

Epping Forest District Council

HOUSING SERVICE STRATEGY ON HOUSING MANAGEMENT

1. Introduction

- 1.1 This Housing Service Strategy relates to the Council's approach to the provision of Housing Management Services. The Strategy sets out how this element of the service is delivered by the Housing Directorate and includes links with other services both internally and externally.
- 1.2 Housing Management is an important front-line service which covers a wide range of activities and is delivered through the Area Housing Offices. It ensures, perhaps more than any other part of the service, that good landlord and tenant relationships exist so that tenants' rights and responsibilities in respect of their Conditions of Tenancy are clearly communicated and understood.
- 1.3 The recovery of rent arrears and dealing with anti-social behaviour is undertaken by the Area Housing Offices. These areas of work are not covered by this Strategy as it is covered in two separate Housing Services Strategies approved by the Housing Portfolio Holder.
- 1.4 This Housing Management Strategy has been formulated in consultation with representatives of the Tenants and Leaseholders Federation, and includes information contained in the Housing Directorate's Policy & Procedures. The Strategy was considered by the Housing Scrutiny Member Panel and approved by the Housing Portfolio Holder on 31 March 2009.

2. Background to Housing Management

- 2.1 The Housing Management Service is delivered through two Area Housing Offices (north and south), and the Limes Farm Estate Office, which is a sub office of the Area Housing Office (South).
- 2.2 At each of the Area Housing Offices the Area Housing Managers have Section meetings at least every two months to ensure staff communication on policy, procedural, and performance matters etc. The Assistant Director of Housing (Operations) is a member of the Housing Management Team, also comprising the Director of Housing, Assistant Director of Housing (Property) and the Assistant Director of Housing (Private Sector and Resources).

3. Coverage

- 3.1 This Housing Service Strategy covers the Council's approach to;
 - a) Changes in tenancy, including succession, mutual exchanges, and other assignments;
 - b) Breaches of tenancy conditions relating to the Strategy;
 - c) Operation of an Introductory Tenancy Scheme

- d) Unauthorised occupation;
- e) Transfers and estate inspections;
- f) Older and disabled people's garden maintenance scheme;
- g) Boundary disputes;
- h) Compensation for Tenants' Improvement Scheme and alterations and improvement to dwellings by tenants or others;
- i) Estate enhancements/ Grounds maintenance;
- j) Abandoned vehicles;
- k) Cleansing of communal areas;
- l) Right to buy, land sales applications and release of restrictive covenants;
- m) Priority Moves;
- n) Vehicular crossovers; and
- o) The review of the Strategy;

4. Relationships with other Documents

- 4.1 The Housing Management Service forms part of the Council's overall Housing Revenue Account Business Plan.
- 4.2 The Council has adopted its Housing Charter which sets out, in simple, clear and precise terms the Council's general approach to all its housing services.
- 4.3 The Council's Standard Tenancy Agreement forms the contractual agreement between the Council and its tenants and was last reviewed during 2001/2.
- 4.4 The Housing Directorate has detailed policies & procedures for most of its functions and the work of the housing management service is included within the Procedures Manual which gives important guidance to staff.
- 4.5 Literature on rents, benefits, vehicular crossovers, succession, and other leaflets are on display at both Area Housing Offices and the Limes Farm Office, and featured from time to time in relevant publications including the tenants' magazine Housing News. All tenants have received a copy of the Tenants Handbook which explains about all matters relating to their tenancy.
- 4.6 The Housing Revenue Account (HRA) Business Plan gives detailed information on the objectives, plans and financial forecast for the HRA as a whole.
- 4.7 Important statistical performance information is available and monitored at quarterly Performance Management meetings chaired by the Director of Housing.

5. Aims and Objectives

- 5.1 The aim of the Council's Housing Service Strategy on Housing Management is:

“To ensure that tenants are advised in all matters relating to their tenancies whilst actively seeking to maximise the use of the Council's housing stock, improve housing estates and deal with breaches in tenancy conditions through good landlord & tenant relationships.”
- 5.2 This aim will be met by:
 - (a) Ensuring that all tenants are advised of their and the Council's responsibilities under the Tenancy Agreement at its commencement and throughout the period of the tenancy;

(b) Keeping close links between tenants and their Housing Management Officer to reduce the likelihood of breaches of the Tenancy Agreement;

(c) Acting in accordance with Part IV of the Housing Act 1985 (Section 87-89) and the Council's discretionary policy on under-occupation and succession.

(d) Consulting with tenants on issues regarding their home or local community which may affect them;

(e) Encouraging tenants to set up their own Residents Association;

(f) Taking appropriate actions to deal with breaches of tenancy conditions;

(g) Ensuring the Council's housing estates are properly maintained; and

(h) Dealing with breaches of covenants by people occupying former Council homes;

6. Statutory Requirements

6.1 The relevant key statutory requirements for housing management are as follows:

a) Housing Act 1985

- Notice of proceedings for possession or termination (Section 83)
- Grounds and orders for possession (Section 84)
- Extended discretion of Court in certain possession proceedings (Section 85)
- Succession (Sections 87, 88, & 89)
- Assignment, lodgers, and subletting (Sections 91, 92, 93, 94, & 95)
- Repairs and improvements (Sections 96 to 101)
- Variation of terms of tenancy (Sections 102 & 103)
- Variation of rent (Section 102b)
- Provision of information and consultation (Section 104)
- Consultation on matters of housing management (Section 105)

b) Housing and Regeneration Act 2008

- Family Intervention Tenancies
- Changes relating to tolerated trespassers

c) Health and Safety at Work Act 1974

d) Environmental Protection Act 1990

e) Wild Animals Act 1976

f) Data Protection Act

7. Client Consultation, Information & Involvement (Statutory Requirement)

7.1 The way in which tenants will be consulted, informed and involved with regard to the Council's policy on housing management is as follows;

- a) Consultation with the Tenants' and Leaseholders Federation;
- b) Consultation with recognised tenants' associations;
- c) Information to tenants in publications e.g. Housing News, Annual Report;
- d) Posters on services displayed throughout the District;
- e) Liaison with the Citizens Advice Bureau;
- f) One-to-one consultation with tenants;
- g) Changes in policy;
- h) Changes under Part IV, Section 102/3 of the Housing Act 1985 to amend the Standard Tenancy Agreement; and
- i) Consultation on matters of housing management under Part IV, Section 105 of the Housing Act 1985.

8. General Principles

8.1 Section 5 of the Housing Services Strategy sets out the aims and objectives of housing management. This Section details the general approach taken on the delivery of the service under the following headings:

8.2 Changes in Tenancy

Changes in tenancy will be managed in accordance with legislation and the Council's discretionary policies. The main types of changes are as follows:

a) Succession

The law of succession is found within the Housing Act 1985 Part IV Sections 87-89. Succession can occur following the death of the secure tenant. One succession to a secure tenancy is allowed under the legislation with the spouse being preferred. Should there be no surviving spouse, then a family member can succeed to the tenancy, who may be required to move to suitable alternative accommodation should they be under-occupying. Where there is more than one surviving family member, as there can be no joint succession, each of the family members will be asked to choose who is to succeed. Where agreement cannot be reached, the Council will choose. Generally in these circumstances, the eldest would succeed. The Council's policy on under occupation is applied, which allows a family member to remain at the property provided they are only under-occupying by one bedroom if; they have been living in the property as their only or principal home for more than ten years continuously immediately prior to the tenants death, if they are over the age of 60, or if following an assessment it is found that significant financial or other support was given by the successor tenant to the previous tenant. In addition, the Council's policy on discretionary succession is applied, which in simple terms allows all succession cases to be treated as if there had not already been one succession.

b) Assignment

Under the Housing Act 1985, tenants have the right to assign their tenancy to anyone who would be eligible to succeed to their tenancy upon their death. When a formal request is received a Deed of Assignment will be signed by both parties concerned.

c) Mutual Exchanges

All secure tenants have the Right to Exchange, with tenants being able to register free of charge with HomeSwapper, which matches property swaps electronically. All mutual exchanges are administered by way of assignment, thereby protecting the rights of the tenant and the Council. The Housing Directorate's staff will visit all Council tenants

seeking an exchange to give advice and assistance, inspect the condition of the properties, ensure there is a clear rent account and note any other relevant information prior to giving permission in accordance with current legislation.

d) Any Other Changes in Tenancy

Any other changes in tenancy such as name or marital status will be administered by Housing Management, with the Housing Options Section being notified. Following an investigation into the validity of the changes the tenant will be formally notified of any changes.

9. Joint Tenancies

- 9.1 When an existing tenant requests the creation of a joint tenancy, an analysis of the tenancy history will be undertaken. A joint tenancy will not be granted if there has been a previous succession to the tenancy, due to the new joint tenancy removing the succession which has already taken place. Generally, requests for joint tenancies with relatives will not be granted. In some circumstances, joint tenancies with carers may be granted, provided the carer has themselves given up accommodation to care for the secure tenant. Housing Management will observe Council policy and Government Circulars when taking decisions.

10. Introductory Tenancies

- 10.1 Under the Housing Act 1996, local authorities are given discretionary powers to operate a scheme of "introductory tenancies", whereby all new tenancies allocated are not secure until after a twelve month "trial" period. At the time of the scheme being permitted under the Act, the Council decided that it would not operate such a scheme. However, as part of the last Best Value Service Review, it was agreed that the use of these discretionary powers be reviewed and "challenged" as this could be a useful tool in tackling anti-social behaviour and other breaches of tenancy conditions. Following consultation with the Tenants and Leaseholders Federation, the Anti-Social Behaviour Group and the Citizens Advice Bureau, the Council's Cabinet agreed the introduction of a new Introductory Tenancy Scheme, which was brought in on 1 April 2005. The scheme has proved to be very successful and has assisted in reducing both incidents of anti-social behaviour on estates and rent arrears.

11. Family Intervention Tenancies

- 11.1 Family Intervention Tenancies have been recently introduced under the Housing and Regeneration Act 2008, and are designed to provide non-secure tenancies, in an alternative property, to applicants who have previously been the subject of a Possession Order made on the grounds of nuisance or annoyance and where a lower security of tenure should be provided for the purposes of providing behavioural support. Should any applicants offered a Family Intervention Tenancy re-offend then re-possession of the property through the Courts will be more easily achievable than if they were secure tenants.

12. Demoted Tenancies

Demoted tenancies allow the Council to apply to the County Court for a "Demotion Order" to reduce the security of tenure of an existing tenant on their own home on the grounds of anti social behaviour or unlawful conduct, following the service of the

prescribed notice. A Demotion Order ends a secure tenancy. If the tenant remains in occupation of the property after the date that the secure tenancy is ended, it creates, in the place of the secure tenancy, a less secure “demoted tenancy” for a minimum period of twelve months. Demoted tenants lose many of their rights including; the Right to Buy and any discount accrued for any demoted tenancy period, their right to succession, which does not apply during any demoted tenancy period and security of tenure. Demoted tenants are automatically promoted back to a higher form of security (i.e. secure tenant) after twelve months, unless a Notice of Proceedings for Possession have been served during that period. The Court may then make an Order for possession if the demoted tenant, another resident or visitor has behaved in a way which is capable of causing nuisance or annoyance or if such a person used the premises for illegal purposes, and the Court is satisfied it is reasonable to make the Order. Seeking possession of a Demoted Tenancy is more straightforward, as the Court cannot refuse a landlord’s application for possession unless it thinks that the procedure has not been properly followed. Prior to the serving of any Notice, officers would have undertaken home visits and written letters to the tenant taking every possible action to try and resolve matters.

13. Priority Transfers

- 13.1 If in exceptional circumstances a tenant needs to be transferred to alternative accommodation for housing management reasons e.g. due to personal risk, (which must be confirmed by appropriate sources), the Assistant Director of Housing (Operations) and the Housing Options Manager will authorise Priority Transfers in appropriate cases.

14. Vehicle Crossovers

- 14.1 For all current and former Council properties, Housing Management will assess all applications for vehicular crossovers ensuring that the Council’s existing policy is applied. Residents of neighbouring properties will be consulted with their views being taken into account before permission is granted.

15. Breaches of Tenancy Conditions

15.1 Prevention

Housing Management will work proactively through home visits and estate inspections to ensure against breaches of tenancy conditions. This will attempt to identify neglect of gardens, rubbish dumping, vandalism and the general external condition of properties.

15.2 Action Taken in Response to Breaches of Tenancy Conditions

When an alleged breach is reported, the Housing Management Officer will investigate the case and, in the first instance, undertake a home visit. If an actual breach is identified, the tenant will be notified formally of the breach and given a deadline by which to resolve it. The implications of their action under the terms of their tenancy will also be explained. Should Housing Management serve Notice or proceed to Court, appropriate evidence will be gathered as necessary.

15.3 Boundary Disputes

When Housing Management receives written confirmation of a boundary dispute, a Housing Management Officer will visit. If appropriate, a joint visit will be made with Environmental Services’ Surveyor Assistant. In difficult cases the Assistant Director of

Housing (Operations) may arrange for a Consultant Chartered Surveyor to be employed in order to resolve the matter. All parties will be told of the decision in writing. Should any of the parties dispute the decision, they will be advised that it shall stand unless they provide documentary evidence to the contrary.

15.4 Breaches of Covenants

When Housing Management receive a complaint of a potential breach of a covenant on a former Council dwelling the matter will be investigated. If appropriate the freeholder/leaseholder will be notified of the breach and, if it persists, Legal Services will be asked to take Court action.

15.5 Unauthorised Occupation

a) Tolerated Trespassers

Under the new Housing and Regeneration Act 2008, provisions are being made for the creation of replacement tenancies for those who have become Tolerated Trespassers. The status of a Tolerated Trespasser occurred in the past, when a secure tenant breached a Suspended Possession Order, most commonly for rent arrears. When a tenant missed a rent payment under the Order, their security of tenure ended and they became a Tolerated Trespasser, paying a use and occupation charge. Although further guidance is awaited, the replacement tenancy created by the Act will be a secure tenancy for those tenants who enjoyed secure tenancy status before becoming Tolerated Trespassers. The replacement tenancy will be treated as if the tenancy had not been interrupted.

b) Unauthorised Occupiers

In the case of unauthorised occupation, Legal Services will be asked to apply to the County Court for possession within 5 days. A Notice will be fixed to the door of the property.

15.6 Estate Inspections

Housing Management Officers will inspect the areas they are responsible for on a regular basis and will generally identify problems whilst they are visiting tenants on other matters. More formally, Area Housing Managers will undertake annual inspections of all estates with each of their Housing Management Officers and record requested actions to ensure that estates are kept to a high standard. Representatives from local Residents Associations will be invited to attend the annual estate inspections.

16. Older and Disabled People's Garden Maintenance Scheme

- 16.1 Housing Management will monitor the Older and Disabled People's Garden Maintenance Scheme, which is managed by Voluntary Action Epping Forest (VAEF). Provided applicants have no-one living at the property who is under 70 years of age and have a clear rent account they will be added to the list and dealt with in date order. The Council funds VAEF's part-time Co-ordinator; around fifty vulnerable tenants' gardens are maintained four times each year between April and October.

17. Compensation for Tenants Improvements Scheme

- 17.1 Requests from tenants to undertake improvements will be received by Housing

Management and passed on to the Housing Repairs Section to deal with the technical aspects. Providing the improvements qualify under the Scheme, the Housing Management Officer will ensure the rent account is clear, and, if agreed, write to the tenant giving consent and details of how to claim their compensation on vacation of the property. When the improvement has been completed, the Housing Repairs Officer will visit to ensure the improvement has been carried out satisfactorily. When a claim has been made, the Housing Repairs Officer will visit again to inspect, and if satisfied, the Housing Management Officer will calculate and arrange payment of the compensation.

18. Alterations and Improvements (Not Qualifying for the Tenants Improvement Scheme)

- 18.1 The Tenancy Agreement requires tenants to seek permission before undertaking any improvements to their properties. After checking that the improvement does not qualify for the Compensation Scheme (see 16.1) and is a straightforward improvement e.g. shed, greenhouse, no structural works, permission will be granted. If the request is more complicated then the Housing Repairs Officer will be asked to carry out an inspection. If appropriate, neighbours will be consulted and their views taken into account. The tenant will be notified of the decision in writing.

19. Estate Enhancements & Grounds Maintenance

- 19.1 The Assistant Director of Housing (Operations) and the Area Housing Managers (North and South) attend quarterly meetings with Leisure Services in order to monitor the Grounds Maintenance Contract for the Housing Directorate. Housing Management also become involved in small and large improvement schemes.

20. Abandoned Vehicles

- 20.1 When vehicles appear to be abandoned and are identified on Housing Act land, if they are untaxed the Housing Management Officer will contact Environmental Services who will determine ownership via the DVLA computer link. For those which are clearly abandoned, Environmental Services will be notified to arrange for a Notice to be attached to the vehicle warning the owner of its removal within seven days and, if appropriate, to remove the vehicle. If the vehicle is in such a poor condition that it is likely to cause a danger it will be removed immediately.

21. Caretaking Service & Cleansing of Communal Areas

- 21.1 Housing Management will undertake and monitor the cleaning service, which includes all sheltered housing scheme cleaners, mobile cleaners, and cleaners at some designated blocks across the District. In addition, there are three Caretakers, two at the Limes Farm Estate, Chigwell and one at the Oakwood Hill Estate, Loughton. Notice Boards have been installed in all designated blocks on housing estates to advise residents when cleaning will be undertaken and inviting their comments on the standard of the service.

22. Right to Buy

- 22.1 Housing Management will respond to enquiries from the Home Ownership Team concerning the tenancies of tenants who have applied to buy their home.

23. Land Sales

- 23.1 When a request is received to purchase a piece of Housing land, the Housing

Management Officer will inspect the site and seek the advice and agreement of their Area Housing Manager. If the land is less than 50 square metres, in accordance with delegated authority, the Director of Housing in consultation with the Housing Portfolio Holder and local Ward Members will decide if the land can be sold. If all are in agreement, the proposed purchaser will be advised of the valuation and the land will be sold. If the request is refused, then they will have the right to Appeal against the decision. Requests to purchase land in excess of 50 square metres will be referred to the Housing Portfolio Holder for decision.

24. Covenant Approval

- 24.1 Housing Management will deal with requests from the owners of former Council properties who are seeking permission to carry out improvements. In addition to receiving requests, any improvement works to former Council properties that have not been notified will be identified on estate inspections and through checking the list of planning applications. If any request is refused, the owners will have the right to appeal against the decision.

25. In Touch Support

- 25.1 Under the Supporting People Programme, Essex County Council provides housing related support to vulnerable tenants through its appointed contractor, In Touch Support. This additional support is of great assistance to Housing Management Officers when dealing with tenants who are in need of additional housing welfare support. Cases are referred to the Area Housing Manager in the first instance and then to the In Touch Support "Gateway" for assessment. The In Touch Support Worker will visit tenants, offer counselling, advice and support, assist with tenancy set-up, benefit and employment advice or provide any other help they may need to in order to sustain their tenancy. Regular meetings are held with In Touch Support to monitor progress and performance.

26. Action Plan

26.1 The actions in the table below will be undertaken in the future by the Housing Directorate in order to enhance the Housing Management Service.

Action	Lead Officer	Timescale	Resource Implications
Implement the finally agreed policy on enforcement of unauthorised parking on housing estates	Area Housing Managers	July 2009	Existing Resources
Update the Equalities Impact Assessment for Housing Management	Area Housing Managers	September 2009	Existing Resources
Ensure all the requirements of the new Housing and Regeneration Act 2008 are in place following further Government guidance	Area Housing Managers	September 2009	Existing Resources
Explore greater use of CCTV on estates to combat anti-social behaviour and fly-tipping	Area Housing Managers	April 2010	Existing resources
Complete the annual environmental improvements on estates in liaison with Housing Assets.	Area Housing Managers	April 2010	Existing Resources
Implement a new computer system (including a housing management reporting system) following the withdrawal of IT support from the current Open Housing Management System (OHMs) in 2013.	Assistant Director of Housing (Private Sector and Resources) Housing Resources Manager	January 2013	TBA
Continue to support all Resident Associations and attend meetings when appropriate.	Area Housing Managers	On-going	Existing resources

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27. Future Developments

27.1 The following “SWOT” analysis identifies the strengths, weaknesses, opportunities and threats for the areas covered by the Service Strategy.

<p>Strengths</p> <ul style="list-style-type: none"> • Knowledgeable and committed staff • Improved recovery of former tenant arrears through external debt recovery service • Provision of additional support to assist vulnerable tenants through In Touch Support • Robust policies and documented procedures • Comprehensive use of different tenancy types • Integrated housing computer system • Charter Mark accreditation • ISO 9001:2000 accreditation • Good tenant consultation framework • Comprehensive performance monitoring • Healthy Housing Revenue Account • Housing Appeals Panel • De-centralised housing offices 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Poor response from tenants when attempting to set up Resident Associations • Low staffing levels compared to other local authorities and housing associations • Low numbers of professionally qualified housing management staff
<p>Opportunities</p> <ul style="list-style-type: none"> • Proposal to increase CCTV coverage • Increasing the number of Residents Associations in the District • Additional provisions of the Housing and Regeneration Act including Family Intervention Tenancies • Possible increased housing stock through the Government’s proposals on Council’s building properties • Use of electronic records and document management system 	<p>Threats</p> <ul style="list-style-type: none"> • Possible withdrawal of IT support for the integrated housing computer system

28. Resourcing the Strategy

- 28.1 For housing management purposes, the District is split into two areas with one Area Housing Office based at The Broadway, Loughton in the south of the District and the other based at the Civic Offices, Epping.
- 28.2 Area Housing Managers are based at each of the Area Housing Offices; each has an Assistant Area Housing Manager, which includes the Limes Farm Satellite Office, Chigwell.
- 28.3 Housing Management staff delivering this Strategy in 2009/2010 is approximately 10.5 FTE which includes the staffing levels detailed in paragraph 28.4, and other officers' time spent on the Housing Management Service. The projection for the number of staff required to deliver the Strategy over these and the following two years is detailed in the following table:

Staff Resource Projections				
Posts	2009/10	2010/11	2011/12	2012/13
Housing Management Staff (FTE)	10.5	10.5	10.5	10.5

- 28.4 The following table details the estimated proportion of Housing Management, and other officers' time spent on the Housing Management Service for 2009/2010:

Staff Resources Breakdown	
Posts	FTE
Director of Housing	0.1
Assistant Director of Housing (Operations)	0.3
Area Housing Managers x 2	1.4
Assistant Area Housing Managers x 3	1.5
Housing Management Officers x 8 FTE	4.0
Housing Assistants x 3	2.7
Clerical Assistant x 0.5 FTE	0.5
Total	10.5 FTE

29. Key Targets and Performance Monitoring

- 29.1 The Council will monitor performance and compliance with this Strategy through quarterly performance management meetings chaired by the Director of Housing with the Assistant Director of Housing (Operations) and Area Housing Managers, to ensure that a number of targets, which include the following are met:

Key Targets & Performance					
Performance Indicator	2009/10	2010/11	2011/12	2012/13	2013/14
	(Target)	(Target)	(Target)	(Target)	(Target)
Frequency of formal estate inspections between Area Housing Managers and Housing Management Officers	Annually	Annually	Annually	Annually	Annually
Rent collection rate	98.81%	99%	99.1%	99.2%	99.3%
Rent arrears as a percentage of the rent roll	1.8%	1.75%	1.7%	1.65%	1.6%
Former tenant arrears collection rate	£44,000	£44,000	£44,000	£44,000	£44,000
Letter responses	8 days	8 days	8 days	8 days	8 days

30. Reviewing the Strategy

- 30.1 The Strategy for Housing Management will be reviewed in consultation with the Tenants' and Leaseholders Federation before April 2012.