

| | | | |
|---------------------------|--|------------------|------|
| Committee: | Executive | Agenda Item No.: | 15. |
| Date: | 7 th February 2011 | Status | Open |
| Category | 2. Decision within the functions of Executive | | |
| Subject: | Tenant alterations Policy | | |
| Report by: | Head of Housing | | |
| Other Officers Involved | Various – through Patch Management Group | | |
| Director | Neighbourhoods | | |
| Relevant Portfolio Holder | Councillor K. Bowman, Portfolio Holder for Housing and Member Development Champion | | |

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing information to tenants regarding improvements.

REGENERATION – By providing clarity for tenants who may consider improving their current homes.

TARGETS

Not directly

VALUE FOR MONEY

Not directly.

THE REPORT

The enclosed draft policy applies to Council tenants who want to carry out work to their Council homes.

The document is based on the following principles:

- People do have a right to improve their Council homes.
- Any improvements to the home need to be of a standard that is acceptable to the Council.
- The Council needs to give clear guidance on what we will (and will not accept), any conditions that we will apply and what will happen to the improvement at the end of the tenancy.
- The Council need to advise tenants on their statutory right to compensation and when this applies.

The policy provides information on:

- The rights of tenants to improve their home
- How the Council will deal with requests
- Circumstances where permission will be granted / refused / or have conditions imposed,
- The circumstances where tenants receive compensation for improvements, and
- The tenant's right to appeal.

The policy has been developed through the Patch Management Group and prior to consideration by the Executive, has been considered by Senior Management Team and then Safe and Inclusive Scrutiny Committee.

Senior Management Team raised 2 issues:

- Can we charge people for permission? – Some authorities do charge for some permissions to cover costs but tend to restrict this to certain type of work (e.g. permission to install a satellite dish). Members are asked if they would like to consider this option. Some element of charging (i.e. electrical safety testing) is already included within the policy.
- Can we insist that the Council's workforce is used? – No this is not possible.

The Safe and Inclusive Scrutiny Committee did not suggest any substantial changes to the policy.

ISSUES/OPTIONS FOR CONSIDERATION

Whether to adopt the Tenants Improvement Policy. Whether to introduce permission charges for some improvements.

IMPLICATIONS

Financial: - Not directly.

Legal: - Tenants have a right to compensation for carrying out certain qualifying improvements. The details of this are covered within the policy.

Human Resources: Not substantially.

RECOMMENDATIONS

1. Members decide if they wish to introduce a charge for permission for some improvements, and if so what type of improvements should be charged for.
2. That Members approve and adopt the Tenants Improvement Policy.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To adopt a policy that provides more clarity on how the Council will deal with tenants improvements.

ATTACHMENTS: Y
FILE REFERENCE:
SOURCE DOCUMENT:

BOLSOVER DISTRICT COUNCIL

Tenants Improvements and Alterations

January 2011



This Policy addresses the following Corporate Aims (show those which are appropriate to the policy only):



COMMUNITY
SAFETY



COUNCIL &
COUNCIL SERVICES



ENVIRONMENT



REGENERATION



SOCIAL INCLUSION



STRATEGIC ORGANISATIONAL
DEVELOPMENT

Bolsover District Council Equalities Statement

Bolsover District Council is committed to equalities as an employer and in all the services provided to all sections of the community.

- The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with the Equality Strategy.
- The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing its functions.

This document is available in large print and other formats from any of the Council offices or by contacting the Chief Executives Directorate on 01246 242323. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

Our Equality and Improvement Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450

Fax: 01246 242423

| Details of Document | Comments / Confirmation |
|--|--------------------------------------|
| Title | Tenants Improvements and Alterations |
| Document type – i.e. draft or final version | Working |
| Location of Strategy | Housing |
| Lead Author of Strategy | Peter Campbell |
| Member route for Approval & Cabinet Member concerned | Patch Management |
| Date Risk Assessment completed | |
| Date Equality Impact Assessment approved | |
| Consultation Undertaken (Internal or External) if required | |
| Partnership Involvement (if applicable) | |
| Strategy Approved by | |
| Date Approved | |
| Strategy Review Date | |
| Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public) | |

CONTENTS

1. The Introduction

Bolsover District Council recognised that tenants have a right to carry out improvements to their Council owned homes. This policy sets out how we deal with requests to carry out improvements.

2. The Scope of the Policy

This policy applies to secure tenants of Bolsover District Council and their households.

Non-secure tenants are not permitted to make alterations to their property.

4. The Principles of the Policy

The Council recognises that:

- People do have a right to improve their council homes
- Any improvements to the home need to be of a standard that is acceptable to the council.
- The Council needs to give clear guidance on what we will (and will not accept), any conditions that we will apply and what will happen to the improvement at the end of the tenancy.
- The Council need to advise tenants on their statutory right to compensation and when this applies.

5. The Policy Statement

a. Permission for improvements

It is a condition of a tenancy that tenants seek permission from the Council, as their landlord, before starting any improvements.

The Council will not unreasonably refuse permission for improvements but may impose conditions when granting permission. The Council will not accept improvements where, in the opinion of the Council, the proposal:

- is to the detriment of the property (for example removal of internal walls);
- would make the property more difficult to let;
- reduces the saleable value of the property; or
- where there will be any additional cost to the Council

- reduces the number of bedrooms in the property (except if this is an adaptation agreed by the council to suit serious medical needs)

Permission is not needed for minor issues such as redecoration, and for clarification a schedule is enclosed in the appendix of improvements that do need permission and those where no permission is needed.

Any request to carry out improvements should be made in writing. The tenant should show the type and extent of the improvement, and if they employ a contractor details of that contractor.

If there is sufficient information in the request to make a decision, and the request is simple, a response may be made in writing. However, in most cases a site visit will be needed to clarify the request.

If the permission is granted the tenant will be informed in writing that this has been accepted. However, in most cases this will be conditional on the improvement meeting certain standards. In particular the response from the Council will make it clear that:

- The work is carried out to a standard that is acceptable to the Council
- The Council will not bear any of the costs of the improvement
- The tenant will ensure that all debris is removed from site and disposed of in a responsible manner.
- The tenant is responsible for ensuring that any other permissions are granted this includes planning permission, building regulations approval, permission from the County Council for dropped kerbs and any other permission that may be needed for the type of property, location and the extent of proposed works.
- Some properties that are in conservations arrears (e.g. New Bolsover) area may need specific permissions. The tenant is responsible for obtaining these.

The response will also make it clear if there are other conditions that the improvement must meet. These include, but are not limited to:

- Using a qualified contractor (this will always apply if the work involves anything to do with either the electrical or gas supply)
- If there are any restrictions on the size or location of the improvement (for example all sheds must be at least 1 metre away from any boundary)

- Any standards of construction that must be applied
- If there is any restriction as to the use of the improvement (for example a garage for the use of a private motor vehicle only)

The response will also make it clear what will happen at the end of the tenancy. Specifically, either – the improvement will be left in the property and the council will assume responsibility for future maintenance (this may be subject to a final check at the end of the tenancy) – or, the tenant will be expected to remove the improvement and make good any damage this causes.

The appendix includes a list of improvements where the tenant will be required to remove the improvement at the end of the tenancy.

The letter will also set a timescale for the completion of works, and make it clear that there will be an inspection of the works upon completion. There may be a charge made for inspections.

The tenant will also be informed if the repair falls under the tenant improvements scheme (see below)

b. Retrospective Permission

If a tenant has not applied for permission to carry out improvements they may request retrospective permission. Any request will be expected to meet the same standards as a new request. No allowance is made for the fact that work has already been completed.

If the work involves any changes to the electrical or gas systems in the property a safety check will always be carried out. The tenant will be charged for this check plus a fee for administration (see methodology within the recharge policy).

If permission is not granted, or rescinded the tenant will be given a period of time, 28 days, for them to remove the work and to make good. This timescale may be extended with the agreement of the Repairs Manager or the Housing Enforcement Manager. If the work is not completed the Council will take appropriate enforcement action against the tenant. (Details of this methodology are contained within the Recharge Policy)

c. Completion of Works

All improvements will be inspected on completion. If the improvement does not meet the required standard the tenant will be given 28 days (or less if the improvement is unsafe or dangerous) to put this right, or will be required to remove the improvement and to make good. If the tenant refuses or is unable

to carry out this work, the Council will carry this out and recharge the tenant and/or take other legal action.

If the works do meet the required standard the tenant will be informed in writing.

d. Refusal of Permission

If a tenant is refused permission they will be informed in writing.

e. Compensation for Improvements

In some cases tenants are entitled to compensation for repairs they have carried out. This compensation is only available should the tenant leave the property, but not when there is a mutual exchange. This is a statutory scheme in accordance with s99A of the 1985 Housing Act. This only applies to improvements carried out since 1 April 1994.

This only applies to repairs to qualifying improvements where the tenant has the written permission from the Council

| QUALIFYING IMPROVEMENT | NOTIONAL LIFE IN YEARS. |
|---|--------------------------------|
| Bath or shower | 12 |
| Wash hand basin | 12 |
| Toilet | 12 |
| Kitchen sink | 10 |
| Kitchen or bathroom cupboards | 10 |
| Work surfaces in kitchens | 10 |
| Space or water heating | 12 |
| Thermostatic radiator valves | 7 |
| Insulation of pipes. Water tank | 10 |
| Loft insulation | 20 |
| Cavity wall insulation | 20 |
| Draught-proofing - external doors/windows | 8 |
| Double-glazing or external window replacement | 20 |
| Rewiring or provision of power and other electrical fittings (eg smoke detectors) | 15 |
| Any object which improves security, excluding burglar alarms | 10 |

Only the tenant can qualify for this compensation.

There are situations when compensation would not be paid, for example:

- If the amount is less than £50.
- If the tenancy is ended because the council obtained a possession order against the tenant
- If the tenant has bought the property under the Right to Buy scheme.
- If the property has been sold under its general powers of land disposal.
- If a tenant stays in the dwelling concerned and starts a new tenancy as a result of, say a relationship breakdown etc.

The compensation is calculated by using the basic cost of the improvement (the tenant will need to supply receipts) and relating that to the notional life of the fitting. The allowance is calculated by multiplying the costs of the improvement by the by the number of actual years that the fitting had been in place, divided by the notional life. No allowance will be made for the tenants own time or labour when installing the improvement.

Compensation = Cost × (1-(Years since installation/Nominal Life))

Worked example

Compensation for a kitchen sink that has been in the property for 2 years and cost £200.

$£200 \times (1 - 2/10) = £160$ in compensation payable.

The maximum amount payable under the scheme is £3,000.

The amounts may be adjusted for a number of reasons:

- If the tenant has any housing related debt with the Council
- If there is excessive wear and tear to the improvement.
- the cost of the improvement work is considered excessive
- the improvement effected by the work is of a higher quality than it would have been had the Council effected it

Any claim must be submitted within 14 days after the tenancy end date.

f. Appeals

If the tenant is unhappy with any of the refusal of their request or the conditions that are imposed they may appeal to the Repairs Manager.

As the Compensation scheme is a statutory scheme there can be no appeal except where the Council has adjusted the compensation payable. These appeals will be considered by the Repairs Manager or the Head of Housing.

6. Responsibility for implementing the Policy (and implementation plans where necessary).

The responsibility for administration, inspections, deciding conditions and communication with Tenants is with Repairs Co-ordinators.

The responsibility for considering compensation at the end of the tenancy lies with the Voids Team.

The Responsive Repairs Manager and Repairs Manager are responsible for monitoring compliance.

Appendix 1.

Improvements where the tenants will always be required to make good at the end of the tenancy.

- Garden ponds or water features.
 - Greenhouses
 - Glazed or partially glazed internal doors.
 - Light fittings and any other non-standard
 - Kitchens with 'built in' appliances.
 - Satellite TV aerials (including fixing holes)
- (this is not an exhaustive list)

Appendix 2

Standard Conditions to apply

- Sheds and other outbuilding must be at least 1 metre within the boundary.
- In curtilage car parking will only be considered one the tenant has confirmed they have permission from Derbyshire County Council for a dropped kerb.
- Any electrical and gas work must be installed by a suitably qualified person.
- And debris / rubble etc must be removed from site and disposed of responsibly at the tenants expense.

Appendix 3

- Situations where permission will be not be granted.
- Installations of Satellite systems within sheltered housing schemes.

- Request to reduce the size or number of bedrooms in the property.
- Installation of a gas cylinder in areas where mains gas is available.