

WELWYN HATFIELD BOROUGH COUNCIL  
REPORT OF THE CHIEF EXECUTIVE  
CABINET HOUSING PANEL - 7 MARCH 2022

RESPONSIVE REPAIRS POLICY

**1 Executive Summary**

- 1.1 This report is asking the Cabinet to consider and approve the new Responsive Repairs Policy set out in appendix A. This is a new policy; however, it is a policy that is required to allow residents to understand the service levels that the Council should be held accountable against. The policy will allow any future complaints or disrepair claims to be assessed against the stated policy. It is expected practice to have an approved policy.
- 1.2 This aim of this policy outlines the Council's approach to meeting its obligations and responsibilities for repairing and maintaining the structure of our properties and various internal fixtures and fittings that the Council provides.
- 1.3 There has been a robust consultation process on this policy with internal teams, Housing, Finance, and Legal and has also been through the Tenants Panel. Comments from all the consultations have been used to inform the final document.

**2 Recommendation(s)**

- 2.1 It is recommended that Members recommend to Cabinet the adoption of the Responsive Repairs Policy (as set out at Appendix A).
- 2.2 If the recommendation to adopt the policy by Cabinet Housing Panel is unanimous, the policy can be approved by way of an Executive Member Decision Notice.

**3 Explanation**

- 3.1 This policy applies to Council renting tenants, temporary accommodation, and leaseholders maintaining the external fabric of the building and shared communal areas in accordance with the Council's lease obligations for leaseholders.
- 3.2 This policy applies to responsive repairs and not work carried out as part of the Council's planned maintenance and / or modernisation programmes.
- 3.3 This policy does not apply to, Private Sector Leased properties and Right to Buy. These are covered within separate documents.
- 3.4 The specific objectives of the Responsive Repairs Policy are to cover:
- A consistent approach and standard for day-to-day responsive repairs
  - Repair Obligations and the Right to Repair
  - Rechargeable Repairs
  - Home Improvements and Alterations
- 3.5 It is our aim to deliver efficient and cost-effective services to our tenants. This Policy will provide clarity and consistency to our customers and staff by outlining the responsibilities and obligations.

**Implications**

**4 Legal Implication(s)**

- 4.1 Health and Safety: Failure to comply with the Health and Safety at Work etc Act 1974 while carrying out repairs could lead to enforcement action being taken by the Health and Safety Executive (HSE).
- 4.2 Failure to complete repairs that impact the safety and welfare of residents within a reasonable time frame could lead to action being taken against the Council by the HSE, Regulator of Social Housing (RSH) or Fire Service.
- 4.3 Alterations: Tenants are required under the terms of their tenancy agreement to obtain written consent from the Council to make any alterations or improvements. An alterations form can be submitted via the Council's website. Where permission is refused, the Council will set out the reasons in writing for the decision.
- 4.4 Where work has commenced or been completed without permission, the Council may request the work be reversed and the property returned its original condition.
- 4.5 Legal action may be taken to ensure the works are completed. Any costs associated with this work will be the responsibility of the tenant.

## **5 Financial Implication(s)**

- 5.1 The policy is funded from the Housing Revenue Account (HRA) budget and there are no further implications to the agreed budget.
- 5.2 Rechargeable repairs are those that are the responsibility of the tenants / licensees, not the Council.
- 5.3 All tenants / licensees will be recharged the cost of repairs and / or work carried out by the council for works they are responsible for and will be charged the actual total cost of the repair plus a 5% administration charge.
- 5.4 After a rechargeable repair has been carried out, the Income team will add the cost of the repair to the tenants / licensee rent account, in a separate account called a sub-account, and will issue an invoice.
- 5.5 Where a tenant / licensee has caused serious damage to the property or has caused damage on repeated occasions, enforcement action may be taken to prevent further breaches of a tenancy from taking place. Action may include;
  - A money judgement order alongside any legal proceedings to recover court costs and the value of the repairs that are rechargeable.
  - Where damage is wilful and can be classified as criminal damage, we may report such incidents to the Police and pursue criminal charges.

## **6 Risk Management Implications**

The risks related to this proposal are:

- 6.1 The risks related to this report and associated policy are consequences which may arise as a result of not fulfilling our obligations to carry out reactive repairs in line with the policy:
  - a) Legal disrepair: A fault or problem with a property for which a landlord is responsible, knows about, and does not repair within a reasonable time, often this results in complaints, decanting the resident and a claim for compensation.
  - b) Complaint: A complaint is any expression of dissatisfaction which requires a response and may be raised by anyone who has been affected by the Council's action, lack of action or about the standard of a service. This may be services delivered by the Council itself or another organisation delivering services on behalf of the Council.
  - c) Decant: A decant is where a resident is required to move from their permanent home into alternative accommodation because of unexpected damage or

major repair or improvement works that means the resident cannot remain in the property while the work is carried out. Residents who are compelled to move, may have a legal right to compensation for the loss of their home and/or the costs of moving.

- a) Compensation: Is usually calculated as a percentage of the rent paid while living in the conditions. A completely uninhabitable property could get 100% of rent as compensation, but this is incredibly rare. More typically, compensation would be between 25% and 50% of the rent.

6.2 The Responsive Repairs Policy provides clarity on how we manage repairs within our stock. It sets out our legal requirements ensuring we deliver against the Policy requirement. The policy ensures that the Council is not incurring either a reputational or legal risk from not having a clear, up to date policy.

## **7 Security and Terrorism Implication(s)**

7.1 None directly arising from this report.

## **8 Procurement Implication(s)**

8.1 None directly arising from this report.

## **9 Climate Change Implication(s)**

9.1 There are no implications arising from this policy

## **10 Human Resources Implication(s)**

10.1 There are no direct implications arising from this policy

## **11 Health and Wellbeing Implication(s)**

11.1 Having a safe, secure, and well-maintained home has potential to have positive impact on the health and wellbeing of tenants or a negative impact where this is not the case.

## **12 Communication and Engagement Implication(s)**

12.1 This policy has been reviewed by the Residents Panel who expressed that the document was simple to follow and understand and some minor word changes were recommended, all comments have been considered and relevant changes made.

## **13 Link to Corporate Priorities**

13.1 The subject of this report is linked to two of the five Council Corporate Priorities:

- 1) Our Housing
- 2) Our Council

## **14 Equality and Diversity**

14.1 An Equality Impact Assessment was completed on 21 January 2022 and no negative impact was identified on any of the protected groups under Equalities legislation.

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Appendix A – Responsive Repairs Policy  
Appendix B – Rechargeable Repair Guidelines