complaint there was a succession of promises that financial redress would be forthcoming once the works were completed but only a very limited offer was made. Nor did we see any offer of alternative accommodation. We found severe maladministration and ordered the landlord to pay Ms B £4,000 in compensation and to refund the rent it had previously agreed.

Learning

Where landlords make recommendations in response to a complaint, they must be acted on in a timely manner. It is not acceptable for residents to have to raise multiple complaints in order to progress a repair. Landlords should ensure that where

a resident is given a single point of contact that that person is empowered to progress the matter when things stall.

Questions for landlord complaint handlers

- How do you ensure that recommendations made after a complaint investigation are acted on?
- What mechanisms do you have in place to ensure that where issues are ongoing for a significant period of time, they are identified and escalated appropriately?

Recommendation 14 for senior management

Landlords should review the number of missed appointments in relation to damp and mould cases and, depending on the outcome of any review, consider what steps may be required to reduce them.

Professional standards

We are aware that many landlords are encouraging their staff to identify other potential issues when visiting the homes of residents and this is particularly important in relation to damp and mould to avoid cases becoming more complex to resolve later on. We encourage landlords to consider the Chartered Institute of Housing's Professional Standards if they have not already done so.

In particular the 'Skilled' standard requires housing professionals to '*solve problems, be flexible, adaptable and respond to situations creatively, in the moment*' and considers practical application of this standard to include '*taking pre-emptive action and proactively problem solving*' and '*finding solutions, even if they lie outside "normal" activity.*'

Crucially, landlord staff and contractors should respond proactively rather than take a "not my department" approach to issues that fall outside of their area of expertise. At its most simple, this could consist of raising repairs on the resident's behalf or ensuring the relevant team is informed of the problem. This requires staff to be trained and knowledgeable about the signs of damp and mould and have clear policies in place to respond appropriately.

We would encourage landlords to ensure they are supporting residents whose homes are overcrowded and actively explore solutions such as management moves and mutual exchanges, as well as ensuring the resident is registered with the relevant housing authority and supporting them to check their application has been given the correct priority banding.

Making the most of every visit

For early prevention work, one landlord will use every visit to a property, whether it is a gas servicing visit, a repair visit, an electrical test, a visit from the housing officer or any other opportunity they create to identify early signs of damp or mould. Like their safeguarding response, they consider that everyone has a responsibility to highlight potential concerns.

Case study – Landlord issued with Improvement Notice following failure to act on survey recommendations

Following a report of mould growth at a home, the landlord visited and recommended a specialist contractor came to inspect. The specialist contractor recommended extensive works, but after two months, the landlord had not taken any further action so Ms J emailed for an update. The landlord did not respond resulting in her visiting the landlord's offices two months later. The landlord informed her there had been staffing changes, but despite it advising it would investigate and provide an update, it did not.

Although there had been a specialist inspection five months earlier, the landlord used its own staff to inspect the property again. This report noted the property had "*severe damp/mould*" and that it was caused by "*lifestyle and the amount of residents living in the property.*" The scheduled works to complete a mould wash, apply anti-mould paint and treat the windows were not completed due to a lack of access, which Ms J disputed. The landlord did not supply the Ombudsman with any evidence regarding what happened over the next three months, but a specialist contractor visited the property again after this period and according to Ms J noted that overcrowding was a factor. Ms J had to chase the landlord again a month later as she had not had any update from the landlord. She contacted environmental health who inspected the property and wrote to the landlord about the condition of the property. The landlord did not respond, so environmental health issued an Improvement Notice. A month later the landlord completed a planned visit to Ms J and advised that due to the extensive works required, she would need to be decanted.

There was a delay in the works taking place as the paperwork completed in preparation for the decant was inaccessible due to staff sickness. This also resulted in a disagreement between Ms J and the landlord regarding whether a permanent decant had been agreed.

In response to Ms J's complaint, the landlord stated it had handled the decant to the best of its ability and in line with policy. It acknowledged it should have been clearer that a permanent decant was not guaranteed, but that as the mould was treatable it did not consider a permanent decant was necessary. The landlord apologised for the delays and the stress and inconvenience caused and offered £100 compensation. Ms J asked for her complaint to be escalated stating the landlord had not considered that overcrowding was a contributory factor and the environmental health report. In its response, the landlord reiterated its offer of £100 and explained Ms J's property had been allocated to her based on her original household size and that she was in the correct banding.

Following Ms J's contact with the Ombudsman, the landlord reviewed its response and offered £3,025. It also offered its sincere apologies and advised it had taken steps to prevent reoccurrence.

Outcome

We found maladministration in respect of the landlord's response to reports of mould at the property and its handling of the decant. We also found service failure for its handling of the banding assessment and its complaint handling. We ordered the landlord to re-evaluate Ms J's priority banding taking the overcrowding and health

concerns into account, thoroughly explain her housing options to her in writing, pay the previously offered compensation of £3,025, and to calculate and pay an additional sum of compensation of 30% of the rent over a period of approximately ten months.

Learning

Where inspections result in recommended works to tackle condensation, damp or mould landlords should ensure they act on the recommendations in a timely manner. Any deviations from the recommendations should be clearly documented and explained to the resident. Landlords should also consider sharing reports with residents to promote openness. Landlords should also ensure that information is available to all relevant staff, so cases are not delayed in the event of staff absence.

Questions for landlord complaint handlers

- What actions do you take to proactively support households that are overcrowded?
- How do you ensure that recommendations following property inspections are acted on in a timely manner?
- What procedures do you have in place to respond appropriately to contact from environmental health?
- What procedures do you have in place to ensure that records are accessible to all staff who may need them?

Recommendation 15 for senior management

Landlords should ensure that their staff, whether in-house or contractors, have the ability to identify and report early signs of damp and mould.

Appropriately skilled staff

We know from our casebook that landlords assigning jobs to operatives who do not have the correct skills can be extremely frustrating for residents and lead to jobs being closed prematurely. The National Federation of ALMOs, amongst others, reported that their members' evidence showed having well-qualified, experienced, customer-focused surveyors, technical staff and repairs managers willing and able to properly inspect and remedy issues was crucial to being able to identify root causes.

We are aware some landlords have developed specialist teams for the diagnosis of, and remedial work to, damp and mould and others have directly employed surveyors to ensure they can swiftly respond to reports. Others have set up networks to share best practice, procedures, technical expertise and staff between organisations to overcome this problem.

Whilst accessing the right skills can be challenging, landlords should have appropriate plans in place to address any skills gaps.

Case study – Appropriately qualified staff are crucial to early diagnosis of issues

Following a report of damp in the bedroom, the landlord inspected the home and identified a leak from a pipe beneath the bath, which was suspected to be the cause of the damp. The landlord repaired the pipe, replaced the ceiling in the bedroom, and installed heaters and dehumidifiers. Mr E continued to report damp and mould at his home, including that it had spread to the living room, and he subsequently raised a claim for damage to his belongings with the landlord's insurer. The landlord offered Mr E £50 in compensation for delays to repairs and arranged for a surveyor to visit.

This inspection also identified a leak to the pipe beneath the bath was the likely cause of the continuing damp and although the damp was contained to the bathroom, mould was evident throughout the home. The surveyor recommended further repairs to the bedroom, anti-mould wash to the internal walls, installing a new chemical damp proof course and upgrading the fans to the kitchen and bathroom. The landlord accepted the recommendations, and the work was completed the following month.

It is evident issues continued as environmental health inspected the home five months later and found high damp readings, which appeared to come from the floor and recommended further investigations to identify the cause. They also recommended that Mr E vacated his home until the damp issues had been resolved, which he did. The landlord arranged another inspection by its surveyor who found mould in the bedroom, living room and bathroom and suggested the damp was caused by the property being unoccupied with limited heating left on. The landlord's surveyor recommended the installation of a larger radiator to the living room and improved ventilation in the bathroom. Although not mentioned in the report, the landlord also repaired the guttering and exterior brick work.

Mr E complained to the landlord that the leak in the bathroom should not have been left for three years and that the landlord's contractors had misdiagnosed the damp, which had still not been resolved. The landlord completed a heat survey and introduced dehumidifiers to the property to reduce condensation. It also completed further damp investigations including a CCTV survey, which found no evidence of damp penetrating the property from outside. The landlord subsequently fitted a new kitchen (as part of major works), installed the larger radiator, and applied a mould wash as recommended by its surveyor, fitted a new boiler, and installed cavity wall insulation. The landlord then met with environmental health and following their recommendation completed a water test to confirm the property was no longer damp. Following this, the landlord completed a final inspection and confirmed to Mr E his home was ready for him to return to. Mr E said he could not return as he could not afford to replace his damaged belongings.

The landlord responded to Mr E's complaint six months after he submitted it. It advised it would refer his claim for damages to its insurer and apologised for the length of time it had taken to complete repairs. It offered compensation of £2,995.48 in recognition of the inconvenience caused by the delays, the cost of running the dehumidifiers and the cost of rent between February and July 2018. The landlord subsequently redecorated the property and in its final response, it increased the compensation to £4,242.22 in recognition of environmental health declaring the home uninhabitable in November 2017 and confirmed its insurer had also offered

£3,000 in respect of the damaged belongings. Mr E gave notice to terminate the tenancy shortly afterwards.

Outcome

We found that the landlord acknowledged the delays in resolving the damp and offered reasonable compensation. We also found that it was appropriate for the landlord to refer the claim for damage to Mr E's belongings to its insurer for consideration. However, we found that the landlord did not adequately investigate the cost of running the dehumidifiers and that it could have offered Mr E more assistance with acquiring the basic furniture he needed to return to his home. We ordered the landlord to pay an additional £250 in compensation in account of these service failures.

Learning

Landlords should ensure that their operatives are appropriately qualified to investigate the causes of damp and mould to avoid misdiagnosing the cause. It is also important that investigations are thorough and that appropriate tools are used. An aftercare programme can help landlords to quickly identify when matters have not been resolved without residents having to report the problem again. Where landlords make use of dehumidifiers or other electrical tools that are likely to have a marked impact on residents' electricity costs, landlords should ensure they can accurately calculate the costs to reimburse residents accordingly.

Questions for landlord complaint handlers

- What aftercare processes do you have in place to confirm that works have been successful or to quickly identify that further action is needed?
- What can you do to assist residents to successfully return to their property after a decant where their belongings have been damaged?
- How do you calculate the electrical costs of works incurred by the resident, particularly when the resident has been decanted?

Recommendation 16 for senior management

Landlords should take steps to identify and resolve any skills gaps they may have, ensuring their staff and contractors have appropriate expertise to properly diagnose and respond to reports of damp and mould.

Keeping residents informed

Our investigations have often found poor communication, particularly in regard to inspections, outcomes and timetabling of works. In a number of cases involving roof leaks and leaseholders, we found poor communication had exacerbated the situation.

Residents should be given a choice of appointments times and, wherever possible, reasonable notice. If appointments need to be changed, the landlord should inform the resident of this at the earliest opportunity and rearrange at the same time. Whilst

it is reasonable for landlords to confirm appointments in writing, it is not appropriate for residents to only be sent appointments by letter, unless this is specifically requested by the resident. This puts the onus on the resident to contact the landlord to rearrange appointments that are inconvenient, and the landlord has no control over if or when the resident receives the letter.

It is important the landlord clearly communicates its diagnosis with the resident, sharing any relevant information, to ensure the resident has confidence in it and understands the next steps. Where follow up work is required, the resident should be informed early on. Landlords should explain why follow up work is required, what work is needed, why the work could not be completed at the initial appointment and a clear timetable for future works. If there is any slippage to the timetable, again residents should be informed as soon as possible, and they should be advised why the timetable has changed.

Wherever possible, landlords should avoid leaving external contractors to arrange appointments with residents directly, so they are fully aware of all issues and the onus is, again, not on the resident to reports these.

It is also important for landlords to have appropriate processes in place to ensure that where follow up work is needed, jobs are not marked as complete in error leaving the resident to chase the outstanding activity. Appropriate after care services, such as a follow up call after the job is marked as complete, will quickly identify any outstanding issues which can be appropriately managed.

It would also be good practice for landlords to schedule follow up visits at set periods, for at least a year after works are completed, to satisfy themselves that the problem has not returned.

Where landlords decide follow up work is not required, residents should again be informed of this in a timely manner. Landlords should clearly explain to the resident why they have decided no further work is needed. If landlords have had the property inspected and have decided against further works based on the inspection report, consideration should be given to sharing the results of the report with the resident, if they do not routinely do so already. Clear communication and sharing information are particularly important where the resident has supplied their own inspection report that contradicts the landlord's inspection report. This can help to build trust between residents and landlords.

Recommendation 17 for senior management

Landlords should ensure that they clearly and regularly communicate with their residents regarding actions taken or otherwise to resolve reports of damp and mould. Landlords should review and update any associated processes and policies accordingly.

Case ownership

It is clear from our investigations that residents can often fall through the gaps between different departments, with no one taking overall ownership for resolving the

problem reported. Whilst different departments and expertise may be required at different times, landlords must ensure their approach is robust and does not prevent early and effective action to help the resident.

Landlords must ensure the effective operation of communication channels between different teams, such as the complaints and repairs teams. This will ensure that all parties have access to accurate and current information which can be passed to and from the resident and will avoid unnecessary delays.

Landlords should ensure that one department or individual has overall responsibility for ensuring that all reports or complaints are resolved, especially where the response covers a range of disciplines or departments.

Good practice – Case ownership

To tackle this issue, one landlord is considering introducing a specialist damp and mould team who will manage these types of cases from end-to-end. Their purpose would be to have control of the case from the point of identification including accurate diagnosis, triaging, agreeing the appropriate intervention, monitoring case performance until completion, quality assurance and aftercare.

Case study – Failure to appropriately manage contractors resulted in lengthy decant for family

Following a report of mould, the landlord visited the home and recommended a specialist contractor inspected the issue. There was a short delay in the contractor completing the inspection, which the contractor emailed Ms G and apologised for. It also explained that a mould wash and use of a dehumidifier would not resolve the situation. Following the inspection, Ms G emailed the contractor explaining she was concerned about the environment she and her children were living in, reporting that her soft furnishings and clothes were damp and that her youngest child was ill again. The contractor provided a copy of the report to Ms G which recommended the installation of passive vents in each bedroom, an air filter and a new extractor fan. The contractor also suggested there may be a problem with the plasterboard absorbing water and works to open the area would be needed to remedy the situation. It confirmed it was waiting for the landlord to approve the works, which it expected to take 4-5 days.

Ms G chased the contractor who advised it was still waiting for the landlord to approve the works. Ms G subsequently informed the contractor that she had sought legal advice and would be requesting compensation for the damage to her belongings. The contractor acknowledged Ms G's contact, advised it had informed its insurer and arranged an appointment to complete mould removal and treatment. The contractor was late attending this appointment due to a vehicle breakdown, which it failed to inform Ms G about and when it arrived, its operative was unable to complete the works required. The contractor was also late to the follow-up appointment which meant it was unable to access the property.

Presumably a mould treatment was applied by the contractor at some point, as Ms G contacted the contractor and the landlord to advise the mould wash had not worked and the walls were covered in mould and fur. She stated the issue of rising damp

had been raised previously but the contractor had failed to address it. Ms G subsequently raised a formal complaint in which she stated she had been informed by email that she needed to be decanted but there were no properties available, she had been forced to live in one room with her children due to the condition of her home, and that the landlord had not taken the situation seriously. The landlord sent the resident a £20 voucher for the missed appointment and the air filter was installed shortly afterwards.

Three months after the initial report, the landlord's operative attended to apply a mould wash but because of concerns about the effectiveness of the treatment, he sought advice from a supervisor who told the operative to stop work and leave the property. Two days later the landlord raised a work order for a subcontractor to carry out intrusive works and Ms G was decanted two weeks later. Approximately one month after she was decanted, the subcontractor confirmed it had located the source of the damp, which was due to a leak from the collar of a rainwater downpipe in the kitchen/diner.

Five months after Ms G had been decanted, she was invited to view the property. Following the viewing, she informed the landlord that she was "*disgusted with the state of it*" and asked for her complaint to be escalated despite not having received a response at stage one. The property had still not been deep cleaned when Ms G returned to it almost two months later. In its stage two response, the landlord acknowledged delays and that the works had not been completed to the standard expected before Ms G returned to her home. It apologised for the delays and attributed them to its subcontractor. It also apologised for the delay in responding to the complaint and offered Ms G £525 in compensation.

Outcome

We found that the landlord had delayed unreasonably in carrying out the repairs needed to Ms G's home. We found there were repeated failures to manage its repairs contractors and subcontractors effectively, leading to Ms G and her children being decanted for a significant period. While we acknowledged that the landlord had offered compensation, in our opinion it was not proportionate to the circumstances of the case, and we ordered the landlord to pay Ms G £1,500 in compensation.

Learning

Landlords should ensure they have processes in place to appropriately manage delays caused by their contractors and subcontractors. They should also ensure they maintain contact with the resident throughout the repair process instead of leaving the resident to liaise directly with the contractor. Where intrusive works are required, landlords should act quickly to decant the resident and start the works. Appropriate checks should be carried out at the property to ensure it is suitable for residents to return to.

Questions for landlord complaint handlers

- How do you manage delays caused by contractors and subcontractors?
- What steps do you take to ensure properties are in a suitable condition for residents to return to following a decant?

- Do you ensure that you speak to residents directly, rather than letting the contractor liaise with the resident?

Recommendation 18 for senior management

Landlords must ensure there is effective internal communication between their teams and departments, and ensure that one individual or team has overall responsibility for ensuring complaints or reports are resolved, including follow up or aftercare.

Remedies

Where something has gone wrong, it is important that the landlord puts it right and they have the opportunity to do so before we investigate. Where we found service failure, this was often because landlords had not provided appropriate remedies to restore the resident to the position they would have been in had the failure not occurred.

This was generally caused by failing to fully account for the distress and inconvenience the resident had experienced, loss of amenities or additional costs to the resident because of damp and mould. Whilst a clear remedies policy can provide good guidance to complaints teams to help them determine adequate redress, it is crucial that landlords consider the individual circumstances of the household or resident when calculating compensation. Finally, landlords should apologise to the resident, and in more serious cases, consideration should be given to a senior member of staff apologising in person.

In some cases, personal items will have been damaged as a consequence of damp and mould. Where an insurance claim may be required, it is important for landlords to offer appropriate support to residents, which could include the landlord submitting the claim to their insurer rather than requiring the resident to submit the claim themselves.

Recommendation 19 for senior management

Landlords should ensure that their complaints policy is effective and in line with the Complaint Handling Code, with clear compensation and redress guidance. Remedies should be commensurate to the distress and inconvenience caused to the resident, whilst recognising that each case is individual and should be considered on its own merits.

Chapter 3: From disrepair claims to resolution

Identifying complex cases

There will always be some damp and mould cases that are more difficult to diagnose and/or repair and, therefore, longer to rectify. It is important that these types of cases are handled with particular care to ensure they are resolved effectively, maintain the relationship between the resident and the landlord and reduce the risk of the resident feeling the need to resort to a disrepair claim.

Landlords should ensure they have strategies in place to manage these types of cases with an emphasis on ensuring that the resident is kept informed, feels that the landlord is taking the issue seriously and that the matter is progressing. This is particularly the case where it is going to take longer than usual for works to commence at the resident's home.

Landlords should consider providing a single point of contact and a timeline of work and/or to providing updates to residents at set intervals. This includes when the matter has not progressed for a period of time to ensure residents are kept informed and can be assured that they have not been forgotten.

Recommendation 20 for senior management

Landlords need to ensure they can identify complex cases at an early stage and have a strategy for keeping residents informed and effective resolution.

Case study – Focus on subsidence meant landlord missed opportunities to respond to damp

Ms H reported problems with several doors which were repaired and noted as possible subsidence. Subsidence was later confirmed by the landlord's insurer who completed a plan of works to rectify the issue.

Ms H informed the landlord of further problems with the doors. In responding the landlord also asked the operative to check for signs of damp or condensation.

Seven months after first reporting the issue, Ms H chased a damp survey contractor regarding an inspection the landlord had raised three months previously. During this contact with the damp survey contractor, Ms H requested an out of hours appointment, which the contractor raised with the landlord. However, the landlord did not respond to the request. A year after the problem was reported, the landlord's insurer identified damp in the kitchen floor, which it said required further investigation.

Ms H subsequently complained about how it had handled her reports of damp and cracks to the property. Almost a year after the landlord had raised the inspection request, the damp contractor and a roofing contractor inspected the property. The

roofing contractor informed the landlord the same day that the loft should be insulated, and the roof replaced. The damp contractor provided a report to the landlord a week after the inspection in which it advised it had not been able to find a damp-proof course, several cracks were potentially allowing damp in, it had found condensation and it could not give any assurance that the property was not affected by rising damp.

The landlord issued its stage one response three months later and explained it had decided to rehouse her due to the subsidence. It apologised for its poor communication, the inconvenience caused and offered £400 in compensation. It also confirmed it would not complete any further repairs at the property unless they were urgent. Ms F accepted the landlord's offer to be rehoused but also asked for the complaint to be escalated. In its stage two response the landlord explained its actions further, apologised and did not offer any further compensation. Ms F was rehoused eight months later.

Outcome

We found the landlord had offered reasonable redress for its complaint handling failures, however we found maladministration for how it handled Ms H's reports about the door, cracked walls and damp. We considered that the landlord had not treated the issues with the door as an emergency, despite it being a fire safety hazard and a security risk. We also found that it had unreasonably delayed in arranging the damp report which meant Ms H had had to live in a home requiring extensive repairs for much longer than necessary. We ordered the landlord to pay an additional £450 in compensation.

Learning

Despite recognising at an early stage that the home may be affected by condensation and damp, it took over a year for a damp survey to be completed. When the survey was completed, it identified significant issues at the property, including cracks to the building that Ms H had reported several times. Landlords should ensure they respond quickly to reports of condensation, damp, or mould and should not let other significant repairs prevent the investigation of these issues. It is crucial that landlords maintain regular contact with residents whilst they are living with repairs issues that will take a significant period to rectify. Landlords should also consider whether it is reasonable to leave a resident living in a home that has structural issues, major faults and requires major remedial work whilst a permanent move is identified.

Questions for landlord complaint handlers

- How do you keep residents informed when another organisation is leading remedial works?
- How can you ensure that reports of damp or mould are not neglected when other significant works are identified?
- Are your staff trained to notice flags for possible safety and security issues that may not have been reported by the resident?

Where specialist surveys are required, landlords should ensure the need is identified early on and that work orders are progressed in a timely manner. Landlords should also highlight instances where using an independent, mutually agreed and suitably qualified surveyor may be useful to avoid any concerns the resident may have of bias, and obtain parity with the housing conditions pre-action protocol. The outcome of these surveys, and any other inspection at the resident's property, should be routinely shared with, and explained to, the resident. This includes being clear where on any recommendations or actions that are not going to be followed up and the rationale for this to aid the resident's understanding.

Recommendation 21 for senior management

Landlords should identify where an independent, mutually agreed and suitably qualified surveyor should be used, share the outcomes of all surveys and inspections with residents to help them understand the findings and be clear on next steps. Landlords should then act on accepted survey recommendations in a timely manner.

Decanting

Diagnosing damp and mould issues can take time, with repeated visits to, and inspections of, the resident's home, but residents are not always properly updated following these inspections. Residents will see more people coming to their home but will not know what, if anything, is happening following the inspection which can cause frustration and a loss of trust in the landlord.

Where appropriate, landlords should consider at an early stage whether moving the resident out of the property (otherwise known as 'decanting') to suitable accommodation is necessary, either on a temporary or permanent basis. This will ensure that residents are not left living in unsatisfactory conditions for months before a decant is considered. This is particularly important with respect to vulnerable residents where major works are required.

Landlords should also ensure that where significant works are required, smaller remedial works such as mould washes/anti-mould paint that will improve the resident's living environment are still completed. Landlords need to be clear that where such treatments are required, they should be treated as a repair obligation and not classed as 'decoration' which would be considered a resident responsibility.

Recommendation 22 for senior management

Where extensive works may be required, landlords should consider the individual circumstances of the household, including any vulnerabilities, and whether or not it is appropriate to move resident(s) out of their home at an early stage.

Case study – Landlord should have considered the resident’s medical conditions following a leak

Mr L reported a ‘flood’ in his kitchen and living room, apparently caused by a blockage in the pipework. The landlord initially treated this as a routine repair as there was no leak but upgraded this to an ‘emergency repair’ when Mr L reported the same problem three days later.

A drainage company visited and believed it had cleared the blockage, but the problem soon recurred. Due to his medical conditions and limited mobility, Mr L decided to vacate his home until the problem had been resolved.

The landlord made several inspections of the pipework in the flat and in the property above, but after five weeks it had still not found the cause of the problem. Mr L made a formal complaint about the time taken; he explained that he was still paying rent but felt unable to live in his home due to his medical conditions and disability. The landlord provided a verbal response to the complaint, agreeing to investigate the delay and resolve the problem as soon as possible.

The landlord needed access to other neighbouring properties to identify the cause of the blockage, which meant it took a further 13 weeks before the landlord was able to fully resolve the issue and carry out the subsequent repairs to Mr L’s flat.

In its final response the landlord offered Mr L £250 as a ‘goodwill gesture’. It noted the property had been habitable and it was Mr L’s decision to vacate it. It considered that the complexity of diagnosing the problem had contributed to the time taken.

Outcome

We found that whilst the landlord had responded in line with its repairs policy, it had not considered the impact of Mr L’s medical conditions when deciding whether it was reasonable for him to remain in the property. We also found maladministration for its complaint handling as the landlord did not provide a written response to the formal complaint; took too long to issue its final review; and its offer of compensation did not have regard to all the relevant factors.

We ordered the landlord to refund Mr L the £1,280 he had paid for alternative accommodation or to refund him the rent paid for his home while he was absent. We also ordered the landlord to pay Mr L £700 compensation and to explain what evidence it required should he wish to reclaim other expenses and how to make an insurance claim.

We recommended that the landlord should ensure its staff are aware of the Ombudsman’s Complaint Handling Code and the need to provide a complainant with the written outcome of their complaint at each stage of the process.

Learning

Despite the report being dealt with in line with the landlord’s repairs policy, this case was unusually complex and required several inspections of multiple properties, leading to the issue remaining unresolved for an extended period. After five weeks Mr L indicated to the landlord that he felt unable to live in his home as he was disabled. In situations where residents do not feel their home is habitable, or where major works are required, landlords should consider whether the resident ought to

move out or what could be done to help them stay in the property to avoid additional expense and inconvenience.

Questions for landlord complaint handlers

- Does your organisation have processes in place to review and increase the urgency of repairs if subsequent information comes to light following the initial report?
- Where major works are required, or residents report that they feel their home is not habitable, does your organisation have a mechanism in place to consider whether decanting the household is required?

Making effective use of the complaints procedure

Long-term or complex cases are at higher risk of becoming legal issues. Landlords are clearly concerned about the increase in disrepair claims from their residents, with one reporting a 70% increase in associated costs over two years. Whilst this issue is broader than damp and mould, it is critical that residents in these cases do not feel the need to resort to disrepair claims, especially when the complaints procedure could provide a better outcome for the resident and landlord. There are real benefits to both residents and landlords if disputes can be resolved through the complaints process, and the Pre-Action Protocol for Housing Condition Claims makes clear that alternative dispute resolution should be sought.

Landlords should ensure they clearly promote the benefits of their complaint process and the resident's rights to approach the Ombudsman at an early stage, which include:

- More timely resolution of the issues
- More straight-forward and flexible approach to redress
- Free to the resident and
- Not limited in scope, unlike a disrepair claim.

Should the complaint process be exhausted then residents are able to use our alternative dispute resolution service which is:

- Free and simple to use
- Impartial
- Independent of the landlord
- Non-adversarial
- Faster and
- Broader in scope than a legal disrepair claim.

Recommendation 23 for senior management

Landlords should promote the benefits of their complaints process and the Ombudsman to their residents as an appropriate and effective route to resolving disputes.

Pre-Action Protocol for Housing Conditions Claims

When a landlord receives correspondence initiating the protocol, it is important that they do not disengage from any open complaint or the repair issue itself. Commencing the protocol does not constitute legal proceedings and a complaint can be considered at any stage of the protocol.

The Ombudsman's view is that a matter does not become 'legal' until proceedings have been issued. The landlord should be clear with the resident on how it is handling correspondence – whether under the complaints process, the protocol or both – and clearly communicate to the resident when a complaint has exhausted its process. Landlords should direct residents to the Ombudsman for a free, independent and impartial assessment of the case.

The Ombudsman's view is that a matter does not become 'legal' until proceedings have been issued and following the pre-action protocol does not constitute proceedings, and that there is no reason landlords cannot continue to try and resolve matters through the complaints process until that time.

Whilst landlords may manage residents' expectations around our jurisdiction, it is ultimately for us to decide whether we will investigate a complaint. We have updated our jurisdiction guidance to address this issue in more detail and landlords will need to ensure their approach is consistent with the guidance.

The Ombudsman will accept that a landlord letter (from either their in-house legal team or legal representatives) in response to a solicitor's letter on behalf of the resident, such as a letter of claim, is their final response and evidence of having exhausted the complaints process for the purpose of the Ombudsman's jurisdiction.

Even when proceedings have been issued, the landlord should determine whether matters raised in subsequent correspondence form part of those proceedings or ought be addressed through another route such as the complaints process.

This approach should ensure landlords make full use of their complaints process wherever possible and do not prematurely close complaints because of existing unrelated proceedings. Landlords should also use intelligence from these cases to inform and feed into their proactive actions to address damp and mould.

Recommendation 24 for senior management

Landlords should continue to use the complaints procedure when the pre-action protocol has commenced and until legal proceedings have been issued to maximise the opportunities to resolve disputes outside of court. Landlords should ensure their approach is consistent with our jurisdiction guidance and their legal and complaint teams work together effectively where an issue is being pursued through the complaints process and protocol.

Case study – Landlord failed to progress resident’s complaint

Ms R had been reporting issues with mould at her home for over a year before it was inspected, and significant works were recommended. The inspection report recommended Ms R was decanted while the works were completed. Ms R reported that the landlord attended and removed the bath panel six months after the inspection, but nothing further happened.

Ms R referred her complaint to the Ombudsman two years after she first started reporting the issues at the property.

The landlord was prompted to update Ms R about the outstanding repairs after one of their staff attended her home to speak to her about another matter, three months after the complaint was referred to the Ombudsman. The landlord apologised for the delay in responding. The following day it advised Ms R that arrangements had been made for the drains to be repaired and once this was completed and the property had dried, further works would commence.

Despite several requests for information, the landlord did not engage with the Ombudsman and the complaint was accepted for investigation. The landlord subsequently advised that the matter was a disrepair case being handled by its solicitors and there was no evidence of an investigation into Ms R’s complaint. Two months later, the landlord confirmed the case had not gone down the legal route and was not subject to legal proceedings.

Outcome

We found severe maladministration in the landlord’s handling of Ms R’s repair requests and the formal complaint. We ordered the landlord to pay Ms R £3,663 in compensation, provide us and Ms R with a detailed schedule of works with timescales to deal with all outstanding issues at the property, discuss the damage to Ms R’s belongings and offer reasonable redress to reflect this. We also ordered the landlord to complete a senior management review of the case and to look at why it had failed to carry out the repairs, failed to raise and respond to the complaint and failed to send us a copy of the report.

Learning

Wherever possible, landlords should continue to engage with residents when a complaint or damp or mould issue has the potential to become a disrepair case. Where residents have made a complaint, landlords should continue to progress the complaint until the court papers are issued, at which point the court case takes precedence. Importantly, landlords should ensure that repairs are progressed.

Questions for landlord complaint handlers

- How do you respond to contact from solicitors when the resident has not previously made a complaint?
- Are your complaints teams empowered to continue to investigate complaints when a case has the potential to become legal, but proceedings have not been issued?
- What processes do you have in place to ensure repairs are progressed in these circumstances?

Chapter 4: From complaints to a learning culture

Establishing a learning culture around complaints

Whilst we have high compliance with individual orders, organisational learning from our decisions needs to be better. We made maladministration findings in relation to complaint handling in 64% of cases involving damp and mould. This indicates that landlords are not doing the basics as well as they could and may be a reflection of the organisational culture in relation to complaints.

Some organisations can view complaints as a direct criticism that requires a defensive response. On the contrary, it is essential that landlords recognise that complaints are a valuable learning opportunity that provide real insight into performance on the ground and what is not working quite as well as it could be. Complaints can also help to identify trends and root causes to prevent future issues. With the right response, they can be a strategic resource providing a variety of perspectives on how well a landlord's aims are being achieved from the point of view of their residents.

Landlords can and should encourage complaints from their residents by ensuring their systems provide multiple ways of submitting complaints to support different accessibility needs across their resident population.

A review of our casebook indicates that complaints in relation to damp and mould problems share many of the following characteristics:

- They are often complex
- Issues may be long running
- Poor communications
- Lack of clarity about repairs and timescales
- Lack of confidence by residents in the initial diagnosis
- High level of distress and disruption for the resident
- Health and wellbeing are frequently cited and
- Problems are not fixed and reoccur.

These characteristics mean that complaints concerning damp and mould provide necessary learning for landlords and their staff, which may also be relevant to other areas of landlord operations. The key question for landlords is how well they are set up to capture this learning and feed it into service improvements that will also improve the lives of their residents.

Complaint systems should allow the landlord to analyse their complaints data effectively and to identify themes, trends and learning opportunities. This will enable landlords to be proactive rather than reactive as outlined at the start of this report. Consideration also should be given to sharing learning from complaints with the wider organisation and with their residents, celebrating when things have gone well,

or when positive changes have been made because of complaints or other comments.

We recognise that organisational learning is a challenge for any organisation and are exploring establishing a Centre for Learning as part of our next three-year corporate plan to assist landlords with learning from the wider sector. However, landlords will still need to consider how best to implement organisational learning from their own complaints.

Recommendation 25

Landlords should consider how best to share learning from complaints and the positive impact of changes made as a result within the organisation and externally. Systems should allow the landlord to analyse their complaints data effectively and identify themes, trends and learning opportunities.

Empathy

It is clear from our investigations that complaints involving damp and mould cause considerable distress and inconvenience to the resident. Unlike some other areas of our casework, health and well-being are frequently cited by the resident.

It is important that landlords demonstrate empathy with these circumstances when responding to complaints. Landlords should consider how they train their teams and how to prevent fatigue setting in with call handlers. Landlords should also recognise the impact handling complaints can have on their staff and ensure that appropriate mechanisms are in place to support staff when necessary.

Recommendation 26

Landlords should ensure they treat residents reporting damp and mould with respect and empathy. The distress and inconvenience experienced by residents in this area is some of the most profound we have seen, and this needs to be reflected in the tone and approach of the complaint handling.

Conclusions: Demonstrating change

Damp and mould can be a complex and often frustrating issue for both landlords and residents. We recognise that some landlords are being proactive and that governing bodies are scrutinising approaches. This report aims to support these actions.

We have noted two key systemic issues that persist in cases across our casebook.

- Over reliance on residents
- Lack of overall responsibility for ensuring complaints are resolved.

Our evidence reveals many landlords relying on residents to report problems, to follow up work and to chase missed appointments. Whilst it is accepted that residents have a responsibility to report repairs at an early stage, landlords should ensure proactive actions are incorporated into business-as-usual activities to anticipate likely issues without waiting for those issues to manifest and be reported. For example, if an issue reported by one resident is likely to affect multiple residents, landlords should not wait for the other residents to be affected before taking action. Residents should not be expected to follow up on poor workmanship, outstanding works and missed appointments. These areas are the landlord's responsibility and speak to the importance of good communication and robust follow up procedures.

We also repeatedly see cases where the resident has fallen through the gaps in service provision, and issues that could have been resolved at an early stage have deteriorated, often leading to unacceptable living conditions for those residents. It is crucial that where issues are reported someone is accountable for the resolution of the matter to prevent residents being passed between teams and/or between the landlord and its contractors. It is important to note that both issues are not unique to damp and mould cases and accountability starts at the point the matter is reported not at the point a complaint is made.

It is important for landlords to demonstrate to residents learning from damp and mould complaints. We would encourage landlord staff and managers to review the case studies and learning provided in this report, actively consider how they would have responded to the case and whether as an organisation they would have made the same mistakes.

While some landlords are considering afresh their approach to damp and mould, we would encourage all landlords to do so. In particular, we would encourage senior leaders and governing bodies to ask the following points:

- 1) Do we have a proactive, zero-tolerance approach to damp and mould and a comprehensive, consolidated policy or framework for responding to these cases? Are we considering damp and mould as part of our net zero strategy?**

- 2) **How effective and timely are we at responding to and resolving reports and complaints concerning damp and mould? How do we know we are providing meaningful information and support to our residents?**
- 3) **How do we identify and manage complex cases, complex situations and/or those involving legal disrepair claims? Are we promoting our complaints processes enough and does our approach allow the complaints process to continue alongside pre-action claims?**
- 4) **What is our organisational culture with respect to learning? Are we making the most of our complaint data and case studies to learn and improve?**

Governing bodies should seek assurance in relation to compliance with the Complaint Handling Code, as this provides a strong platform for good complaint handling. They should also seek assurance that their organisations and their policies address the key questions outlined by this report and are producing the right outcomes.

We would strongly encourage landlords to share their learning and an action plan with residents during 2022 to improve understanding of their response, transparency and accountability.

Landlords should consider their approach to accountability and transparency and how they can demonstrate these values to their residents. Landlords should make use of opportunities for sharing information such as resident panels, community workshops and newsletters. Crucially, resident panels and community workshops provide landlords with the opportunity to hear the resident voice and be accountable to their residents.

Alongside this, the Ombudsman is also committed to taking action in several areas following this report. In addition to the new guidance on our jurisdiction, we are:

1. **Responding to the Ministry of Justice's call for evidence on the role of alternative dispute resolution.** We hope this will reduce the current trend of 'no win, no fee' legal firms soliciting disrepair claims from residents who have not been through the complaints process.
2. **Raising awareness of our service and the benefits of the complaints process to address issues.** While we have seen a significant increase in complaints relating to damp and mould, our corporate plan sets out plans for more awareness raising including removing barriers for any groups who may find accessing the complaints process more challenging.
3. **Reviewing the cases in this report to inform the proposed review of our remedies guidance in comparison with disrepair case studies.** Whilst we do not necessarily propose to increase the level of redress we offer to compare

favourably with disrepair claims, we recognise that we need to do more to encourage residents to use our services over the courts.

4. **We will follow up on this report.** The report covers a lot of issues and landlords will need time to consider their response. We will be monitoring landlord performance in this area and will actively consider where further systemic investigations may be required in the future to address service improvements with individual landlords. We will also consider whether we need to do further work in relation to possible contributory factors to damp and mould such as roof leaks, retrofitting or the managed decline of stock.

Housing
Ombudsman Service

PO Box 152, Liverpool L33 7WQ
0300 111 3000
www.housing-ombudsman.org.uk

Follow us on  

This page is intentionally left blank

22 November 2022	ITEM: 7
Housing Overview and Scrutiny Committee	
Allocations Policy Update 2022-23	
Wards and communities affected: All	Key Decision: None
Report of: Ryan Farmer – Housing Strategy and Quality Manager	
Accountable Assistant Director: n/a	
Accountable Director: Ewelina Sorbjan – Interim Director of Housing	
This report is Public	

Executive Summary

This report outlines the reasons why local authorities are required to have an up-to-date Housing Allocations Policy.

It goes into further detail to set out the context surrounding several areas of the existing policy where engagement feedback indicated needed updating.

Finally, the report recommends changes that the council should make to the Housing Allocations Policy. These will ensure that the document adapts, remains fit for purpose, meets the needs of residents seeking to access the Housing Register and supports the delivery of the aims, objectives and principles of the Housing service and wider organisation.

1 Recommendation(s)

- 1.1 Housing Overview and Scrutiny Committee are asked to note and comment on the recommended changes to the Housing Allocations Policy as set out in sections 3.2, 4.2, 5.2, 6.2, 7.2, 8.2, 9.2, 10.2, 11.2, 12.2 and 13.2.**

2 Introduction and Background

- 2.1. Thurrock Council has a legal obligation to allocate properties in line with a Housing Allocations Scheme formally adopted by the council. The scheme has to comply with current legislation, regulation and case law. The council implemented the current scheme in 2013 in response to the Localism Act 2011, which gave increased powers to determine local priorities when defining how properties should be allocated.

- 2.2. Since 2013 the policy and procedure have been reviewed frequently; however, the council completed the most recent update in April 2019. It was necessary to review the Housing Allocations Policy again to ensure it remains fit for purpose, delivering against the aims and objectives of the Housing Strategy 2022-27
- 2.3. In Thurrock, as with most boroughs, the demand for housing exceeds availability. There are increasing numbers of people in Thurrock who are in need of a home, and many more existing tenants with a priority need to move.
- 2.4. With a limited amount of properties available through the council and increasing house prices in the private and owner-occupied sectors, the reality is that many households face long waits for suitable and affordable settled accommodation that is fit for purpose. The shortage in the supply of affordable homes is becoming an acute problem across the region, and these pressures are expected to intensify over future years.
- 2.5. As a result, the current Housing Allocations Policy has to be revised to ensure that local people with the highest need for settled accommodation in Thurrock are supported appropriately.
- 2.6. Below is a snapshot of the current Housing Register, which comprises two lists: the 'Housing Waiting List' (including Bands 1 to 5) and the 'Transfer List'.

Band	Number of applicants	% of overall housing register
1	4	0.1%
2	148	2.2%
3	543	8.1%
4	4007	59.9%
5	425	6.4%
Transfer List	1560	23.3%
Total	6687	100%

- 2.7. Those in Band 1 have the highest priority to be rehoused, such as those experiencing violence or threats of violence (including domestic and sexual abuse). It also features council tenants whose properties require demolition or major refurbishment where the tenant would no longer be able to remain at the property.
- 2.8. Applicants awarded a Band 2 priority include those with an urgent medical or care need to be rehoused, tenants who are under-occupying by more than one bedroom or succeeding to an under-occupied tenancy,
- 2.9. Those awarded a Band 3 priority include homeless applicants who are owed a homeless duty, those who have a medical or care need to move, those moving on from care or supported housing, those who are overcrowded by two or more bedrooms and those who are under-occupying by one bedroom.
- 2.10. The Band 4 priority is awarded to applicants who are not adequately housed but do not meet other priority criteria. It is also awarded to applicants who are adequately housed with a valid notice to quit and non-statutory homeless applicants.
- 2.11. Lastly, applicants placed in Band 5 on the 'Housing Waiting List' are considered adequately housed and have no priority need to be re-accommodated. This banding is now only used for those eligible for Sheltered Housing.
- 2.11.1. The 'Transfer List' is specifically for current Council and Registered Provider tenants in the borough with no priority need but who wish to move to a different property.

3 Financial Qualification Thresholds

3.1 Context

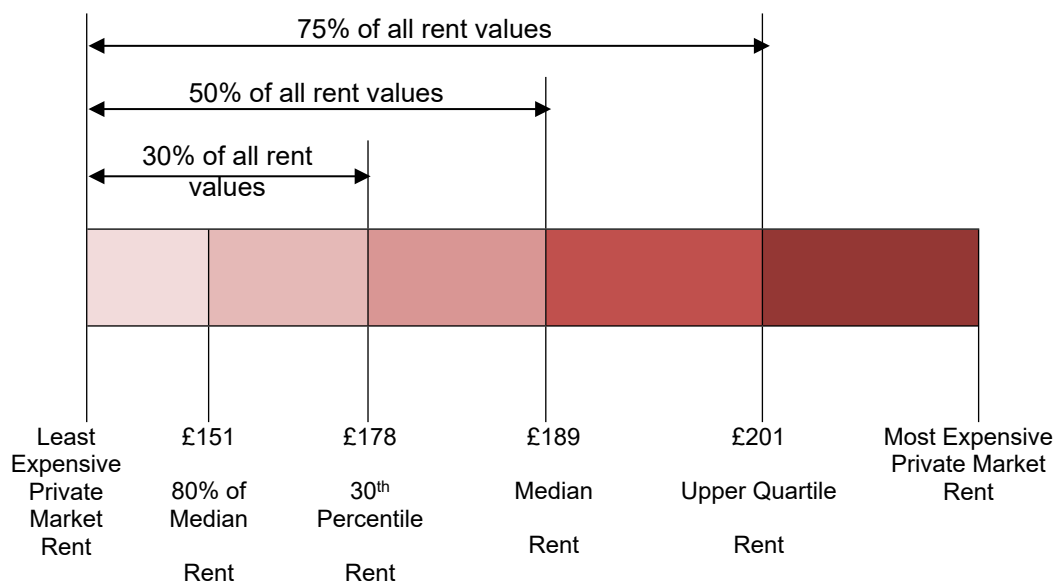
- 3.1.1. To qualify for the 'Housing Waiting List' and then to be offered a property at the point of successfully bidding on a property, the savings, assets or annual income for the application must be below the set financial threshold. The paragraphs below set out the approach to calculating the proposals as defined in the above table.
- 3.1.2. According to the Joseph Rowntree Foundation, the maximum Housing Cost to Income Ratio (HCIR) for accommodation to be considered to be affordable would be 1:3. This means that if a household is spending more than a third of its net income on accommodation costs, that accommodation would not be deemed to be affordable.

The methodology for calculating the above financial thresholds considered the borough's average private rents and average property purchase prices. The data was provided by a release from the Hometrack market intelligence system with up-to-date data in October 2022.

3.1.3. Whilst only one measure for the average property purchase price was included within the available data, a range of private rent statistics was provided by Hometrack. These were:

- 30th Percentile – this statistic indicates the rental amount that 30% of private market rents fall below.
- 80% Median – this statistic indicates 80% of the value of the average market rent, used for calculating ‘affordable rent’ in line with the Government definition.
- Median – this statistic indicates the value in the middle of the range of private market rents and can be identified as the average market rent.
- Upper Quartile – this statistic indicates the value that 75% of private market rents fall below.

The below chart puts these definitions into context, displaying these statistics concerning the least and most expensive private market rent amounts for one-bed properties.



3.1.4. In calculating rental affordability, the calculation took the weekly accommodation cost, multiplied by 52 to give an annual accommodation cost, and then multiplied by 3 to determine the affordability threshold in line with the maximum recommended HCIR.

3.1.5. For determining property purchase affordability, the calculation simulated a scenario where a first-time buyer was attempting to join the housing ladder. Therefore, the calculation assumed that a first-time buyer would purchase a property with a 95% mortgage.

Repayments were to be made over 35 years with an interest rate of 5,33%, as the average standard variable rate was approximately that amount at the

time of the calculation. This calculation gave the monthly repayment amount before being multiplied by 12 to establish the annual cost of the mortgage and then by 3 to determine the affordability threshold according to the maximum recommended HCIR.

3.1.6. The table below shows the result of the calculations to determine the net income required for rental and property purchase affordability.

	1 bed		2 bed		3 bed		4 bed	
	Average cost per week	Annual Net Income Required	Average cost per week	Annual Net Income Required	Average cost per week	Annual Net Income Required	Average cost per week	Annual Net Income Required
Private rent - 30th Percentile	£178	£27,768	£225	£35,100	£300	£46,800	£390	£60,840
Private rent - 80% Median	£151	£23,556	£194	£30,264	£258	£40,248	£314	£48,984
Private rent- Median	£189	£29,484	£242	£37,752	£322	£50,232	£392	£61,152
Private rent - Upper Quartile	£201	£31,356	£276	£43,056	£345	£53,820	£431	£67,236
	Average Purchase Price	Annual Net Income Required	Average Purchase Price	Annual Net Income Required	Average Purchase Price	Annual Net Income Required	Average Purchase Price	Annual Net Income Required
Property Purchase	£160,189	£29,721	£302,909	£56,201	£350,003	£64,938	£466,262	£86,509

3.1.7. The most recent earnings by place of residence dataset published by the Office for National Statistics gives the below median and mean gross salaries for Thurrock. A calculator has been used to show the net income based on deductions for income tax and national insurance for the 2023/24 financial year. This calculation does not include any student loan or employee pension contributions. The net income is considered against the financial thresholds as set out in the Allocations Policy.

	Gross	Net (2023/24)
Thurrock Median Salary	£29,355	£24,153
Thurrock Mean Salary	£33,139	£26,764

3.1.8. Related activity has also been carried out to calculate the maximum gross annual income for each proposed financial threshold, which can be seen in the table below. The column for joint income displays two equal joint incomes with a combined total below as an example.

Property Size	Net (2023/24)	Gross (single income)	Gross (joint income)
Single person	£27,700	£34,496	N/A
1 bedroom	£29,700	£37,395	2x £15,872 (£31,744)
2 bedroom	£56,200	£80,638	2x £35,075 (£70,150)
3 bedroom	£64,900	£95,638	2x £41,380 (£82,760)
4+ bedroom	£86,500	£141,555	2x £58,311 (£116,622)

3.1.9. As evidenced in the tables above, both the net median income and net mean income for the borough are lower than the proposed financial thresholds. This information, in conjunction with the approach taken to calculate the financial thresholds, significantly reduces the likelihood of a household's income is too high to qualify for the Housing Register but below the income required to find affordable accommodation in the private market.

3.2. **Recommended Change**

3.2.1. The table below sets out the current and proposed thresholds and the rationale for reaching each figure. The general approach to set the Housing Register financial qualification thresholds was to take whichever was the highest required net annual income between the 30th percentile private rent and the property purchase price by bedroom size.

3.2.2. It is recommended that the below-proposed thresholds are adopted.

Property Size	Current Threshold	Proposed Threshold	Rationale for proposed threshold
Single Person	£24,000	£27,700	1 bed need, but reflects the £2k variation between single person and 1 bed thresholds from current criteria
1 Bed	£26,000	£29,700	£29.7k required for property purchase
2 Bed	£37,000	£56,200	£56.2k required for property purchase
3 Bed	£47,000	£64,900	£64.9k required for property purchase
4 Bed	£60,000	£86,500	£86.5k required for property purchase
Sheltered Housing	£179,000	£203,600	Market rate for leasehold purchase of retirement property (£180,000) plus allowance for 10 years of service charges (£23,600)
Extra Care	£229,000	£284,000	Market rate for leasehold purchase of extra care property (£230,000) plus allowance for 10 years of service charges (£54,000)

3.2.3. It is recommended that the financial thresholds are included in the Housing Allocations Policy as a separate appendix. This approach will allow for these to be updated annually, even if the overall policy is not revised, to ensure they remain accurate and reflective of the cost to secure suitable private sector accommodation in Thurrock.

4 Sheltered Housing

4.1. Context

4.1.1. Sheltered housing is designed and built with the needs of older people in mind. Most sheltered housing schemes are made up of one-bedroom flats or bungalows, although there are a very limited number of two-bedroom properties. Sheltered housing enables people to live in their property with the security of a sheltered housing officer in case any assistance is needed. The sheltered housing officer also makes a courtesy call to every tenant each morning and is there to provide support.

Most sheltered housing schemes have communal halls where activities place daily, so there are opportunities to socialise with others.

4.1.2. To be eligible for these schemes, applicants must be:

- 60 years and over, or
- aged 55 to 59 years for people with significant health and/or mobility challenges (in receipt of Higher Rate Disability Living Allowance (Mobility or Care element) or Enhanced Rate of Personal Independence Payments (PIP))

On a case-by-case basis, the council may allocate a sheltered property to an applicant below the age ranges outlined above if there is a need for housing-related support, and the environment of a Sheltered Housing complex would allow the applicant to live independently.

4.1.3. Although the eligibility criteria have been established for some time, there are benefits that the council and applicants can realise through a reduction of qualifying ages. Following a person-centred approach, more offers are being made to applicants below the current age criteria where Sheltered Housing offers the most appropriate route to suitable housing.

4.2. **Recommended change**

4.2.1. It is recommended that a change is made to the age eligibility criteria. The proposal is that to be eligible for these schemes, applicants must be:

- 55 years and over, or
- aged 50 to 54 years for people with significant health and/or mobility challenges (in receipt of Higher Rate Disability Living Allowance (Mobility or Care element) or Enhanced Rate of Personal Independence Payments (PIP))

On a case-by-case basis, the council may allocate a sheltered property to an applicant below the age ranges outlined above if there is a need for housing-related support, and the environment of a Sheltered Housing complex would allow the applicant to live independently.

5 **High-Rise Allocations**

5.1. **Context**

5.1.1. The housing service has been undertaking significant work to understand the support needs of residents living within the council-owned high-rise residential tower blocks in the borough.

5.1.2. Other factors, such as the disproportionate impact of the Grenfell Tower fire on residents with disabilities and new building and fire safety regimes introduced through the Building Safety Act 2022, have led the housing

service to consider the suitability of high-rise residential tower blocks for residents unable to self-evacuate, if necessary, in the event of an incident or emergency.

- 5.1.3. It is important to note that the 'Stay Put' policy remains in place in the event of a fire at blocks of flats, meaning that residents should not evacuate unless the fire is inside their flat or they are affected by heat or smoke.

5.2. **Recommended Change**

- 5.2.1. It is recommended that the housing service will no longer make allocations of high-rise properties for those with a medical condition or disability, which would mean that the resident is unable to self-evacuate safely from their property in the event of an incident or emergency, if necessary.
- 5.2.2. It is also recommended that a priority banding is created to support those already living in high-rise properties but, due to a medical condition or disability, are identified as being unable to self-evacuate safely from that property in the event of an incident or emergency if necessary.

It is proposed that this new priority is awarded under Band 2.

6 **Band 4 Cumulative Need**

6.1. **Context**

- 6.1.1. Band 4 of the Housing Register exists for applicants with a general housing need but who do not meet the criteria for a higher priority. Examples of the housing needs considered under this band are listed below:

- Applicants who are adequately housed but who have been issued a valid notice to quit
- Applicants who are not adequately housed – applicants living in privately rented or other non-social housing accommodation and
- who are not adequately housed in terms of size, suitability or affordability but who do not meet the criteria for the reasonable preference groups
- Non-statutory homeless applicants – homeless or threatened with homelessness
- Applicants with rent arrears on a current tenancy or council tenancy within the last six years

- 6.1.2. Where there is a combination of these needs within a household, or where there may be multiple reasons why a household is considered not adequately housed under band 4, the need to be rehoused becomes more urgent.

- 6.1.3. The Housing Allocations Policy makes provision to award a band 2 priority where a household has two or more 'band 3' priority needs in recognition of a more severe or urgent requirement to secure alternative accommodation.

6.2. **Recommended Change**

- 6.2.1. It is recommended that when an applicant or their household has two 'Band 4' priority needs, the effective date on the application is backdated to reflect this additional level of need by six months. For each additional 'Band 4' priority need identified, the application effective date can be backdated by a further six months.
- 6.2.2. This change aims to increase the likelihood of such an application being successful when bidding on a property without significantly changing the overall banding structure of the Housing Register.

7 **Identity and Eligibility Verification**

7.1. **Context**

- 7.1.1. If an applicant is successful in bidding for a property and has been shortlisted as one of the top six bidders, the Housing Allocations Policy outlines that they must provide documents to support their application.
- 7.1.2. Only original documents will be accepted at the point of offer. Except in exceptional circumstances, applicants who cannot provide the correct documentation to support their application within two working days of the accommodation offer will be bypassed for that offer.

Evidence can include photo ID, such as a passport or driving licence, or in some circumstances, a birth certificate.
- 7.1.3. In some cases, applicants may not have the required documentation for one of a variety of reasons. In the case of an applicant fleeing domestic abuse, it may be unsafe for them to return to their usual place of residence to collect documentation, or applicants may not always have access to or know the whereabouts of identity documentation, such as in the case of care leavers.
- 7.1.4. Due to the time pressures of reletting void properties, the two-day deadline could cause undue stress and worry to vulnerable applicants if they cannot obtain or gain access to their documentation.

In such cases, the applicant (and their household, if applicable) may be known to another service or professional within Thurrock Council, perhaps for an extended period.

7.2. **Recommended Change**

- 7.2.1. It is recommended that when formal documents are not available to prove identity, such as a birth certificate or passport, professional verification of identity will be accepted, particularly for care leavers, but also at the discretion of the Housing service.

8 Reciprocal Offers

8.1. Context

- 8.1.1. A reciprocal housing scheme enables individuals and families at risk of domestic abuse or violence and with a social tenancy to move to a safe area whilst retaining their tenancy. It is a formal collaboration between social housing providers.
- 8.1.2. A reciprocal scheme ensures survivors do not have to approach a local authority as homeless and potentially be offered private rented accommodation without any security of tenure when they had to flee their secure tenancy through no fault of their own.

8.2. Recommended Change

- 8.2.1. It is recommended that a position statement is included within the Housing Allocations Policy to clarify the position of Thurrock Council in its approach to accepting requests for reciprocal arrangements and the aims for the types of properties offered.

It is recommended that within the statement, it is clarified that the council will seek to offer an alternative property in Thurrock on a like-for-like basis, intending to match as closely as possible to the property size and type that the survivor of domestic abuse or violence has left for their safety.

9 Direct Offers for Homeless Applicants

9.1. Context

- 9.1.1. Under the current Housing Allocations Policy, homeless applicants who have been awarded a priority under Section 10.7.1 (homeless applicants owed the main housing duty) will be given four weeks to bid for suitable properties.

If the applicant fails to bid for suitable properties within the priority time limit, the Housing Allocations Team may make a direct offer of suitable accommodation to meet its statutory duty and to minimise the use of temporary accommodation.

9.2. Recommended Change

- 9.2.1. It is recommended that the four-week priority time limit is removed. In practice, this policy element prevents direct offers from being made until the period expires. It can cause unnecessary delays and increase temporary accommodation usage, especially when making a direct offer could be the most suitable action to support such an applicant to move into secure, stable accommodation.

10 Priority Banding for Foster Carers

10.1. Context

- 10.1.1. The Housing Allocations Policy makes provision for applicants who have been assessed and approved by the council to foster or adopt a child but cannot do so until larger accommodation is provided, to be awarded a band 3 priority.

There is, however, a conflict between how this priority is awarded and the approval process for foster carers within Children's Services, which risks causing the application to become a foster carer to stall.

10.2. Recommended Change

- 10.2.1. It is recommended that those in advanced stages of being accepted as foster carers be awarded a band 3 priority for being rehoused in a larger property (if an extra bedroom is required). The recommended change will allow their application to become a foster carer with Children's Services to progress to completion.

11 Extra Care

11.1. Context

- 11.1.1. The council can make offers of accommodation or nominations for vacant extra care properties at two schemes in the borough – the council-run Piggs Corner and the Anchor Hanover operated Elizabeth Gardens.

Eligibility criteria for these properties include the need for extra care support. However, applicants must also be eligible for a nomination of social housing, which means they must qualify in the usual manner for an allocation, i.e. they must have the appropriate local connection in line with the Council's Allocations Policy.

- 11.1.2. Applicants are also assessed for the number of bedrooms they require according to their household size. A single person or couple would typically be eligible for a one-bedroom property; however, there may be situations where two bedrooms are required - for example, where there is a need for a live-in carer or to accommodate large medical equipment.

- 11.1.3. The council has no difficulty nominating applicants for the one-bedroom flats but often cannot find applicants who qualify for the two-bedroom flats. Many applicants who qualify for a one-bedroom flat would like a two-bedroom property but do not qualify for a property of this size under the Housing Allocations Policy.

Subsequently, there have been several occasions when the council do not have nominees for two-bedroom flats, and Anchor Hanover has allocated properties to people on their waiting list. This has been possible as their waiting list has different criteria, meaning that allocations to applicants from

outside the borough could be made without the six-year local connection required by Thurrock Council.

11.2. **Recommended Change**

- 11.2.1. It is recommended that where no waiting applicants meet the criteria for a two-bedroom property specifically designed for older people, the property can be offered to a couple or single person (still subject to the other eligibility criteria for social housing as outlined).

12 **Working Households**

12.1. **Context**

- 12.1.1. Thurrock Council allocates a maximum of 20% of its advertised properties for applicants with a member of the household who is working.

The 20% would include properties advertised for the Housing Waiting List and the Transfer List, and only those with 'working household' status can bid for these properties.

This represents:

- maximum of 15% of all properties advertised – only for working Waiting List applicants
- maximum of 5% of all properties advertised – only for working Transfer applicants

- 12.1.2. For an applicant to be eligible for 'working household' status under the current criteria in section 5.8 of the Housing Allocations Policy, employment must currently be permanent and for at least 16 hours per week.

- 12.1.3. How people access work and the types of contracts held are increasingly different from when the Housing Allocations Policy was last updated. It is increasingly common for people to hold zero-hour contracts over extended periods; however, the current policy would not recognise such applicants as 'working households'.

- 12.1.4. The Housing Allocations Policy does not explicitly refer to self-employed applicants seeking to secure 'working household' status. This omission makes it difficult for officers to best support those who are self-employed and want to make an application as a 'working household'.

12.2. **Recommended Change**

- 12.2.1. It is recommended that the reference to "permanent employment" is removed from the Working Household section of the Housing Allocations Policy. It is

also recommended that applicants with zero-hour contracts be awarded 'working household' status. Applicants can provide payslips confirming that a minimum of 16 hours have been worked per week, averaged over 12 months.

12.2.2. It is recommended that the Housing Allocations Policy makes specific reference to those who are self-employed and agree to an acceptance of tax returns being provided to prove the business has been operational for a minimum of 12 months as eligibility to apply for 'working household' status.

13 Other Changes

13.1. Context

13.1.1. The Housing Allocations Policy currently has the phrase "exceptional circumstances" featured throughout the document when referring to the ability of the council to exercise discretion in decision-making. This wording presents challenges as it can be considered too ambiguous as there is no definition of what constitutes "exceptional".

The word "exceptional" also does not support the person-centred approach the Housing service, and wider organisation aims to support, as circumstances should not need to be "exceptional" to make a decision that best helps the applicant and their household.

13.1.2. The Housing Allocations Policy does not currently have specific sections that relate to areas which can be relatively complex and where the council has statutory obligations to provide additional support, such as:

- Members of the armed forces
- Care leavers / looked after children
- Victims of domestic abuse
- Medical referrals

13.1.3. The Housing Allocations Policy currently states that applicants will be expected to pay four weeks' rent in advance unless they are already in receipt of housing benefits (or can prove that they are eligible for housing benefits).

13.2. Recommended Change

13.2.1. It is recommended that the phrase "exceptional circumstances" is removed from the Housing Allocations Policy and replaced with appropriate alternative wording which reflects the focus on a person-centred approach.

13.2.2. It is recommended that the Housing Allocations Policy has specific sections written for the following to provide clarity on how the council will handle applications and any statutory obligations it must fulfil, as well as empowering officers to look at a person-centred approach:

- Members of the armed forces
- Care leavers / looked after children
- Victims of domestic abuse
- Medical referrals

13.2.3. It is recommended that the Housing Allocations Policy be updated to reflect operational changes, stating that only one week of rent will be required in advance by all applicants, regardless of receipt of housing benefits or proving they are eligible for housing benefits.

14 Reasons for Recommendation

- 14.1. The changes recommended within this report have been designed following significant and detailed levels of stakeholder engagement. A broad range of topics has been covered throughout these sessions.
- 14.2. The recommended changes within this report will ensure that the Housing Allocations Policy adapts, remains fit for purpose, meets the needs of residents seeking to access the Housing Register and supports the delivery of the aims, objectives and principles of the Housing service and wider council.

15 Engagement (including Overview and Scrutiny, if applicable)

- 15.1. Engagement to review changes that the Housing Allocations Policy may require started in January 2022 with internal stakeholders from the Housing Solutions service. A plan was developed to determine how best to approach the review, whom the council should engage, and how.
- 15.2. This plan led to a series of one-to-one sessions with frontline officers within the overall Housing Solutions service to understand how the policy could better support the delivery of positive outcomes for applicants from the perspective of officers but also based on feedback provided by applicants through day-to-day operations. It was an open forum to provide feedback on what currently works well in the policy, areas that could be changed or improved, or where further clarity was needed.
- 15.3. Following the initial internal engagement, a series of sessions were set up to consult further within the organisation, including those working in the extra care facility, hospital discharge teams, children's services, and external partners such as local housing associations and health partners.
- 15.4. The council also established a resident-facing engagement portal to gather further evidence and information on what worked well or did not work well in the Housing Allocations Policy, as well as feedback around specific priority areas identified from the initial internal stakeholder engagement.

- 15.5. Once the council had collated all of the feedback, analysis and assessment of the engagement findings were carried out. Applicable and appropriate changes to the Housing Allocations Policy have been presented within this report. Engagement feedback related instead to internal processes, procedures or practices that needed to be reviewed or updated has been recorded separately to deliver through subsequent improvement projects.
- 15.6. The proposed changes are being presented to the Housing Overview and Scrutiny committee for feedback in November 2022 along with a development draft of the revised Housing Allocations Policy, with a view that these proposals will proceed to Cabinet for approval in December 2022 alongside the final draft of the policy.
- 16 Background papers used in preparing the report** (including their location on the council's website or identification whether any are exempt or protected by copyright):

- None

17 Implications

17.1. Financial

Implications verified by: **Mike Jones**
Strategic Lead – Corporate Finance

A number of the recommended changes to the Housing Allocations Policy seek to reduce the time which properties remain vacant whilst suitable applicants are identified.

The changes to the age at which applicants become eligible for Sheltered Housing will increase the pool of suitable applicants, targeting a strategic area for improvement by improving reletting times and driving down the void loss in the Housing Revenue Account.

The proposal to remove the four-week waiting period for homeless households before a direct offer of accommodation can be made is anticipated to see a reduction in the use and duration of temporary accommodation placements in the private sector.

The total cost to the HRA in respect of income loss as a result of property voids was estimated to be £0.256m for the financial year to date. This is an average as £90.74 of rent loss per vacant property per week. The £0.256m anticipated income loss is included as part of the HRA dwelling rent income budget, which equates to £46.547m.

In the current financial year, it is estimated that top-up payments through the general fund temporary accommodation for such placements cost an average of £111 per placement per week.

Where appropriate, if a direct offer of accommodation can be made as a result of the proposed change in the policy, the General Fund will save the average top-up cost of £444 through the avoidance of the use of temporary accommodation for the initial four-week waiting period. In addition, the top-up costs for any further time the applicant would otherwise have spent temporary accommodation while alternative permanent accommodation is identified will also be avoided.

The HRA will also benefit from reduction in the level of lost income as a result of voids, with the allocation process being expediated.

These saving will be ratified and considered as part of the 2023/24 budget setting process.

17.2. **Legal**

Implications verified by: **Simon Scrowther**
Principal Litigator

The allocation of housing by local housing authorities is regulated by Part 6 of the Housing Act 1996 (HA 1996). A local housing authority (LHA) must comply with the provisions of Part 6 when allocating housing accommodation (section 159(1), HA 1996). However, subject to this compliance, authorities may otherwise allocate housing in any manner they consider appropriate (section 159(7), HA 1996).

Section 166A(1) of the HA 1996 provides that every LHA must have an allocation scheme for determining priorities between qualifying persons. In formulating or amending its allocation scheme, a LHA must have regard to its current homelessness strategy under section 1 of the Homelessness Act 2002. An allocation scheme may be framed to give additional preference to particular descriptions of people (section 166A(5), HA 1996). However, a LHA must not allocate housing accommodation except in accordance with its allocation scheme (section 166A(1), HA 1996).

As a result of changes made by the LA 2011, with effect from 18 June 2012, LHAs have been able to decide who “qualifies” for an allocation. Accommodation can therefore only be allocated to someone who qualifies under those local criteria (section 160ZA(6), HA 1996). Who qualifies is largely a matter for the LHA (section 160ZA(7), HA 1996). The Secretary of State does however have the power to prescribe classes of persons who are, or are not, to be treated as qualifying persons (section 160ZA(8), HA 1996).

Where changes are to be made to an allocation scheme it is a requirement to consult with those affected by the changes (s105 HA 1985), including Registered Providers.

17.3. **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

Engagement activity has already taken place in the process of setting out the proposals included within this report, and it has been identified that further activity is outlined to seek views on the specific changes set out in this paper.

An equality impact assessment will be carried out to determine the impact of any changes.

17.4. **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Looked After Children

Not applicable

18 **Appendices to the report**

- Development Draft – Housing Allocations Policy (April 2023)

Report Author

Ryan Farmer

Housing Strategy & Quality Manager

Business Improvement - Housing

Housing Allocations Scheme

Thurrock Council

April 2023

DRAFT

DEVELOPMENT DRAFT - NOT FOR OPERATIONAL USE

Section 1 – Background

Introduction

This document is known as Thurrock Council's Housing Allocations Scheme and sets out how the Council will allocate the housing stock that it has available.

The demand for Social Housing in the Borough far outstrips the supply that Thurrock Council has available and therefore we must prioritise those with the greatest need.

This means that for most households the chances of being offered a property by the Council are extremely low and other housing options will need to be identified and considered.

Thurrock Council has a statutory duty to prioritise certain groups of people but the Council may also use its discretionary powers to meet the needs of other priority groups and local priorities. The Council continues to have a closed waiting list, which means that only applicants who meet certain criteria will qualify to join.

The Allocations scheme lays out the rules and processes by which this will be achieved.

The scheme has regard to Thurrock Council's Homelessness Prevention and Rough Sleeping strategy and Housing strategy.

The scheme's vision is to provide access to accommodation that is responsive to the needs of local people in a fair, consistent and transparent way.

Aims and purpose

Thurrock Council is committed to providing high quality homes for our tenants. The purpose of the Housing Allocations Scheme is to fulfil our statutory obligation under the Housing Act 1996 to outline how allocations of both council own properties and properties made available to the council by other housing providers will be made.

Thurrock Council has a statutory duty to prioritise certain groups of people but the Council may also use its discretionary powers to meet the needs of other priority groups and local priorities. Following consultation, the Council has decided to have a closed waiting list, which means that only applicants who meet certain criteria will qualify to join.

The Allocations scheme sets out the rules and processes by which this will be achieved.

The scheme applies to all council staff and housing tenants. This policy does not apply to leaseholders.

The scheme has been developed with due regard to the following documents in addition to the councils overall aims and objectives:

- Housing Strategy
- Homelessness Prevention and Rough Sleeping strategy
- Housing Revenue Account Business Plan (HRA)
- Housing ASB Strategy
- Housing Rent Policy
- Housing Repairs Policy

- Housing Pet Permission Policy

The scheme aims to guide officers to:

- Make fair and lawful decisions regarding allocations of council owned properties and properties made available to the council by other housing providers
- Maximise tenancy sustainability by taking a person-centred approach and ensuring allocations of properties best suits the individual(s) needs
- Ensure that the Council uses its stock to support those applicants with the greatest need in line with the statutory obligations.
- Make best use of housing stock

The purpose of this policy is to provide a robust framework that allows the council to:

- provide clear, accurate and up to date information
- provide a simple and straightforward process for applicants
- provide access to accommodation that is responsive to the needs of local people in a fair, consistent and transparent way
- Support vulnerable applicants

Whilst the council will aim to follow this policy to ensure transparency in the decision-making process the council retains the ability to exercise discretion.

Corporate Context

Thurrock Council's vision and corporate priorities, adopted in January 2018, underpin this Housing Allocations Policy. The Council's vision is for Thurrock to be **an ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.**

Sitting alongside the vision are the three corporate priorities of People, Place and Prosperity.

People – a borough where people of all ages are proud to work and play, live and stay.

This means:

- high quality, consistent and accessible public services which are right first time
- build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
- communities are empowered to make choices and be safer and stronger together

Place – a heritage-rich borough which is ambitious for its future.

This means:

- roads, houses and public spaces that connect people and places
- clean environments that everyone has reason to take pride in
- fewer public buildings with better services

Prosperity – a borough which enables everyone to achieve their aspirations.

This means:

- attractive opportunities for businesses and investors to enhance the local economy
- vocational and academic education, skills and job opportunities for all
- commercial, entrepreneurial and connected public services

Legislation, Regulation and Best Practice Framework

This Policy will ensure compliance with current legislation, promote good practice and has regard to:

- The Housing Act 1985
- The Housing Act 1988
- The Housing Act 1996
- The Care Act 2014
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Fraud Act 2006
- The Prevention of Social Housing Fraud Act 2013
- Anti-social Behaviour, Crime and Policing Act 2014
- Domestic Abuse Act 2021
- Equalities Act 2010
- Armed Forces Act 2011

DEVELOPMENT DRAFT - NOT FOR OPERATIONAL USE

Local Context

Thurrock Council has a legal obligation to allocate properties in line with a Housing Allocations Scheme formally adopted by the council and the scheme has to comply with current legislation, regulation and case law. The current scheme was implemented in 2013 after the enactment of the Localism Act 2011, which gave increased powers to determine local priorities when defining how properties should be allocated.

Since 2013 the Policy and procedure have been reviewed frequently, however the most recent update was completed in April 2019. It was necessary to review the Housing Allocations Policy again to ensure it remains fit for purpose, delivering against the aims and objectives of the Housing Strategy 2022-27

In Thurrock, as with most boroughs, the demand for housing exceeds availability. There are increasing numbers of people in Thurrock who are in need of a home and many more existing tenants with a priority need to move.

With a limited amount of properties available through the Council and increasing house prices in the private and owner-occupied sectors, the reality is that many households face long waits for suitable and affordable settled accommodation that is fit for purpose. The shortage in the supply of affordable homes is becoming an acute problem across the region and these pressures are expected to intensify over future years to come.

As a result, the current Housing Allocations Policy has to be revised to ensure local people with the highest need for settled accommodation in Thurrock can have their needs met.

Section 1 – Housing Waiting List Eligibility and Qualification

Any application to join the Housing Waiting List will be assessed via a 2-stage test:

- Stage One - Applicants will be assessed for Eligibility
- Stage Two - Eligible Applicants will then be assessed for Qualification

Only where an applicant passes these two stages will they be able to join the waiting list. Applications will not usually be accepted from applicants under the age of 18 years, however this can be reviewed at the council's discretion except where the applicant is approaching their 18th birthday.

Eligibility and qualification criteria will still apply even where an applicant meets the criteria for a reasonable preference.

Existing Tenants with a priority will automatically meet the requirements for these two stages.

1.1 Stage One - Eligibility

Eligibility for social housing is not determined by Thurrock Council but is governed by Central Government via legislation and subsequent amending instruments. The rules are complicated and eligibility will depend on a number of factors. More information is available at www.housing-rights.info

A flow chart can be found at 4.3.1 but this is a very basic outline and each case will be assessed on the individual circumstances in line with the legislation in force at the point of application.

Housing Allocations is governed by the Housing Act 1996 (HA 1996), as amended by the Homelessness Act 2002. This is further clarified by SI 2006 No 1294 which determines the following:

1.1.1 Persons subject to Immigration Control and not Eligible for Social Housing

Persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless they fall into a class prescribed as eligible by regulations made by the secretary of state.

Such a person requires leave to enter or remain in the UK. Only the following categories of persons **do not** require leave to enter or remain:

- British Citizens
- certain Commonwealth citizens with a right of abode in the UK
- citizens of an EEA country and their family members – depending on their economic status
- persons exempt from immigration control including diplomats and their family members based in the UK and some military personnel

Any person not falling into one of these categories will be subject to immigration control and will be ineligible for the waiting list unless they fall within a class of persons prescribed as eligible by the secretary of state under regulation 3 of the eligibility regulations.

EEA Nationals living in the UK before 1st January 2021

In accordance with the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861), the current eligibility rules on access to social housing and homelessness assistance also apply to those Registered under the EU Settlement Scheme.

Those granted pre-settled status (also known as limited leave to enter or remain), including frontier citizens working in the UK, where they have less than five years' continuous residence in the UK, will have the current eligibility regulations applied. This also applies to EEA nationals who have not yet applied to the EU Settlement Scheme to secure long-term immigration status in the UK.

Those granted settled status (indefinite leave to remain) under the EU Settlement Scheme are eligible for access to social housing, supported housing and homelessness assistance, on a comparable basis to a UK national, provided that a habitual residence test is satisfied.

EEA nationals that move to the UK from 1st January 2021

EEA nationals that move to the UK from 1st January 2021 will generally have no recourse to public funds and will not generally be eligible for social housing, unless they:

- fall under a government exemption as set out in government Eligibility Rules (e.g., having a refugee status), or
- are eligible and have been granted indefinite leave to remain by the UK government.

Those granted settled status/indefinite leave to enter or remain under the EU settlement scheme are eligible to join the Housing Register. Evidence of settled status will be required.

Those granted pre-settled status/limited leave to enter or remain or Frontier working in the UK will be eligible, provided the terms of their leave do not prevent them from making recourse to public funds.

EEA nationals granted settled status will be able to prove their eligibility for social housing using their digital status, via the web page www.gov.uk/view-prove-immigration-status

1.1.2 Persons subject to immigration control who are eligible

The following classes of person fall within regulation 3:

- a person granted refugee status
- a person granted exceptional or discretionary leave to remain – subject to certain conditions, such as recourse to public funds
- a person granted indefinite leave to enter or indefinite leave to remain – subject to certain conditions
- a person who has humanitarian protection granted under the Immigration rules 1.1.3
Persons not subject to Immigration Control but treated as ineligible Applicants who are not subject to immigration control but who are prescribed by regulations as being “persons from abroad”. Persons who are not subject to immigration control will be treated as ineligible if they fall into one of the following categories:
- a person who is not habitually resident in the Common Travel area – subject to certain exemptions

- a person whose only right to reside in the UK is derived from his status (or as a family member) as a Job Seeker – as defined in the EEA regulations
- a person whose only right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA regulations
- a person whose only right to reside in the Common Travel area is a right equivalent to the above which is derived from EU treaty rights

1.1.3 Persons not subject to Immigration Control but treated as ineligible

Applicants who are not subject to immigration control but who are prescribed by regulations as being “persons from abroad”.

Persons who are not subject to immigration control will be treated as ineligible if they fall into one of the following categories:

- a person who is not habitually resident in the Common Travel area – subject to certain exemptions
- a person whose only right to reside in the UK is derived from his status (or as a family member) as a Job Seeker – as defined in the EEA regulations
- a person whose only right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA regulations
- a person whose only right to reside in the Common Travel area is a right equivalent to the above which is derived from EU treaty rights

1.1.4 Habitual residence

Applicants, who have been continuously resident in the UK for the two-year period preceding the application, are considered to be habitually resident.

Where an applicant has not been resident for two years, further enquiries will be carried out to establish a degree of permanency. This includes applicants who are British Citizens. The overall circumstances of the applicant will be considered.

Members of the armed forces will not be disqualified on residency grounds due to the nature of their work. This extends to ex-service personnel where an application is made within five years of discharge.

1.1.5 Eligibility Assessment Process

When assessing an application, officers will need to inspect the applicants’ original passport and any other documentation relating to their eligibility to remain in the UK.

It may be necessary to interview the applicant and make further enquiries with other agencies.

Applicants may be asked to produce further documents and evidence.

1.1.6 Right of appeal

If the decision is reached that a person is ineligible for the Housing Waiting List, the person will be notified in writing and the grounds for making the decision will be clearly stated. Any decision will be based on the relevant facts and clear grounds will be identified.

The person will have a right to appeal the decision - see Section 10 on appeals and reviews for the process.

1.2 Stage 2 – Qualification

The Council may only allocate social housing accommodation to qualifying persons. Qualification is determined by local policy and Thurrock Council has determined that qualification will be determined as follows:

1.2.1 Closed Waiting List

Following a wide consultation Thurrock Council has decided to close its waiting list to people who do not fall into one of the classes of people who qualify by virtue of:

- their local connection to the borough AND
- their financial means AND
- their behaviour AND
- a priority need

A four-stage test will be applied and only where an applicant meets all four tests will he/she qualify for the waiting list.

1.2.2 Local connection qualification

Applicants must first meet the local connection criteria by falling into one of the following qualifying classes:

1.2.2.1 Residence

Qualifying applicants must currently live in the borough and have done so for at least the past 6 years.

Members of the armed forces (including former service personnel making an application within 5 years of discharge) will not be disqualified on residence grounds if they do not meet the 6 year residence rule.

Where an applicants' residence in the borough is not by choice, for example through a period of detention or hospitalisation, a local connection will not be achieved.

Applicants housed in temporary accommodation in the borough by another Local Authority will not be able to count this period of time as residence for the purposes of local connection.

1.2.2.2 Family Connection

Qualifying applicants must have a family member who currently lives in the borough and who has done so for at least the past 6 years.

“Family member” means mother, father, son, daughter, brother, sister and those who have previously acquired parental responsibility for the applicant.

Further to this, the Council reserves the right to use discretion to award a family local connection outside the defined criteria.

1.2.2.3 Key Workers in Thurrock

The Council and NHS have difficulty recruiting to certain key worker roles in the borough. Examples of key worker roles include, but are not limited to:

- medical professionals, such as nurses
- physiotherapists
- occupational therapists
- social workers
- teachers

Key workers may be moving to the borough for the first time to start work, and as such may not meet any of the current qualifying criteria for a local connection.

The Council will award a local connection criteria to allow permanent newly qualified and junior front-line key workers in Thurrock or working at Basildon and Thurrock University Hospital to enable them to join the 'Housing Waiting List'.

1.2.2.4 Other Special reason

Discretion can be used to allow applicants to qualify under local connection where it is evidenced that they do not meet any of the criteria listed above but have an urgent need to move to the borough. For example, where an applicant needs to move to the borough to receive specialist treatment or education, or to flee violence and no other borough is deemed safe. The Council's Management Move Panel, on examination of all the facts, will make such decisions.

Where an applicant meets the criteria under the Housing Act 1996 Part VII and Thurrock Council has a duty to re-house the applicant under S193 or S195 of that Act, but the applicant does not meet the local connection criteria under any of the other headings, the special reason category may be applied to enable an offer of social housing in order to discharge that duty. This exception will be used to minimise the use of temporary accommodation.

1.2.3 Financial qualification

Qualifying Applicants will not have savings, assets or an annual income above the set caps. Applicants with savings, assets or an annual income above these levels will be expected to meet their own housing needs.

The thresholds are set at different levels and are dependent on the type and size of housing that the applicant needs. They are related to the costs of renting a suitable property. The three different levels are:

- general needs housing – different levels according to household size
- sheltered housing (for more details see Section 3.1)
- extra care housing (for more details see Section 3.2)

The levels are much higher for sheltered and extra care housing because it is recognised that older applicants, and those who are in need of sheltered housing due to a disability, will usually not be in employment and will therefore not have the capacity to obtain a mortgage.

Whilst they may be able to rent accommodation, rented sheltered and extra care accommodation in the borough is currently only available through Thurrock Council and it involves higher service charges for the extra support provision.

Those requiring a higher level of sheltered housing, for example extra care housing, will also have to pay for their extra care provision, where their savings are above a certain level. Therefore, a higher limit will be required in order to take this into account.

The general needs cap will apply where an applicant:

- meets the age criteria for sheltered or extra care housing but does not require the support OR
- meets the age and support criteria but chooses not to take sheltered or extra care housing

For members/former members of the armed forces, where financial compensation has been received due to injury sustained on active service, that element will be disregarded from any financial assessment.

The assessment will include assets, savings and income of the applicant and joint applicants only. Applicants who deliberately deplete savings or move them into the accounts of other family members may be disqualified under the financial qualification criteria.

When assessing the relevant cap for general needs housing a calculation of the bedroom need will be made in line with the Bedroom Entitlement at Annex 1.

The current caps for savings and assets can be found at Appendix 3.

Qualifying Applicants must not have a total household income above the cap set for their household size. In order to determine the levels the following information has been used:

- it is generally recommended that a household should spend no more than one third of its total net income on housing
- it follows that for housing to be affordable, a household's net monthly income (after deductions for tax and national insurance) needs to be three times the monthly cost of their housing
- housing costs vary depending on factors such as the area and type of property. In order to be consistent, average costs for renting and purchasing have been used

1.2.3.1 Assessment of financial criteria

Using Appendix 2, applicants will be able to determine whether or not their income is above the levels set according to their bedroom need. When assessing a household's net income, account will be taken of the following:

- any income such as salary/wages, child benefit, child maintenance payments, bank interest, tax credits, contributions from non-dependent children, lodgers
- the net income of all joint applicants
- the net income of any partners who are not joint applicants
- no account will be taken of Disability Living Allowance or a War Pension

Where there are non-dependents living in the household it is expected that they will contribute to the household income. The amount of contribution will be determined using the applicable amounts set for housing benefit purposes and these may therefore change year-on year.

Any applicant with a total net income (including any overtime, and after tax and national insurance) or savings or assets above the appropriate levels set in 1.2.3 will be expected to meet their own housing needs and will not qualify to join the Housing Waiting List unless there are special reasons why they cannot meet their own housing needs – for example if they need a specific type of accommodation such as extra care accommodation that is not available to purchase or rent.

1.2.3.2 Homeowners and Right Size Project

Applicants who own property will only qualify to join the Housing Waiting List if they do not have sufficient funds to maintain the property and/or the property is inadequate for their needs and they do not have sufficient assets to be able to meet their housing need in alternative accommodation or through adaptations to their current property.

Applicants will need to supply information regarding the details of all properties they own. This will include a recent independent valuation (usually by an estate agent) and recent copies of statements regarding any mortgage or charges against the property. The application will be assessed to determine whether or not the applicants are adequately housed in their own property, which may require additional specialised information, such as a medical assessment.

Where a homeowner is able to meet their own housing needs by selling their property, they will be expected to do so and will not qualify for the Housing Waiting List.

If the homeowner is not adequately housed and does not have sufficient assets or access to sufficient benefits to meet their own housing needs elsewhere, they may qualify under the financial test.

Where this is the case, homeowners who are made an allocation will be expected to sell their property and a written undertaking that they will do so will need to be signed before an offer of accommodation is made. The Housing Allocations Team will be responsible for ensuring the undertaking is given at the point of an offer.

The council can however, at its discretion allow an offer to be made whilst an applicant still owns a property.

1.2.4.1 Behaviour qualification

Where there has been evidence of an applicant's unacceptable behaviour, including all forms of social housing related fraud, they will normally be disqualified from joining the Housing Waiting List.

For the purposes of this policy, unacceptable behaviour is defined by means of the "fault grounds" for eviction found in Grounds 2 to 8 of Schedule 2 to the Housing Act 1985 as follows:

- Ground 2: anti-social behaviour
- Ground 2A: domestic violence
- Ground 3: waste and damage caused to the property
- Ground 4: damage to furniture
- Ground 5: tenancy obtained by false statements

- Ground 6: assignment by payment of premium
- Ground 7: inappropriate conduct in non-housing accommodation
- Ground 8: temporary accommodation provided during works

These grounds only define the kinds of behaviour that the Council will take into account when deciding whether an applicant should be disqualified from joining the Housing Waiting List. They do not mean that an applicant will only be disqualified from joining the waiting list if a possession claim has been brought against them.

The Council will normally only decide that an applicant has been guilty of unacceptable behaviour where the Council or a current or former landlord of the applicant has taken formal action against the applicant or a member of the applicant's household in respect of conduct, under any of the above headings, by the applicant, a member of his or her household, or a visitor to the applicant's property.

Formal action includes:

- the obtaining of any legal remedy
- the service of a notice of seeking possession or any like notice or a pre-action protocol letter or other letter before claim
- the entry into an agreement for the purpose of avoiding, or settling, legal proceedings, including an agreement to pay arrears by instalments, an acceptable behaviour agreement, and an agreement to undertake works

The Council will normally disqualify an applicant from joining the waiting list where formal action has been taken on any of the bases set out above, within the period of 2 years prior to their application to join the waiting list.

The applicant will be able to reapply at the end of the 2-year period. Where, however, the applicant has not complied with the terms of the formal action taken (such as complying with a suspended possession order, or with an agreement to avoid or settle legal proceedings), or where new unacceptable behaviour has, in the Council's view, arisen, (whether or not further formal action has been taken in respect of it), the Council will normally continue the disqualification for a further period of 2 years.

A person who is not permitted to join the waiting list for these reasons will have a right of appeal to Rehousing Manager.

The Council may use its discretion to allow a person guilty of unacceptable behaviour to join the waiting list, whether by deciding not to disqualify the applicant, or by imposing a shorter period of disqualification, or by allowing a further application to be made before the end of a period of disqualification. The Council will take into account all the circumstances when deciding whether or not discretion should be applied.

Before the Council will use its discretion in this way, the applicant is likely to have to demonstrate, as a minimum, that there is good reason for the Council to believe that the unacceptable behaviour will not be repeated for example by reason of a change of circumstances or a change of the composition of the household. The Council is unlikely, however, to consider that the demonstration of this factor alone will be sufficient to allow for discretion to be shown.

1.2.4.2 Applicants already on the Waiting List

If an applicant is already on the Housing Waiting List when formal action is taken against them on one of the grounds set out above, any offer made to them will be withdrawn, any offer that would otherwise be made to them will be bypassed, and their application will be removed from the Housing Waiting List for the two year disqualification period.

However, the Council may use its discretion to allow an application to remain on the waiting list. The Council will take account of all the circumstances in exercising this discretion.

If a decision is made to remove an application from the waiting list, the applicant will have a right of appeal to the Rehousing Manager.

1.2.5 Qualification Assessment Process

When assessing an application for qualification, officers will need to inspect documents including evidence of local connection and financial means. This will be carried out at the point of registration.

It may be necessary to interview applicants and make further enquiries with other agencies and applicants may subsequently be asked to produce further documentation.

Failure to provide such documentation will deem an applicant unqualified.

1.2.6 Right of Appeal

If the decision is reached that a person is not qualified to join the Housing Waiting List, the person will be notified in writing and the grounds for making the decision will be clearly stated. Any decision will be based on the relevant facts and clear grounds will be identified.

The person will have a right to appeal the decision - see Section 10 on appeals and reviews for the process.

1.2.7 Fresh Applications

Except in cases of disqualification for unacceptable behaviour (for which see Section 1.2.4.1) applicants who are refused qualification to join the Housing Waiting List may re-apply via a fresh application where their circumstances have changed. It is the responsibility of the applicant to evidence the change in circumstances.

Section 2 – Transfer List Eligibility and Qualification

2.1 The Transfer List

As a result of new provisions within the Localism Act 2011, the Council has decided that existing social housing tenants (Council and Registered Provider tenants) will not be eligible for the Housing Waiting List unless they have a reasonable preference (priority) (S166A (3) Housing Act 1996). Tenants who meet the criteria for a priority will be able to bid for properties via the Housing Waiting List.

The Council recognises that there are tenants who have no housing needs but who still wish to move to alternative accommodation and the Transfer List provides an opportunity for doing so.

The list will offer a transfer to tenants who have maintained their tenancy in an appropriate manner (see Section 2.3). This promotes social and economic mobility, thereby making best use of social housing stock.

2.2 Entitlement to join the Transfer List

The following applicants will normally be permitted to join the Transfer List, subject to the condition set out below in 2.3 and 2.4:

- current secure tenants of Thurrock Council
- current assured tenants of Registered Providers living in Thurrock

2.3 Rent Arrears, Recharges and other Tenancy Breaches

Because the Transfer List is for tenants who have no housing needs as they do not need to move but would like to move, the Council will require tenants, if they are to be admitted to the list, to have maintained their existing tenancies properly. Therefore, tenants with no housing need and who do not meet the following criteria will normally not be permitted to join the Transfer List.

2.3.1 Rent Arrears and Recharges

Thurrock Council expects tenants to meet their tenancy commitments, and this includes paying their rent and any other housing related charges on time.

In order to encourage good tenancy behaviour Thurrock Council has decided that Tenants with rent arrears or other outstanding housing related charges (such as re-charges for previous works) will not normally be permitted to join the Transfer List.

At the council's discretion agreement may be given, either by the Rehousing Manager or the housing management move panel to allow an applicant to join the Transfer List with arrears or money owed.

Where a decision has been made that a tenant cannot join the Transfer List on these grounds there will be a right of appeal, which will be considered by a senior officer.

2.3.2 Unacceptable Tenancy Management

Where a tenant has breached their tenancy agreement, or has otherwise managed their tenancy in an unacceptable manner, they will not normally be permitted to join the Transfer List.

Section 1.2.4.1 outlines full details of what is considered unacceptable behaviour as defined by means of the “fault grounds” for eviction found in Schedule 2 to the Housing Act 1985.

In addition to those listed in section 1.2.4.1, please note the following also applies:

Ground 1 of the Housing Act 1985:

- Ground 1: breaches of tenancy agreement (for rent arrears and other unpaid charges, see Section 2.3.1 above)

2.3.3 Temporary accommodation during works (Ground 8)

Where a person is living in accommodation made available to them temporarily during works to their main home, and where they have been notified that their main home is now available for them to return to, they will not normally be permitted to join the Transfer List until they have returned to their main home.

The Council may allow a tenant to join the Transfer List, or may allow them to join the waiting list, before they have moved back to their main property, or without requiring them to do so, where there is a good reason, relating to their housing circumstances, not to require them to return.

2.3.4 Tenants already on the Transfer List

If a tenant is already on the Transfer List when formal action is taken against them on one of the grounds set out above, their application will be removed from the Transfer List for the two year disqualification period, however the Council reserves the right to use its discretion to allow an application to remain on the Transfer List.

2.3.5 Tenants in temporary accommodation on the Transfer List

If a tenant in temporary accommodation during works to their main home (Ground 8) is already on the Transfer List, when they are informed that their main home is available for them to return to, their application will be suspended until they have returned to their main home. The Council may allow a tenant to remain on the Transfer List, or may move their application to the waiting list, before they have moved back to their main property, or without requiring them to do so, where there is a good reason, relating to their housing circumstances, not to require them to return.

Where the Council takes formal action against them to obtain possession of the temporary accommodation, (for example in the absence of a good reason) their application will be removed from the Transfer List for the two year disqualification period, however the Council reserves the right to use its discretion to allow an application to remain on the Transfer List.

If a decision is made to remove an application from the Transfer List, the tenant will have a right of appeal to Rehousing Manager.

2.3.6 Transfer Inspections

Council tenants transferring to alternative accommodation should not represent a cost to the Council, and therefore tenants will be expected to pass a pre-transfer inspection of their property before any new tenancy is offered. The inspection will determine whether or not the property needs any works carried out, including redecoration, to bring it up to a standard whereby it can be re-let.

The inspection will be carried out by an officer from the Council who will check that the property has been maintained in a reasonable condition and that no unauthorised alterations have been made to the property. This includes internal decoration, any damage to fixtures or fittings and external features such as fencing, sheds, gardens, trees.

Where a tenant fails the inspection, any offer will be withdrawn. The tenant will be given a reasonable period of time to rectify the fault during which time no further offers will be made.

Failure to rectify the fault within a reasonable period of time will result in the transfer application being cancelled, with the loss of any accumulated waiting time. The tenant would only be able to join the Transfer List again once the works have been completed.

However, the Council may use its discretion to allow a tenant to transfer to alternative accommodation without passing the transfer inspection.

Where a decision has been made that a tenant cannot join the Transfer List on these grounds there will be a right of appeal, which will be considered by the Strategic Lead- Housing Solutions.

Where a tenant does move to alternative accommodation and it is subsequently found during the void inspection that works, including redecoration are required to repair their old property, a recharge will be applied.

2.4 Properties advertised for Transfer List applicants

Of all available properties 25% will be allocated only to applicants on the Transfer List. The quota will consist of a mixture of property types and sizes representing 25% of all available property types advertised. The Allocations Team will determine the properties within the quota and will endeavour to provide properties across the geographical areas within the borough. The quota may include properties owned by Registered Providers in the borough.

Such properties will still be advertised through Choice Based Lettings but only existing Transfer List applicants, with no priority, will be able to bid for those properties. The properties will be clearly identified as such and the results of the bidding cycle will also show which properties were only advertised in this way.

The property will only be advertised for one bidding cycle and should there be no bidders, the property will then be advertised to applicants on the Housing Waiting List.

2.5 Prioritising Transfer List applicants

Transfer List applicants will be prioritised solely on the basis of waiting time.

Applicants who bid for a property will be short-listed in the order of their application date with the earliest date being at the top of the list. The application date will be the date that their transfer application form was received by Thurrock Council.

2.6 Transfer List applicants with a priority

If a Transfer List applicant, either at the point of registration or subsequently, meets the criteria for a priority, they will be offered the option to move over to the Housing Waiting List, with the appropriate priority. This is in line with the Council's policy to offer choice.

Their effective date for priority will be the date the priority was awarded – in line with all other applicants on the Housing Waiting List.

Should the applicant decide to remain on the Transfer List, the priority will not be awarded since the Transfer List is only for applicants with no priority.

DEVELOPMENT DRAFT - NOT FOR OPERATIONAL USE

Section 3 – Supported Housing Eligibility and Qualification

3.1 Sheltered Housing

Sheltered housing is designed and built with the needs of older people in mind. Most sheltered housing schemes are made up of one-bedroom flats or bungalows, although there are a very limited number of two-bedroom properties.

Sheltered housing enables people to live in their own property with the support of a sheltered housing officer, during working hours in case any assistance is needed.

Each property has an alarm system that can be activated by the tenant to allow them to call through to the Care Line team. If the call is made during the hours of 08:30-16:30, Monday - Friday the Care line team will contact the sheltered housing officer on duty.

If outside of those hours, then the Care Line team will liaise with emergency contacts or emergency services depending on the nature of the call.

Tenants also have the option to receive a call from their sheltered housing officer in the mornings Monday-Friday, up to five times per week.

Most sheltered housing schemes have communal halls where activities take place daily, so there are opportunities to socialise with others.

In order to be eligible for these schemes applicants must meet all of the following criteria:

- 55 years and over, or aged 50 to 54 years and in receipt of Higher Rate Disability Living Allowance (Mobility or Care element) or Enhanced Rate of Personal Independence Payments (PIP)
- single or joint applicants with no dependent children

On a case-by-case basis, the council may allocate a sheltered property to an applicant below the age ranges outlined above if there is a need for housing-related support and the environment of a Sheltered Housing complex would allow the applicant to live independently.

3.2 Extra Care Housing

Extra Care housing is allocated outside of the Choice Based lettings process. A separate eligibility criteria and process applies. This is found at Appendix 4.

Section 4 – Assessment of Housing Need

In order to allocate its properties, Thurrock Council will keep a Housing Waiting List of applicants. This will include non-social housing tenants and social housing tenants with a priority.

Thurrock Council tenants and tenants of Registered Providers who do not meet the priority criteria will not be eligible to join the Housing Waiting List but may join the Transfer List – see Section 2.

4.1 Application procedure

Application will be made via the Council's online application form. However, provision will be made for those applicants who cannot access the internet or who need assistance in completing the form.

All sections of the form need to be completed honestly. Supporting documentation will not be required at the point of registration but will be checked when an applicant is successful in bidding and an offer is to be made.

At the point of registration the applicant's tenancy history may be checked.

Only original documents will be accepted at the point of application and applicants will be expected to produce the documentation within 10 working days of being notified of the receipt of the application. At the council's discretion more time may be given to produce documents.

Applicants will be advised on what documentation is required.

This will include, but is not limited to:

- photo ID for all applicants
- proof of ID for all household members
- evidence of children's residence and any other members of the household
- proof of household income
- evidence of clear rent account, applicants who cannot provide the correct documentation to support their application within 10 working days of the receipt of their application will have their application cancelled, unless otherwise agreed at the council's discretion

4.2 False statements and withholding information

Applicants are expected to provide Thurrock Council with accurate information, both at the time of the initial application and during any subsequent dealings with officers. This includes changes to circumstances and re-registration.

Where an applicant knowingly or recklessly provides false information or withholds information, which misrepresents their housing needs they could be committing housing fraud.

Those committing housing fraud may invalidate their secure tenancy and could face civil action from the Council to recover their property. They may also be prosecuted for criminal offences contained within the Prevention of Social Housing Fraud Act, Fraud Act and the Housing Act.

4.3 Assessment Process

Upon an applicant making an application, officers will determine:

- assessed bedroom need – See Annex 1 Bedroom Entitlement
- entitlement to a priority – this may involve further enquiries and investigation, and whilst these are carried out the application status will remain as pending

Once assessed, the applicant will be notified of their application number and the band in which they have been placed. Applicants have the right to request a review of that banding and will be advised of this right and the procedure to follow.

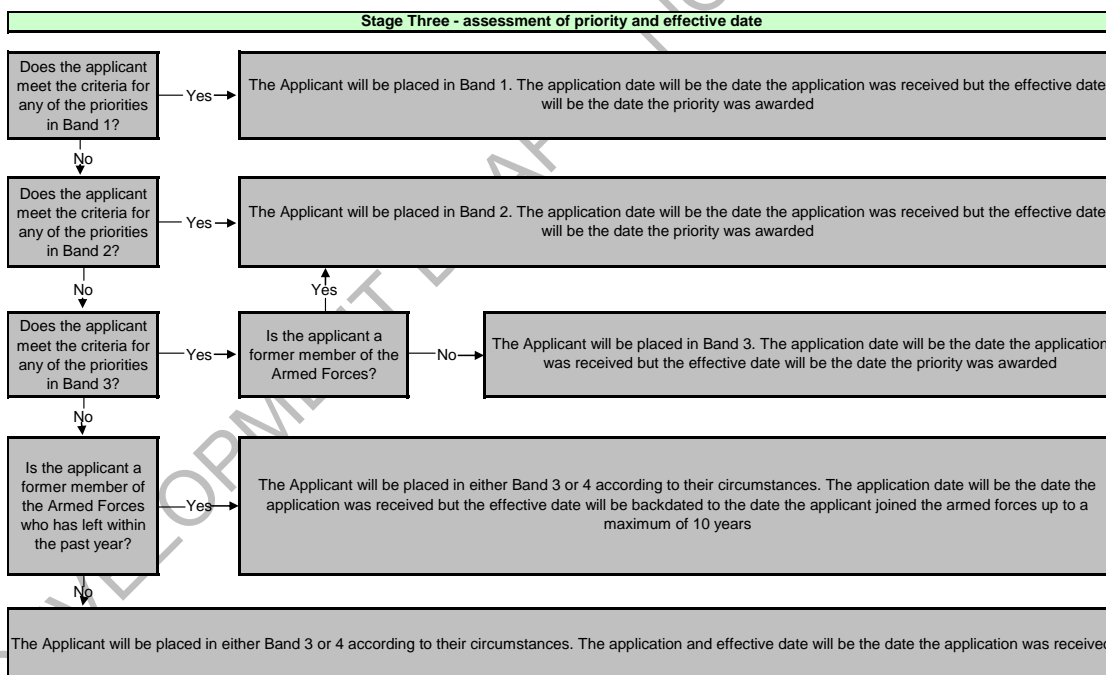
The applicant will also be given an application date and an effective date. If the applicant has no priority then these two dates will be the same. Where an applicant is awarded a priority it is likely that this will be after their application date and therefore their effective date will be the date upon which the priority was awarded.

When applicants are shortlisted for priorities (see section on short listing) it is the effective date that determines their position on the list within the appropriate band. Applicants with no assessed priority need, with the exception of those who would be eligible for Sheltered Housing (see Section 3.1), will not qualify to join the Housing Waiting List.

Former members of the Armed Forces, who have registered an application within one year of leaving the Force, will be entitled to have their application date backdated for the number of years in which they served in the Forces – up to a maximum of ten years. Evidence of their service dates will be required.

Applicants will also be advised of the bidding process.

4.3.1 Summary of process for assessing priority



4.4 Assessed Bedroom need

Applicants can include on their application all family members and other people who would reasonably be expected to live with them, provided they are currently living with them at the time of the application. At the point of registration a calculation will be made, based on the household

make-up to determine how many bedrooms the household requires. The assessment is based on the bedroom standard, which can be found at Annex 1 Bedroom Entitlement.

At the council's discretion, it may be possible to include family members who do not currently live with the applicant, but this will need to be assessed on a case-by-case basis, depending on the household circumstances and the reasons why the family members do not currently reside together. This may include foster children.

It is sometimes the case that, grown-up children wish to join their parents' application. In such circumstances the applicant will need to provide evidence that the grown-up child is residing with the applicant and that this is envisaged to be a long-term arrangement.

Grown-up children who are living away from the household on a temporary basis, such as those are studying at university, will be able to join the application. Evidence will be required.

It is the responsibility of applicants to notify the Council of any changes to their application – see Section 4.8.

4.5 Shared care of Children

Council accommodation is a scarce resource, it is therefore important to ensure that properties are not being under occupied.

Where an applicant shares the care of children, (meaning that they do not live with the applicant 100% of the time) a calculation will be made to determine whether or not they will be included in the household for the assessment of bedrooms.

4.6 - Less than 50% shared care

Where an applicant has shared care of one or more children, and that care is for less than 50% of the week, they will not be included in the assessment for bedroom entitlement.

4.7 - 50% or more shared care

Where an applicant has shared care of one or more children, and that care is for at least 50% of the week, the Council will further assess whether or not they will be included in the assessment for bedroom entitlement.

The starting point will be to determine whether or not the Council is already adequately accommodating any children in another of its properties or if they are adequately housed in private accommodation.

“Adequately accommodating” means that any child either has their own bedroom or is sharing appropriately in line with the Bedroom Standard.

Where they are already adequately accommodated the applicant may bid for one extra bedroom only, regardless of the number of children. This will enable any children to stay over whilst still being principally housed with the other parent.

If it is established that they are not already adequately housed they can be counted as part of the bedroom entitlement.

In all cases applicants will need to provide evidence of the shared care of any children. This will need to be in the form of:

- ➔ a copy of the child's birth certificate AND
- ➔ evidence of parental responsibility for the AND
- ➔ proof of a Court Order or written agreement by the sharing parent evidencing shared care AND
- ➔ evidence of benefits received for the children for example, Child Benefit or Child Tax Credits. It is expected that parents with shared care will also share any State Benefit provided for the child

When assessing an application, officers will need to inspect original documentation relating to the residence of the children.

It may be necessary to interview the applicants and make further enquiries with other agencies.

4.8 Change of Circumstances

Where applicants' circumstances change for example, a change of address, contact details or number of people in the household, the applicant must notify the Council immediately so that the application can be re-assessed.

Failure to do so may result in an offer being withdrawn or the applicant being incorrectly assessed.

4.8.1 Relationship Breakdown - End of joint tenancy

If a Local Authority receives a valid Notice to Quit (NTQ) signed by a tenant, this will end the tenancy when the four-week notice period expires. In the case of a joint tenancy this will end the tenancy for both parties.

Where a joint tenancy is due to be terminated, but the partner of the outgoing tenant wishes to remain in the property, Thurrock Council will consider whether to grant a new sole tenancy to the remaining occupier. A new tenancy will not be granted unless the following conditions are met:

- the joint tenancy was conducted satisfactorily (see Section 2.3.2)
- all outstanding housing related debts are cleared for example, rent and recharges
- the accommodation is of a suitable size for the remaining household – in line with the bedroom standard
- the tenant giving notice has not left because of Domestic Abuse carried out by the remaining joint tenant
- if all the conditions are satisfied, the remaining party will be offered a sole tenancy to run consecutively to the joint tenancy
- where conditions 1, 2 and 4 are satisfied for example, the accommodation is larger than the assessed bedroom need, the remaining party will normally be offered a priority for alternative accommodation in line with their assessed bedroom need. The remaining party will be asked to complete a Housing Waiting List application and band 2 – change of tenancy priority will be awarded. Where this is the case, 'Use and Occupation' charges will be set up for the period between the termination of the tenancy (for example, four weeks from the date of the NTQ) and a new tenancy at the alternative accommodation

- where conditions 1, 3 and 4 are met, for example there are housing related debts, the remaining party may be offered the tenancy provided they reach an agreement to repay the outstanding arrears

In all other circumstances the remaining party will not be awarded the tenancy or a priority on the Housing Waiting List and may need to seek assistance through the homeless route, since the Council is likely to issue possession proceedings.

Thurrock Council will aim to treat all such cases involving relationship breakdown, in a reasonable way with due regard to the proportionality of action that might be taken.

The Tenancy and Neighbourhood Services Manager will initially take decisions, but there is a right of appeal. Any appeals relating to decisions taken will be referred to the Housing Management Panel.

All decisions will be notified to the applicant in writing

4.9 Joint tenants requiring two properties

Where a relationship breakdown involves joint tenants who wish to move to separate one-bedroom properties and a larger property (2 or more bedrooms) would be vacated, a priority may be awarded to both parties. Both tenants must be eligible to join the Housing Waiting List and will be awarded a band 2 priority on that list.

When the first tenant is offered and accepts a tenancy he/she will have to give notice on the current tenancy. This will end the tenancy on behalf of both parties.

The second tenant will be able to remain in the property until an offer of accommodation is made to him/her but this will be on the basis of use and occupation only – there will be no further tenancy.

Should the second tenant not bid for available properties within 3 months of the ending of the tenancy, Allocations officers may bid on their behalf and make an offer of suitable accommodation.

Should the applicant refuse a suitable offer, Thurrock Council may start eviction proceedings against the applicant.

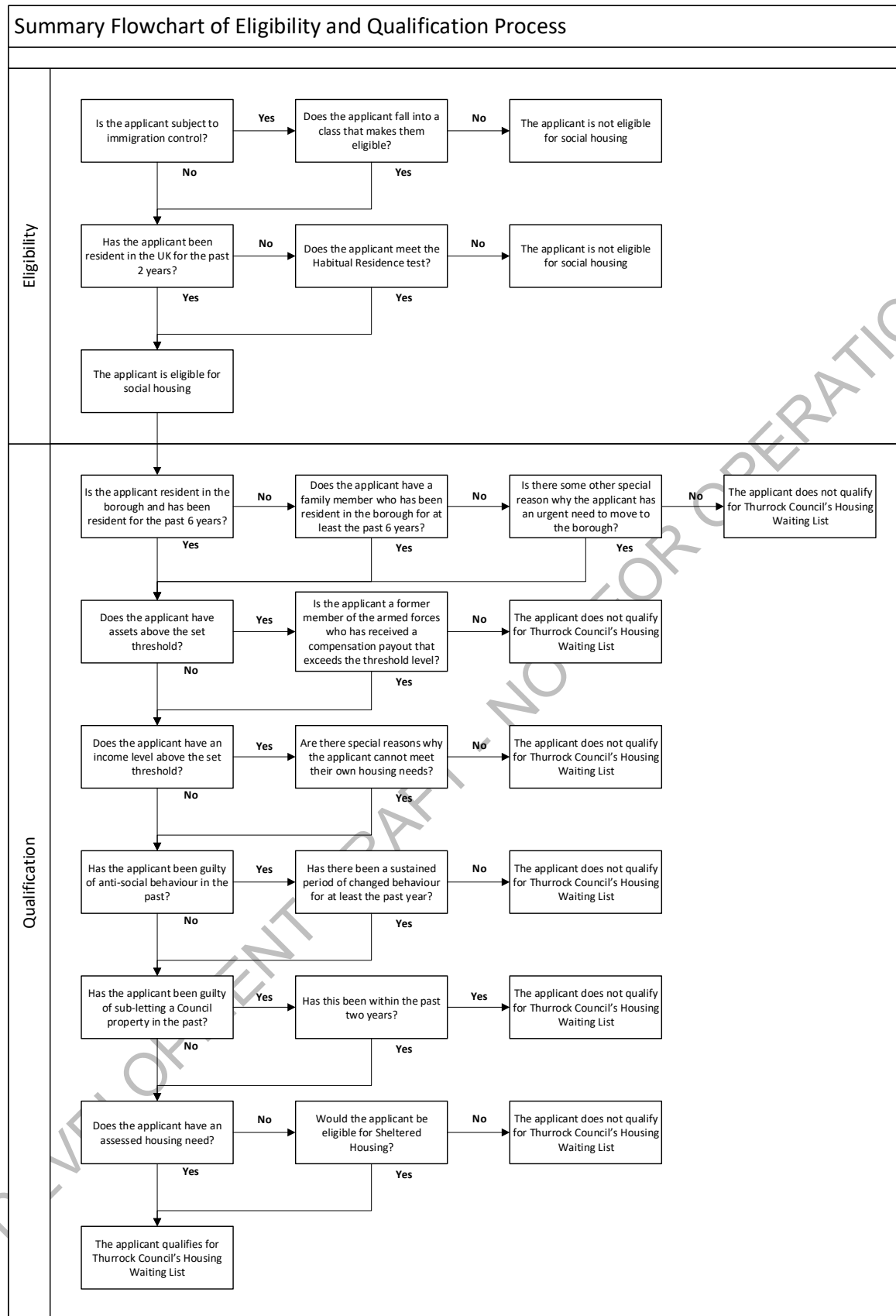
If the remaining tenant subsequently requests to remain in the current property the criteria in Section 4.8.1 will apply.

4.10 Inactive Applications

Records show that there is a high percentage of inactive applications, including those within higher priority bands. In most cases those who do not place bids will not be offered a property.

The council reserves the right to cancel any applications that have been inactive with no bids placed for more than 12 month.

4.12 Summary Flowchart of Eligibility and Qualification Process



Section 5 – Prioritising Applicants and Bandings

Prioritising Applicants

5.1 Legal Framework

In framing an Allocations Scheme, the housing authority must ensure that reasonable preference is given to certain categories of people, as set out in the Housing Act 1996 amended by the Homelessness Act 2002 and Localism Act 2011. These include the following:

- people who are homeless (within the meaning of Part VII of the 1996 Act)
- people who are owed a duty under the Housing Act 1996, Section 190(2), 193(2) or 195(2) (or under Section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under Section 192(3).
- people who occupy unsanitary or overcrowded housing, or otherwise live in unsatisfactory conditions
- people who need to move on medical, disability or welfare grounds
- people who need to move to a particular locality in the district where failure to meet that need would cause hardship to themselves or others

These are referred to as the reasonable preference groups.

The Council can also give additional preference to people who fall within the reasonable preference categories and have an urgent need to move. Additional preference is recognised within the Council's priority criteria.

These are referred to as the additional preference groups.

In seeking to meet these requirements, Thurrock Council has framed its Allocations Scheme to identify those in the greatest housing need by means of an initial assessment at registration. Once identified, preference is given by means of placing applicants into a band. The banding can be reassessed at any point and changed according to the applicants housing needs at any given time.

The housing need will also be checked at the point of an offer of accommodation.

Applicants who are not eligible or do not qualify for the Housing Waiting List will not be assessed for priority.

Tenants of Thurrock Council and Registered Providers (where Thurrock Council nominated the tenant to the property) with no assessed priority will only be able to join the Transfer List.

5.2 Worsening circumstances deliberately

Applicants, who have deliberately worsened their circumstances in order to achieve a priority, will have the priority removed and any offer made withdrawn.

Section 6 – Bands

The Council has five bands for prioritising applicants on the Housing Waiting List:

- band 1
- band 2
- band 3
- band 4
- band 5

Priorities will be assessed under a number of headings, which reflect the Reasonable, and Additional Preference groups, and depending on their urgency, will determine which band an applicant is placed in.

Applicants in band 1 will have the highest priority whilst applicants in band 5 will have the lowest priority.

Once placed in a band, the applicant will be able to bid using the designated banding priority.

Once an applicant is registered they will be advised in writing of their bidding reference number, their band and the types and size of properties that they can bid for. An applicant has the right to request a review of their banding at the point of registration, and also at any point prior to an offer of accommodation, where their circumstances have changed.

Officers will also consider whether a change in banding is necessary whenever they are made aware of changes in the applicants' circumstances, for example upon receipt of a re-registration form or letter from a supporting agency.

If an applicants' banding is changed, the applicant will be notified of the changes and how these were assessed.

The Transfer List does not have bands and only consists of transferring tenants with no priority.

Where a Transfer List applicant is assessed as meeting the criteria for a priority, their application will move over to the Housing Waiting List. If the priority is subsequently removed the application will move back to the Transfer List.

6.1 Time limits and suitability

Priority bands may be restricted to a time limit – see Priorities at Section 10 and the Chart at Appendix 3 for time limits.

This reflects the urgency of the applicants' housing need. Where a time restriction is placed on an application, the Housing Allocations Team will undertake monitoring of bidding activity. If an applicant fails to bid for suitable properties (see 6.2 for definition of suitable properties) that have been advertised within the time limit period, then the priority may be removed or suspended, or a direct offer made (such as for homeless applicants – see Section 6.9) The applicant will be notified of this.

Time limits must be reasonable and appropriate and where there have been no suitable properties advertised, or there are special circumstances for not bidding within the time limit period, an extension may be granted. The Housing Allocations Team, following an investigation of the case, will determine this.

6.2 Suitable Properties

“Suitable property” means a property that will meet the housing need of the applicant’s household and it will be the Council’s determination of suitability.

When considering if a property is suitable the following factors will be taken into account:

- the number of bedrooms available – do these meet the bedroom standard for the applicants’ household size?
- the area of the property – is there any reason why it would be unsafe for the applicant’s household to live in a certain area?
- the affordability of the property – is the property rent higher than other properties of a similar size in the area such that it makes it unaffordable for the household?
- the type of property – is the property unsuitable because it does not meet the needs of a disabled person within the household?

A suitable property may be a house, flat, maisonette or bungalow.

Due to the shortage of social housing applicants are unlikely to be able to choose houses or bungalows in preference to flats or maisonettes. Where an applicant has a time restriction, they will be expected to bid for all suitable property types and not restrict themselves to one property type for example, only houses. This may involve a compromise on preference in order to meet urgent housing need.

Applicants will have the right of appeal against a decision to remove or suspend priority or make a direct offer. Any appeal against the removal of a priority should be made to the Senior Allocations Officer. The decision on whether or not to extend the priority will be made by the Senior Allocations Officer.

6.3 Property Restrictions

A restriction may also be placed on the type of property that an applicant can bid for with their priority.

This may reflect a recommendation for a property type, for example where a medical priority is awarded. It may also restrict an applicant from bidding for properties within a certain area, for example where an applicant has received a priority to move away from an area where he/she has experienced violence.

6.4 Process for assessing priorities

Once an applicant has been deemed eligible and qualifies to join the Housing Waiting List, the Registration Team will initially assess the application for any priority. During this time the application is pending.

Upon assessment, the team will determine whether or not any priority applies to the application and/or if further enquiries are necessary. If so, the appropriate enquiries will be initiated depending on the type of identified possible priority.

It may be the case that other agencies or Council departments identify a priority and contact the Housing Allocations Team or Registration Team accordingly.

In order to be transparent, consistent and fair, all priorities are determined against defined criteria, and wherever possible, officers and other professionals outside of the Allocation and Registration Teams will contribute to, or in some cases, award the priority. These are identified in the Annex of priorities.

Where two or more priorities in band 3 are identified, an extra priority will be awarded to recognise the cumulative needs of the applicant. This is met by awarding a priority for Additional Preference and placing the applicant in band 2.

The chart at Appendix 3 lays out the priorities that can be awarded and gives a brief description of the criteria, how it is assessed, any time limits and restrictions of property types.

An extended description is given below.

6.5 Band 1 – Urgent Need to move

This band is used to recognise applicants with the highest priority

6.5.1 Violence or Threats of violence

Where applicants are facing violence or threats of violence that are life threatening and an immediate move is required. This includes domestic violence and sexual violence.

This priority will not be available for Thurrock Council tenants since any need for an urgent move would be dealt with as a management move – Section 8.11.

The decision to award the priority will be made by the Council's Housing Management Panel and usually in conjunction with a formal, recorded and direct recommendation from a senior police officer or the Anti-Social Behaviour Service and Strategy Manager.

Due to the urgency of the need to provide alternative accommodation, a direct offer of suitable accommodation will be made in line with the applicants' assessed bedroom need and outside of the area of danger.

Once re-housed, the applicant may choose to register a transfer application and this will be awarded the date of the original Housing Waiting List application.

6.5.2 Decants for redevelopment or refurbishment

This priority only applies to Thurrock Council tenants or Registered Provider tenants where the Council has agreed to re-house tenants. The priority is awarded where the tenant needs to be moved out of their current property to allow the building to be refurbished or demolished. It will be applicable where a group of properties is involved for instance, more than one, and a permanent decant is required. (For individual Council tenant and temporary decants the management move procedure will be applicable – Section 8.11).

The decision to award this priority will be made by the Assistant Director of Housing following confirmation that the current property is to be refurbished or demolished.

The time limit for the priority will be dependent on the timescale for the refurbishment or demolition but will be either 6 weeks or 3 months. If applicants fail to bid for suitable properties during that

period, bids will be placed on their behalf by the Housing Allocations Team or a direct offer will be made.

Applicants will be restricted to bid for a property of the same type that they currently occupy, but appropriate to the assessed bedroom entitlement. However, should no similar property type be available an alternative type may be offered where it is deemed too urgent to wait for a similar property type to become available.

Once re-housed, the applicant may choose to register a further transfer application and this will be awarded the date of the original transfer application if the applicant has been restricted on property type.

6.6 Band 2 – Additional Preference Groups

This band includes applicants within the reasonable preference groups who are assessed as requiring additional preference because of their urgent need to move.

Thurrock Council has also chosen to use this band to move certain people on policy grounds in order to free up larger and resident staff, accommodation.

6.6.1 Cumulative Need - Band 3

Thurrock Council will continue to recognise cumulative need for example, where an applicant meets the criteria for more than one reasonable preference group (band 3) an additional priority is awarded.

Evidence for the appropriate priorities within the band 3 must be met. The Housing Needs Manager will award the priority upon evidence of the criteria being met.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Applicants will be restricted to moving to a property type which meets the needs of both priorities, such as an adapted or level access property

6.6.2 Cumulative Need - Band 4

Band 4 of the Housing Register exists for applicants with a general housing need, but which does not meet the criteria for a higher priority.

Where there is a combination of these needs within a household, or where there may be multiple reasons why a household is considered to be not adequately housed under band 4, the council recognises the need to be rehoused becomes more urgent.

When an applicant or their household has two 'Band 4' priority needs, the effective date on the application is backdated to reflect this additional level of need by six months. For each additional 'Band 4' priority need identified, the application effective date can be backdated by a further six months.

6.6.3 Armed forces

Under The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 extra priority will be given to certain members and former members of the Armed Forces who meet any of the Reasonable Preference categories, such as the categories in band 3.

The priority applies to the following groups of people:

- a serving member of the armed forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the persons service
- a former member of the armed forces
- a person who was living in accommodation provided by the ministry of defence, where the accommodation is no longer available to them Thurrock Council Released under FOI Thurrock Council Housing Allocation Scheme – V4. April 2019 FINAL 59 because of the recent death of their spouse or civil partner, and that spouse or civil partner's death was attributable (wholly or partly) to their service in the armed forces
- a serving member or former member of the reserve forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the persons service

Applicants will only be entitled to the additional preference when they already meet the criteria for a reasonable preference (band 3), therefore this priority will only be considered if a priority has already been awarded.

Applicants will be expected to provide evidence of their service.

Definitions of Armed Forces and Reserve Forces are found in the Armed Forces Act 2006 S 374 as follows:

The Armed Forces:

- the Royal Navy
- the Royal Marines
- the Royal Air Force
- the Regular Army - any of Her Majesty's military forces other than the Army Reserve, the Territorial Army and forces raised under the law of a British overseas territory.

The Reserve Forces:

- the Royal Fleet Reserve
- the Royal Naval Reserve
- the Royal Marines Reserve
- the Army Reserve
- the Territorial Army
- the Royal Air Force Reserve
- the Royal Auxiliary Air Force

The Senior Allocations Officer will award the priority upon evidence of the extra criteria being met.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been

housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Applicants may be restricted to moving to a property type, which meets their assessed medical needs, such as an adapted or level access property.

6.6.4 Delayed Hospital Discharge

Priority can be awarded to an applicant who is in a hospital or care home and ready for discharge, but the applicant cannot be discharged to their current home due to its unsuitability or because they face a homeless situation. The hospital will need to confirm that the applicant is a delayed discharge and that they are holding up a bed that is needed for other patients.

Where appropriate the hospital Occupational Therapists will liaise with the housing Occupational Therapists to determine that the current accommodation is unsuitable.

Due to the urgency of the need to provide accommodation, a direct offer of suitable accommodation will be made in line with the applicants' assessed bedroom need. When making the offer the advice of both the housing and the hospital occupational therapists will be taken into account.

6.6.5 Medical Priority 1

This priority is awarded where an applicants' quality of life is compromised because of their current housing.

When assessing medical priority, the Council will only award a priority where the medical condition is severe or chronic AND that condition is being affected by the applicants' current accommodation.

Any applicant that feels they require a medical assessment can email housing.reg@thurrock.gov.uk to request this. Applicants must have an active application for a medical assessment to progress.

The Allocations Team is responsible for the assessment of medical priority and may take advice from an independent medical service and a doctor may review the application.

When a decision is made, the applicant will be advised in writing and where applicable a copy of the doctors' advice attached. If a medical priority is awarded, a recommendation for the most suitable type of accommodation may also be made, for example, ground floor or a property with a lift. Where such a recommendation is made, applicants will be restricted to bidding for only that property type.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Applicants may be restricted to bidding for a property type, which meets their assessed needs, such as an adapted or level access property.

Applicants will be advised by the Allocations Team of properties being advertised that appear to meet the applicants' needs and encouraged to place bids accordingly. When a property is subsequently offered, the Housing Occupational Therapist may attend the viewing to consider the suitability of the property and/or any adaptations that will be required.

It is not usual for an applicant to be seen by a doctor or other medical advisor at the Council when undergoing the medical assessment.

6.6.6 Carers - Priority 1

Priority is awarded where an applicant needs to be moved to alternative accommodation either to give care to, or receive care from, another person. The higher priority is awarded where an urgent need to move is identified. The priority is awarded where it is shown that regular care is needed for a person who is unable to care for him/herself within the home. This can be evidenced by, but is not limited to, proof of benefit received for caring for someone such as Carers Allowance and/or copies of social care, health or caring agencies support plans.

The priority is applied to allow the applicant to live closer to the person giving or receiving the care, and consideration will be taken of the wishes and circumstances of both the carer and the person receiving care, and of the likely wait for suitable properties, should the priority not be awarded.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Where the priority is awarded to the person being cared for, applicants may be restricted to bidding for a property type which meets their assessed needs, such as an adapted or level access property. In these circumstances applicants will be advised by the Allocations Team, of properties being advertised that appear to meet the applicants' needs and encouraged to place bids accordingly. When a property is subsequently offered, the Housing Occupational Therapist may attend the viewing to consider the suitability of the property and/or any adaptations that will be required.

Where the priority is awarded to the carer, no restrictions will apply.

The priority is assessed and awarded by the Allocations Team.

6.6.7 Housing Adaptation Panel (HAP)

This priority only applies to Thurrock Council tenants and is in line with the Housing Adaptation Scheme.

All cases where recommendations have been received to install major adaptation works, totalling over £5,500, go through an evaluation process, called an 'options appraisal'. The Housing Adaptation Panel (HAP) will carry this out.

HAP will look separately at the circumstances of each application and balance against the resource implications a number of factors, including the likely availability of more appropriate alternative accommodation. A HAP decision priority will be awarded if the panel decide in consultation with the tenant(s), that it will be more appropriate for an alternative suitable property to be found.

An appeal process is in place for all residents.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Applicants will only be able to bid for properties which meet, or can be adapted to meet their needs, as assessed by the Housing Occupational Therapist. All bids must be within the bedroom requirement for the size of the household.

6.6.8 Under-occupation by more than 1 bedroom

This priority only applies to Council or Registered Provider Transfer Applicants living in Thurrock, who are moving to a smaller property, thereby making available a property with two or more bedrooms extra to their bedroom entitlement.

Applicants will be identified at the registration stage, or at the point of a change of circumstances, and the Housing Allocations Team, upon confirmation that the property meets the criteria, will award the priority.

There is no time restriction, but applicants will only be entitled to bid for properties that meet their bedroom entitlement.

However, Couples down-sizing from a 3 or 4 bedroom house will be eligible to bid for a two bedroom bungalow or flat even though their assessed need is only for 1 bedroom – they will be entitled to the appropriate priority for underoccupation depending on the number of bedrooms they are giving up.

In such circumstances applicants need to be aware that changes in welfare benefit may mean they are not entitled to benefit for a property that is larger than their assessed bedroom need and therefore there may be a shortfall in benefit received.

Where down-sizing would result in children of the opposite sex sharing a bedroom when they previously did not, a priority will not be awarded since this would be setting up a future over-crowding situation.

Should an applicants' assessed bedroom need change such that they would no longer be under-occupying, then the priority will be removed.

Because down-sizing frees up larger family sized properties the Council may offer a financial incentive scheme and / or assistance with moving. These schemes will be advertised separately and will only apply to Thurrock Council tenants.

6.6.9 Retiring Thurrock Council Resident Staff

This priority only applies where applicants are staff members of Thurrock Council with at least two years continuous service and have been living in tied accommodation with the Council for at least two years.

The priority will be awarded where the applicant is retiring from the Council, or leaving the post to take up another non-residential post within the Council, and the new member of staff taking over the role requires the current accommodation.

The Housing Allocations Team will require written confirmation from the applicants' line manager before an assessment is made.

The priority will not be awarded where the applicant is dismissed from the post on disciplinary grounds.

The priority is time limited to 3 months and will be regularly monitored by the Housing Allocations Team to ensure that the applicant is bidding appropriately. The 3 month time-limit reflects the need for the applicant to move quickly in order to free up the tied accommodation. However, there may be circumstances where the priority is awarded in advance of the retirement, in which case the 3 month time limit can be extended.

Where the applicant fails to bid for suitable properties a direct offer of suitable accommodation may be made.

The Council may also take formal action to re-possess the tied accommodation. Should a re-possession take place, the priority will no longer be relevant and will be removed.

6.6.10 Domestic Abuse and Sexual Violence

The Government defines Domestic Abuse¹ as: Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Thurrock Council is committed to preventing domestic violence and sexual violence, and is working with other agencies to deliver on its own strategy of ending violence against women and girls.

Housing plays an important role in most cases of abuse and often, alternative accommodation is vital in ensuring the safety of the victim.

The homelessness legislation recognises Domestic Violence as a priority need category and reasonable grounds for leaving a home that would otherwise be available.

Often victims will approach the Council as homeless and a duty under the homelessness legislation is accepted. Homeless applicants may be prioritised for Council accommodation within band 3 of this policy and would qualify for temporary accommodation.

However, not all victims will make a homeless application. Council tenants may approach their landlord directly for assistance. A needs assessment must be carried out to determine whether an urgent move to alternative accommodation is required.

Non-Council tenants on the Housing Waiting List may also approach the local authority for priority rather than making a full homeless application.

The Council will support victims in making the most appropriate decisions to prevent further abuse and we will work closely with supporting agencies such as Women's Aid and South Essex Rape and Incest Crisis Centre (SERICC) to determine this.

In some cases the best option will be to remain in the current property and to put in place legal measures such as non-molestation orders and injunctions and/or Sanctuary Schemes.

In other cases it may be necessary for the victim to be moved to alternative accommodation.

When assessing cases for this priority the relevant considerations are:

- whether or not continued occupation would lead to further abuse/violence
- whether any threat of abuse/violence is likely to be carried out

Assessment must be made on the facts of the case and not based on any actions the victim has or has not carried out. It is not a value judgment.

The procedure for facilitating a move via the Housing Waiting List will depend on the applicant's current tenure.

- ➔ Thurrock Council tenants
- sole tenants

Where the victim is a sole tenant and there is an indication that a move is necessary and no other measures are preferable (for example the Sanctuary scheme, or a non-molestation order) then the process for moving will be via a management move such as moving the victim to alternative accommodation. See Section 8.11.

Thurrock Council tenants being re-housed via a management move will be able to bid for the same property type that they currently occupy. Should they choose to join the Transfer List following the move, they will be awarded their original application date.

- ➔ joint tenants

Where the applicant is a joint tenant with the perpetrator a transfer to alternative accommodation will not be possible since this will involve transferring the perpetrator also.

In such circumstances the applicant will need to be assessed as if they were not a tenant of the Council.

- Non-Thurrock Council Tenants

This group will include applicants living in private rented and Registered Provider accommodation, but may also include applicants living with family or friends. It will also include Thurrock Council tenants with a joint tenancy where the joint tenant is the perpetrator of the Domestic Abuse.

The applicant, or someone on his or her behalf, will need to request an assessment of the case by the Housing Allocations Team. Account will be taken of the views of supporting agencies and police where appropriate. This may involve some investigation and safe alternatives, such as refuge, will be considered during the investigation period.

A priority will be awarded where it is determined that an urgent move to alternative accommodation is in the best interests of the applicant. The Council's Management Move panel will award the priority.

The applicant will be placed in band 2 and will be able to bid for properties outside of the area that they currently reside or any other "danger" area which are areas where the perpetrator is known to have links.

Where police or other agencies strongly support an immediate move because of the severity of the case, the applicant may be placed in band 1 and a direct offer of accommodation made, see Section 6.6. The Management Move panel will determine the level of banding following the assessment based on the facts.

The priority is time limited to 4 weeks (in line with the limits for homelessness) If the applicant fails to bid for suitable properties (see definition of suitable properties at 6.2) within the 4 week time limit period, the Allocations Team will place bids on suitable properties on behalf of the applicant and/or make a direct offer of accommodation. This recognises the urgency of the need to move.

Where the applicant is a Thurrock Council joint tenant he/she will be expected to give notice on the current property when a new tenancy is offered. This will end the tenancy on behalf of the joint tenants and the perpetrator will be expected to leave the property at the expiry of the notice.

Should the perpetrator fail to leave, Thurrock Council will usually commence eviction proceedings, except in circumstances where discretion is applied and a sole tenancy may be awarded to the perpetrator. It is anticipated that such circumstances will be extremely rare but may include cases where the perpetrator is elderly or ill, or remains at the property with children (subject to consultation from Children's Social Care). The tenancy will not be awarded where it involves an under-occupation and the decision will be made by the Council's Housing Management Panel.

6.6.11 Change of tenancy

The procedures and rules regarding successions, and changes to tenancies following relationship breakdown, are found in the annexes below. This priority is awarded only on the specified grounds:

- where an applicant has the right to succeed to a tenancy, but the succession would result in the property being under-occupied, the Council will seek to make good use of its housing stock by offering more suitable alternative accommodation – see Appendix 6

Under Ground 16 of Schedule 2 Housing Act 1985, the Council may seek possession of a secure tenancy where the property is more extensive than is reasonably required by the tenant.

In such cases the Council will award a priority to the new tenant to enable a move to a suitable property that meets his/her bedroom entitlement.

- where the applicant does not have the right to succeed to a tenancy that is under-occupied, the Council may use its discretion to allow a priority for alternative accommodation – see Appendix 6

In making such a decision, consideration is taken of the amount of time an applicant has lived at the property, the makeup of the household and whether the applicant has any particular vulnerability.

- where a joint tenant has ended the tenancy but the applicant remains at the property and the property is under-occupied – see relationship breakdown at Section 4.8.1

Thurrock Council may use its discretion to award a priority so that the applicant moves to smaller accommodation in line with their assessed bedroom need.

- where a relationship breakdown involves joint tenants who wish to move to separate one-bedroom properties and a larger property (2 or more bedrooms) would be vacated – see relationship breakdown at Section 4.8.1

A priority may be awarded to both parties.

In all of the above situations, the Tenancy and Neighbourhood Services Manager makes the decision to award the priority as part of the Change of Tenancy procedures.

The procedures for these circumstances are defined below in the appropriate sections or annexes.

6.6.12 Transfer from High-Rise Properties for those unable to self-evacuate in the event of an emergency

The housing service has been undertaking significant work to understand the support needs of residents living within the council-owned high-rise residential tower blocks in the borough.

Other factors, such as the disproportionate impact of the Grenfell Tower fire on residents with disabilities and new building and fire safety regimes introduced through the Building Safety Act 2022, have led the housing service to consider the suitability of high-rise residential tower blocks for residents unable to self-evacuate if necessary in the event of an incident or emergency.

It is important to note that the 'Stay Put' policy remains in place in the event of a fire at blocks of flats, meaning that residents should not evacuate unless the fire is inside their flat or they are affected by heat or smoke.

This priority banding will support those already living in high-rise properties but, due to a medical condition or disability, are identified as being unable to self-evacuate safely from that property in the event of an incident or emergency if necessary.

The Allocations Team is responsible for the assessment of this priority and may take advice from an independent medical service and a doctor may review the application.

When a decision is made, the applicant will be advised in writing and where applicable a copy of the doctors' advice attached. If a medical priority is awarded, a recommendation for the most suitable type of accommodation may also be made, for example, ground floor or a property with a lift. Where such a recommendation is made, applicants will be restricted to bidding for only that property type.

6.7 Band 3 - Reasonable Preference Groups

This band recognises and awards priority to applicants who meet the criteria for Reasonable Preference

6.7.1 Homeless Applicants - owed the main housing duty

Homeless applicants fall into the reasonable preference group but Local Authorities may distinguish between groups of homeless applicants when determining whom they prioritise within their Housing Allocation Scheme.

Thurrock Council has decided to make a distinction between those homeless people who are owed the main housing duty under the Housing Act 1996 and those who are not.

This priority only applies to applicants who have been assessed by a Homeless Officer and meet the criteria for the main housing duty by the Council for example, applicants to whom a homeless duty has been accepted under S193 or S195 Housing Act 1996.

Where an applicant qualifies for the homeless duty but only because of a restricted person within their household such as someone who is subject to immigration control and not eligible for assistance in their own right, this homeless priority cannot be awarded.

The Council intends to use the full range of housing options available to it in order to discharge its homeless duty and this includes making use of private housing instead of social housing where the relevant conditions are met. Decisions regarding how the duty is discharged are in the Council's policy on the discharge of the homeless duty into the private sector.

If this priority is awarded, the priority will have a time limit of 4 weeks; however, this can be extended at the council's discretion or where no suitable properties have been advertised, for example where an adapted property is required for a disabled applicant, the period may be extended in order to find a suitable property.

The Housing Allocations Team will monitor the bidding process.

If the applicant fails to bid for suitable properties (see definition of suitable properties at 6.2) within the 4 week time limit period, the Allocations Team will place bids on suitable properties on behalf of the applicant and/or make a direct offer of accommodation.

The Council has a duty to accommodate homeless households, which often involves temporary accommodation, before a final offer is made. The Council will ensure that temporary accommodation usage is minimised by offering any available suitable accommodation in line with the criteria at 6.2.

Any offer made will be considered an offer to discharge the homeless duty (subject to suitability) – this means that applicants will only receive one offer of accommodation.

All homeless applicants who are owed a statutory re-housing duty by the Council, have the right to request a review of the suitability of any accommodation offered to them as a discharge of that duty. This right is a statutory right under Part VII of the Housing Act 1996 and applies whether the property is accepted or not.

6.7.2 Medical - Priority 2

Where an applicant's quality of life is compromised but the applicant does not meet the criteria for the (higher) level 1 priority see 6.6.5.

When assessing medical priority, the Council will only award a priority where the medical condition is severe or chronic AND that condition is being affected by the applicant's current accommodation.

Any applicant that feels they require a medical assessment can email housing.reg@thurrock.gov.uk to request this. Applicants must have an active application for a medical assessment to progress.

The medical priority service is responsible for the assessment of medical priority and may take advice from an independent medical service and a doctor may review the application. When a decision is made, the applicant will be advised in writing and where applicable a copy of the doctor's advice is attached.

If a medical priority is awarded, a recommendation for the most suitable type of accommodation may also be made, for example, ground floor or a property with a lift. Where such a recommendation is made, applicants will be restricted to bidding for only that property type.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicant's eligibility for the priority will be carried out.

Applicants may be restricted to bidding for a property type, which meets their assessed needs such as an adapted or ground level access property.

Applicants will be advised by the Allocation Team of properties being advertised that appear to meet the applicant's needs and encouraged to place bids accordingly. When a property is subsequently offered, the Housing Occupational Therapist may attend the viewing to consider the suitability of the property and/or any adaptations that will be required.

It is not usual for an applicant to be seen by a doctor or other medical advisor at the Council when undergoing the medical assessment.

6.7.3 Carers Priority 2

Priority is awarded where an applicant needs to be moved to alternative accommodation either to give care to, or receive care from, another person, but the need to move is not so urgent as to meet the (higher) level 1 priority see 6.6.6.

The priority is awarded where it is shown that regular care is needed for a person who is unable to care for him/herself within the home. This can be evidenced by, but is not limited to, proof of benefit received for caring for someone such as Carers Allowance and/or copies of social care, health or caring agencies support plans.

The priority is applied to allow the applicant to live closer to the person giving or receiving the care, and consideration will be taken of the wishes and circumstances of both the carer and the person receiving care, and of the likely wait for suitable properties, should the priority not be awarded.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Where the priority is awarded to the person being cared for applicants may be restricted to bidding for a property type which meets their assessed needs such as an adapted or ground level access property. In these circumstances Applicants will be advised by the Allocations Team of properties being advertised that appear to meet the applicants' needs and encouraged to place bids accordingly. When a property is subsequently offered, the Housing Occupational Therapist may attend the viewing to consider the suitability of the property and/or any adaptations that will be required.

Where the priority is awarded to the carer, no restrictions will apply.

The priority is assessed and awarded by the Allocations Team.

6.7.4 Care Leavers Move-on

Where an applicant is a former child who has been looked after by Thurrock Council, a priority may be awarded to enable the applicant to move into Council accommodation in order to live independently.

Any priority will be subject to the agreed protocol between the Housing Department and the Children's Leaving and After Care Team. Priority is only awarded after the applicant has lived in semi-supported accommodation and has shown that he/she can live independently.

The applicant must be willing to accept floating support and/or any recommended care package.

Recommendations for the priority are discussed at a joint panel meeting attended by Social Care and Housing Officers. A joint decision is made regarding suitability for awarding the priority and a risk assessment must be carried out.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

6.7.5 Supported Housing

Move-on Priority can be awarded where the Local Authority has placed an applicant in supported housing, and that applicant is ready to move on to independent living, thereby freeing up space in the supported accommodation for another suitable and eligible applicant.

Any priority will be subject to any agreed protocol between the Housing Department and the supported housing provider (where applicable).

This priority will not be awarded to all applicants leaving supported accommodation, since other housing options will also be considered and may be deemed more suitable.

In order to qualify the applicant must have completed a period of appropriate training within the scheme and show that he/she is capable of living independently. For example, an applicant living in the mother and baby unit will undergo a period of training relating to motherhood.

A report is required from the Supported Housing Manager outlining the training and the reasons why it is felt that the applicant is ready to move on.

This priority is also available to applicants who have been living in residential care where it is determined that this level of support is no longer applicable. The priority will not be awarded to all applicants leaving residential care since all housing options will be considered, but in cases where it is determined that applicants can live independently or in sheltered housing a report outlining this and the proposed continuing support to be provided will be required.

The Senior Allocations Officer will award the priority upon assessment of the reports provided.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

6.7.6 Court Order

Where a Court orders that an applicant must be offered suitable alternative accommodation, a priority will be awarded. Proof will be required in the form of a Court Order to the Council and the Housing Allocations Team will assess this.

Any restriction on property type will be determined by the Court order if appropriate.

It may be necessary to make a direct offer where the Court orders that a specific property is to be offered – see Direct Offers.

6.7.7 Properties with severe housing hazard(s)

Where an applicant is living in privately rented accommodation that has been assessed by the Housing Environmental Health Officer, and has a category 1 hazard under the Housing Health and Safety Rating system which is an immediate threat to health and cannot be rectified within a reasonable time, or has a number of significant Category 2 Hazards identified, a priority may be awarded once an application has been submitted.

Housing Environmental Health Officer will inspect the property and produce a report outlining the hazards.

The Housing Environmental Health Officer will normally issue the Landlord with a Housing Act notice to remove the housing hazards.

If the Landlord subsequently fails to rectify the hazard(s), within a reasonable period of time, then a priority can be awarded. In such circumstances the Housing Environmental Health officer will present the case to the Senior Allocations Officer who will determine if a priority is to be awarded. If the hazards are rectified before any successful bid is achieved, the priority will be removed.

This priority is not applicable to Council tenants since any hazards within Council accommodation should be rectified promptly or the tenant moved to more suitable accommodation.

If this priority is awarded, the priority will have a time limit of 4 weeks; however, this can be extended at the council's discretion or where no suitable properties have been advertised, for example where an adapted property is required for a disabled applicant, the period may be extended in order to find a suitable property.

The Housing Allocations Team will monitor the bidding process.

If the applicant fails to bid for suitable properties (see definition of suitable properties at 10.2) within the 4 week time limit period, the Allocations Team will place bids on suitable properties on behalf of the applicant and/or make a direct offer of accommodation. This recognises the urgency of the need to move.

6.7.8 Overcrowding

Overcrowding is recognised as one of the reasonable preference groups to whom a Local Authority must give priority.

Thurrock Council will use the Housing Health and Safety Rating System (HHSRS) and Housing Act 2004 to measure overcrowding. Under this system the bedroom standard in Appendix 1 is used to determine the number of bedrooms required by a household.

When assessing for overcrowding the household makeup will be measured against this standard to determine the recommended number of bedrooms for the household.

A housing officer will usually visit the family to verify the number of people living at the property, including their ages and sex, and bedrooms available. A report will be provided to the Housing Allocations Team who will carry out the assessment and award the priority where appropriate.

A Housing Environmental Health officer following a visit to the property can also carry out assessments.

Where the number of bedrooms is short by two or more bedrooms the applicants will be placed in band 3 to recognise that they are overcrowded.

Where the number of bedrooms provided is short of the standard by 1 bedroom the applicants will be placed in band 4 since they will not be adequately housed.

Applicants who deliberately overcrowd their property with family members or others who would not reasonably be expected to live with them will not be awarded the priority.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

6.7.9 Welfare Grounds

Priority is given to applicants who need to move to, or from, accommodation, because of specific social and welfare needs. This priority encompasses a wide range of needs and is determined on a case-by-case basis.

The criteria may apply to any member of the household and may include, but is not limited to:

- where an applicant or any member of the household needs to move to a particular locality within the Borough where failure to do so would result in the applicant or others facing hardship
- where an applicant or any member of the household needs to move because of a disability - this includes a learning disability as well as a physical disability
- where an applicant or any member of the household needs to provide or receive care or support – this includes cases where an applicant has been assessed and approved by a Local Authority to foster or adopt a child but cannot do so until larger accommodation is provided
- where an applicant or any member of the household needs to recover from the effects of violence or from threats of violence or physical, emotional or sexual abuse

The Housing Allocations Team, taking into account recommendations by other agencies such as Social Care, Health Professionals, Police and other supporting agencies, will carry out an investigation of the circumstances.

The decision to award the priority is made by the Council's Housing Management Panel, having considered all the facts.

Where alternative accommodation is offered it is essential to assess any support and/or care needs that the applicant may have, and how these needs will be addressed within the alternative accommodation.

Applicants may be restricted to bidding for a property type which meets their particular needs and is appropriate to their bedroom entitlement.

The Housing Management Panel may also award this priority as a homeless prevention measure where such priority would enable the applicant to remain in their current home or an alternative home for at least 6 months following intervention by the Housing Solutions Team.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

6.7.10 Transfer within Sheltered Housing

Where an applicant lives in Council owned sheltered accommodation, on the first floor without a lift, a priority can be awarded to facilitate a move to the ground floor in the same scheme due to medical needs.

The assessment is carried out by the Housing Occupational Therapist, in conjunction with information provided by the Scheme Sheltered Housing Officer and any medical information provided by the applicant. The decision to award the priority is made by the Senior Allocations Officer.

Applicants should identify why they need to move to a lower level – this will typically be as a result of deteriorating health and mobility issues.

Where the Housing Occupational Therapist identifies a more urgent move, a medical assessment will be carried out in line with the criteria for Medical Priority.

Applicants with this priority are restricted to moving to a ground floor property within the same scheme or within another scheme close by. The property must meet their assessed bedroom entitlement.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

6.7.11 Under-occupation by 1 bedroom

This priority only applies to Council or Registered Provider Transfer Applicants living in Thurrock, who are moving to a smaller property and thereby freeing up a property with one bedroom extra to their bedroom entitlement.

Applicants will be identified at the registration stage, or at the point of a change of circumstances. Upon confirmation that the property meets the criteria, the Housing Allocations Team will award the priority.

There is no time restriction, but applicants will only be entitled to bid for properties that meet their bedroom entitlement.

Couples down-sizing from 3 or 4 bedroom houses will be eligible to bid for a two bedroom bungalow or flat even though their assessed need is only for 1 bedroom – they will be entitled to the appropriate priority for under-occupation depending on the number of bedrooms they are giving up.

Should an applicants' assessed bedroom need change such that they would no longer be under-occupying, then the priority will be removed.

Because such moves free up larger family sized properties Thurrock Council may offer a financial incentive scheme and / or assistance with moving. These schemes will be advertised separately and will only apply to Thurrock Council tenants.

In such circumstances applicants need to be aware that changes in welfare benefit may mean they are not entitled to benefit for a property that is larger than their assessed bedroom need and therefore there may be a shortfall in benefit received.

Where down-sizing would result in children of the opposite sex sharing a bedroom when they previously did not, a priority will not be awarded since this would be setting up a future overcrowding situation.

Should an applicants' assessed bedroom need change such that they would no longer be under-occupying, then the priority will be removed.

6.8 Band 4 – Low Housing Need

This band is for applicants with a general housing need that do not meet the criteria for a higher priority.

6.8.1 Applicants who have been issued with a valid notice to quit

Applicants must be given notice in writing, which must meet the required standards laid down in law. An assessment of the validity of the notice will be carried out by a member of the Housing Solutions Team. Where an invalid notice is issued, an applicant will be advised accordingly.

6.8.2 Applicants who are not adequately housed

- applicants living in privately rented or other non-social housing accommodation and
- who are not adequately housed in terms of size, suitability or affordability
- but who do not meet the criteria for the reasonable preference groups

This will include households who are 1 bedroom short of the bedroom standard – see overcrowding - Section 6.7.8

6.8.3 Homeless Applicants – not owed the main housing duty

Homeless applicants fall into the reasonable preference group but Local Authorities may distinguish between groups of homeless applicants when determining whom they prioritise within their housing allocation scheme.

Thurrock Council has decided to make a distinction between those homeless people who are owed the main housing duty under the Housing Act 1996 and those who are not.

This band applies to homeless applicants who do not meet all the criteria for the main housing duty for example, they do not have priority need or who have been found intentionally homeless.

6.8.4 Applicants with Rent Arrears and other charges

6.8.4.1 Current Rent Arrears

Where applicants on the Housing Waiting List have current rent arrears they will usually be placed in this band until the arrears are cleared and a clear rent account is maintained for at least 3 months, or an arrangement with the Landlord has been agreed and kept to for at least 6 months, at which point they will be moved to the appropriate band for their circumstances.

6.8.4.2 Former Rent Arrears

Where an applicant owes money for rent on a former Private, Council or Registered Provider tenancy, and the debt has accrued within the past six years, then they will be placed in this band until the debt is cleared or an arrangement has been made and kept to for at least 6 months, at which point they will be moved to the appropriate band for their circumstances.

6.8.4.3 Using discretion regarding arrears

In some cases – usually for cases meeting the criteria for a high priority - it may be necessary for an applicant to be placed in a higher band despite having arrears. This will be decided at the council's discretion

Applicants with a priority will still be expected to clear any current or former rent arrears before an offer is made although it may be possible, at the council's discretion for an offer to be made where tenants do have arrears, these will be assessed on a case-by-case basis and the applicant will be expected to make a commitment to clear the arrears as soon as possible (See Section 8.5.2 and 8.5.3).

6.9 Band 5 – No Housing Needs

This band is for applicants with no housing need. From 1 April 2019, no new applicants will be accepted into band 5, with the exception of those who would be eligible for Sheltered Housing (See Section 3.1)

6.9.1 Adequately Housed

Applicants who are adequately housed in their current accommodation.

Where applicants are already housed in accommodation, which meets their needs, in terms of size, property type and affordability - then they will be deemed adequately housed, and will remain in this band.

If an applicant disputes this, they will need to provide information regarding the size and cost of their accommodation and any other applicable information to enable the assessing officer to make a decision.

In determining whether or not an applicant is adequately housed, the following will apply:

- where an applicants' assessed bedroom requirement is larger than that afforded by their current accommodation, they are not adequately housed
- where an applicant is in receipt of housing benefit that covers the full cost of their property rent, the applicant cannot argue that the property is inadequate on financial grounds since the rent is being fully covered by housing benefit

Section 7 – Allocating Properties

Allocating Properties

7.1 Choice Based Lettings

Thurrock Council uses a process known as Choice Based Lettings for allocating properties, where the applicant chooses which property s/he is interested in and registers that interest via a “bid”.

Because applicants are allowed to choose the areas and types of properties that they can bid for, this leads to more sustainable communities.

There are some situations however, where the choice is limited to a particular property type or area – see section below on priorities.

The “bidding” system does not involve a payment for property – placing a bid merely indicates that an applicant would like to be considered for that property.

The Housing Allocations Team are responsible for administering the Choice Based Lettings system. Responsibilities include:

- ➔ ensuring that applicants have the correct banding
- ➔ administering and monitoring the priorities
- ➔ advertising properties
- ➔ allocating properties
- ➔ administering the mutual exchange process
- ➔ assisted bidding

The Housing service provide regular reports to the Overview and Scrutiny committee which outline how properties have been advertised and who has been successful. The reports also include details regarding who is on the waiting lists, number of priorities awarded, average waiting times and other statistical information as deemed necessary.

7.2 Bidding Cycle

Properties are advertised at <https://housing.thurrock.gov.uk>.

The advertising cycle usually begins on a Thursday and ends at midnight on the following Monday, but properties may be advertised in between these dates. Applicants with an active bidding number are able to place bids on up to two properties of their choice, but only for properties that match their assessed bedroom entitlement and any requirement relating to any priority they have been awarded - see priorities in Section 6.

7.3 Division of advertised properties

Of all advertised properties 25% will be only for applicants on the Transfer List, all other applicants will be unable to bid for these.

The Housing Allocations Team will endeavour to ensure that the 25% allocated to transfer applicants represents a fair mix of property types and areas. This may mean that not all advertising cycles will have a 25/75% split of properties since this may vary from week to week.

At the end of the bidding cycle the advertised properties are allocated according to the ranking of the bidders.

For properties advertised for Waiting List applicants (the remaining 75% of properties) the ranking will automatically shortlist by order of priority. Where there is more than one applicant in a priority band the short-listing within that band will be in date order – effective date will be used.

For properties advertised for Transfer List applicants (25% of properties) the ranking will be solely by date order since no applicants within this list will have a priority.

If a property is advertised for Transfer applicants only and there are no successful bidders, then the property will be re-advertised for all applicants on the Housing Waiting List. The property will still count towards the 25% quota for transfer applicants only and no substitution will be provided.

7.4 How to bid

Applicants can place a bid on the internet at <https://housing.thurrock.gov.uk>

Bids can be placed at any time during the bidding cycle which last 5 days – this is usually between Thursday morning and midnight on Monday but on occasions where a different bidding cycle is used the days may change; the timing of the bid does not determine any priority.

Once a bid has been placed an applicant can check their position in the queue. If they wish, they can remove the bid for that property and place the bid on another at any time during the bidding cycle.

Applicants may find that there are no properties for which they can bid in a particular cycle. This could be for a number of reasons, including the following:

- ➔ there may be no properties advertised for which the applicant is eligible to bid
- ➔ the application may be suspended – this could be for a number of reasons including that the application has been cancelled, the applicant is under offer for a property or there is a problem with the application

After having read through the guidance on the webpage, if applications are having difficulty with bidding they can contact the Housing Allocations Team on 01375 652880, or alternatively applicants may also email housing.reg@thurrock.gov.uk.

The Council reserves the right to place a bid on behalf of an applicant where a priority has been awarded but the applicant is failing to bid, despite suitable properties being available. A definition of “suitable properties” is found at 6.2.

7.5 Assisted Bidding

Thurrock Council is committed to equality for all and is determined to ensure that all applicants are able to bid for properties of their choice.

In order to ensure that vulnerable applicants are not disadvantaged, officers will operate an assisted bidding scheme. If an applicant wishes to be included on the council’s assisted bidding list, the applicant or their support worker, may contact the Registrations team on 01375 652880 or via housing.reg@thurrock.gov.uk

The assisted bidding list is reviewed weekly. The service offered will be determined by the specific needs of each applicant but may involve telephoning an applicant to discuss an advertised property and/or placing bids for applicants.

The Allocations Team will notify applicants when they have been added to the Assisted Bidding list.

7.6 Properties to be advertised

The Allocations Team will advertise properties that become available to them either through void Council properties or through a Registered Provider property being offered as part of a nominations agreement.

Properties belonging to a Registered Provider may attract some restrictions that Council properties do not and will be subject to the individual Registered Provider's own allocations policy. This will be made clear on the advertisement.

The Council will endeavour to ensure that at least 90% of all available properties will be allocated through the Choice Based Lettings system. However, the Council reserves the right to use a number of available properties as direct offers – these are discussed in Section 8.10.

Of all advertised properties 25% will be only for applicants on the Transfer List and all other applicants will be unable to bid for these.

This figure will be reviewed annually by the Rehousing Manager and may be increased or decreased accordingly in order to ensure that transfer applicants have a greater or equal chance of being re-housed in comparison to Housing Waiting List applicants with no priority.

The Housing Allocations Team will endeavour to ensure that the 25% of stock allocated to transfer applicants represents a fair mix of property types and areas. This may mean that not all advertising cycles will have a 25/75% split of properties since this may vary from week to week.

The Housing service provide regular reports to the Housing Overview and Scrutiny Committee which outline how properties have been advertised to ensure a fair mix has been achieved.

This scheme reflects an overwhelming view voiced during the consultation and review periods to reward good current tenants living in flats and maisonettes for a long time and is in line with current codes of guidance. The impact of this provision has been examined in the Equality Impact Assessment.

7.7 Working Households

The Consultation indicated a majority view that working households should be entitled to an extra priority and this is in line with provisions in the Localism Act 2011 and current government view.

Thurrock Council has decided to allocate a maximum of 20% of its advertised properties or applicants with a member of the household who is working. The 20% would include properties advertised for the Waiting List and for the Transfer List and only those deemed eligible would be able to bid for these properties.

This represents:

- maximum of 15% of all properties advertised – only for working Waiting List applicants
- maximum of 5% of all properties advertised – only for working Transfer applicants

This figure will be reviewed annually by the Rehousing Manager and may be increased or decreased accordingly in order to ensure that working applicants have a greater or equal chance of being re-housed in comparison to non-working applicants.

The Allocations Team will endeavour to spread the mix of these properties across the property types and areas within the borough.

The Housing service provide regular reports to the Overview and Scrutiny committee which outline how properties have been to ensure a fair mix has been achieved.

The Council recognises that some households have no family members who are able to work due to factors such as age, disability and a requirement to provide care to other family members. Therefore, consideration will also be given to an applicant who has shown a contribution to the community - for example through voluntary work or caring for someone else.

In order to be eligible to bid for one of these properties an applicant would need to show that someone within their household meets the following criteria:

- in employment for at least the past 12 months and that the hours worked in that employment average to 16 hours per week over a 12 month period OR
- involved in voluntary work (or other contribution to the community such as caring for someone else) for at least the past 12 months and the time spent volunteering involves at least 16 hours per week
- are self employed and can provide tax returns to provide the business has been operational for a minimum of 12 months

If there are two working people within the household, their combined working hours can be counted – for example two adults working 8 hours each would qualify.

If a property is advertised for working households only and there are no successful bidders, then the property will be re-advertised for all applicants on the Housing Waiting List the property will still count towards the quota for working households only and no substitution will be provided.

Allocations to Thurrock Council Employees, Members and their families

This Scheme is designed to ensure that Thurrock Council is fair and transparent when letting homes to all applicants and this includes staff or Council Members and their relatives.

The Allocations Scheme is open to any eligible applicant and there are checks in place for all applications. These include checks on eligibility, qualification and the applicants' circumstances.

Staff, Council Members and their relatives are treated as any other applicant and will not be awarded any advantage or preferential treatment in the course of their application; neither will they be disadvantaged.

Therefore, the following procedure will be undertaken to ensure that any letting can be subject to a high level of scrutiny:

- a staff member or Council Member who is applying for housing will have no direct input into any decision regarding their re-housing. This includes authorising the original application onto the computer system, maintaining that application or adding any priority at any time onto the application
- the same rule applies for any relative of the Staff member or Council Member
- applications will be clearly marked on the computer system as that of a staff member, Council Member or relative
- when such an applicant has bid for a property and is short listed at the top of a list the allocation must be checked by a member of the Housing Allocations Team and countersigned by the Rehousing Manager and the Assistant Director

Elected members are prohibited from taking part in any decisions on an individual allocation if the accommodation is in their electoral ward or if the person subject to the allocation decision has a sole or main residence in their electoral ward - Allocation of Housing (Procedure) regulations 1997 SI 1997/483.

Elected members can seek and obtain information on behalf of their constituents and participate in more general policy decisions that affect their wards.

7.8 Local Letting Plans

A local lettings plan allows priority for properties in a certain area, to specific groups outside of the usual reasonable preference groups: for example where there is a village environment with low numbers of social housing, priority can be awarded to people with a local connection to that village, or where people are moved out of an area for redevelopment, a local lettings plan would allow those people priority to move back to the area once the redevelopment is completed.

A local lettings plan is permitted so long as the plan does not dominate the allocations scheme.

Thurrock Council may determine local lettings plans for new development sites; the plans would be specific for each development and would be agreed in consultation with ward and other relevant members.

In order to ensure consistency, fairness and transparency for all new build developments within existing Council Housing estates, an agreed local lettings plan will be used for all 1st lettings – Details can be found in Appendix 7

7.9 Adapted Properties

Some properties will already be adapted to meet the needs of a disabled applicant. In such circumstances the property will be advertised so that preference is given to applicants where a member of the household is requiring that particular type of adaptation.

The Council operates an Accessible Housing Register alongside the Housing Waiting List that records the details of waiting list applicants who have been awarded a priority for, or are in need of, adapted properties. Applicants on this register are assisted by the officers to look for adapted properties that meet their particular needs.

Viewings of adapted properties are usually accompanied by the Housing Occupational Therapist or Housing Adaptations officer, who will determine whether or not the property meets the particular needs of the applicant it has been offered to. Where the officer determines that it does not meet those needs, the offer will be withdrawn, unless it is reasonable and practicable to adapt the

property through minor or major adaptations. This will be discussed with the applicant at the time of the viewing / offer. Any agreed adaptations will be carried out in due course but this may not be immediately. Subsequently, an applicant may be required to move into the property before adaptations are completed. However, where an immediate risk to the applicant is identified, it will be eliminated by the installation of minor adaptations.

Where a property with major adaptations is advertised it will be restricted to applicants on the Accessible Housing Register. The Housing Adaptation Team will identify properties where there are major adaptations and try to match them up with suitable applicants. Some flexibility will be needed since it may not always be possible to exactly match applicants with adaptations.

Such properties will initially be advertised to Housing Waiting List applicants but if no suitable applicants are successful in bidding, the property may be offered to Transfer List applicants.

If subsequently there are no bidders requiring those adaptations an assessment will be made to determine if the property should be advertised again or offered to a bidder who does not need the adaptations.

However, bidders who accept a property with adaptations they do not require will not be able to have those adaptations removed and must accept the property with the adaptations in place. For example – where a property has a shower or wet room and is advertised as such, the shower will not be removed and replaced with a bath at a later date.

In some circumstances it may be necessary to allow a family to underoccupy a property where there are extensive adaptations, in order to make best use of public funds. This may involve advertising a property again and extending the bidding to applicants with a lesser bedroom need.

Decisions regarding when this should be done will involve agreement between the Senior Allocations and the Housing Occupational Therapy Team. The Rehousing Manager will determine any disputes.

Because of the extra time that may be required for advertising such properties, and to avoid extended void times, these properties may be advertised as soon as a valid notice to quit is received.

Applicants who are allocated a property that results in an under-occupation will need to be aware of restrictions in Housing Benefit payment under the Welfare Reforms. This will be discussed with any such applicant when the offer is made.

Section 8 – Shortlisting and Offers

Short-listing and offers

8.1 Housing Waiting List properties

Of all properties advertised 75% will be for Housing Waiting List applicants only – see Section 7.4.

Once the bidding cycle ends, all the bids received for any one property are prioritised in order of the banding, with the Band 1 first, followed by applicants in Band 2, then Band 3, then Band 4 and finally Band 5. Where there is more than one applicant within a band, the applications within that band are prioritised in date order. The date used is the Effective Date – which is the date that the priority was awarded. Where there is no priority the effective date will be the same date as the application date.

8.2 Transfer List properties

Of all properties advertised 25% will be for Transfer List applicants only – see Section 7.4.

Once the bidding cycle ends all the bids for any one property are prioritised in date order. The appropriate date is the date of the application.

Being the top bidder for a property does not automatically guarantee that the property will be offered to the applicant. It is still the responsibility of the Council to make a final judgment on whether or not it is appropriate to allocate a certain property to a particular applicant.

Popular properties will attract large numbers of bidders and therefore it is likely that such properties will be allocated to applicants with a priority or a longer waiting time.

8.3 Short listing process

At the end of each bidding cycle, the Housing Allocations Team will draw up the lists of bidders for each property and then assess the applications to determine if they meet the criteria for the property for example, in terms of bedroom size, clear rent account and any adaptations within the property. – see Section 8.5.

A shortlist of the top three successful bidders will be sent over to the appropriate estate officer or Registered Provider, once the Housing Allocations Team has checked on all documentation to support the application.

Subsequently a Tenancy Management or Sheltered Housing Officer will arrange for viewings of the property with the top three bidders. If the top bidder refuses, the offer will be made to the 2nd bidder on the shortlist. If the 2nd bidder refuses, the offer will be made to the 3rd bidder and so on. A housing officer will accompany viewings for Council properties.

A housing officer will also accompany viewing for Registered Provider properties. Multiple viewings may be arranged for both Council and Registered Provider properties. This means that the top three bidders may be invited to view the property at the same time. Where this is the case the property will still be offered in the order of the bidders' final position.

Registered Providers may also require applicants to complete their own particular application form. If this is the case the Registered Provider will contact the applicant to advise them. It is important that applicants complete and return the application forms immediately to avoid the Registered Provider moving on to the next bidder on the shortlist.

Thurrock Council Tenancy Management or Sheltered Housing Officers and Registered Providers will be expected to complete CORE statistics at each sign up, to enable the Council to monitor lettings in the borough.

8.4 Transfer Inspections

Transferring tenants will be expected to give notice on their current tenancy and Thurrock Council tenants will be required to pass a tenancy inspection before any new tenancy agreement is signed – see Section 2.3.3. Failure to pass the inspection will result in the offer being withdrawn.

Registered Provider tenants may also need to undergo an inspection and should advise their housing officer as soon as an offer is made.

8.5 Bypassing successful bidders

Being the top bidder for a property does not automatically guarantee that the property will be offered to the applicant. It is still the responsibility of the Council to make a final judgment on whether or not it is appropriate to allocate a certain property, to a particular applicant.

There are a number of reasons why an applicant could be bypassed for a property even though s/he is the top bidder. These include the following:-

8.5.1 No longer eligible or qualifies for the offer

The Housing Allocations Team will check on the bidders' eligibility for the property at the short-listing stage and request sight of appropriate documents to support this. This will include the eligibility and qualification test set at the onset of the application and the bedroom entitlement of the current family make-up. Where these criteria are not met or original documentation produced in time to support the application, the applicant will be bypassed.

8.5.2 Rent arrears owed to a current landlord

Where an applicant owes money for rent on a current Council, Registered Provider or Private tenancy, then an offer of accommodation will not usually be made until the debt is cleared or in the case of a private tenant, an arrangement has been made with the landlord and kept to for 6 months.

Applicants will be expected to provide evidence of a clear rent account with their current landlord. The Housing Allocations Team will check on the current position when an offer is due to be made.

Applicants for the Transfer List will not usually be eligible to join the Transfer List where they have rent arrears. If arrears have accrued after joining the list the applicant will not be made an offer if successful in bidding. The application will also be cancelled since applicants are not eligible for the Transfer List whilst they have arrears. The circumstances in which a tenant with outstanding arrears and/or other charges may be permitted to join and/or remain on the Transfer List are set out above at Section 2.3.1.

Where applicants on the Housing Waiting List have arrears they will usually be placed in the Band 4 until the arrears are cleared and a clear rent account is maintained for at least 3 months, or an arrangement with the Landlord has been agreed and kept to for at least 6 months.

At the council's discretion (for cases with a high priority) it may be possible for an offer to be made where tenants do have arrears, but these will be assessed on a case-by-case basis and the applicant will be expected to make a commitment to clear the arrears as soon as possible.

8.5.3 Rent arrears owed to a former Landlord

Where an applicant owes money for rent on a former Private, Council or Registered Provider tenancy, and the debt has accrued within the past six years, then an offer of accommodation will not usually be made until the debt is cleared or an arrangement has been made that has been kept to for at least the past 6 months.

Where applicants have arrears owing they will usually be placed in Band 4 until the arrears are cleared or an arrangement with the Landlord has been agreed and kept to for at least 6 months.

At the council's discretion (for cases with a high priority) it may be possible for an offer to be made where tenants do have arrears, but these will be assessed on a case-by-case basis and the applicant will be expected to make a commitment to clear the arrears as soon as possible.

8.5.4 Adequately Housed

Where applicants are already housed in accommodation that meets their needs, both in terms of size, property type and cost, they will be deemed adequately housed. If an applicant disputes this, they will need to provide information regarding the size and cost of their accommodation and any other applicable information to enable the assessing officer to make a decision.

Information to determine whether or not an applicant is adequately housed is discussed further in the Priority section.

Adequately housed applicants will not qualify for the Housing Waiting List, with the exception of applications who would be eligible for Sheltered Housing (see Section 3.1) who will be placed in Band 5.

8.5.5 Unsuitability of property

Where an applicant has been awarded a priority for a specific type of property and that property type is not met by the property on offer (for example, an applicant awarded a medical priority for a level access property and the property type is a house with internal stairs), or if the property is deemed unsuitable on other grounds for example because its location is unsafe for this particular applicant, an offer will not be made. This includes where a property has been specified as being a disabled adapted property but the bidder does not require those adaptations.

8.5.6 Delay in production of documentation

Only original documents will be accepted at the point of offer and applicants will be expected to produce the documentation within 2 working days of being notified of the offer. However, the council can use its discretion to allow more time to be given to produce documents.

Applicants will be advised on what documentation is required.

Applicants who cannot provide the correct documentation to support their application within 2 working days of the offer of accommodation will be bypassed for that offer, unless otherwise agreed at the council's discretion

8.6 Offers of Accommodation

When an applicant is identified as the successful bidder for a property, and there are no reasons for bypassing that applicant, the applicants' details will be sent to the appropriate Housing Officer, or Registered Provider for the property involved.

The Housing Officer will contact the applicant and arrange a mutually convenient time to view the property. At that time the applicant will be shown around the property and will need to decide whether or not to accept it.

Applicants will be encouraged to make a decision regarding whether to accept or refuse the offer at the time of viewing. In order to minimise void periods for properties, a maximum period of 24 hours will be allowed for an applicant to make the decision, although at the council's discretion a longer period can be given.

If the applicant accepts the offer, a tenancy agreement will need to be signed with an agreed tenancy start date - usually the Monday following the viewing.

The applicant will be expected to pay 4 weeks rent in advance, unless they are already in receipt of Housing benefit or can prove that they are eligible for Housing benefit. In all cases, the applicant will have to pay the 4 weeks water rates in advance.

This is a legally binding contract

Upon the tenancy starting, the current application for housing will end (i.e. be cancelled). Should the applicant decide that he/she wishes to transfer to another property, a transfer application will need to be completed and the whole application process will start again. This can be done immediately but it is the responsibility of the applicant to complete a new online application form – it will not automatically happen.

8.7 Refusing an Offer

Applicants may decide to refuse a property that is offered to them.

All applicants in Bands 4 and 5 and Transfer List applicants are entitled to two offers of accommodation. Should such an applicant refuse a second offer their application will be cancelled.

Applicants in Bands 1, 2 and 3 will only be made one offer of suitable accommodation with the priority banding. Should the applicant refuse that offer, the priority will be removed and they will be placed back in Band 4 or 5 depending on their circumstances. There is an exception for applicants with a priority for under occupation, who will be entitled to three refusals.

All offers are subject to suitability and reasonableness and if the applicant can show that the property was not suitable for their needs or it was unreasonable to accept, then the offer will not count.

Where an applicant in Bands 1, 2 or 3 is the successful bidder for two properties, an officer will contact the applicant to discuss which offer the applicant would prefer.

Where the priority awarded specified a certain type of property (for example, a level access property), and only one of the two successful bids meets the specified property type, only that property will be offered.

8.8 Acceptance of an offer

Once an applicant accepts a property their current housing application will be cancelled. The applicant can apply to join the Transfer List from the new property, but the application will start again, for example the applicant will have a new application date and number.

In limited circumstances an applicant may be awarded their old application date – see priorities below – but this is only the case where an applicant has been limited on their choice of area and/or property type. An applicant will be advised if this is the case when their priority is awarded.

8.9 Reporting Results

The Housing service provide regular reports to the Overview and Scrutiny committee which outline how properties have been advertised and who has been successful. The reports also include details regarding who is on the waiting lists, number of priorities awarded, average waiting times and other statistical information as deemed necessary.

8.10 Direct Offers

It may be necessary to make a direct offer of a property outside of the Choice Based Lettings scheme, for example a property will be identified for a specific applicant and offered to them without being advertised through the bidding process.

Thurrock Council wishes to remain transparent and fair in all its lettings but there are occasions when properties need to be let outside of the usual procedures.

It is envisaged that the number of such moves will be a minority of the total available properties however, this will be dependent on the number of cases being identified and may vary from year to year.

Where properties are let via a direct offer, these will not be advertised, and the results will not be published, in the same manner as other properties. This is due to the nature of the cases requiring such moves and the need for confidentiality in many of those cases. However, the numbers of properties let in this manner will be made available in annual statistics to be produced.

Direct lets will be used in, but not limited to, the following Circumstances:

8.11 Priority cases with a risk of harm or delayed discharge from hospital

Where a priority is awarded for circumstances where the applicant is at risk of harm if not moved immediately, or is a delayed discharge in hospital and due to the urgency of the need to move, applicants will be made a direct offer of suitable accommodation. This will speed up the moving process enabling a faster solution to the urgent housing need.

The accommodation offered would be whatever is available at the time when it is required but subject to suitability criteria discussed in Section 6.2.

Once re-housed applicants may choose to register a transfer application and this will be awarded the date of the original application to recognise the fact that direct offers remove the choice element for applicants.

8.12 Management Moves and Temporary Decants

It may be necessary for Thurrock Council and other Registered Provider tenants to move to alternative accommodation for safety or other management reasons. This includes but is not limited to the following reasons:

- where the current property has been damaged by fire or flood
- where there are urgent remedial works required on the current property that cannot be carried out whilst the applicants remain in residence
- where there are neighbour issues that cannot be resolved and require one party to move to an alternative property
- where a sole tenant is the victim of domestic abuse

Registered Providers will be expected to deal with their own management moves wherever possible, however where they do not have sufficient resources to meet the housing needs of their tenant it may be necessary for the Council to assist with a management move. In such cases it would be expected that the Registered Provider offer back the void property to the Council for a further nomination.

Requests for a management move are assessed by a re-housing panel after consideration of supporting information.

A direct offer of alternative accommodation will be made to the tenant(s) and the accommodation offered would be whatever is available at the time when it is required.

Tenants will only be offered a property of the same type that they currently occupy but subject to their current assessed bedroom need.

Applicants who are decanting to allow repairs, amongst other works, will be able to move back into the original property once any repairs are carried out. However, it may be possible for them to remain in the new property if this is their preference.

Once re-housed tenants may choose to register a further transfer application and this will be awarded the date of the original transfer application if appropriate.

8.13 Rent Arrears and Management Moves/Temporary Decants

Where a management move or temporary decant is agreed by the Management Move Panel, the usual rules regarding rent arrears may be bypassed. The decision to bypass the rule will be made by the Assistant Director of Housing, having considered all the circumstances of the case.

8.14 Ex-wardens properties

Ex-wardens properties within the sheltered scheme, and other previously tied accommodation, may also be offered directly to households due to the location of such properties and need for sensitive lettings.

In such cases an under-occupation of up to one bedroom will be allowed. The criteria to be met by applicants for these properties are:

- Applicants must meet the age criteria for sheltered housing
- Other household members must be aged over 18 years

Applicants may be advised that they will not be entitled to certain privileges afforded to other secure tenancies, such as the right to buy, or to mutually exchange other than to applicants who meet the same criteria.

All such lets will need to be authorised by the Rehousing Manager and will be subject to sufficient evidence being provided by the Housing Allocations Team. In some cases, such as where there is more than one suitable applicant for a property, a panel of housing managers will meet to discuss the most appropriate offer, based on the evidence provided.

8.15 Extra Care properties

Extra Care properties will always be offered via a direct offer in line with the allocation criteria – see Appendix 5 - and will not be counted in the annual total of direct offers.

The financial assessment of qualification for the Housing Waiting List will differ for extra care housing to reflect the higher costs of extra care – see Appendix 2.

8.16 Court order

Where a Court orders the Council to offer an applicant a specific property, a direct offer of that property will be made to comply with the Court Order.

8.17 Multi Agency Public Protection Agreements (MAPPA)

Applicants subject to MAPPA restrictions and in need of housing will not automatically be awarded a priority for Council accommodation and other options will be considered.

However there will be circumstances where the MAPPA group recommends that an applicant be housed in Council accommodation. In such circumstances the group will make recommendations on the best location of a property and when a suitable property is identified a direct offer will be made to the applicant, subject to suitability checks by the police or other relevant organisations.

8.18 Homeless Households

For homeless applicants, who have been awarded a priority under Section 6.9, (homeless applicants owed the main housing duty) the Housing Allocations Team may make a direct offer of suitable accommodation in order to meet its statutory duty and to minimise the use of temporary accommodation. Homeless applicants will also be given 4 weeks to bid for suitable properties.

8.19 Applicants living in housing with severe hazards

Applicants, who have been awarded a priority under Section 6.7.7 because their current accommodation has severe hazards, will be given 4 weeks to bid for suitable properties. If the applicant fails to bid for suitable properties within the priority time limit, the Housing Allocations Team may make a direct offer of suitable accommodation.

8.20 Properties identified as suitable for supported housing

Properties may be identified for use as supported housing and made available to other departments within the Council or other agencies working with the Council. For example: a property may be offered to Social Services to assist with the decanting of people from unnecessary residential care placements into supported accommodation.

DEVELOPMENT DRAFT - NOT FOR OPERATIONAL USE

Section 9 - Tenancies

9.1 Joint Tenancies

Where members of the same household have a long-term commitment to the home, the Council will usually grant a joint tenancy. This includes same-sex partners and siblings, subject to the eligibility and qualification of both applicants.

However, the Council must ensure that there are no adverse implications to the good use of their housing stock. Whilst the Council prefers to give joint tenancies there may be circumstances where this is not appropriate. Where the Council refuses a joint tenancy clear written reasons will be given for the refusal.

All joint tenants need to be aware of the implications of a joint tenancy, including the following:

- both tenants are jointly and severally liable for the full rent of the property
- either tenant can end the tenancy on behalf of both tenants by giving notice to quit
- applicants are advised to seek further advice if they are uncertain about the legal implications of a joint tenancy

9.2 Thurrock Council tenancies

9.2.1 Introductory tenancies

Applicants who accept a Council tenancy will be subject to the terms and conditions of the tenancy agreement signed. Initially the tenancy will be an introductory tenancy, unless it is for accommodation for older people (Sheltered, extra care or HAPPI homes).

Provided the tenancy is maintained in a satisfactory manner, the tenancy will automatically convert to a secure tenancy after twelve months. Introductory tenants will not be permitted to transfer except at the council's discretion, but they may join the Transfer List.

The Council supports new tenants by providing a programme of visits during the introductory period to identify any support needs, issues or difficulties.

9.2.2 Secure tenancies

Tenants who successfully complete their introductory period will automatically become secure tenants.

9.3 Registered Provider tenancies

Where applicants are nominated to Registered Providers they will be subject to the letting criteria of the Registered Provider concerned. This can vary from Thurrock Councils scheme with regards to the number of people suitable for the property and policies regarding pets. There may be other minor variations.

Some Registered Providers allow multiple viewings whereby a number of applicants view the property at the same time, but the property is offered to the top bidder first. Therefore, in such cases, applicants may be invited to view a property that they are subsequently not offered.

Nominees to Registered Provider tenancies are usually offered an assured tenancy; however, some Registered Providers offer a “starter” tenancy, which converts to an assured tenancy after one year, provided that the tenancy has been conducted in a proper manner.

Registered providers may also offer an alternative tenancy – for example an “affordable rent” tenancy or “market rent” tenancy – which may have a higher rent than assured tenancies and clauses in the tenancy agreement, which may affect the length of tenancy.

Where such tenancies are being offered, information will be found within the adverts for the property.

9.4 Giving notice on a current tenancy

Transfer applicants will be required to give notice to surrender their current tenancy as soon as they sign their new tenancy agreement. The amount of notice required will depend on the terms of their current tenancy agreement. This applies to both Council and Registered Provider tenants.

Non-social housing tenants will also be required to give notice to their current landlord where applicable. The type and amount of notice required will be determined by their tenancy agreement.

Where the applicant is offered a tenancy whilst they are still within the period of a fixed term tenancy, they may still be liable for the rent on the property for the rest of the term. Applicants should discuss this with their landlord before viewing the property to enable them to make an informed decision before signing up to the tenancy.

Section 10 – Decisions and Appeals

Decisions and appeals

Applicants have the right to information about certain decisions, which are taken in respect of their application, and the right to review those decisions.

Thurrock Council must notify applicants in writing of the following decisions:

- a decision that an applicant is not eligible to join the Housing Waiting List
- a decision that an applicant does not qualify for the Housing Waiting List

10.1 Appeal Procedure

- stage 1 - notification in writing

An applicant will be notified of the decision in writing.

The notification will give clear grounds for the decision and must be based on the relevant facts of the case.

Where a notification is sent to an applicant at the given contact address, but the applicant does not receive it, it can be treated as having been received if it was available at the Civic Offices for a reasonable period of time.

Where an applicant has difficulty in understanding the implications of a decision, the Council will make arrangements to advise the applicant verbally.

- stage 2 - 21 days to appeal

The notification letter will advise the applicant that they have 21 days in which to appeal the decision and that the appeal should be in writing and whom it should be addressed to. The letter will also outline what information should accompany the request.

It will also be possible for a representative to submit an appeal on behalf of the applicant – for example the Citizens Advice Bureau or other agency.

The Council retains the right to use its discretion to allow an appeal outside of the 21 days.

- stage 3 - reviewing officer

An officer who is senior to the original decision maker will carry out the review of the decision.

The review will be considered based on the Allocation Scheme, legal requirements and all the relevant information.

Relevant information may include further information that was not available at the time of the original decision.

The reviewing officer will carry out the review and notify the applicant of the outcome within 28 working days of receipt of the appeal.

Any extension to the time limit and the reasons for it will be notified to the applicant

- stage 4 - notification of the outcome

The notification of the outcome of the appeal will be in writing and will give clear grounds for the decision.

There will be no further right of appeal to the Council. Should an applicant's circumstances change, they will be able to make a fresh application but the onus will be on the applicant to outline the changed circumstances.

If the applicant remains dissatisfied with the outcome they may seek a judicial review or take the case to the Housing Ombudsman.

10.2 Right to request information on how priority is decided

Applicants also have the right to request information on any decision about the facts of their case, which have been or are likely to be taken into account when deciding whether or not to make an allocation to that applicant.

DEVELOPMENT DRAFT - NOT FOR OPERATIONAL USE

Section 11 – Exemptions from Part VI Housing Act 1996

11.1 Mutual Exchanges and Transfer of tenancies

A separate eligibility criteria and process applies. This is found at Appendix 6.

11.2 Succession to a Tenancy

A separate eligibility criteria and process applies. This is found at Appendix 7.

DEVELOPMENT DRAFT - NOT FOR OPERATIONAL USE

Section 12 – Monitoring, Measuring and Review

Reviewing the Allocation Scheme

Thurrock Council will continually review this Allocations Scheme and may make amendments to reflect changes in legislation, Codes of Guidance or working practices.

In accordance with legislation, where any significant changes are to be made, the Council will carry out a wider consultation with the Local Registered Providers with whom it has nomination rights and an Equality Impact Assessment.

If the changes would affect a large number of people, a more extensive consultation with a wide range of partners, applicants and tenants would be undertaken.

Diversity and Inclusion

The council recognises that it provides housing for communities which include wide social diversity and is committed to providing equal access to services.

This policy aims to treat all customers fairly, with respect and professionalism. In line with the duty placed on the local authority under the Equalities Act 2010 specific consideration of the impact of this policy has been given to people with protected characteristics, including gender, race, age, disability, religion, sexual orientation and marital status. The approach adopted within this policy focuses on understanding individual circumstances in order to provide appropriate advice and support; this includes understanding the needs of tenants who have protected characteristics. Consideration will therefore be given to language barriers, accessibility and cultural issues which may affect a tenant's ability to manage their tenancy or seek advice on problems, and resolutions which take account of the individual's beliefs and abilities.

The council will enable all our tenants to have clear information and equal access to available services and information in a range of appropriate languages and formats will be provided when requested. This policy has been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents. The Equality Impact Assessment will be reviewed as part of reviewing the policy document in order to inform any changes that may be required.

Risk Management

The failure to review, manage, exchange or end tenancies in accordance with legislation and regulation could result in delays in securing possession where court action is required, or leave the council open to claims of maladministration. This could lead to increased complaints, legal and compensation costs, reprimand from regulatory authorities and cause damage to reputation.

The failure to monitor and review tenancies effectively may result in homes not being allocated appropriately, an increase in tenant arrears and anti-social behaviour having negative impacts upon local communities.

Monitoring, Review and Continuous Learning

This policy will be reviewed every three years in line with changes in working practices or changes in legislation.

The activities covered under the Tenancy Policy will be subject to performance monitoring with service reviews carried out periodically ensuring that the policy is effective, and to ensure the Adults, Housing and Health Directorate provide services which meet residents' needs on a continuing basis.

If any significant issues of concern arise, these will be dealt with by the Strategic Lead who will report such matters to the Housing Management Team.

Periodic audits of policy compliance may be conducted by managers and by the Internal Auditor with results being reported as appropriate.

Key areas for audit and review will include:

- Risk management
- Provision of training and / or information to staff
- Compliance with policy and procedure
- Compliance with regulations
- Budgetary and expenditure control
- Customer satisfaction with Tenancy Management

Appendix 1 – Bedroom Entitlement

Bedroom requirement is based on the Bedroom Standard and will be determined on a case-by-case basis by checking the household make-up against the Bedroom standard.

The standard works out the number of bedrooms required by pairing up members of the household. Any household member left over will be entitled to another bedroom.

Household Members	Bedroom Entitlement
Married or Co-Habiting Couple	1 bedroom
Adult Aged over 21 years	1 bedroom
Pair of adolescents aged 10 – 20 years – same sex	1 bedroom
Pair of children under 10 years regardless of sex	1 bedroom
Adolescent aged 10 – 20 years and child under 10 years – same sex	1 bedroom

Where a member of the household is pregnant, the new baby will count as a household member once the pregnancy has reached 28 weeks - evidence of pregnancy will be required

Married or co-habiting couples will only be entitled to a bedroom each where there is medical evidence for this need. People will only be entitled to an extra bedroom for medical equipment or carers at the council's discretion. This will be verified by the Councils medical/adaptation service and may require independent medical advice.

Where a 3 bedroom house has an extra room downstairs (parlour type property), which is safe for use as a bedroom, this will be offered as a 4 bed roomed property

Where a 4 bedroom house has an extra room downstairs ("parlour type property"), which is safe for use as a bedroom, this will be offered as a 5 bed roomed property

Couples down-sizing from a 3 or 4 bedroom house will be eligible to bid for a two bedroom bungalow or flat even though their assessed need is only for 1 bedroom – they will be entitled to the appropriate priority for the under-occupation

Where schemes have been designated for older people (such as sheltered, extra care or HAPPI homes) and there are no waiting applicants meeting the criteria for a void 2 bedroom property in the scheme, the property can be offered to a couple or single person with an assessed need for 1 bedroom. In such circumstances, couples will be prioritised for a 2 bedroom property over a single person.

Households who do not fit into any of the categories above will be advised of their bedroom entitlement upon registration.

Appendix 2 – Financial Qualification Caps

Property size – according to household make-up	Net Annual Income Required 2023/24
Single Person	£27,700
1 Bedroom (Couple)	£29,700
2 Bedrooms (Single/couple plus children)	£56,200
3 Bedrooms (Single/couple plus children)	£64,900
4 Bedrooms (Single/couple plus children)	£86,500
Sheltered Housing	£203,600
Extra Care Housing	£284,000

Appendix 3 – Summary of Priorities

Band 1	How assessed	Criteria	Bidding Restrictions	Property type restrictions
Violence or threats of violence (including domestic violence and sexual violence)	Decision made by the Management Move panel following investigation	Violence or threats of violence established and recommendation made in conjunction with police and/or other agencies at a senior level	No bidding - direct offer made	Applicants will be offered a suitable property appropriate to assessed bedroom entitlement and outside of danger areas
Permanent Decants	Assistant Director to identify properties to be decanted due to refurbishment or demolition	Properties needing demolition or major refurbishment where the tenant cannot continue to reside	Either 6 weeks or 3 months - Time limit determined by urgency of decant - monitored by Allocations Team	Applicants are restricted to moving to a suitable property type but appropriate to assessed bedroom entitlement

DEVELOPMENT DRAFT - N

USE

Band 2	How assessed	Criteria	Bidding Restrictions	Property type restrictions
Cumulative Need	Allocations Team to identify two or more priorities which have been awarded. Rehousing Manager to award priority	Applicants must meet the criteria for the two or more priorities in the usual way	1 year – after which the priority will be removed	Applicants are restricted to moving to a property type which meets the entitlement of both priorities Applicants are restricted to moving to a property type which meets the entitlement of both priorities
Armed Forces	Allocations Team to identify initial priority awarded and connection to the armed forces as per the criteria. Rehousing Manager to award priority	Applicants must be eligible for a priority and qualify as a member, former member or spouse/civil partner of a deceased member of the armed forces	1 year – after which the priority will be removed	Applicants are restricted to moving to a property type which meets their assessed need Applicants are restricted to moving to a property type which meets their assessed need
Delayed hospital discharges	Hospital Discharge Team to identify patient and time ready for discharge - Allocations Team to investigate	Applicants' current accommodation must be shown to be inadequate and the hospital need to provide a discharge date when applicant is medically fit	No bidding - direct offer made	Applicants will be offered a suitable property appropriate to assessed bedroom

Band 2	How assessed	Criteria	Bidding Restrictions	Property type restrictions
Medical - Priority 1	Assessed through the medical priority service	This priority will only be awarded to the most urgent of cases	1 year – after which the priority will be removed	Applicants may be restricted to bidding for a property type recommended by the health Advisor
Carers - Priority 1	As per the medical framework procedure - by the Private Medical Service Manager upon recommendation made by social care or other agency	Where daily care is required with a level of personal care and dependence such that if the care were not provided by the carer then it would need to be provided by formal carers via Social Care or the Health Authority	1 year – after which the priority will be removed	The priority can be awarded to the carer or the care receiver – care receivers may be restricted to bidding for a property type recommended by the health Advisor.
Housing Adaptation Panel (HAP) Priority	HAP panel meets to discuss case and advises if adaptations are not going to be made	Priority awarded following full investigation by HAP panel taking into account the physical and financial issues of carrying out the recommended works	1 year – after which the priority will be removed	Applicants can only bid for the property type which will meet their medical needs
Under -occupation by more than 1 bedroom	Assessment and Registration Team assess at point of registration and identify to Allocations Team to investigate records	Applicants currently under-occupying	No time restriction except where applicants are in receipt of DHP and then reviewed at 6 months	Applicants are restricted to a smaller property which meets their assessed property entitlement

Band 2	How assessed	Criteria	Bidding Restrictions	Property type restrictions
Retiring Thurrock Council Resident staff	Assessment and Registration Team assess at point of registration and identify to Allocations Team to investigate records	Where an applicant is leaving a Thurrock Council job that involves tied accommodation and the property is required for a new member of staff	3 months bidding priority - monitored by Allocations Team	No restriction
Succession to a tenancy that is under-occupied	Priority awarded through Change of tenancy procedure	Current property is too large to meet the applicants assessed property entitlement	No time restriction	Applicants are restricted to a smaller property which meets their assessed property entitlement
Domestic Abuse and Sexual Violence	Decision made Management Move panel following investigation of case	It must be determined that an urgent move to alternative accommodation is in the best interests of the applicant	4 weeks bidding priority - monitored by Allocations then a direct offer will be made	Applicants will be offered a suitable property appropriate to assessed bedroom outside of any danger area
Change of tenancy	Priority awarded through Change of tenancy procedure	Applicants are not eligible for succession or property is too large or discretion used to allow a move from an under-occupied property	1 year – after which the priority will be removed	Applicants are restricted to a smaller property which meets their assessed property entitlement

SE

Band 2	How assessed	Criteria	Bidding Restrictions	Property type restrictions
Transfer from High-Rise Properties for those unable to self-evacuate in the event of an emergency.	Assessed through the medical priority service	This priority will only be awarded where due to a medical condition or disability, the applicant is identified as being unable to self-evacuate safely from that property in the event of an incident or emergency if necessary.	No time restriction	Applicants may be restricted to bidding for a property type recommended by the health Advisor

DEVELOPMENT DRAFT - NOT FOR

Band 3	How assessed	Criteria	Bidding Restrictions	Property type restrictions
Homeless applicants	Homeless officer will determine duty and advise applicant via S184 letter	Homelessness duty accepted under S193 or S195 Housing Act 1996	4 weeks bidding priority - monitored by homeless officer then a direct offer may be made	No restriction
Medical - Priority 2	As per the medical framework procedure - by the Health Advisor	Where quality of life is compromised but applicant does not meet the criteria for medical 1 priority	1 year – after which the priority will be removed	Applicants may be restricted to bidding for a property type recommended by the health Advisor
Carers - Priority 2	As per the medical framework procedure - by the Private Medical Service Manager upon recommendation made by social care	Where regular care is required for someone who cannot care for him/herself within the home - the priority can be awarded to the carer or the person cared for	1 year – after which the priority will be removed	The priority can be awarded to the carer or the care receiver – care receivers may be restricted to bidding for a property type recommended by the health Advisor.
Care Leavers - move on	Rehousing Manager in conjunction with Leaving and After-care Team	Applicant must be a looked after child who is ready to live independently with on-going support from Leaving and After-care Team	1 year – after which the priority will be removed	No restriction

Band 3	How assessed	Criteria	Bidding Restrictions	Property type restrictions
Supported housing - move on	Report received from supported Housing Scheme Manager advising applicant is ready for independent living - assessed by Allocations Team	Applicant must have completed a reasonable period of time in the supported housing during which time he/she will have participated in the required training	1 year – after which the priority will be removed	No restriction
Court Order	Copy of Court Order received - checked by Allocations Team	Criteria is dependent on particular Court Order	No time restriction	No restriction unless ordered by the Court
Properties with severe Housing Hazards	Report provided by Housing Environmental Health officer identifying the hazards	Property has category 1 or 2 hazards as identified by qualified officer	4 weeks bidding priority - monitored by Allocations then a direct offer may be made	No restriction
Overcrowding	Tenancy Management Officer / environmental health officer to visit and carry out calculations and to provide results to Allocations Team	Priority will be awarded where the household is 2 or more bedrooms short of the Bedroom Standard	1 year – after which the priority will be removed	No restriction
Welfare grounds	Decision made by Re-Housing panel following investigation of case	Full investigation of case in conjunction with other agencies such as police, health professionals, social care and support agencies	1 year – after which the priority will be removed	Applicants may be restricted to moving to a property type which meets their needs according to the particular circumstances

Band 3	How assessed	Criteria	Bidding Restrictions	Property type restrictions
Transfer within sheltered housing to lower floor	Assessment made by the housing Occupational therapist in conjunction with the sheltered housing officer and medical information	Applicants to show why they can no longer manage the first floor accommodation - if a more urgent move is required medical priority to be considered instead	1 year – after which the priority may be removed	Applicants are restricted to moving to a ground floor property within the same scheme or another close by
Under-occupation by 1 bedroom	Assessment and Registration Team assess at point of registration and identify to Allocations Team to investigate	Applicants currently under-occupying by 1 bedroom	No time restriction except where applicants are in receipt of DHP and then reviewed at 6 months	Applicants are restricted to a smaller property which meets their assessed property entitlement

Band 4	How assessed	Criteria	Bidding Restrictions	Property type restrictions
Applicants who are adequately housed but who have been issued with a valid notice to quit	Registration Team assess at the point of registration - by examination of appropriate documents	Valid notice to quit received	No time restriction	No restrictions - subject to property size entitlement
Applicants who are not adequately housed	Registration Team assess at the point of registration - by examination of appropriate documents	Applicants are not adequately housed in terms of size or affordability of accommodation but do not meet the criteria for any other priority	No time restriction	No restrictions - subject to property size entitlement
Non-Statutory Homeless Applicants (Homeless/Threatened with homelessness)	Homeless officer will determine duty and advise applicant via S184 letter	Applicants who are homeless/threatened with homelessness as defined by S195 and S189B but do not meet the s193 main duty	No time restriction	No restrictions - subject to property size entitlement
Applicants with rent arrears on a current tenancy or a Council tenancy within the last 6 years	Registration Team assess at point of registration	Applicants must be eligible to join the Housing Register	No time restriction	No restrictions - subject to property size entitlement

SE

Band 5	How assessed	Criteria	Time limit	Property type restrictions
Applicants who are adequately housed	Registration Team assess at point of registration	Applicants must be eligible and qualify to join the Housing Waiting List	This category is only active until 31 March 2020, however no new applications are being accepted	No restrictions - subject to property size entitlement
Applicants who are eligible for Sheltered Housing and who are otherwise adequately housed	Registration Team assess at point of registration	Applicants must be eligible and qualify to join the Housing Waiting List	No time restriction	Sheltered Housing only

DEVELOPMENT DRAFT - NOT FOR

Appendix 4 – Extra Care Housing – Criteria and procedures

Extra Care housing is provided at a number of locations within Thurrock, including the Thurrock Council schemes at Piggs Corner, and the Hanover scheme at Elizabeth Gardens.

Housing and Care needs are met through the provision of personalised support within a safe environment. The aim of Extra Care housing is to promote and improve the health, wellbeing, and quality of life of tenants.

It will enable people to retain their independence and remain in their own home for as long as possible through the provision of extra support and care.

Different levels of support required will be reflected in the cost of the care and support provided.

People applying to Extra Care housing must meet certain criteria; this will be assessed in accordance with the following and waiting lists of applicants will be maintained by Thurrock Council Housing department.

Assessment of Housing Eligibility

People requiring Extra Care housing will need to apply to the Housing Service at Thurrock Council, where an initial housing application must be completed. Where the applicant is already a Council tenant, a transfer application should be completed.

Applicants must meet the criteria laid out in the sections above.

If an applicant meets the housing eligibility, a further assessment is then carried out to determine eligibility for the care and support that extra care housing provides.

Assessment for Eligibility of Care and Support Needs

The assessment of an applicant's eligibility for the scheme is carried out by the Extra Care Panel – see below.

There are two elements:

1. Age is the initial qualifying criteria. Applicants must usually be aged 55 or over (any partner must be over 50 and living with the applicant), however at the council's discretion individuals below the age of 55 years with a long term disability may be considered. The decision to accept applicants under 55 will be made by the allocations panel and will be subject to any funding implications. Where the tenant has died any remaining partner will not need to meet the requirement to be aged over 55 years provided they have been living at the accommodation with the deceased partner.

2. Applicants will require assistance with their daily living tasks, and/or their personal care. This means that a person would require an assessed minimum need of seven hours care each week. This minimum will not be the overriding factor, particularly in the case of applicants with early stage dementia. Where an Applicant's current requirement for care and support is low or moderate but their potential to benefit from the facilities that extra care housing can offer them is high, and

where the assessment indicates a likelihood of the applicant having critical or substantial needs within the next 2 years, they will be considered eligible.

Care may be defined as formal - being delivered by a statutory agency – or informal by family or friends of the client. The needs of the care provider (if appropriate) will be considered in the assessment.

The level of care required will be assessed by Social Care according to the following criteria:

Critical

When you are in a life threatening situation or when you have significant health problems which could become life threatening.

Substantial

When you are unable to do most things for yourself, significantly affecting your basic personal care needs and are without help.

Applicants with issues that are considered to be critical or substantial will be eligible for council support and may be eligible for Extra Care housing.

In certain circumstances applicants may be eligible for Extra Care housing if their needs are within the following categories:

Moderate

When you cannot do a number of things for yourself and that stops you from taking part in work, education or getting out and about.

Low

When you are unable to do a few things and this affects your quality of life.

Applicants may currently be living in residential care or sheltered housing but may benefit from extra care. A more independent lifestyle may be facilitated for some, whereas the provision of regular overnight care or a continually supportive community will be key factors for others.

Residents may need flexibility in the provision of care services. Care plans will be compiled to reflect ways of meeting their needs in the scheme, to provide maximum independence, autonomy, dignity and choice for the individual.

The Extra Care Panel will consider the level of care required according to the Social Care assessment and determine whether or not the applicant should be placed on a waiting list for an available property.

The Extra Care Panel

The Extra Care Panel will comprise of Local Authority officers and other partners from across the Housing, Social Care and Health services, as well as appropriate representatives from Hanover and the Care provider for Elizabeth Gardens. The Panel is a multi-agency group, made up of at least 4 of the following multi agency representatives:

- Strategic Lead – Providers Services or representative (Chair)
- Rehousing Manager
- Social Care representative
- Member from the Community Mental Health Team
- Thurrock Council Sheltered Housing Manager
- Representative from Thurrock Council's Housing Adaptation Team
- 2 x Representatives from Hanover Housing Association (Elizabeth Gardens scheme only)
- 2 x Representatives from the Care provider at Elizabeth Gardens (Elizabeth Gardens scheme only)

Whilst it is anticipated that all of the above may contribute to the assessment of cases, the decision on nominations to Hanover for Elizabeth Gardens will rest with the following:

- The Extra Care Manager from Thurrock Council or representative
- The Senior Allocations Officer from Thurrock Council or representative
- 2 representatives from Hanover
- 2 Representatives from the Care Provider

The quorum for such decisions will be one representative from each of the parties – Thurrock Council, Hanover and the Care Provider. Should agreement by the parties not be reached, the final decision on allocation for Elizabeth Gardens will rest with Hanover Housing Association, acting reasonably and in accordance with the Nominations Agreement in order to avoid any unnecessary void loss.

Panel meetings will be held monthly or more frequently if required. Minutes will be kept up to date and distributed within 7 working days of the meeting taking place. Any issues arising from the minutes will be taken forward as 'matters arising' at the following meeting. Accuracy of the minutes will be agreed at the following meeting.

The Chair of the Panel will receive all administration relating to applicants for extra care accommodation. The Chair will collate the information for each application and make sure it is available for the next meeting of the Panel.

If there are occasions where a decision on a case needs to be made outside of the monthly meeting date, for example in the case of an emergency placement due to homelessness of the applicant, the Panel can discuss and reach a decision via email conversation. However there must be at least 4 members of the Panel included in the decision making, and this is to include a representative from both Hanover and the Care Provider for the Elizabeth Gardens scheme.

The Referral Process

The Chair of the Panel will receive referrals in writing from Social Workers and other referring agencies. This can be via email. The Chair will distribute the referrals for discussion at the appropriate Panel meeting. The referrers will be expected to present their cases at the Panel meeting.

The Panel will be responsible for:

- assessing the applicant's ability to manage in extra care accommodation
- confirming the care package required
- confirming the dependency level
- monitoring care and support availability
- deciding how to deal with complex applications
- considering any other issues relating to health and wellbeing
- considering any exceptional circumstances, such as homelessness or risk from abuse
- reviewing the order of priority of the applicants on the waiting list according to their level of need and support
- reviewing / monitoring existing tenants regarding their level of need or any tenancy issues involving a significant level of care and support issues - tenancy issues of a predominately housing management nature will not be relevant to the Allocations Panel

Decisions will be made on a consensus basis, with decisions not being incompatible with relevant advice of Council Officers on financial and / or compliance matters. Applicants who meet the criteria for a property will be placed on a waiting list maintained by the Housing Allocations Team.

The Panel will endeavour to enable applicants to enter extra care accommodation at an optimum time for them, such as the early stages of dementia; recovery from depression; when leaving hospital or in order to prevent an admission into care (which may be as a result of a longstanding physical or mental health condition, such as dementia).

Dependency Levels

Residents living in extra care housing will usually have care and support needs related to social / health difficulties, including disability, frailty, dementia, cognitive impairment, mental ill health and learning disabilities. The Panel should endeavour wherever possible, to maintain a balanced community within the schemes.

It is recognized that tenants may need flexibility in the provision of care services and that tenant's care needs will change over time. This may involve movement from one level of care to another. The Panel will take account of any existing tenants and their care needs when assessing for future tenants in order to maintain a balance of dependency levels.

Existing tenants whose dementia worsens and those who develop symptoms of dementia will be supported within the scheme. If behaviour is severely challenging or anti-social and/or people become a danger to themselves or others, then a further multi-disciplinary assessment will be undertaken, including a risk assessment.

If a resident's care and support needs alter due to medical or cognitive impairment, such that they require very frequent or 24 hour nursing, beyond the level of the Community Nursing Service and their behaviour or condition means that their needs cannot be adequately/safely met in extra care accommodation, then all agencies will work to find suitable alternative accommodation and care for the resident, subject to the rights and responsibilities of both the tenant and the landlord under the tenancy agreement.

An applicant will not usually have, upon entering the scheme, or shortly after entering:

- a level of physical or mental frailty exceeding that which can reasonably be met within the scheme, and / or
- a level of physical or mental frailty which is likely to cause serious disruption or risk to other residents, including:
 - persistently intruding on others
 - physical or verbal aggression

Allocation of a Property

When a vacancy is identified by the Landlord the Panel will nominate the most appropriate candidate, via Thurrock Choice Homes and in accordance with the timescales set down in the nominations agreement. It is anticipated that the Panel will be aware of impending voids so that suitable nominees are identified in advance of the property becoming available.

When allocating a particular property, the Panel will take into account the:

- the applicants preference for a particular scheme
- why a particular floor is required such as ground floor for applicants with a phobia of lifts
- why a particular flat is required such as flats close to communal facilities for applicants with poor mobility
- why a flat with full disability provision is required

In the case of Elizabeth Gardens – the panel will endeavour to have at least six approved nominees with varying degrees of care and support needs at all times so as not to unduly cause delays in the re-letting process.

Refusal Policy and Procedure

Nominees who refuse offers of accommodation for reasons not related to their housing and care/support needs may lose their position on the waiting list of Nominees. An offer of accommodation is where the Council or Housing Association has a vacant property and has contacted a nominee to see if they want to be re-housed into the same.

Unreasonable Grounds for Refusal

Unreasonable refusals are those where the offer meets the Nominee's requirements as detailed in their application and their circumstances have not changed. This could include the following:

- the Nominee does not yet want to move
- the Nominee has been offered a vacant dwelling at the Scheme, but having visited decides they do not want to live there

All cases would be looked at on an individual basis by the Allocations Panel.

Reasonable Grounds for Refusal

Reasonable refusals are those where although the offer meets the Nominee's requirements as detailed in the application form, the Nominee's circumstances have changed. This would include the following:

- the Nominee is in hospital or awaiting hospital treatment
- the Nominee has recently suffered bereavement
- the Nominee's current ill health

Other reasonable grounds for refusal will be determined as necessary on a case by case basis by the Allocations Panel.

Removal from the waiting list of applicants for Extra Care

It is envisaged that removal from the waiting list for Extra Care will be extremely infrequent; however, where an applicant has been removed and their circumstances subsequently change, they may re-apply and will be assessed in the usual manner.

Complaints and Appeals

If an application does not reach the Allocations Panel because the Council does not consider that the applicant meets the Housing and/ or care criteria for entry to the scheme, and the applicant is dissatisfied with this decision they can appeal to the Council and may have recourse to the Council's complaint procedures.

The Appeals Process:

1. If an application reaches the Allocations Panel but is turned down following an Allocations Panel decision, the Allocations Panel will advise the applicant
2. If the applicant has insufficient needs to fulfil eligibility criteria, he/she will be advised to reapply when circumstances change
3. If the applicant is dissatisfied they may appeal in the first instance back to the Allocations Panel so that any additional information provided can be fully considered. The Allocations Panel may review the application and advise whether the earlier decision should be upheld or a different recommendation reached. Appeals might be against the refusal to give priority status, exclusion from the waiting list, amongst other reasons

Complaints Procedure

If an application has reached the Allocations Panel, and the applicant is not satisfied with the way their application has been dealt, they can use the Council's complaints procedure to raise an issue. Such complaints might include applications that have gone missing or those which have not been dealt with quickly enough.

Distinction between Appeals and Complaints

Appeals against specific decisions/outcomes will be made through the appeals process referred to above. Complaints about process may be dealt with under the Council's complaints procedure.

The two processes are not interchangeable. Decisions of the Allocations Panel can be challenged by appealing as indicated above, but the complaints procedure cannot be used to challenge these decisions unless the applicant considers and can demonstrate to the satisfaction of the parties that the process has also been open to challenge.

Appendix 5 - Mutual Exchanges and Transfers of Tenancies

Where two or more tenants wish to exchange their properties, the rules regarding their rights to do so and their subsequent tenancies will depend on the type of tenancy that they occupy.

Applicants will need to find their own exchange partner(s) and arrange to view properties. Having agreed to swap properties, each tenant should apply to their own landlord and prospective new landlord for permission to exchange.

Thurrock Council secure tenants can only mutually exchange their property with another secure or assured tenant if they obtain permission from both landlords

Introductory tenants do not have the right to mutually exchange or transfer their tenancies.

A. Mutual Exchanges

This applies where both tenants have secure or assured tenancies that were issued before the introduction of the Localism Act 2011.

Section 92 of the Housing Act 1985 allows secure tenants to assign their tenancies by way of a mutual exchange, provided they have the consent of their landlord.

A mutual exchange happens when two or more tenants decide to swap tenancies. The tenancy includes all the rights and responsibilities that go with it.

The tenant(s) must hold a Secure (Council) or Assured (Registered Provider) tenancy and must obtain the permission of their landlord prior to the exchange. Council / Registered Provider tenants cannot mutually exchange with the tenant of a private landlord.

Applicants will need to find their own exchange partner and arrange to view properties. Having agreed to swap properties, each tenant should apply to their own landlord for permission to exchange.

Thurrock Council will not give permission for an exchange of tenancies where the result would be an under occupation i.e. one or more bedrooms not in use.

Mutual Exchange procedure

Thurrock Council tenants and prospective tenants will need to complete and return an application form for each landlord

The landlord has a maximum of 6 weeks (42 days) in which to agree or refuse the exchange.

There are limited grounds upon which a Landlord can refuse. For a Council these are found in the Housing Act 1985 and are shown below (Grounds for refusal).

Thurrock Council tenants will also be expected to pay any rent arrears or rectify any other breach of the tenancy agreement. Permission will be conditional upon doing so.

If there are no reasons why the exchange should be refused, Thurrock Council will contact their tenant to make appointments for the gas and electricity in the property to be checked. A Building

Inspector will also visit and inspect the property and advise about any repairs that need to be done before the exchange can proceed.

The inspection is carried out because each property must be ready for the new tenant to move in to, without any outstanding repairs. Each tenant will be expected to accept their new home in its existing condition, and they may be asked to confirm this in writing.

Arrangements for the exchange should not be made until permission in writing is given. If two different landlords are involved, letters from both will be required.

Tenants should never accept any offer of a payment or inducement to carry out an exchange – this includes offers to pay off rent arrears – as this could lead to the exchange being refused and the loss of any monies paid.

Grounds for refusal

There are very limited grounds upon which a landlord can refuse a mutual exchange. These are laid down in Schedule 3 of the Housing Act 1985.

Ground 1

The tenant or the proposed assignee is obliged to give up possession of the dwelling-house of which is the secure tenant in pursuance of an order of the court, or will be so obliged at a date specified in such an order.

Ground 2

Proceedings have been begun for possession of the dwelling-house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds one to six in part one of Schedule 2 (grounds on which possession may be ordered despite absence of suitable alternative accommodation), or there has been served on the tenant or the proposed assignee a notice under Section 83 (Notice of Proceedings for Possession) which specifies one or more of those grounds and is still in force.

Ground 3

The accommodation afforded by the dwelling-house is substantially more extensive than is reasonably required by the proposed assignee.

Ground 4

The extent of the accommodation afforded by the dwelling-house is not reasonably suitable to the needs of the proposed assignee and his/her family.

Ground 5

The dwelling house:

a) forms part or is within the curtilage of a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, or is situated in a cemetery, and

b) was let to the tenant or predecessor in title of his/her in consequence of the tenant or predecessor being in the employment of:

-the landlord

-a local authority

-a new town corporation

-a housing action trust

-the Development Board for Rural Wales

-an urban development corporation, or

-the governors of an aided school

Ground 6

The landlord is a charity and the proposed assignee's occupation of the dwelling-house would conflict with the objects of the charity.

Ground 7

The dwelling-house has features which are substantially different from those of an ordinary dwelling-house and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house and if the assignment were made there would no longer be such a person residing in the dwelling-house.

Ground 8

The landlord is a Housing Association or Housing Trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and if the assignment were made there would no longer be such a person residing in the dwelling-house.

Ground 9

The dwelling-house is one of a group of dwelling-houses which is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs and if the assignment were made there would no longer be a person with those special needs residing in the dwelling-house.

Ground 10

The dwelling-house is the subject of a management agreement under which the manager is a Housing Association of which at least half the members of the association, and the proposed assignee is not, and is not willing to become, a member of the association.

Assignment of the tenancy

Once a mutual exchange has been agreed by all the landlords involved, the outgoing tenant (assignor) and the incoming tenant (assignee) will need to arrange to come into the Civic Offices to sign the Deed of Assignment. This is a legally binding document that confers all the rights and responsibilities of the property onto the new assignee.

B. Transfer of Tenancies

This applies when there are tenancies issued after the Localism Act 2011 involved – where:

One tenant has a secure or assured tenancy that is not a flexible tenancy

AND

The other tenant has a flexible tenancy

AND

Any other tenants (where applicable) within the chain have either a secure assured or flexible tenancy

AND

At least one of the secure or assured non-flexible tenancies was granted prior to the day that the provisions of the Localism Act 2012 on mutual exchanges came into force

AND

None of the landlords has refused to comply with the request to exchange

Thurrock Council will not give permission for a transfer of tenancies where the result would be an under occupation, for example one or more bedrooms not in use.

Grounds for refusal

Under S158 Localism Act 2011 a Landlord may refuse to comply with the request only on one of the grounds set out in Schedule 14 of the Act as follows:

Ground 1

Any rent lawfully due from a tenant under one of the existing tenancies has not been paid

Ground 2

An obligation under one of the existing tenancies has been broken or not performed

Ground 3

Any of the relevant tenants is subject to an order of the court for possession of the dwelling house let on that tenant's existing tenancy

Ground 4

Either of the following two conditions is met:

Condition one –

- proceedings have begun for possession of a dwelling-house let on an existing tenancy which is a secure tenancy, and
- possession is sought on one or more of grounds 1 to 6 in Part 1 of Schedule 2 to the Housing Act 1985 (grounds on which possession may be ordered despite absence of suitable accommodation)

Condition two -

- a notice has been served on a relevant tenant under Section 83 of that Act (notice of proceedings for possession), and
- the notice specifies one or more of those grounds and is still in force

Ground 5

Either of the following conditions is met:

Condition one –

- proceedings have begun for possession of a dwelling-house let on an existing tenancy which is an assured tenancy, and
- possession is sought on one or more of the grounds in Part 2 of Schedule 2 to the Housing Act 1988 (grounds on which the court may order possession)

Condition two –

- a notice has been served on a relevant tenant under Section 8 of that Act (notice of proceedings for possession), and
- the notice specifies one or more of those grounds and is still in force

Ground 6

Either of the following conditions is met:

Condition one –

- a relevant order or suspended Ground 2 or 14 possession order is in force in respect of a relevant tenant or a person residing with a relevant tenant.

Condition two –

- an application is pending before any court for a relevant order, a demotion order or a Ground 2 or 14 possession order to be made in respect of a relevant tenant or a person residing with a relevant tenant

Relevant order means:

- an injunction under Section 152 of the Housing Act 1996 (injunctions against anti-social behaviour) or
- an injunction to which a power of arrest is attached by virtue of Section 153 of that Act (other injunctions against anti-social behaviour)
- an injunction under Section 153A, 153B or 153D of that Act (injunctions against anti-social behaviour on application of certain social landlords)
- an anti-social behaviour order under Section 1 of the Crime and Disorder Act 1998, or
- an injunction to which a power of arrest is attached by virtue of Section 91 of the Anti-social Behaviour Act 2003

Demotion order means:

- a demotion order under Section 82A of the Housing Act 1985 or Section 6A of the Housing Act 1988

Ground 2 or 14 possession order means:

- an order for possession under Ground 2 in Schedule 2 to the Housing Act 1985 or Ground 14 in Schedule 2 to the Housing Act 1988

Ground 7

The accommodation afforded by the dwelling house proposed to be let on the new tenancy is substantially more extensive than is reasonably required by

the existing tenant or tenants to whom the tenancy is proposed to be granted.

Ground 8

The extent of the accommodation afforded by the dwelling house proposed to be let on the new tenancy is not reasonably suitable to the needs of—

- (a) the existing tenant or tenants to whom the tenancy is proposed to be granted, and
- (b) the family of that tenant or those tenants.

Ground 9

The dwelling house proposed to be let on the new tenancy meets both of the following conditions:

Condition one –

The dwelling house

(a) forms part of or is within the curtilage of a building that, or so much of it as is held by the landlord—

(i) is held mainly for purposes other than housing purposes, and

(ii) consists mainly of accommodation other than housing accommodation, or

(b) is situated in a cemetery

Condition two -

The dwelling-house was let to any tenant under the existing tenancy of that dwelling-house, or a predecessor in title of the tenant, in consequence of the tenant or the predecessor being in the employment of—

(a) the landlord under the tenancy

(b) a local authority

(c) a development corporation

(d) a housing action trust

(e) an urban development corporation, or

(f) the governors of an aided school

Ground 10

The landlord is a charity and the occupation of the dwelling-house proposed to be let on the new tenancy by the relevant tenant or tenants to whom the new tenancy is proposed to be granted would conflict with the objects of the charity.

Ground 11

Both of the following conditions are met:

Condition one -

The dwelling-house proposed to be let on the new tenancy has features that—

(a) are substantially different from those of ordinary dwelling-houses, and

(b) are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling house.

Condition two-

If the new tenancy were granted there would no longer be such a person residing in the dwelling house

Ground 12

Both of the following conditions are met:

Condition one-

The landlord is a Housing Association or housing trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to meet their need for housing.

Condition two-

If the new tenancy were granted, there would no longer be such a person residing in the dwelling house proposed to be let on the new tenancy.

Ground 13

All of the following conditions are met:

Condition one -

The dwelling house proposed to be let on the new tenancy is one of a group of dwelling houses, which it is the practice of the landlord to let for occupation by persons with special needs.

Condition two -

A social service or special facility is provided in close proximity to the group of dwelling houses to assist persons with those special needs.

Condition three -

If the new tenancy were granted there would no longer be a person with those special needs residing in the dwelling house.

Ground 14

All of the following conditions are met:

Condition one -

- (a) the dwelling-house proposed to be let on the new tenancy is the subject of a management agreement under which the
- (b) is a housing association, and

(b) at least half the members of the association are tenants of dwelling houses subject to the agreement

Condition two-

At least half the tenants of the dwelling houses are members of the association.

Condition three -

No relevant tenant to whom the new tenancy is proposed to be granted is, or is willing to become, a member of the association.

Procedure for requesting a Transfer of tenancies

Thurrock Council tenants and prospective tenants will need to complete and return an application form for each landlord.

The forms should be returned to the respective landlords upon completion.

The landlord has a maximum of 6 weeks (42 days) in which to agree or refuse the exchange.

If there are no reasons why the exchange should be refused, Thurrock Council will contact their tenant to make appointments for the gas and electricity in the property to be checked. A Building Inspector will also visit and inspect the property and advise about any repairs that need to be done before the exchange can proceed.

The inspection is carried out because each property must be ready for the new tenant to move in to, without any outstanding repairs. Each tenant will be expected to accept their new home in its existing condition, and they may be asked to confirm this in writing.

Arrangements for the exchange should not be made until permission in writing is given. If two different landlords are involved, letters from both will be required.

Tenants should never accept any offer of a payment or inducement to carry out an exchange – this includes offers to pay off rent arrears – as this could lead to the exchange being refused and the loss of any monies paid.

Signing new tenancies

Once the transfer of tenancies has been agreed the old tenancies will be surrendered and new tenancies will be signed. There will not be an assignment of tenancies as is the case with mutual exchanges of tenancies that are both non-flexible secure or assured.

The type of new tenancy will depend on the status of the previous tenancy.

Where the previous tenancy was a non-flexible secure or assured tenancy that was not an assured short hold tenancy, a new secure tenancy or assured tenancy will be signed – according to the landlords capacity to grant such a tenancy.

(Secondary legislation expected that will make an exception where the fixed tenancy is for a term of less than 2 years.)

Housing Applications

Once a mutual exchange or transfer of tenancies has taken place, any Transfer or Housing register application, belonging to either of the parties, will be cancelled.

A new transfer application can be completed by Thurrock tenants but this will not be backdated to any original application date.

Appendix 6 – Succession to a Tenancy

Succession to a secure tenancy is governed by Section 87 of the Housing Act 1985 (as amended by S86A of the Localism Act 2011) and the rights of the remaining residents will depend on a number of facts.

Joint Tenancy

Where there is a joint tenancy and one of the tenants dies, Thurrock Council will grant the remaining joint tenant the sole tenancy of the property. This will count as a succession so that there can be no further right of succession to the tenancy.

Sole tenancy

Where the tenant who dies was a sole tenant, any further succession will depend on whether or not that sole tenant was himself a successor.

1. previous succession

Where there has been a previous succession there can be no further right to a succession – if the landlord grants a tenancy it will be a new tenancy and as such will not benefit from the rights and responsibilities of the previous tenancy.

2. no previous succession

Where there has been no previous succession, the tenancy may be passed on to a 'qualified' successor. The rules regarding people qualified to succeed to the secure tenancy will depend on when the tenancy was granted.

Tenancy granted prior to Localism Act 2011 provisions

If the tenancy was granted before the Localism Act provisions came into force on 1 April 2012, then the people who would be qualified to succeed are either:

The tenants spouse or registered civil partner who was occupying the property as his/her only or principal home at the time of the tenants death

OR

A member of the tenants family who was living in the property as their only or principal home at the time of the tenants death and during the twelve months leading up to the death

If there is more than one person qualified to succeed on the death of the tenant, a spouse or civil partner will take precedence.

If there is no spouse or civil partner, but there is more than one family member who meets the conditions for succession, they should choose between them who will succeed to the tenancy.

There can only be succession to a sole tenancy - they would not jointly succeed to a joint tenancy. If they are unable to agree between themselves, the landlord is entitled to make a choice.

Definition of family member is provided in Section 113 of the act as follows:

- i. a person with whom the tenant lived as if they were husband or wife, or if in a same sex relationship but not registered civil partners, lived together as if they were civil partners
- ii. the tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece
- iii. a relationship by marriage is treated as a relationship by blood
- iv. a relationship of the half blood is treated as a relationship of the whole blood
- v. the stepchild of a person is treated as his or her child
- vi. an illegitimate child is treated as the legitimate child of his mother and reputed father

Tenancy granted after the Localism Act 2011 provisions

Where the tenancy had been created after the implementation of the Localism Act provisions on 1 April 2012, there is no right for a family member to succeed to the tenancy unless there is an express term within the tenancy agreement that allows it.

S86A states:

A person is qualified to succeed the secure tenancy if either:

- 1) that person occupies the dwelling house as their only or principal home at the time of the tenants death AND
- 2) that person is the tenant's spouse or civil partner

Or:

- 1) there is no spouse or civil partner of the tenant living at the property as their only or principal home at the time of the tenants death AND
- 2) there is an express term in the tenancy agreement making provision for a person other than the spouse or civil partner to succeed AND
- 3) the persons' succession is in accordance with that provision

Under-occupation of the property following succession

If a family member other than a spouse or registered civil partner succeeds to the tenancy and this results in a substantial under occupation of the property, the Council has a discretionary power under Ground 16 of Schedule 2 of the Housing Act 1985 to repossess the property providing an offer of suitable alternative accommodation is made.

If this is the case, then possession proceedings must be commenced between six and twelve months following the succession. The successor must be advised of this at the outset and timescales must be adhered to. Although there is an intention to move the successor to another property more suitable to his/her needs, the tenancy that s/he has succeeded to is, nevertheless, secure.

In such cases the successor will be asked to complete a housing application and will join the Housing Waiting List.

A band 2 priority will be awarded to their application to enable a move to an alternative suitable property.

Family member/s left in occupation where there is no legal right to succession

Occasions will arise where a family member or members are left in occupation and there is no further right of succession. In certain circumstances, for example family members have occupied the property for a significant period of time and they require that size accommodation, a decision may be made to grant a new tenancy of that property.

Alternatively, a decision may be taken to offer alternative accommodation suitable to the needs of the family member/s. In this case, 'Use and Occupation' charges will be set up for the period from the tenant's death.

In such cases the successor will be asked to complete an application to join the Housing Waiting List. A band 2 priority will be awarded to the application to enable a move to an alternative suitable property.

People left in occupation, who do not meet the criteria above

Family members and others, living at the property following the tenant's death, who do not qualify for any of the above, will not be awarded a priority for succession.

Procedure for determining succession or any subsequent priority

A Housing Manager makes decisions, as part of the Change of Tenancy procedures in the first instance. The Housing Management Panel will make decisions in the case of an appeal.

Discretion

The Housing Management Panel may use its discretion to allow a further tenancy where no statutory right exist.

Appendix 7 – Local Lettings Plan – existing Council estates

Introduction

This local lettings plan sets out the criteria to be followed when allocating all newly developed Council properties as infill within existing Thurrock Council housing estates.

It only applies to first lets – all subsequent lets will be made in line with the Council's usual allocations process.

Objective

The objective of this local lettings plan is to maintain balanced and sustainable communities. This is particularly relevant to sites where the development is part of a rededication of the land, in contrast to a completely new development on previously unbuilt or brown field sites. Inserting new developments with a concentration of properties can destabilise a community and therefore it is important to ensure that a high number of the new tenants are already part of the community.

Allocation

Properties

Of the properties 75% within the new development will be allocated in line with the local lettings plan.

Of the properties within the new development 25% will be allocated in line with the Council's usual allocations process.

Qualification

Tenants will only qualify for the 75% allocation if they meet all of the criteria in A, B, C and D:

- A. tenants must hold a current Thurrock Council secure tenancy – introductory and demoted tenants will not be eligible

AND

- B. tenants must meet Thurrock Council's criteria for joining the housing Transfer List as laid out in the Housing Allocations scheme:

- tenants with rent arrears or other outstanding housing related charges (such as re-charges for previous works) will not be eligible
- where a tenant has breached their tenancy agreement, or has otherwise managed their tenancy in an unacceptable manner, they will not be eligible

AND

- C. tenants must live in a property, rented to them by Thurrock Council, which is situated within the designated boundary of the scheme

AND

D. tenants must pass a transfer inspection of their current property

The designated boundary

The designated boundary described in 3.2 will vary from scheme to scheme and will be agreed by the Assistant Director of the Housing Service.

Prioritising applicants for the 75% quota

All tenants who wish to be considered for the 75% quota will be required to register their interest in the scheme. Details for registering an interest will be widely advertised.

The Allocations Team will assess the following in line with the housing allocations scheme and allocate the properties accordingly, outside of the usual Choice Based Lettings (CBL) process:

- size and type of property needed by the household
- number of bedrooms required in line with the bedroom standard
- any mobility or adaptation needs
- any age criteria that applies

Where there are more tenants expressing an interest than properties available, tenants will be prioritised according to the amount of time they have lived consistently within the designated boundary.

Where a tenant has been living at more than one property within the designated boundary, the combined time will count, provided they have lived within the designated boundary continuously leading up to their current tenancy.

For example:

- a tenant, who had lived in property A within the designated boundary for 10 years and then moved to their current property B within the designated boundary 5 years ago, will have a combined time of 15 years
- a tenant, who has lived in property C within the designated boundary for 30 years, and then moved to property D outside of the designated boundary for 3 years, and then moved back to their current property within the designated boundary for 2 years, will have a combined time of 2 years

However, where the development is specifically designed for older people and/or those with disabilities or dementia, prioritising applicants for the 75% quota would be undertaken by the Extra Care Panel (consisting of both housing and social care professionals) that would assess each case and determine which has the higher need for the accommodation.

Property quotas:

- of first lettings, 75% will be for current Thurrock Council tenants, who meet the criteria in 3.1 and 3.2

- the remaining 25% of first lettings will be allocated via the Councils Housing allocations scheme in line with the usual processes, for example through Thurrock Choice Homes (TCH)
- a mixture of property sizes and floor levels will be made available for each group
- properties will be allocated to households who have a need for the number of bedrooms provided, as determined by the Housing Allocations schemes' bedroom standard
- these provisions only apply to the first lettings

Miscellaneous

Where there would be a joint tenancy and only one tenant meets the age criteria the Allocations Team would determine whether or not a joint tenancy could be issued, taking into account factors such as the age difference, disabilities, amongst others.

Where applicants are downsizing from a larger Council property the current rules regarding downsizing incentives would apply.

Monitoring

When a new development of Council properties within an existing estate is identified they will form the list of applicable properties which qualify for the local lettings plan.

Where a new development has properties which have been specifically adapted for residents with disabilities, these will be allocated outside of the local lettings plan via the Councils' usual allocations process, in order to ensure that such properties are matched to those with a disability and need for adaptations.

The local lettings plan will only be used for first lettings; any subsequent re-lettings will be made through the Councils Housing allocations procedures.

Notification of how properties have been allocated will be provided via the Councils usual scheme of notification via the Choice based lettings process.

This page is intentionally left blank

21 November 2022		ITEM: 8
Housing Overview and Scrutiny Committee		
Blackshots Estate – Proposals for the Way Forward		
Wards and communities affected: All	Key Decision: N/A	
Report of: Julian Wain – Strategic Housing Adviser		
Accountable Assistant Director: n/a		
Accountable Director: Ewelina Sorbjan - Interim Director of Housing		
This report is Public		

Executive Summary

This report seeks approval for the development of proposals for the Blackshots estate for consultation with residents.

1. Recommendation(s)

Housing Overview and Scrutiny Committee are asked to comment on:

- 1.1 The proposed approach to developing proposals for the future of the Blackshots estate**
- 1.2 The requirement to carry out essential remedial works to the Blackshots tower blocks.**
- 1.3 The principal of redeveloping the estate to deal with the issues affecting the existing blocks, to provide good quality housing and to enhance the available stock of housing in Thurrock**
- 1.4 Note that a consultancy budget of £200,000 has been identified from within the existing Housing Revenue Account feasibility reserve to develop proposals for the future of the estate including appointing Independent Tenant Advisers.**
- 1.5 The proposal to commence detailed design and planning for a proposed scheme to consult on with residents and the proposed approach to consultation**

2. Introduction and Background

- 2.1 This report considers the future of the Blackshots estate in light of the fact that the tower blocks at Blackshots are in need of significant repair.
- 2.2 Initial consultation has been carried out with residents resulting in a significant majority in favour of the redevelopment of the blocks.
- 2.3 Early work has been carried out by Council officers from a range of disciplines across the Council to consider potential redevelopment options. This included examination of the relationship with other facilities in the area, including the Leisure centre and to examine constraints and challenges on redevelopment.
- 2.4 This report examines the work to date and sets out a proposed way forward.

3. Issues, Options and Analysis of Options

Why are Blackshots Tower Blocks a Housing priority?

- 3.1 Blackshots tower blocks have considerable problems with damp and mould. Complaints about damp and mould across all three blocks are the highest of all tower blocks. As well as resident's understandable complaints, this is an area of political concern, has been the subject of comment at Housing Overview and Scrutiny Committee, and has received focus in the media.
- 3.2 The Housing department has been clear on the requirement to undertake external refurbishment of the blocks and has procured a contract to undertake these works in the coming months. The current proposals for the Blackshots tower blocks will address some immediate issues at the three blocks in respect of the existing external cladding system, the ventilation of the communal areas and weatherproofing of the structure. It will not however address the overall design and layout of these properties which does not meet the requirements of today's modern living. For example, the kitchens cannot accommodate all modern-day appliances and there is no separate clothes drying space within the blocks.
- 3.3 The tower blocks last underwent major external refurbishment in the late 1990's with the application of a new thermally insulated cladding system and UPVC double glazed windows being installed. Additional fixings were installed in the panels around 2012 with a five-year projected lifespan. Major works are now required to remedy this permanently.
- 3.4 Additionally it has been identified that the existing external wall system that has been in place for around 20 years does not conform to current building regulations. The current smoke ventilation system to the individual landings also requires improvements. Other building elements including the roof covering and windows are reaching the end of their technical life expectancy. This situation combined with the latest regulatory framework that has recently

been enacted through the parliamentary process forms the fundamental driver for the current tower block refurbishment project.

- 3.5 The contract for remedial works for the nine Grays Council tower blocks is now in progress. Over the past few months, the Council have been undertaking intrusive investigation of the Blackshots towers to allow for detailed designs of the new system to take place, alongside this the Council commissioned an independent review of the blocks by a consultant to inform the required intermediate approach in view of regeneration taking place.
- 3.6 The intrusive investigations, and review, have identified that only certain types of new external wall systems can be utilised on the blocks due to the structural design of the blocks and reinforcement strapping that is present under the current cladding system on all three blocks. Whilst the solutions remain entirely possible from a technical aspect, costs associated with a project for new systems on high rise residential buildings are prohibitively expensive to be undertaken as a short- term measure ahead of protentional regeneration, as a result of demand and challenges on that part of the construction sector.
- 3.7 Therefore, the council are now in a position whereby to undertake intermediate works ahead of pending regeneration to the three blocks, would still mean spending in excess of circa £10m across the three blocks, whilst not upgrading essential items such as windows, and roof coverings. This is clearly not recommended and is not value for money.
- 3.8 The department is not able to continue to leave the blocks as they currently stand for any protracted amount of time because of the inherent defects. Additionally, it is not possible to remove the existing system and leave the blocks exposed because we are clear this would make the blocks untenable, and conditions unliveable, in a very short period of time.
- 3.9 Based on the above, the Council needs to establish clarity on the future of the blocks; the need and rationale to undertake the works is very clear. However, these works should only be undertaken as a full building retrofit that will enhance the buildings and their performance and provide better accommodation for our residents for a minimum period of 25 years. This aspect cannot be achieved without significant investment.
- 3.10 If the clear decision is taken to allow the regeneration approach to proceed, the Council will look at all service led management options at its disposal to ensure these buildings remain safe and secure for the residents in the next few years until the blocks are replaced under the regeneration scheme. This approach would seek to avoid major investment into the tower blocks and works would be limited. Whilst money would need to be spent it would be significantly less than the costs associated with the external wall replacement works. However, this approach can only be considered if we have a set defined period in which we can justify our approach to our residents and the Social Housing and National regulatory bodies.

- 3.11 Whilst the Council continues to maintain the buildings to safeguard the residents in respect of building and fire safety the new building safety regulations coming into force from early 2023, will potentially place the Council in a position of self-referral with the new regulatory framework because the existing system on the building does have inherent defects because of the age and condition of the external wall system. Failure to undertake these works or have a demolition and rebuilt option in the near future, will lead to adverse scrutiny and the potential to have interim measures dictated by the regulator.

Initial Resident Consultation

- 3.12 Because of the condition and the standards of these blocks, it is clear that even with a full refurbishment giving a 25-year life span these blocks will no longer meet residents' aspirations.
- 3.13 Accordingly, an initial survey of residents' wishes was carried out. The results are attached as Appendix A.
- 3.14 72 responses were received of which 51 or 71% expressed a preference for demolition, re-planning and redevelopment of the estate.

In light of this, and the condition issues referred to above it is now critical that the principal of redevelopment is established, and that detailed design and development of proposals is commenced in order that residents can be further consulted on the future of their homes and the wider estate.

Redevelopment of the Tower Blocks

- 3.15 The three existing tower blocks provide 168 homes, 155 council rent and 13 leaseholders in total. Any redevelopment should ensure we replace at least a similar number of rented properties with an affordable product.
- 3.16 A number of indicative options have been examined by the Council's advisers and concept schemes considered. All the options provide circa 240 units, with apartments and a varying proportion of houses. The schemes would have a maximum height of six storeys. The indicative plans demonstrate the options would create walkable, liveable blocks with attractive amenity spaces with good pedestrian/cycle links.

Planning challenges

- 3.17 Clearly the redevelopment of the tower blocks, the facilitation of swift and comfortable moves for residents and the provision of additional housing are key priorities. However, a number of issues will need to be considered during the design and development process. The proposals will need to be worked through in conjunction with the planning department.

Green belt

- 3.18 Depending on the final footprint of the proposed scheme, it is possible that it will require the use of an area currently designated as Green Belt, and subject to the progress and outcome of the green belt review associated with the local plan, this would require the demonstration of the Very Special Circumstances required to permit development in the Green Belt. Given members previous concerns about this, work will be done to obviate or minimise this need.
- 3.19 However, the urgent imperative of dealing with the challenges- faced by residents and the requirements of the Building Safety Act will support the case for Very Special Circumstances in so far as this is necessary.
- 3.20 The design will also need to deal with the impact of the proposed development on neighbouring housing, particularly with regard to height and massing. There may be a need to strike a balance between the use of land currently designated as Green Belt and the impact on adjacent property. It is important that this is worked up with the planners during the design development process.

Fields in Trust - King Georges Field Blackshots

- 3.21 Use of the Green Belt and playing field land at Blackshots may change and increase the footprint of the existing buildings. The whole of Blackshots site is dedicated to Fields in Trust and protected through that dedication. Any changes to the use of Blackshots need to be approved and consented by Fields in Trust.
- 3.22 Fields in Trust usually require replacement land for any land it releases from its current protection. In initial discussions with Fields in Trust, it has been confirmed that in this case replacement land would be required.
- 3.23 Three parcels of land have been identified as potential options for replacement of land required for the Blackshots redevelopment as follows:
- Chapel Farm
 - Land south of Stanford Road
 - Horndon Recreation Ground

Considerations

- 3.24 Both plots of land close to Blackshots are currently unavailable as they are both implicated in the Lower Thames Crossing and Highways England projects which currently have no fixed deadline. These sites have been initially discussed with Fields in Trust who have indicated that they would consider either as replacement land. Fields in Trust also confirmed that they may be willing to accept a deed of grant that when one or either of these parcels

becomes available that they will be granted to Fields in Trust to enable the release of land at Blackshots.

- 3.25 Fields in Trust will require that any replacement land be sustainable in terms of size and access to be of use in its own right. Essentially any new grant of land would need to be substantial enough to be of use in its own right as amenity space. Any additional land granted to Fields in Trust will likely be substantially larger than land being released at Blackshots.
- 3.26 While Fields in Trust has indicated they may consider the protection of Horndon Recreation Ground they have a requirement that any replacement land needs to be of use to the local Community who are losing amenity land. While Horndon Recreation Ground is geographically close it serves a distinct community and the Council would need to consider how it would demonstrate that its dedication would benefit the same community which currently uses Blackshots.
- 3.27 Fields in Trust have indicated that they would consider all three of the above options but would preferably like the opportunity to consider them all together on their merits. On that basis Fields in Trust have requested that any application from the Council presents all three options.

4. Financial Commitments

- 4.1 At this stage the sole financial commitment is the £200,000 for the design and development of the scheme and the appointment of an Independent Tenant Adviser for the residents.
- 4.2 Key issues to address during the design and development process will be the level of build costs, financing costs and rent levels. It is fair to say that the very indicative schemes produced so far present viability challenges, which will need to be addressed, but the key issue is to agree a principle of redevelopment and progress towards a viable scheme.

5. Options Considered

- 5.1 A range of development scenarios have been tested with prime objectives being the redevelopment of the tower block sites, reducing risk of development within the Green Belt where possible and maximising new housing provision.
- 5.2 Option 1 showed no Green Belt incursion and options 2 and 3 had minor incursions just south of Morrison House and Bevan House tower blocks. Option 3 showed greater density in the northern site than Option 2. The fourth option tested greater Green Belt incursion at this location in order to reduce densities and provide a broader mix of housing and new homes.
- 5.3 The approach to parking provision has been to ensure policy compliance typically with 1.5 to 1.7 spaces per dwelling on average with option 4 eliminating the need for undercroft parking, and limited undercroft parking for

options 1 to 3.

5.4 Each option has a maximum height of 6 storeys and as noted above aim to improve active surveillance of the adjacent King George's field and create walkable, liveable blocks with attractive amenity spaces.

5.5 Detailed work to arrive at a viable and planning acceptable option is now required.

6. Next steps for resident engagement

6.1 As indicated above, an initial survey and engagement on residents' views on the future of the blocks has taken place. It would now be necessary to appoint an Independent Tenant Adviser to advise tenants as the scheme develops. An indicative timetable is shown below.

6.2 Proposed Milestones are:

- Decision on extent of Towers cladding – Autumn 2022
- Feedback to tenants - Autumn/ Winter 2022
- Procurement of Resident engagement consultancy – Autumn/Winter 22
- Development of scheme and engagement with residents – Winter 2022
- Cabinet Decision on proposed scheme – Q1 of 2023

7. Public Health Implications

7.1 The demolition and redevelopment of the blocks and the development of new housing will provide a significantly healthier environment for residents and will be in accordance with the recommendations of the Council's emerging public health and wellbeing strategy.

7.2 Public health specialists will be consulted on the design of the redevelopment to ensure the provision of healthy housing and associated space.

8. Reasons for Recommendation

8.1 Committee has requested an update on proposals for the Blackshots Estate.

9. Consultation (including Overview and Scrutiny, if applicable)

9.1 This paper provides opportunity for Members of this Committee to comment on proposals on the way forward for the Blackshots Estate.

10. Impact on corporate policies, priorities, performance and community impact

10.1 The development of housing aligns closely with the Council's Vision and Priorities adopted in 2018. In particular it resonates with the "Place" theme

which focuses on houses, places and environments in which residents can take pride.

11. Implications

11.1 Financial

Implications verified by: **Mike Jones**
Strategic Lead – Corporate Finance

The direct financial implications of the report are in relation to the required £0.200m expenditure for consultancy service. This expenditure will be contained within the Housing Revenue Account, and the funds have been earmarked as part of the existing feasibility reserve. The reserve forms part of the overall HRA funding position and contained an opening 2022/23 balance of £1.274m on the Councils balance sheet.

The output and finding of the consultancy work detailed with the body of the report will, for all options, require significant capital expenditure in future years. This will be considered as part of the HRA business plan and budget setting process. Given the nature of the scheme, a do nothing option will not be viable. The investment required in the assets will be contained and financed within the HRA and will need to be considered as part of the borrowing strategy. Pending the review of the options, it is not possible at this stage to quantify the required level of investment needed to achieve the preferred option, however, this will be developed as part of the project.

11.2 Legal

Implications verified by: **Deirdre Collins**
Principal Housing, Litigation and Prosecutions
Barrister

The Council has a responsibility under the Landlord and Tenant Act 1985 as amended by the Housing (Fitness for Human Habitation) Act to ensure that their properties are maintained in repair and are fit for human habitation at the beginning of the tenancy and for the duration of the tenancy; and where a landlord fails to do so, the tenant has the right to take action in the courts for against the Council breach of contract on the grounds that the property is unfit for human habitation.

To address this duty the council needs to have a planned maintenance programme with periodic inspections and an effective responsive repairs service.

As this report is an information item there are no direct legal implications.

11.3 Diversity and Equality

Implications verified by: **Becky Lee**
Team Manager – Community Development and Equalities

An extensive consultation and engagement exercise has been completed with residents of Blackshots Estate with the results outlined in Appendix 1. An initial analysis of feedback received highlights the redevelopment of the estate is expected to have a positive impact for the health and wellbeing of residents. A full Community Equality Impact Assessment will be completed to account for the proposed redevelopment and will be the subject of an ongoing cycle of monitoring, review and refreshing by the project team.

Any contractor or consultant appointed by the council to fulfil works associated with the proposals will be directed to the council's CEIA and will be required to fulfil legislative requirements arising from the Equality Act 2010 and Public Sector Equality Duty as standard. Contracts for services and works will include social value measures to be delivered by the provider/contractor and will be directed in line with the council's social value framework and supporting priorities for communities

11.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Looked After Children

None

12. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

13. **List of Appendices**

Appendix A – Initial Resident Consultation Summary

Appendix B – Plans of proposed redevelopment area.

Report Author

Julian Wain

Strategic Housing Adviser

This page is intentionally left blank



Blackshots Towers

Consultation Report
November 2021

Contents

1. Introduction and objectives
2. Consultation methodology
3. Consultation feedback
4. Conclusions
5. Appendices

Page 230

Introduction and objectives

This Consultation Report has been produced by Counter Context Ltd, which was commissioned by Thurrock Council to design and deliver a programme of consultation with the residents of the Blackshots Towers about the future of the tower blocks.

Kier Hardie House, Bevan House and Morrison House are located in the Blackshots area of Grays, Essex. The three tower blocks provide 168 homes (155 Council rent and 13 leasehold).

Ahead of carrying out a comprehensive programme of improvement works, Thurrock Council wanted to consult the residents of the tower blocks about the long term future of the buildings. This included asking residents whether they thought Thurrock Council should invest to prolong the life of the tower blocks for another generation, or whether the Council should instead explore the potential to demolish the tower blocks and re-provide housing through a larger regeneration programme.

The objective of the consultation was to deliver an accessible and inclusive consultation process which generated a high response rate from the Blackshots Towers' residents in order to provide Thurrock Council with a clear understanding of the residents' views.

In order to deliver this accessible and inclusive consultation, a number of key consultation principles were established:

- A commitment to present consultation information simply and clearly, ensuring the residents understood what they were being asked and why.
- Making it as easy as possible for residents to respond to the consultation, by providing a variety of ways for residents to provide their views.
- Providing a variety of options for residents to engage with the consultation process (online, in person, via post).

This Consultation Report provides an overview of the consultation process and a detailed summary of the consultation findings.



Page 231

Consultation methodology (1)

The consultation with Blackshots residents ran for six weeks, from 4 October to 14 November 2021. A number of different methods were employed to raise awareness of the consultation and encourage residents to provide their views.

Consultation leaflet, letter and questionnaire

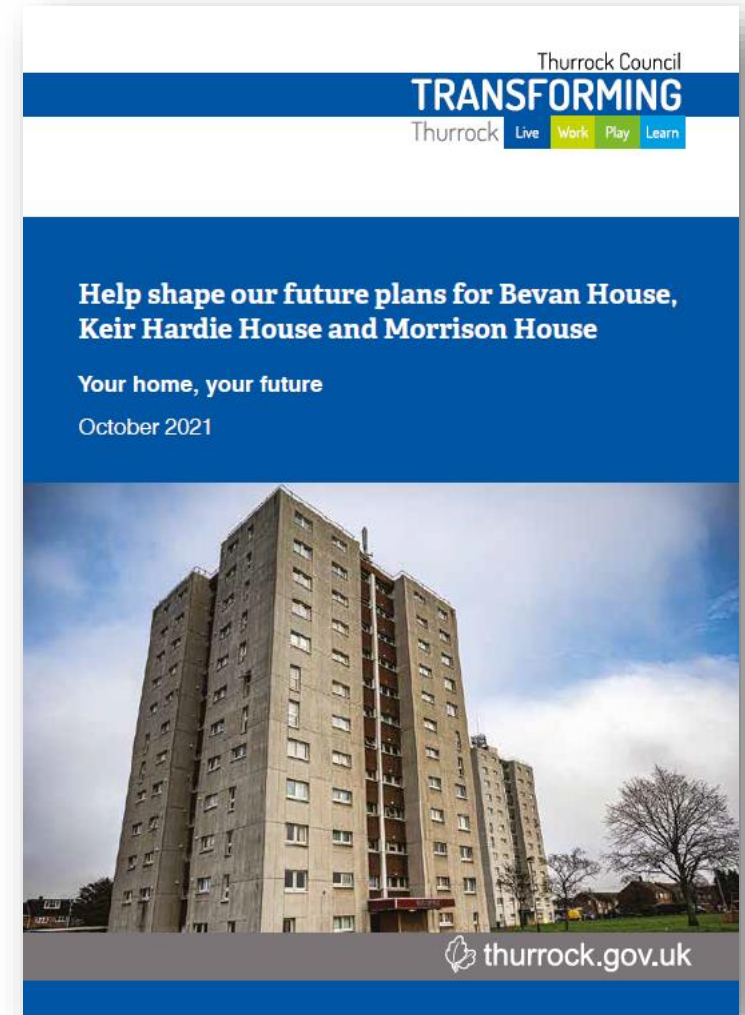
On 4 October 2021, consultation material was distributed to all properties within the three tower blocks. This pack of information included:

- A covering letter which introduced the consultation process and encouraged residents to provide their views.
- An A5-sized leaflet which provided residents with more background information about the consultation and why residents were being asked to provide their views.
- A printed copy of the consultation questionnaire alongside a FREEPOST envelope so that residents could return the questionnaire at no cost to themselves.

In addition to the consultation materials issued to the tower block residents, a letter about the consultation process was issued to neighbouring residents who did not reside in the towers. This letter explained that neighbouring residents were not being asked to provide their views at this time, but would be consulted in the future if a wider regeneration programme was to be pursued. All of these consultation materials are provided in the appendices.

Consultation content made available online

A Blackshots Towers consultation page on the Thurrock Council consultation portal went live on 4 October 2021. The webpage provided the content from the consultation leaflet, a timeline of the consultation process and a link to the online questionnaire, as well as contact details in case anyone had questions about the consultation process.



Front cover of the consultation leaflet

Consultation methodology (2)

In-person consultation events

In-person consultation events were seen as a crucial part of the consultation programme: providing an opportunity for residents to discuss the future of the tower blocks with members of the team from Thurrock Council and Counter Context and to ask questions they had.

The consultation event was originally due to take place on Wednesday 20 October 2021, but was postponed until Wednesday 3 November 2021 as a mark of respect following the death of David Amess MP.

To make the consultation event as easily accessible as possible for the residents – and to minimise the risks associated with Covid-19 – the consultation event took place outside. Two sites were set up, one directly outside the entrance to Kier Hardie House and one on the grassed area in between Bevan House and Morrison House.

Each site included a consultation gazebo staffed by members of the team from Thurrock Council and Counter Context, with hot refreshments and copies of the consultation questionnaire for residents to complete.

The consultation event was open from 3pm to 7pm. 73 residents visited the event and engaged with the consultation representatives across the two sites.

Other methods to provide feedback

A consultation email address (consult@blackshots-towers.co.uk) was publicised on all consultation materials, including the website and leaflet, allowing people to submit feedback and ask additional questions.

A telephone information freephone line (08081963996) was available during the public consultation and open Monday-Friday, 9am-5pm, with an answer phone facility to take calls outside these hours. Members of the consultation team managing the information line were on hand to answer questions about the consultation and receive feedback.



Photos from the consultation event on 3 November 2021

Consultation feedback

Summary of consultation responses

In total, the consultation generated 72 completed questionnaires from residents. Within the questionnaire, respondents were asked to identify which tower block they lived in, and the breakdown of responses was as follows:

- 22 completed questionnaires from residents of Bevan House, out of a total of 56 flats (39% response rate)
- 20 completed questionnaires from residents of Morrison House, out of a total of 56 flats (36% response rate)
- 30 completed questionnaires from residents of Keir Hardie House, out of a total of 56 flats (54% response rate)

Analysis of consultation responses

The consultation questionnaire included a series of closed and open questions, asking residents to provide views on their satisfaction with their home, whether it meets their needs now and into the future, as well as their feelings about the wider neighbourhood.

At the end of the questionnaire, residents were asked what they thought Thurrock Council should do with the tower blocks: whether they should invest to prolong the life of the tower blocks or instead look to demolish the tower blocks and re-plan this area.

Pages 7 to 17 of this report summarise the consultation questionnaire feedback, providing a quantitative analysis of the closed questions and a qualitative analysis of the open responses.

thurrock.gov.uk

Thurrock Council Blackshots Towers Consultation Questions

Help shape our future plans for Bevan House, Keir Hardie House and Morrison House

Consultation questionnaire, October 2021

Thurrock Council is asking residents of Bevan House, Keir Hardie House and Morrison House to get involved and provide your views on the future of these buildings.

Please complete this consultation questionnaire then return it in the FREEPOST envelope provided. There is no need for a stamp.

1. How would you rate the following aspects of your home?

	Very satisfied	Fairly satisfied	Neither	Fairly dissatisfied	Very dissatisfied
The overall quality of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The general condition of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The size of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your feeling of safety and security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The warmth of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The energy efficiency of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The quality of fixtures and fittings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your access to outside space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please feel free to provide more information about your answers:

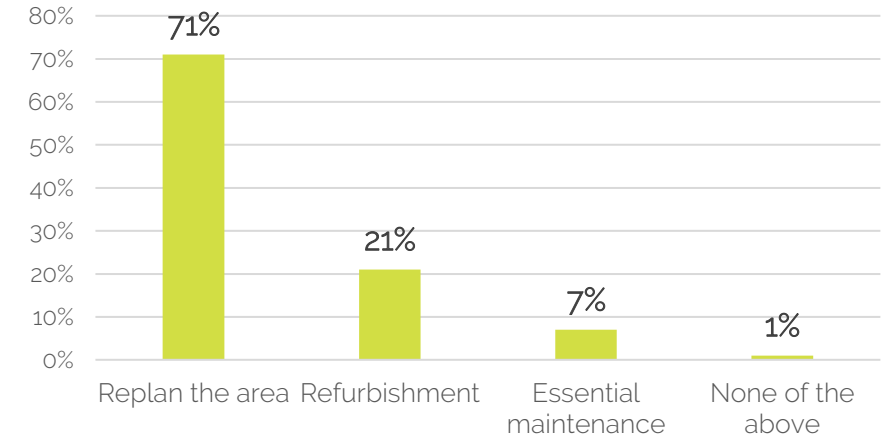
Questionnaire analysis: Future of the tower blocks

'What is your view on the long-term future of Bevan House, Kier Hardie House and Morrison House?'

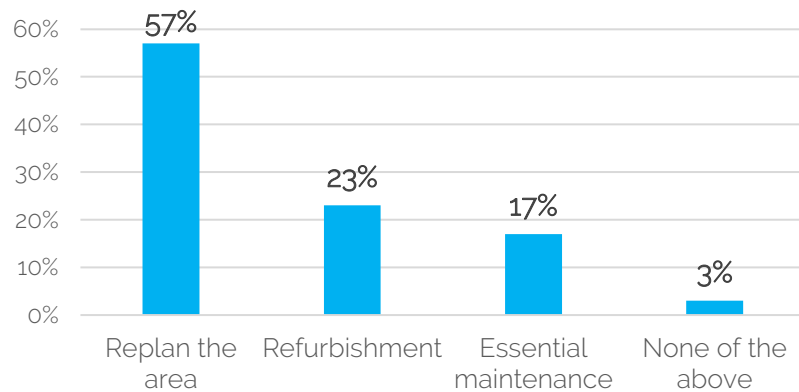
72 of the 72 respondents answered the question.

- **71%** (51 responses) - I think the buildings are coming towards the end of their life. Thurrock Council should look to replan the area with lower height homes with better energy efficiency and access to gardens and green spaces.
- **21%** (15 responses) - I think the buildings provide good quality homes, but Thurrock Council should invest in a bigger refurbishment programme to address current problems.
- **7%** (5 responses) - I think the buildings provide good quality homes and they should stay as they are, with essential maintenance and improvement works undertaken when needed.
- **1%** (1 response) - None of the above.

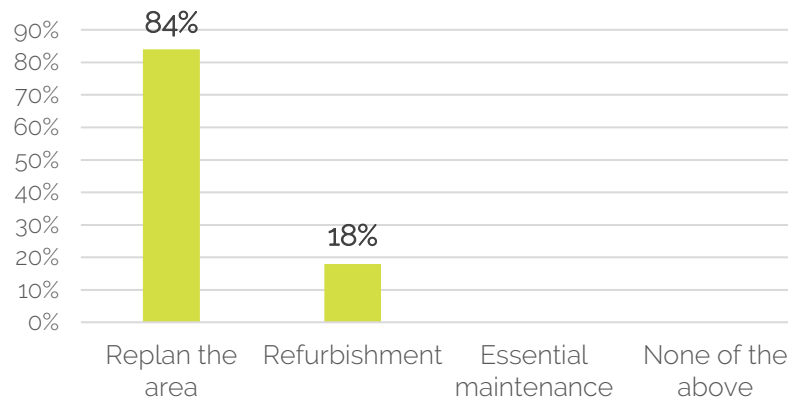
What is your view on the long-term future of Bevan House, Kier Hardie House and Morrison House?



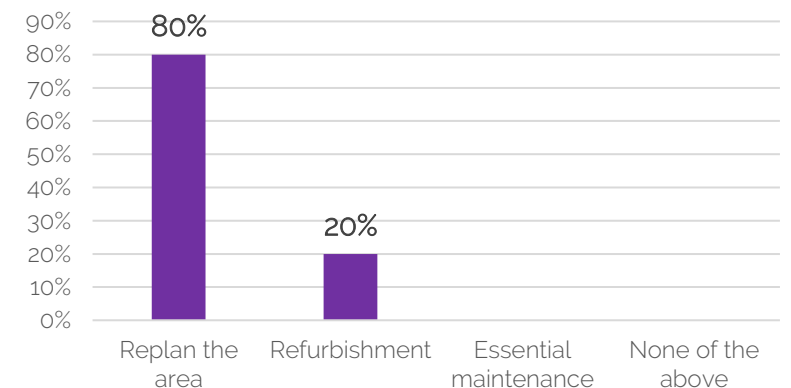
Breakdown for Keir Hardie House (30 out of 30 responded)



Breakdown for Bevan House (22 out of 22 responded)



Breakdown for Morrison House (20 out of 20 responded)



Future of the tower blocks: Examples of open feedback

Summary of open response feedback

71% of residents stated they would like the tower blocks to be demolished and this weight of sentiment was reflected in the open response feedback, with multiple comments that the tower blocks had serious problems:

- 43 mentions of mould
- 42 mentions of heating issues/cost
- 25 mentions of damp

Significant strength of feeling could be discerned from the open response feedback, with respondents taking the opportunity to explain how the poor quality of their homes was impacting on their lives.

From those who expressed a preference for refurbishment, the open response feedback demonstrated concern about uncertainty around rehousing; several were concerned that they would be made to move much further away, or into much smaller properties which wouldn't be suitable for them.

"These flats are a huge burden to the tenants. They are extremely expensive to heat and purchase electricity. They cause severe health problems from damp and mould. They are not large enough for families with limited storage and space."

"High rises are not suitable family homes. They should be replaced with LOWER buildings."

"It would be interesting to see any other plan for homing if we was to be rehomed which would be a major step and stressful."

"The buildings are 100% at the end of their life and is about time they came down."

"I just want to have a nice home with nice belongings which is impossible being in this building."

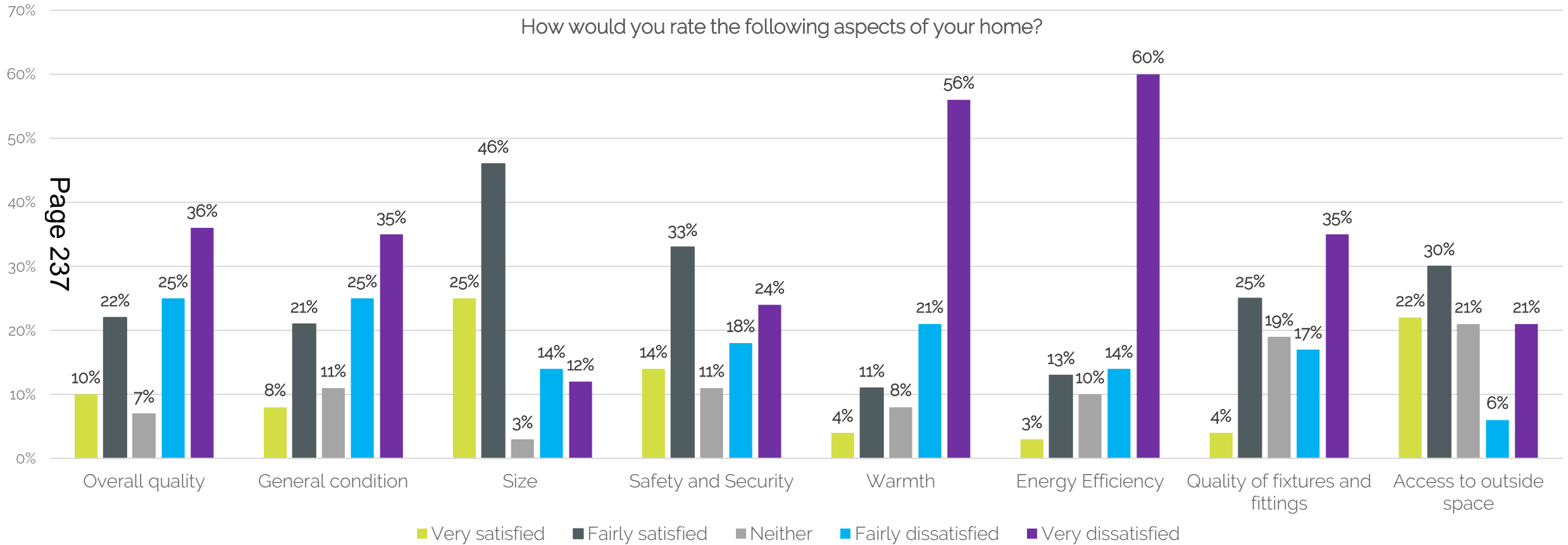
"Problems will not go away with upgrades it will just make it take longer for them to show."

"Having to relocate would raise many issues for me in terms of health issues and logistics of moving and also the cost.."

Questionnaire analysis: Quality of your home

'How would you rate the following aspects of your home?'

72 of the 72 respondents answered the question.



Page 237

Quality of your home: Examples of open feedback

Summary of open response feedback

Mould and damp were the most prevalent issues for respondents, with many comments that their belongings are consistently damaged and repairs only entail painting over the mould rather than rectifying the issue.

Windows and heating were also key issues, with complaints about poor windows that let in draughts and expensive heating costs.

Concerns about anti-social behaviour, especially in common areas, were raised, particularly the issue of younger people smoking cannabis in the stairwells.

There were also comments that the lifts in the buildings cause issues as they are quite often out of order.

Whilst the access to outside space was generally the most positive aspect, respondents often stated they wanted private gardens or a balcony, especially if they had younger children.

"The block suffers from severe mould, when you call the Council they send a surveyor out but only tell you constantly to clean it."

"We have had damp and mould problems for years, The block is constantly in disrepair (doors broken, paint/graffiti, stained floors, lifts breaking) Windows don't fit correctly, no cameras in car parks."

"The mould in this property is a joke. Windows are ridiculous ."

"Paid out hundreds of pounds for bedrooms to be replastered, and new furniture just to have it all covered in mould again. Also paid £300 on a dehumidifier and STILL have mould."

"The energy cost is far too expensive. The storage heaters is far too expensive to run. There isn't enough outside area for children in the block and the park doesn't have enough child friendly equipment. The mould issue is ongoing and doesn't seem to get any better."

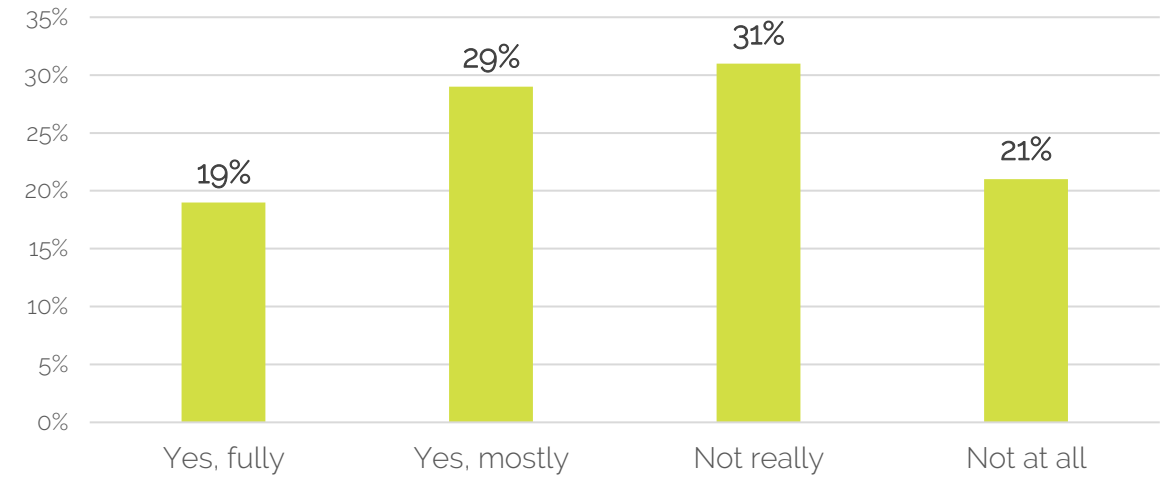
Questionnaire analysis: Layout of your home

'Does the layout of your home meet the needs of you and your household?'

72 of the 72 respondents answered the question.

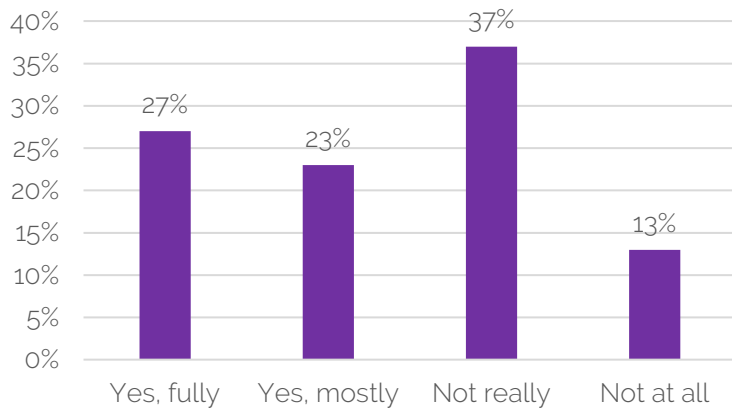
- 19% (14 responses) – Yes, fully
- 29% (21 responses) – Yes, mostly
- 31% (22 responses) – Not really
- 21% (15 response) – Not at all

Does the layout of your home meet the needs of you and your household?

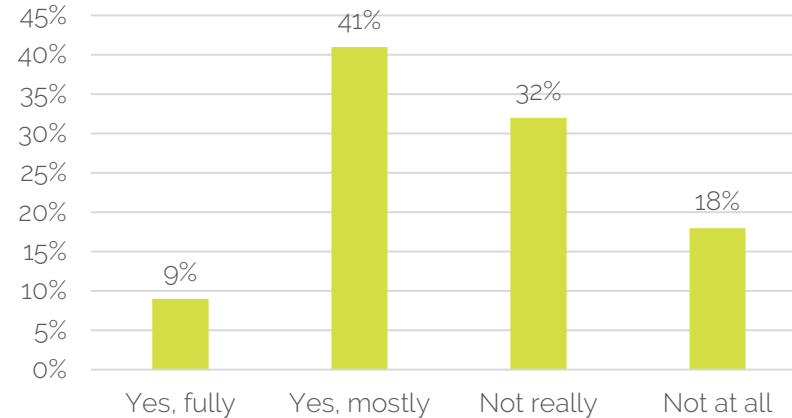


Page 239

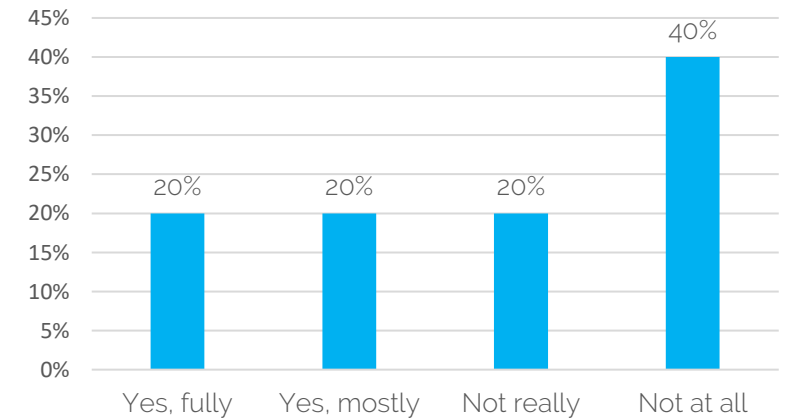
Breakdown for Keir Hardie House (30 out of 30 responded)



Breakdown for Bevan House (22 out of 22 responded)



Breakdown for Morrison House (20 out of 20 responded)



Layout of your home: Examples of open feedback

Summary of open response feedback

Generally, respondents were positive about the large sizes of the flats, with many concerned that if they are rehomed, they would have to move into smaller accommodation.

There were some complaints that there isn't enough storage space in the flats, especially if people have young children. There were also a number of complaints about siblings having to share a bedroom when they have a large age gap.

In terms of room size, the kitchen regularly came up in comments, with complaints that they are too small and they lack cupboard space, and that the drying cupboard is out of date and gets in the way.

Page 240

"I currently have children in one bedroom and a baby on the way so it is no where near big enough now even though the rooms are a nice size."

"Myself, partner and 2 babies in a studio flat isn't a big enough space."

"The rooms are brilliant sizes other than the kitchen."

"There isn't enough storage space and cupboards available. The rooms aren't large enough or even laid out well enough to fit wardrobes in."

"Due to the layout with the smaller bedroom right by the front door and lifts it can be very noisy. Also don't feel safe having child in that bedroom so close to front door."

"One bedroom is on the other side of the flat, this is my toddlers room, he is near the front door so I had to put on extra locks."

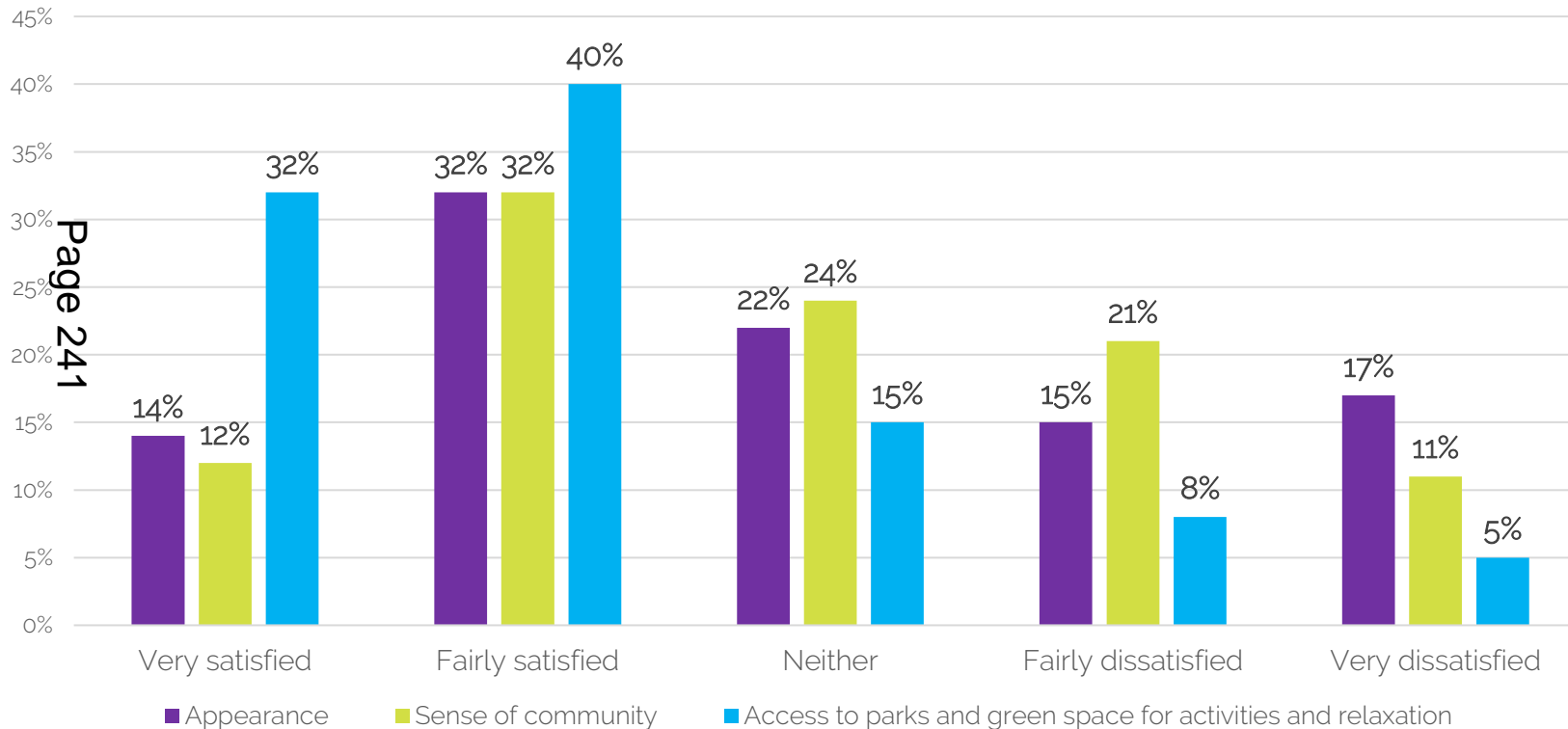
"Its perfect size for 1 or 2 people. No issues about space."

Questionnaire analysis: Views on the neighbourhood

'How would you rate the following aspects of your neighbourhood?'

72 of the 72 respondents answered the question.

How would you rate the following aspects of your neighbourhood?



Appearance:

- 14% (10) – Very satisfied
- 32% (23) – Fairly satisfied
- 22% (6) – Neither
- 15% (11) – Fairly dissatisfied
- 17% (12) – Very dissatisfied

Sense of community:

- 12% (9) – Very satisfied
- 32% (23) – Fairly satisfied
- 24% (17) – Neither
- 21% (15) – Fairly dissatisfied
- 8% (11) – Very dissatisfied

Access to parks and green space:

- 32% (23) – Very satisfied
- 40% (29) – Fairly satisfied
- 15% (11) – Neither
- 8% (5) – Fairly dissatisfied
- 5% (4) – Very dissatisfied

Views on the neighbourhood: Examples of open feedback

Summary of open response feedback

There were concerns about the safety of the area, both inside the communal areas of the buildings, and outside, especially on the field behind Bevan House and Morrison House. Issues raised included drug use, noise, litter, vandalism and motorbike usage.

A number of comments were made about the buildings looking like an eyesore within the area.

Respondents had positive comments about the sense of community in terms of getting on with their neighbours, but others commented that there was a lack of community cohesiveness.

The lack of parking spaces was raised several times as an issue, as was the safety of the parking areas, with complaints of cars being damaged.

"The location of the flat is good as it backs on to Blackshots field and has the park close by. The safety of the area has gone downhill over the years and there are always teenagers hanging around the flats, smoking and littering. It would be very nice to have somewhere safe and private for the families with young children to play, even if that were a communal garden."

"There is a field outside I don't see this as beneficial when there is nothing but litter, dog mess and motorbikes, teenagers hanging around bottom to smoke weed."

"I feel the neighbourhood is fairly nice and quiet barring the constant motorcycles, plus the outside of the building is a bit of an eyesore."

"The car park is not very secure, over the years many cars have been damaged/vandalised and even stolen."

"In the winter the stairwells become a breeding ground for teens drinking and doing drugs."

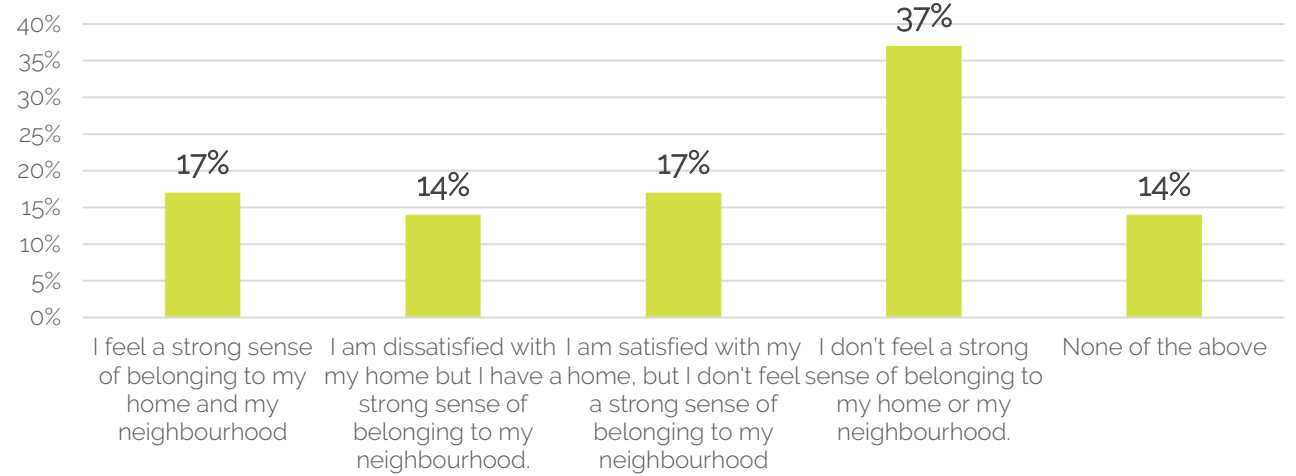
Questionnaire analysis: Homes and neighbourhood

'Which of these statements best sums up your views on your home and your neighbourhood?'

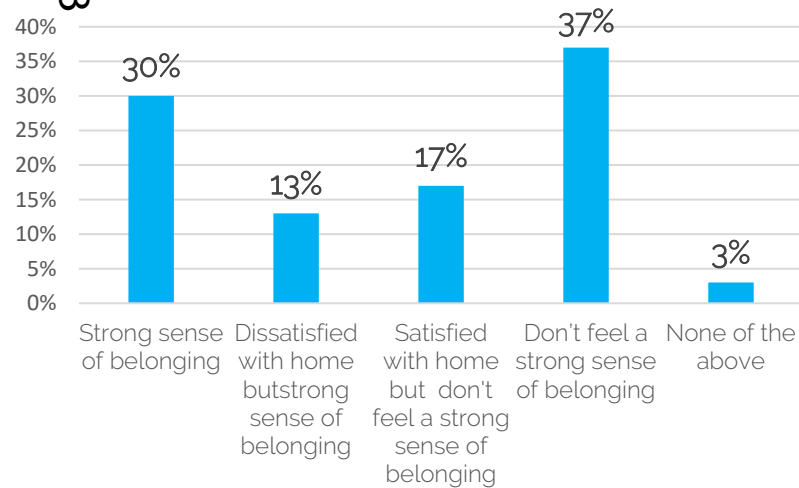
70 of the 72 respondents answered the question.

- 17% (12 responses) – I feel a strong sense of belonging to my home and my neighbourhood.
- 14% (10 responses) – I am dissatisfied with my home but I have a strong sense of belonging to my neighbourhood.
- 17% (12 responses) – I am satisfied with my home but I don't feel a strong sense of belonging to my neighbourhood.
- 37% (26 response) – I don't feel a strong sense of belonging to my home or my neighbourhood.
- 15% (10 response) – None of the above.

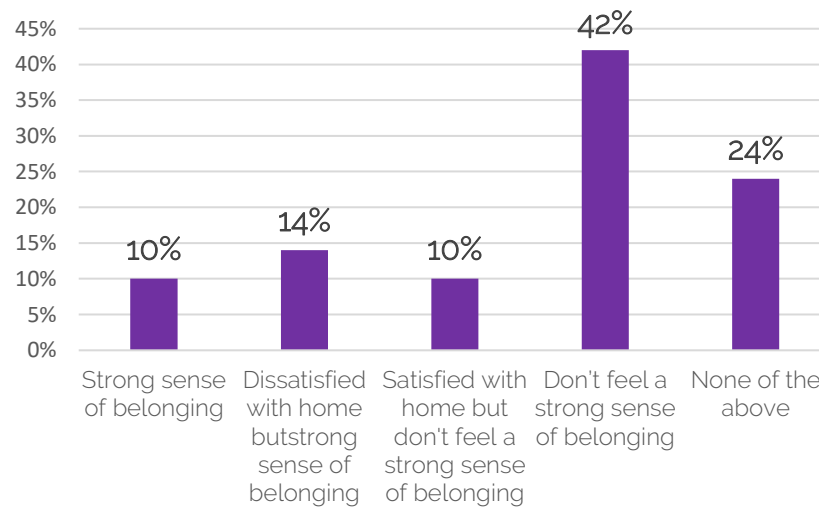
Which of these statements best sums up your views on your home and your neighbourhood?



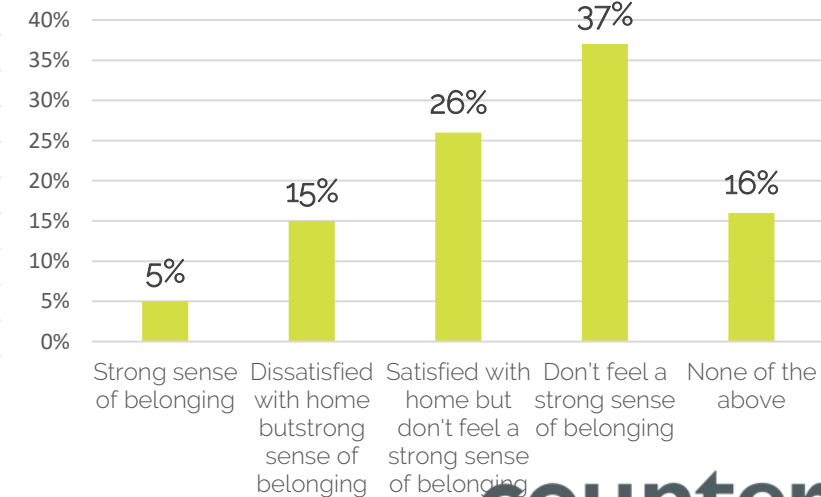
Breakdown for Keir Hardie House (30 out of 30 responded)



Breakdown for Bevan House (21 out of 22 responded)



Breakdown for Morrison House (19 out of 20 responded)



Questionnaire analysis: Future needs of household

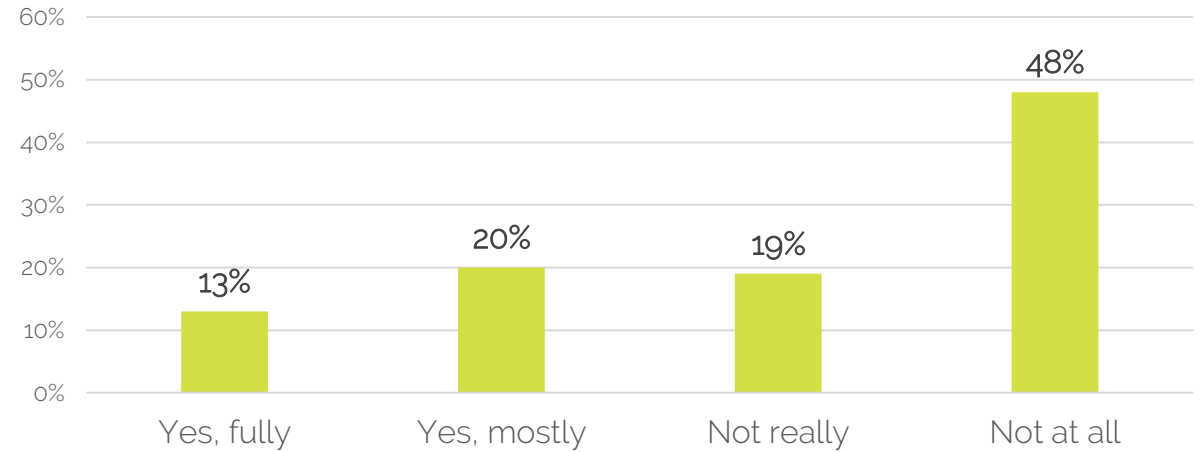
'To what extent will your home meet the needs of your household in the next 10-20 years?'

66 of the 72 respondents answered the question.

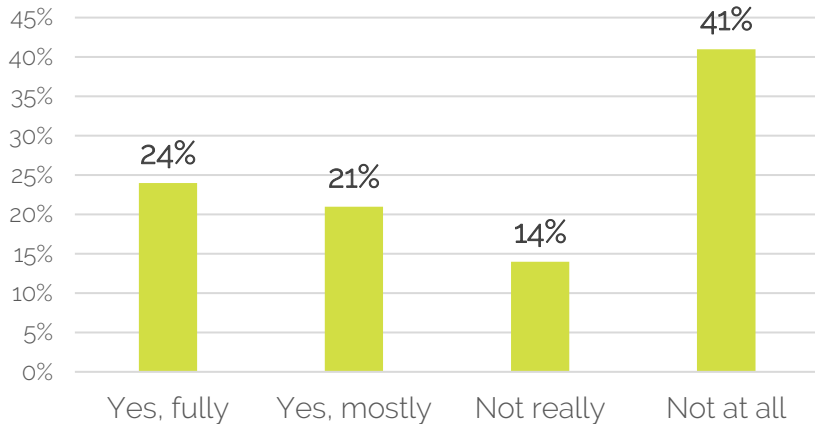
- 13% (9 responses) – Yes, fully
- 20% (13 responses) – Yes, mostly
- 18% (12 responses) – Not really
- 48% (32 responses) – Not at all

Page 244

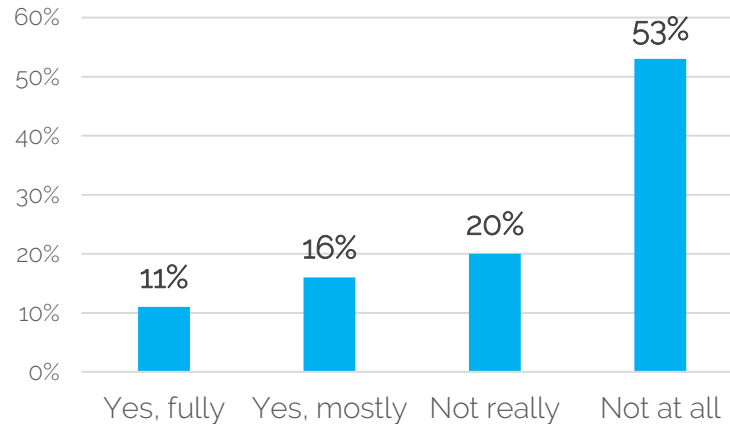
To what extent will your home meet the needs of your household in the next 10-20 years?



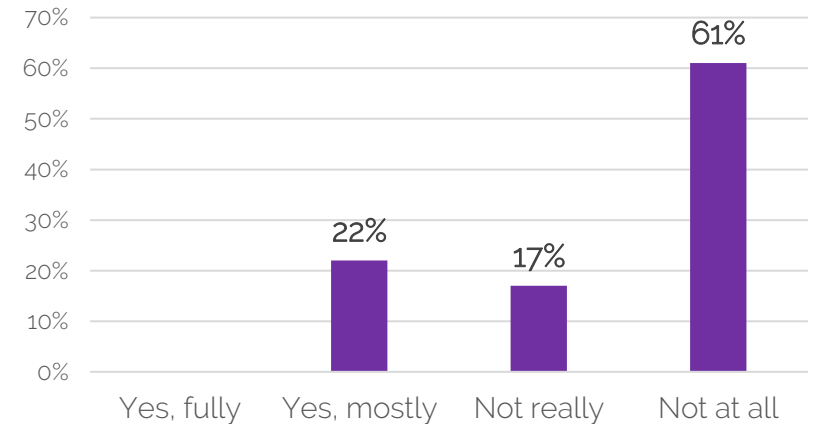
Breakdown for Keir Hardie House (29 out of 30 responded)



Breakdown for Bevan House (19 out of 22 responded)



Breakdown for Morrison House (18 out of 20 responded)



Views on future needs: Examples of open feedback

Summary of open response feedback

Many respondents stated that the flats will not meet their future needs, with the majority stating that they will need to move into a larger flat, often due to growing family size.

People commented that the flats are not suitable for young children, as children should have access to a garden. Furthermore, concerns were raised over safety for children, especially due to the damp and mould, and low-quality windows.

A small number of people stated that they would like to remain in their flats, this was generally due to them having lived there a long time (10+ years), or due to them having medical issues that would make the moving process particularly challenging.

A number of respondents stated that they do not want to have to keep living in the flats, especially as it is getting colder, which exacerbates the damp and heating cost issues.

"Please knock down the building. Please."

"I do not plan to stay in an 11 storey flat my whole life. I also plan to have more children so will need more room. There's not much space and its not practical.."

"I would love to buy my flat, I love it, it is my home."

"I plan to do the right to buy scheme and I wouldn't want to buy the current property."

"I would like an ant free property with no mould or damp problems, my kids would need their own rooms, kids shouldn't be in high rise flats its dangerous."

"Want to move out the area close to family. Need a 3 bed house with garden."

"Due to my mobility issues I need a ground floor property as I wouldn't be safe if there was a block fire."

Conclusions

A clear majority of the Blackshots residents who responded to this consultation stated a preference for Thurrock Council to explore the demolition of the tower blocks.

Out of a total of 72 responses to the consultation questionnaire, 51 respondents (71%) stated that they believe the buildings are coming towards the end of their life, and that Thurrock Council should look to replan the area with lower height homes that are more energy efficient and have access to gardens and green space.

The points raised in the consultation questionnaire and in person at the consultation event provide further explanation of these views, with multiple comments about the poor condition of the tower blocks and the associated problems with mould, damp and drafts. Other comments about feelings of safety and anti-social behaviour were factors among those in support of demolition.

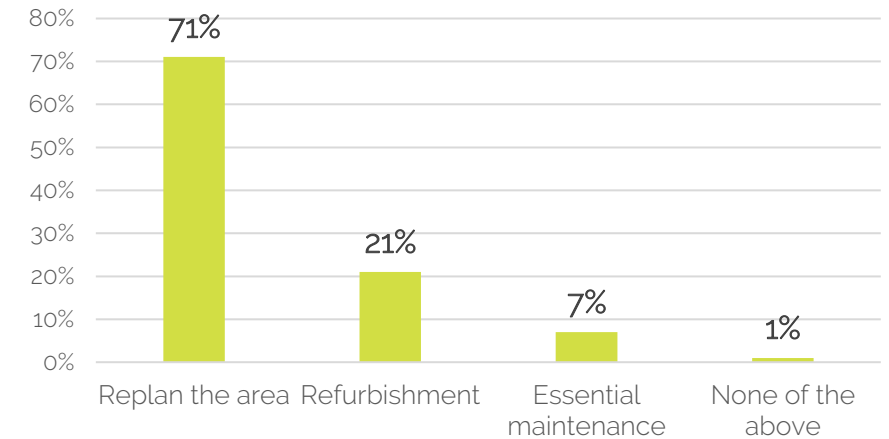
Of those who expressed a preference for the tower blocks to be refurbished, some stated that they were satisfied with the quality of their home, but others were concerned about how the relocation process would be managed and the element of the "unknown". From this group, residents had a number of key questions and concerns:

- Would they have any say about where in the borough they would be relocated to, and could they turn down any options they felt did not meet their needs?
- Would they have an automatic right to return to one of the new properties being built as part of the regeneration programme?
- Would they be entitled to a new home of the same size as their existing property? This was especially the case for residents whose children may have grown up and left home but who returned to stay, meaning that additional bedrooms were considered necessary.

Should Thurrock Council move ahead with a regeneration programme, it will be important to provide residents with answers to these key questions around the relocation process.

Finally, at the in-person consultation event, many residents requested that Thurrock Council moves as quickly as possible following the consultation to confirm its plans and to keep residents updated on a regular basis.

What is your view on the long-term future of Bevan House, Kier Hardie House and Morrison House?



Appendix

Leaflet

Get involved

This consultation will run for six weeks until Sunday 14 November 2021. It is an opportunity for you to provide your views about where you live.

There are several ways you can have your say:



Residents' questionnaire

Enclosed with this leaflet is a questionnaire for you to complete and then return to us via the FREEPOST envelope provided. You can put this directly in the post and you do not need a stamp. If you have more you would like to tell us, please feel free to enclose additional sheets.



Provide your views online and ask a question

If you prefer to provide your views online, you can also access the residents' questionnaire by going to thurrock.gov.uk/say

Call us to share your views

If you would like to tell us what you think over the phone, please call our freephone number on **08081 963 996**. The telephone line is open Monday to Friday, 9am to 5pm, with an answerphone facility outside of these hours.

Come and meet us

As part of this consultation, we are holding a consultation event so that you can talk to members of our team, ask questions and provide your feedback directly.

Consultation drop-in event.

We will be holding a drop-in event outside the entrances of Keir Hardie House, Bevan House and Morrison House at the following time:

Wednesday 20 October, 3pm to 7pm

We are holding an on site outside consultation event to help with social distancing and to ensure you don't need to travel to come and speak to us. To find us, please look out for our consultation gazebos and members of our team on the day.

Get in touch

If you have any questions about the plans for Bevan House, Keir Hardie House and Morrison House or would like to find out more about this consultation process, please get in touch as we will be happy to help.



08081 963 996



Email: consult@blackshots-towers.co.uk



Freepost: Blackshots Towers


Thurrock Council
TRANSFORMING
Thurrock **Live Work Play Learn**

**Help shape our future plans for Bevan House,
Keir Hardie House and Morrison House**

Your home, your future

October 2021



 thurrock.gov.uk



Appendix

Leaflet

Help shape the future of your community

Thurrock Council is asking residents of Bevan House, Keir Hardie House and Morrison House to get involved and provide your views on the future of these buildings.

You will recently have received a letter about upcoming external refurbishment works to your building and the appointment of a contractor to undertake these works.

These essential works are needed to improve insulation and ventilation, and to replace parts of the buildings that have reached the end of their life. More information about these refurbishment works will be provided in the coming months, after surveys have been completed.

In addition to these refurbishment works, Thurrock Council would like to engage with residents of Bevan House, Keir Hardie House and Morrison House about the longer-term future of the buildings.

We would like to know whether you think we should invest more to extend the life of the tower blocks for another generation, or if you think we should start to consider wider regeneration of the area, including options to demolish the tower blocks and build new homes.



What this consultation is about

We want to know your experiences of living in Bevan House, Keir Hardie House and Morrison House. What do you like about living there and what improvements would you like to see? Does your home meet the needs of your household?

High-rise buildings have a different set of challenges to other types of homes. We know from speaking to residents that there have been issues with condensation and damp.

The upcoming refurbishment and any future works should help improve the overall weatherproofing of the buildings, as well as the outside appearance, but they won't improve the overall layout of the buildings or the inside of your properties.

A regeneration project could look to replan this area and provide lower height homes with easier access to gardens and green spaces. Brand new homes also have much better energy efficiency standards, helping to reduce fuel costs. All essential maintenance works will still take place but non-essential works could be replaced with wider regeneration plans if feedback suggests this is the preferred option.

We want to hear from as many residents as possible to understand your thoughts before any plans are developed.



Have your say

This is your opportunity to help shape the future of your community. We want to have an open conversation with you to understand what matters most to you and your aspirations for the future. We are keen to hear from as many existing residents as possible.

The feedback received during this consultation will help to inform our future decisions about Bevan House, Keir Hardie House and Morrison House.

To be clear, this is a conversation about the long-term future of the area and does not affect the essential refurbishment works we will start this year.

If we do decide to consider options for a regeneration project, we will want to work very closely with existing residents so that we can develop plans together. There would be more consultation before any plans move forward and, whatever the outcome of these discussions, we would like to reassure residents that your tenancy is secure.



1 October 2021

Dear resident,

Consulting you on the future of Bevan House, Keir Hardie House and Morrison House

Thurrock Council is seeking feedback from the residents of Bevan House, Keir Hardie House and Morrison House to help shape plans for the [long term](#) future of these buildings.

We want you to tell us what it's like to live in these buildings and what you think we should do with them in the long term. Should we invest to extend the life of the buildings for another generation, or should we explore options to demolish the tower blocks and replace them with new homes?

No decisions about the future have been taken and we want to use this consultation process to understand the views of residents.

Please find enclosed a leaflet which introduces the background to this consultation, as well as a feedback questionnaire for you to complete. The feedback questionnaire can be returned to us in the FREEPOST envelope provided.

We will be hosting a drop-in session during the consultation, and we would encourage you to attend so that you can talk to us and ask questions. The outdoor session will be held outside the entrances of Bevan House, Morrison House and Keir Hardie House and is open for all residents to attend:

Wednesday 20 October 2021, from 3pm to 7pm

If you have any questions about the content of this letter or would like to find out more about the consultation process, please get in touch with us and we would be happy to help.

Phone: 08081 963 996
Email: consult@blackshots-towers.co.uk

Yours sincerely,



Ewelina Sorbjan
Thurrock Council

1 October 2021

Dear resident,

Consultation on the future of Bevan House, Keir Hardie House and Morrison House

Thurrock Council is seeking feedback from the residents of Bevan House, Keir Hardie House and Morrison House to help shape plans for the long term future of these buildings.

As part of this consultation, we are asking the tower block residents to tell us what it's like to live in these buildings and what they think we should do with them in the long term. One of the options being considered, subject to the feedback received as part of this consultation, is the potential to demolish the tower blocks and undertake a wider regeneration project to deliver new homes and facilities.

As someone living close to these buildings, we wanted to let you know that we are undertaking this consultation with the residents of the tower blocks. No decisions about the future have been taken and we want to use this consultation process to understand the views of those who live in these buildings.

Should the option to explore a wider regeneration be preferred, an extensive consultation programme would follow. At that point, you would be invited to share your views as part of a consultation on a wider regeneration project.

Although we are not specifically seeking your feedback as part of this consultation, we appreciate that you might have questions at this stage. As part of this consultation, we are hosting an outdoor drop-in session outside of the entrances of Bevan House, Morrison House and Keir Hardie House, so that local residents can talk to us and ask questions. Please feel free to come along if you would like to talk to us:

Wednesday 20 October 2021, from 3pm to 7pm

If you can't attend the event and would like to ask a question, please get in touch with us via phone or email and we would be happy to help.

Phone: 08081 963 996
Email: consult@blackshots-towers.co.uk

Yours sincerely,



Ewelina Sorbjan
Thurrock Council

Appendix

Distribution area



Page 250

Appendix

Website

Blackshots Towers



As a mark of respect for Sir David Amess MP following his tragic death on Friday 15 October, political group leaders at Thurrock Council have together agreed to postpone all public committee meetings and other meetings involving external groups and partners due to take place this week (Monday 18 October to Friday 22 October 2021).

The outdoor drop-in session taking place on Wednesday 20 October has been postponed. This will now be held on Wednesday 3 November.

Help shape our future plans for Bevan House, Keir Hardie House and Morrison House

October 2021

Thurrock Council is asking residents of Bevan House, Keir Hardie House and Morrison House to get involved and provide your views on the future of these buildings.

We would like to know whether you think we should invest more to extend the life of the tower blocks for another generation, or if you think we should start to consider wider regeneration of the area, including options to demolish the tower blocks and build new homes.

This consultation is running separately to the upcoming external refurbishment works on the buildings. These essential works are needed to improve insulation and ventilation, and to replace parts of the buildings that have reached the end of their life. More information about these refurbishment works will be provided in the coming months, after some works have been completed.



Image courtesy of Google Earth

What this consultation is about?

We want to know learn from residents what it is like to live in Bevan House, Keir Hardie House and Morrison House.

High-rise buildings have a different set of challenges to other types of homes. We know from speaking to residents that there have been issues with condensation and damp.

The upcoming refurbishment and any future works should help improve the overall weatherproofing of the buildings, as well as the outside appearance, but they won't improve the overall layout of the buildings or the inside of your properties.

A regeneration project could look to re-plan this area and provide lower height homes with easier access to gardens and green spaces. Brand new homes also have much better energy efficiency standards, helping to reduce fuel costs. All essential maintenance works will still take place but non-essential works could be replaced with wider regeneration plans if feedback suggests this is the preferred option.

Who's listening?

Housing Development Project Manager

Housing Development Team
Thurrock Council



Phone 08081 963 996

Email consult@blackshots-towers.co.uk

Document library

[Blackshots Towers Leaflet \(242 KB\) \(pdf\)](#)

Project timeline

- Monday 4 October: Consultation open**
This consultation is open for feedback.
- Wednesday 3 November: Public drop-in session**
Public drop-in session at the site on Wednesday 3 November from 3pm to 7pm
- Wednesday 15 November: Consultation closes**
Feedback will be analysed and key themes will be identified, to allow the Team to continue to consider options based on the feedback received.

Appendix

Feedback form

Page 252

Thurrock Council Blackshots Towers Consultation Questions

Help shape our future plans for Bevan House, Keir Hardie House and Morrison House

Consultation questionnaire, October 2021

Thurrock Council is asking residents of Bevan House, Keir Hardie House and Morrison House to get involved and provide your views on the future of these buildings.

Please complete this consultation questionnaire then return it in the FREEPOST envelope provided. There is no need for a stamp.

1. How would you rate the following aspects of your home?

	Very satisfied	Fairly satisfied	Neither	Fairly dissatisfied	Very dissatisfied
The overall quality of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The general condition of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The size of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your feeling of safety and security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The warmth of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The energy efficiency of your home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The quality of fixtures and fittings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your access to outside space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please feel free to provide more information about your answers:

Appendix

Feedback form

thurrock.gov.uk

2. Does the layout of your home meet the needs of you and your household?

Yes, fully Yes, mostly Not really Not at all

Could you tell us more about this? What do you like and what improvements would you like to see?

Neighbourhood

3. How would you rate the following aspects of your neighbourhood?

	Very satisfied	Fairly satisfied	Neither	Fairly dissatisfied	Very dissatisfied
The overall appearance of your neighbourhood	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The sense of community	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to parks and green space for activities and relaxation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please feel free to provide more information about your answers:

4. Which of these statements best sums up your views on your home and your neighbourhood?

I feel a strong sense of belonging to my home and my neighbourhood.

I am satisfied with my home, but I don't have a strong sense of belonging to my neighbourhood.

I am dissatisfied with my home, but I have a strong sense of belonging to my neighbourhood.

I don't feel a strong sense of belonging to my home or my neighbourhood.

None of the above.

thurrock.gov.uk

Your thoughts on the future

5. To what extent will your home meet the needs of your household in the next 10 to 20 years?

Yes, fully Yes, mostly Not really Not at all

If you answered "not really" or "not at all", why is this?

I plan to relocate to a different area for work or family reasons

I will need to move into a larger or smaller property

I intend to purchase a property

Other

6. What is your view on the long-term future of Bevan House, Keir Hardie House and Morrison House?

I think the buildings provide good quality homes and they should stay as they are, with essential maintenance and improvement works undertaken when needed.

I think the buildings provide good quality homes but Thurrock Council should invest in a bigger refurbishment programme to address current problems.

I think the buildings are coming towards the end of their life. Thurrock Council should look to replan the area with lower height homes with better energy efficiency and access to gardens and green spaces.

None of the above.

If you have any further comments you would like to make, please provide these here:

Appendix

Feedback form

thurrock.gov.uk

7. About you

Providing your name and address will help us to understand the views of residents in the different buildings. If you do not wish to provide this information in full, we would be grateful if you could indicate which building you live in.*

Title First name Surname

Address

Postcode

If you would like to be kept updated with information about the results of this consultation, please provide your email address below.*

I can confirm I am happy for you to contact me by email.

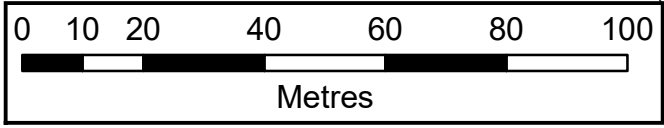
I can confirm I am happy to receive the council's newsletters, Thurrock News and Housing News.

Email address

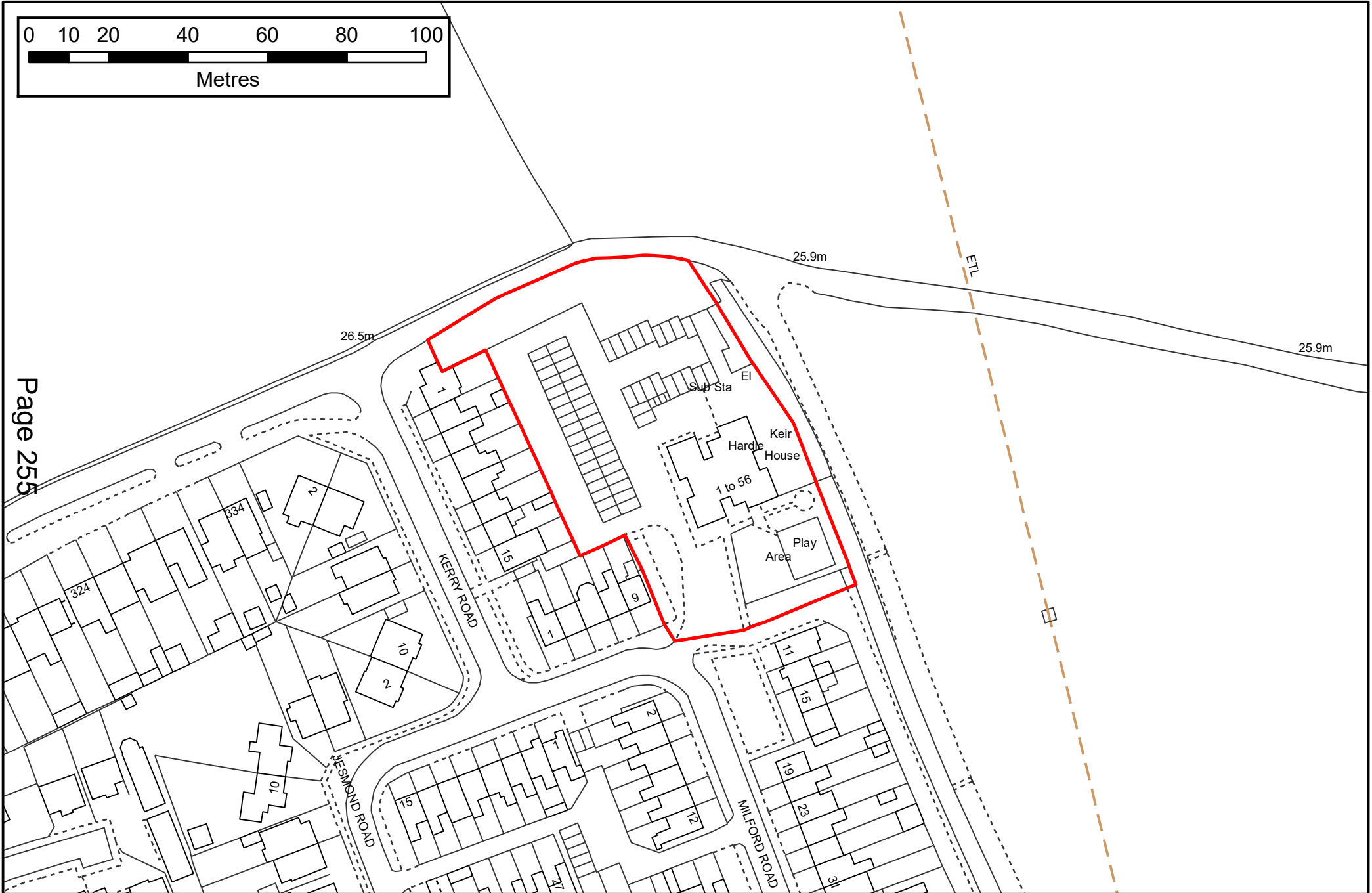
Thank you for completing this questionnaire. Please return it to us in the envelope provided.

The deadline to submit your feedback is Sunday 14 November 2021

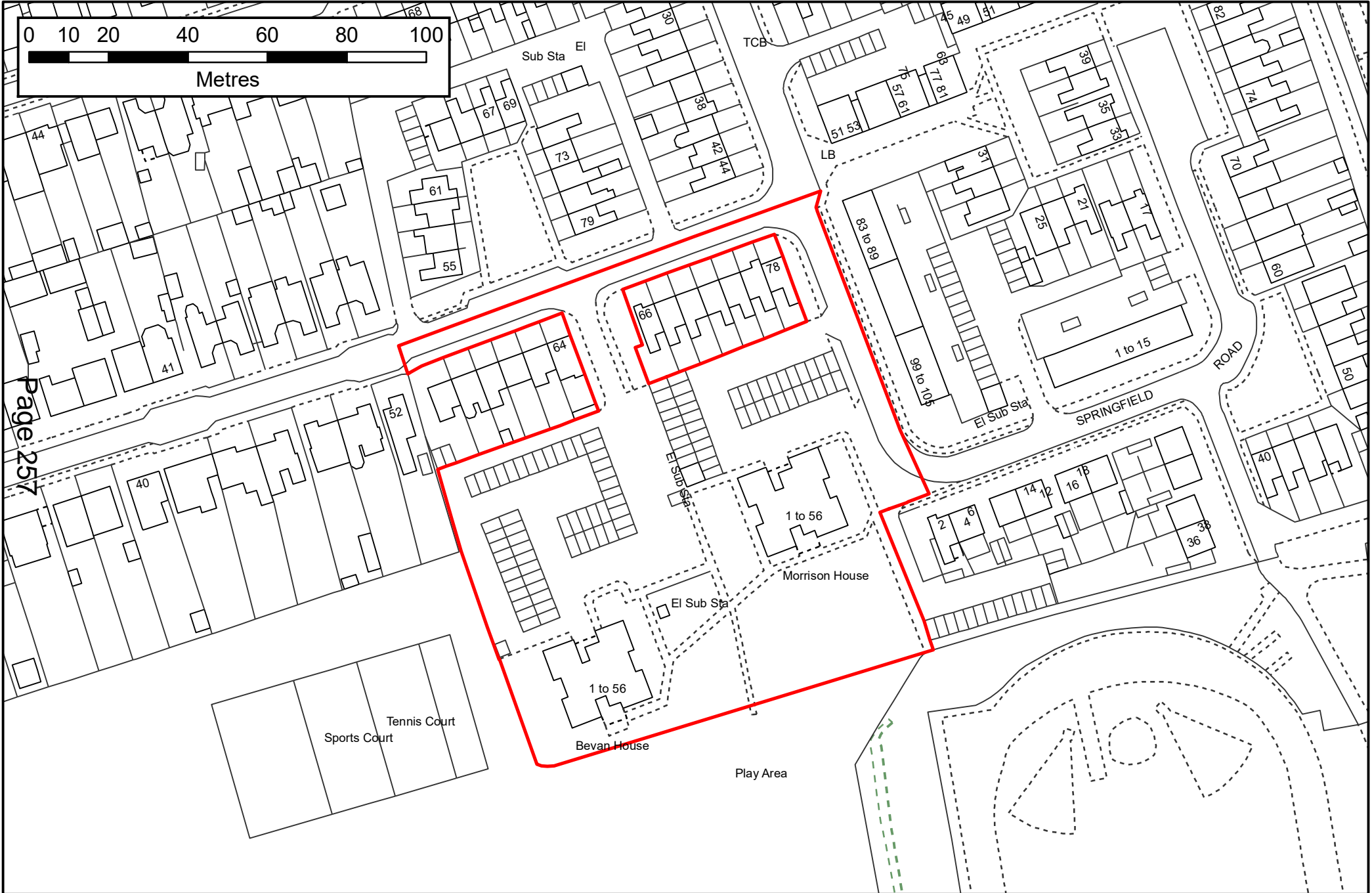
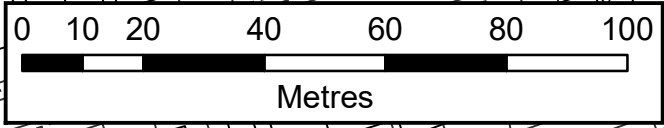
* We will use your information to provide the service requested. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to thurrock.gov.uk/privacy. Get free internet access at libraries and community hubs.



Page 255



This page is intentionally left blank



Page 257

This page is intentionally left blank

**Housing Overview & Scrutiny Committee
Work Programme
2022/2023**

Dates of Meetings: 21 June 2022, 29 September 2022, 22 November 2022, 10 January 2023 and 7 March 2023

Topic	Lead Officer	Requested by Officer/Member
21 June 2022		
Housing Strategies 2022-2027	Ryan Farmer	Officers
Work Programme	Democratic Services	Standing Item
29 September 2022		
Structure of HRA	Mike Jones	Members
Interim report for Stock Condition Survey of Housing Portfolio	Alastair Wood	Officers
Housing Development Programme Update	Julian Wain	Members
Work Programme	Democratic Services	Standing Item
22 November 2022		
Fees & Charges Pricing Strategy 2023/24	Dulal Ahmed	Officer
Housing Ombudsman Report: Spotlight on Damp and Mould	Mohammed Saheed Ullah	Members
Blackshots Estate - Proposals for the Way Forward	Julian Wain	Officers
Allocations Policy Update 2022-23	Ryan Farmer	Officers
Work Programme	Democratic Services	Standing Item
10 January 2023		

Housing Revenue Account – Rent Setting and Budgets 2023/24	Mike Jones	Officers
Homeless Update	Ben Tovey	Members
Council Property Void Policy	tbc	Members
Beaconsfield Place / Calcutta Road – Lessons Learnt	Ryan Farmer	Members
CO1 Development Update	Keith Andrews	Members
Work Programme	Democratic Services	Standing Item
7 March 2023		
Portfolio Holder Update Report	Cllr Spillman	Members
Work Programme	Democratic Services	Standing Item

Items for 2023/24 Work Programme:

Portfolio Holder Report
Housing Strategy report

Clerk: Jenny Shade
Last Updated: May 2022