



COMMUNITIES SCRUTINY COMMITTEE

Tuesday 26th September 2023

You are invited to attend the next meeting of **Communities Scrutiny Committee**, which will be held at:

Council Chamber - Civic Offices
on **Tuesday 26th September 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

Democratic Services Officer: Laura Kirman
lkirman@eppingforestdc.gov.uk

Members: Councillors A Patel (Chairman), J Lucas (Vice-Chairman),
R Brookes, J Jogia, J Lea, C McCann, M Markham, S Murray,
Caroline Pond, R Sharif and S Yerrell

Co-opted Member: W Marshall

SUBSTITUTE NOMINATION DEADLINE: 6.00PM

This meeting will be broadcast live and recorded for repeated viewing.

1. WEBCASTING INTRODUCTION

The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

Therefore, by entering the Council Chamber and using the seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.”

2. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'.

3. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. NOTES OF PREVIOUS MEETING (Pages 3 - 6)

To agree the notes of the meeting of the Select Committee held on 27 June 2023.

6. WORK PROGRAMME (Pages 7 - 9)

To consider, comment and propose any amendments to the Communities Scrutiny Work Programme, for consideration and approval by The Overview and Scrutiny Committee.

7. ASSET BASED COMMUNITY DEVELOPMENT - COMMUNITY CHAMPIONS (Pages 10 - 13)

To note the Community & Wellbeing service area's adoption of an Asset Based Community Development (ABCD) approach and receive an associated presentation from local Community Champions on their achievements to date

8. LANDLORD COMPLIANCE POLICIES (Pages 14 - 86)

To consider and comment on the draft Cabinet paper and landlord compliance policies.

9. SOCIAL HOUSING ANNUAL LETTINGS REPORT 2022/23 (Pages 87 - 110)

To consider and comment on the Social Housing Annual Lettings Report 2022/23.

10. EFDC HOUSING ALLOCATION SCHEME - FIRST YEAR REVIEW (Pages 111 - 171)

To consider and comment on the EFDC Housing Allocation Scheme review.

EPPING FOREST DISTRICT COUNCIL COMMUNITIES SCRUTINY COMMITTEE MEETING MINUTES

Tuesday 27 June 2023, 7.00 pm - 9.15 pm

Council Chamber - Civic Offices

Members Present:	Councillors A Patel (Chairman), R Brookes (Vice-Chairman), M Markham, C McCann, S Murray, J Parsons, R Sharif and D Wixley
Other Councillors:	Councillors R Balcombe, H Kane, S Kane, A Lion, J Philip, C Whitbread and H Whitbread
Other Councillors (Virtually):	Councillors K Williamson
Apologies:	Councillor(s) J Lucas, J Jogia, Caroline Pond and S Yerrell
Officers In Attendance:	Georgina Blakemore (Chief Executive), Surjit Balu (Interim Director of Housing and Property), Jennifer Gould (Strategic Director and Chief Operating Officer), Andrew Small (Strategic Director, Corporate and Section 151 Officer), Christopher Walsh (Service Manager (Housing Needs and Management)), Natalie Cole (Corporate Communications Officer) and Vivienne Messenger (Democratic Services Officer)
Officers In Attendance (Virtually):	Pat Seager (Chairman's Officer)

[A RECORDING OF THIS MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

1 WEBCASTING INTRODUCTION

The Chairman reminded everyone present that this meeting would be recorded and that the Council had adopted a protocol for the webcasting of its meetings.

2 SUBSTITUTE MEMBERS

The Committee noted that Councillor J Parsons had been appointed as substitute for Councillor J Lucas and Councillor D Wixley had been appointed as substitute for Councillor C P Pond.

3 DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Members' Code of Conduct.

4 NOTES OF PREVIOUS MEETING

Councillor S Murray stated that at the last Stronger Communities Select Committee meeting, he had thanked Councillor J Lea for her chairmanship of the Select Committee over the previous year and wanted this included in the minutes, which was agreed.

Following the approval of a new scrutiny committee structure on 4 April 2023, the Committee agreed the notes of the last meeting of the Stronger Communities Select Committee held on 21 March 2023.

5 TERMS OF REFERENCE & WORK PROGRAMME

Terms of Reference (draft)

Agreed:

- (1) That the draft Terms of Reference be agreed, subject to approval by the Overview and Scrutiny Committee on 18 July 2023; and
- (2) That in respect of the Proposed Portfolio Holder Responsibilities, it would be useful to have a written brief from the Service lead officers about what the Council did under these headings to help understand what/how to scrutinise future work programme items.

Work Programme (draft)

Agreed:

- (3) That the Lead Scrutiny Democratic Services Officer organise a virtual briefing the week commencing 11 September for Committee members to discuss what/how to scrutinise proposed work programme items this municipal year and if promoted in the Bulletin, non-members could also make suggestions or raise questions;
- (4) That an extra meeting would be scheduled towards the end of March 2024 for items (11) and (12).; and
- (5) That the draft work programme be agreed, subject to approval by the Overview and Scrutiny Committee on 18 July 2023.

6 RESIDENT INVOLVEMENT STRATEGY

Introduced by C Walsh (Housing Needs and Management Service Manager) and S Balu (Housing and Property Interim Service Director), the report detailed a variety of involvement opportunities the Council offered residents across the breadth of its business. The overall aim of the draft resident involvement strategy was to set out the approach of the Property and Housing Service towards resident involvement and how it would be delivered, supported and resourced. Whilst developed to ensure compliance with the current and future regulatory requirements of social housing providers, its primary focus was to recognise the positive role that our residents would play in the design and improvement of our Property and Housing Service, whilst supporting our wider commitment towards the empowerment of residents and communities.

A detailed discussion was held, and it was agreed the Service Director would include the Committee's scrutiny comments in the report to the Cabinet on 10 July 2023.

Resolved:

That the Committee recommended that the draft Property and Housing Services Resident Involvement Strategy be agreed at Cabinet, as set out at Appendix Three of this report.

7 DATES OF FUTURE MEETINGS

The Committee noted that the next meeting of the Communities Scrutiny Committee would be held at 7.00pm on 26 September 2023.

8 EXCLUSION OF PUBLIC AND PRESS

The Committee agreed to exclude under Section 100(A)(4) of the Local Government Act 1972, the public and press from the meeting for the item of business set out below on grounds that it would involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
10	Housing Repairs Value for Money	3

9 HOUSING REPAIRS VALUE FOR MONEY

A Small (Strategic Director and 151 Officer) addressed the Committee about the conclusions of the review into the value for money following the transfer of the Housing Repairs function to the Council's own arms-length trading company, Qualis, in 2020. This had represented a major shift in the delivery model, in the management of delivery and in the relationship between former colleagues.

A Small, Councillor J Philip (Finance and Economic Development Portfolio Holder) and J Gould (Strategic Director and Chief Operating Officer) answered the Committee's questions on this review.

Resolved:

- (1) That the Committee noted the conclusions of the review into the Value for Money delivered by the Housing Repairs offered by Qualis;
- (2) That further work would be undertaken to understand and resolve the issues, considered to have contributed to concerns being raised, with the results to be reported back to this Committee;
- (3) That an annual benchmarking review of the Housing Repairs arrangements be commissioned and reported to this Committee; and
- (4) That the Strategic Director and 151 Officer update the Committee at the next meeting on how the recommendations would be dealt with.

CHAIRMAN

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Communities Scrutiny Committee Work Programme 2023/24
Chairman: Councillor A Patel

	Item	Date	Progress/Comments	Lead Officer
27 June 2023				
1	Resident Involvement Strategy	27 June 2023	Introduction and approval to progress to Cabinet C/F from Stronger Communities Select Committee Work Programme: Recommended to Cabinet	Surjit Balu
2	Housing Repairs Value for Money	27 June 2023	Value for Money (Exempt Report)	Andrew Small
		26 Sept 2023	Update from Strategic Director	
26 September 2023				
3	Housing Allocation Scheme	26 Sept 2023	12-month review of the Housing Allocation Scheme	Surjit Balu
4	Annual Lettings Report	26 Sept 2023	To scrutinise allocations and lettings performance for <i>22/23 C/F from Stronger Communities Select Committee Work Programme 2022/23</i>	Surjit Balu
5	Safer Streets	<i>19 March 2024</i>	<i>C/F from Stronger Communities Select Committee Work Programme.</i> MOVED- to align with the dedicated police and community safety meeting.	Caroline Wiggins
6	Landlord Compliance Policies Fire Safety Policy Gas and Heating Policy Lift Safety Policy Water Safety Policy Electrical Safety Policy	26 Sept 2023	To review compliance policies that are a regulatory requirement and form part of the Council's wider organisational commitment to driving a health and safety culture amongst staff Status and contractors.	Surjit Balu

	Item	Date	Progress/Comments	Lead Officer
12	Asset Based Community Development – Community Champions	26 Sept 2023		G Wallis
16 January 2024				
7	HRA Business Plan		Yearly Performance update	Surjit Balu
8	Qualis Property Solutions Performance Reporting		Presentation on Housing Repair Performance (Qualis)	Surjit Balu / Ben Johnson (Qualis)
9	Customer Services (Overall satisfaction)		To receive an update on improvements to this Key Performance Indicator	Susan Lewis
13	Epping Forest Health and Wellbeing Strategy		Annual Report	Gill Wallis
5 March 2024				
10	Annual Housing performance report		Report on annual housing KPI's including compliance around the Building Safety Act <i>C/F from Stronger Communities Select Committee Work Programme</i>	Surjit Balu
11	Tenant Satisfaction Measures		<i>C/F from Stronger Communities Select Committee Work Programme 2022/23</i>	Surjit Balu
Proposed date 19 March 2024				
14	Presentation from the District Commander for Epping Forest and Brentwood		Annual Report	Caroline Wiggins
15	Community Safety Partnership		Annual report and review of the district Strategic Intelligence Assessment	Caroline Wiggins

	Item	Date	Progress/Comments	Lead Officer
To be consider in the next municipal Year 2024/25				
	Housing Repair Value for money	tbc	Recommendation item 8 minutes 27 June 2023 Further work to be undertaken/ annual benchmarking commissioned and reported to this scrutiny.	

Agenda Item 7

Report to Communities Scrutiny Committee

Date of meeting: 26 September 2023

Portfolio: Community & Wellbeing - Cllr Smruti Patel

Subject: Asset Based Community Development – Community Champions

Officer contact for further information: Gill Wallis, Service Manager – Community & Wellbeing.
Email: gwallis@eppingforestdc.gov.uk

Democratic Services Officer: L Kirman: email: DemocraticServices@eppingforestdc.gov.uk
Tel: (01992) 564243



Recommendations/Decisions Required:

That the Committee notes the Community & Wellbeing service area's adoption of an Asset Based Community Development (ABCD) approach and receives an associated presentation from local Community Champions on their achievements to date.

1. Report:

1.1 Background

The Epping Forest Health & Wellbeing Strategy 2022-26 sets out a clear vision and key priorities in relation to tackling health inequalities and improving the health and wellbeing of residents in the district.

The Council works closely with a wide range of statutory and Third Sector partners to proactively deliver the objectives of the Health & Wellbeing Strategy, however, underpinning the success of this work is the direct involvement and input of communities themselves. For a number of years, the Council's Community Development & Wellbeing Team has adopted a methodology called Asset Based Community Development (ABCD) in support of this approach.

1.2 What is Asset Based Community Development?

Asset Based Community Development is a localised and bottom-up way of strengthening communities through recognising, identifying, and harnessing existing 'assets' (i.e., things like skills, knowledge, capacity, resources, experience and enthusiasm) that individuals and communities have which can help to strengthen and improve things locally.

Instead of looking at what a community needs or lacks, the approach focuses on utilising the 'assets' that are already there. The approach facilitates the empowerment of individuals and communities by helping them to identify and share their strengths and then work together to create their own social innovations.

The Epping Forest Community Champions initiative is a tangible example of how an Asset Based Community Development approach has been successfully adopted and implemented by the Council to positive effect.

1.3 Epping Forest Community Champions

Supported by Community Development staff, there are currently 20 active Community Champions across the district, with numbers growing all the time. Currently, Community Champions support communities in Abridge, Buckhurst Hill, Chigwell, Coopersale, Epping, Loughton, Nazeing, Ongar, Roydon, Sheering, Theydon Bois, Waltham Abbey and Willingale.

The vision is to ultimately have one or more Community Champion in all towns and villages in the district.

Community Champions are volunteers from the local community who want to make a positive difference in their area. They do this in a range of diverse ways, each being led by the needs in their specific neighbourhoods, but each having the skills, training and resources at their disposal to signpost those in need to key services, groups, projects or initiatives that will help them.

Community Champions are kind, empathetic and generous with their time. Using the knowledge and skills they have gain through, for example, undertaking Mental Health First Aid training or Dementia Friends Awareness training, Champions are able to confidentially begin conversations with those who may be struggling with their mental or physical health, or those who may be lonely or feeling isolated. Community Champions are a direct conduit between the Council's Community Development staff and the community itself, and their support and input is invaluable.

Champions attend an in-person evening meeting every month with Community Development staff and use a WhatsApp group for day-to-day communication and to provide peer support to each other. More experienced Champions frequently mentor new recruits and willing share their ideas and experiences, often helping each other out with local events outside of their own areas.

The opportunity to apply to become a Community Champion is promoted in a variety of ways including via posters and flyers, through social media channels and at the various events Community & Wellbeing staff organise. Partner agencies also readily promote the initiative on behalf of the Council. All applications are carefully considered, and the appointment process includes inviting comments from District, Town, and Parish Councillors to secure endorsement from the appropriate Ward Members.

1.4 Funding secured by Community Champions

Community Champions actively fundraise. With support and guidance from Community Development Officers, ECC Locality Funding totalling £2,846 has been secured for projects in Nazeing, Roydon and Sheering which help to reduce loneliness and isolation and improve mental wellbeing. £1,700 has been secured from Essex County Council for the 'Let's Cook' project enabled a Chigwell Community Champion to provide an additional food education activity at the Limes Farm Youth Club.

Public Health Grant funding of £200 per setting supported the set-up of Warm Places/Social Spaces in Sheering, Nazeing and Chigwell, each of these being set up and run by Community Champions. The Limes Farm Colts Football Team, established by a second Chigwell Community Champion, secured £3,000 from the Grange Farm Trust to continue a football initiative for young people on the estate and also subsequently received match funding of £3,067 from the Community Safety Partnership and £4,500 of High Sheriff funding to sustain the project. Equans social value department contributed £800 towards the operation of a Limes Farm Community Café, a separate Bereavement Cafe and a local Food Pantry.

1.5 Events and Projects supported by Community Champions

Key to the Community Champion role is supporting the Council's Community Development Officers and wider partners with events and health and wellbeing initiatives.

'Stay Safe & Well' days for older residents are regularly delivered across Epping Forest, and Champions support with the welfare of attendees on the day, with the preparation and serving of refreshments and the organisation of transport.

Champions have supported RideLondon, Memory Train events for people living with Dementia, a Ukrainian Information & Networking event, Recruitment & Skills Fairs, and the Ninefields Play Area launch. They have provided invaluable assistance with the Community Safety "Days of Action" on Ninefields estate as part of the Safer Streets Project, and similar on the Limes Farm estate. Champions have also led on numerous celebratory events to mark the Platinum Jubilee and Kings Coronation within their communities.

1.6 Community Champions support in emergency situations

Community Champions receive comprehensive training to support them in their roles. This can take the form of face-to-face sessions, such as Safeguarding training, and also virtual training via access that has been arranged to the Council's Litmos training portal.

Having undertaken Emergency Response training, Community Champions now form part of the Rest Centre Emergency Team which the Council stands up in the event of an incident. Most recently, Community Champions were called upon at short notice to support residents who had been evacuated from their properties in Epping on a Friday evening. They also willingly travelled to Stansted Airport to provide support to Sudanese evacuees, generously giving up their time over a Bank Holiday Weekend.

1.7 Further illustrations of an ABCD approach:

1.7.1 Estate Ambassadors – Resident involvement in relation to Housing Tenants & Leaseholders

Another example of the ABCD methodology being implemented by the Council, and one which will carefully interface with Community & Wellbeing's Community Champions initiative, is Housing Service's refreshed Estate Ambassadors initiative. Whilst there are discrete differences between these roles, both involve developing a positive relationship with residents in order to improve the lives of local people.

Following the recent review and adoption of the Council's Resident Involvement Strategy, Tenant Participation staff within Housing Services will imminently embark on the recruitment of new *Street/Block Ambassadors (*the precise title of the role will be confirmed in due course following consultation) to work proactively with tenants and leaseholders in order to better understand their needs and how best to meet these.

Specifically, Estate Ambassadors will become involved in estate inspections alongside Housing Officers, help identify estate improvements, input into where and how funds are spent, be the conduit for information exchange, report issues of concern and generally feedback on services in order to help the Council and its partners to improve them. The full detail in terms of the criteria and recruitment process for the planned Ambassadors is currently being worked up, but this is an exciting opportunity which will not only benefit the Council and local communities, but also the individuals involved themselves in terms of personal development and training opportunities.

Further information regarding this area of work can be obtained from Sherryl Kontor, Interim Team Manager – Tenancy & Estates.

1.7.2 Digital Champions

Prior to the COVID 19 pandemic the Council kick-started key work on a number of initiatives in support of the digital inclusion agenda. At this time, work commenced to actively recruit "Digital Champion" volunteers who were encouraged to use their own IT and digital skills and experience to support others who may feel less confident. This illustrates a further example of the Council positively harnessing community assets – the ABCD approach.

Unsurprisingly, COVID presented a number of challenges in terms of maintaining the early momentum of the Digital Champions volunteers initiative, however, this has been mitigated through partnership working with VAEF and West Essex Mind. Since August 2022, both organisations have contributed to the operation of digital skills coaching provision in the Civic Offices Community Hub.

Moving forwards, there are plans to ensure the recruitment of volunteers is central to any digital skills provision, harnessing the skills within the community to maximum effect and ensuring the long-term sustainability of this work.

Further information regarding this area of work can be obtained from Louis Walton, Lead Customer Services Officer.

Reason for decision: To note the benefits and impact of the Community Champions initiative through a presentation from volunteers themselves on their recent work and successes.

Options considered and rejected: N/A

Consultation undertaken: Community Champions regularly consult with their local communities as a key part of their work and remit.

Resource implications: Community Champions are supported by two Community Development Officers

Legal and Governance Implications: Community Champions adhere to an agreed Code of Conduct, have appropriate training and the support of Community Development Officers.

Safer, Cleaner, Greener Implications: None

Background Papers: None

Risk Management: Managed as part of service area arrangements

Equality: An Equality Impact Assessment has been carried out - no significant impact.

Agenda Item 8

Report to Communities Scrutiny Committee

Date of meeting: 26 September 2023

Portfolio:

Housing and Strategic Health Partnerships (Cllr Holly Whitbread)

Subject: Landlord Health and Safety Compliance Policies

Officer contact for further information:

John Taphouse, Interim Head of Asset Management (jtaphouse@eppingforestdc.gov.uk)

Democratic Services Officer:

L Kirman: email: DemocraticServices@eppingforestdc.gov.uk tel:01992 564243)



Recommendations/Decisions Required:

To consider and comment on the draft Cabinet paper and compliance policies.

Report:

1. Cabinet will be asked to approve five compliance policies (electrical safety, fire safety, gas safety, lift safety and water hygiene). These policies, together with the draft covering Cabinet paper, are attached.
2. The Scrutiny Committee are asked to consider and comment on the draft paper and policies ahead of presentation to Cabinet.

Reason for decision:

To agree any amendments to the draft Cabinet paper and compliance policies prior to presentation to Cabinet.

Options considered and rejected:

Not applicable.

Consultation undertaken:

The Tenant's and Leaseholders' Panel reviewed the draft Cabinet paper and policies on 5th September 2023. Following consideration by the Panel, two amendments to the fire safety policy have been incorporated into the policy:

- Section 6.18 – the policy to adopt a sterile environment approach in all internal common areas was amended to allow this requirement to be relaxed in circumstances where there is a regular management presence. For example, low risk items such as pictures, noticeboards and suitable doormats may be permitted.
- Section 6.19 – the policy not permitting the storage of mobility scooters within internal common areas was extended to eBikes and other battery powered equipment.

Resource implications:

The policies reflect the assessment regime we already have in place so there are no additional resource requirements to comply with these policies. Actions arise which often have a cost implication. However, actions should diminish from assessment to assessment.

Legal and Governance Implications, Relevant Statutory Powers:

Adherence to the recommended policies will provide assurance that EFDC will remain compliant with our statutory obligations.

Corporate Plan Implications:

The landlord compliance policies support the following key objectives of the Corporate Plan:

- Stronger place - We will protect and enhance our green spaces for future generations while providing decent, safe homes to meet all our needs.
- Stronger communities - We will work with our partners to achieve wellbeing and health equity for all our residents.

Background Papers:

The draft Cabinet paper and the proposed policies for electrical safety, fire safety, gas safety, lift safety and water hygiene.

Risk Management:

The biggest risk is that the policies are not embedded in working practices or that tenants and leaseholders are not aware of the risks. These risks are mitigated by tracking our performance against targets and by regular campaigns on health and safety.

Equality:

An Equality Impact Assessment was carried out and there was no significant impact.

Key Decision: (if required):

DRAFT Report to the Cabinet

Report reference: draft

Date of meeting:



**Epping Forest
District Council**

Portfolio: Housing and Strategic Health Partnerships (Cllr Holly Whitbread)

Subject: Landlord Compliance Policies

Responsible Officer: Surjit Balu, Interim Director for Housing
(sbalu@eppingforestdc.gov.uk)

Recommendations/Decisions Required:

- (1) **First Recommendation;**
To adopt the Electrical Safety Policy
- (2) **Second Recommendation;**
To adopt the Fire Safety Policy
- (3) **Third Recommendation;**
To adopt the Gas Safety Policy
- (4) **Fourth Recommendation**
To adopt the Lift Safety Policy
- (5) **Fifth Recommendation**
To adopt the Water Hygiene Policy

Executive Summary:

The Council has duties to comply with regulations relating the 'Big Six' areas of health and safety. These being Asbestos, Electrical, Fire, Gas, Lifts and Water Hygiene. In May 2023, Cabinet approved the asbestos safety policy. This paper asks the Cabinet to approve the adoption of the attached proposed policies on the remaining five.

These policies have been produced by officers with the advice of Pennington Choices, an expert company on matters of compliance for social housing landlords.

The policies form part of the Council's wider organisational commitment to driving a health and safety culture amongst staff and contractors.

The key aspects of each policy are highlighted in this report, but the attached full policies are the key working documents.

Reasons for Proposed Decision:

The Council is required to ensure compliance with the regulations concerning health and safety in the homes and buildings we manage.

Report:

1 Scope of the Policies

1.1 The policies apply to:

- The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices and communal spaces.
- Any commercial premises which are owned by the HRA.
- Any depots, operational and commercial buildings owned or managed by EFDC.

2 Roles and Responsibilities

2.1 Cabinet

- Cabinet has overall governance responsibility for ensuring these policies are fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally review and approve the policies every two years (or sooner if there is a change in legislation or regulation).
- For assurance that the policies are operating effectively in practice, the Cabinet will receive regular updates on their implementation, performance and any non-compliance.

2.2 Senior Leadership Team

- The Senior Leadership Team (SLT) will receive monthly performance reports in respect of all 'Big Six' areas of compliance. They will also be notified of any non-compliance issue identified.

2.3 Service Responsibilities

- The Director of Housing has strategic responsibility for the management of health and safety covered by these policies.

2.4 Responsible Persons

- The appointment of a 'Responsible Person' is required under regulations concerning fire safety and water hygiene. The policies specify these as follows:
- Fire Safety - EFDC is the Responsible Person. Under the Regulatory Reform (Fire Safety) Order 2005, the 'Responsible Person' can be a corporate entity.
- Water Hygiene - The Service Manager for Assets is the Responsible Person.

3 Key Features of the Policies

3.1 The following headlines list the main activities to comply with each of the policies. Please see the policy itself for the full scope of requirements.

Electrical Safety

- We will inspect and test electrical installations every five years and at a change of tenancy and carry out any remedial works to ensure the installation is safe. Previously this was carried out every ten years and at a change of tenancy.
- We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.
- We will operate measures to identify, manage and/or mitigate risks related to portable electrical appliances in the properties we are responsible for.
- We will carry out a programme of checks to lightning protection, where it is installed, every 12 months.

Fire Safety

- Each property requiring a fire risk assessment (FRA) will have one in place, and the FRA will be carried out by a competent fire risk assessor.
- We will operate robust processes to implement all general fire precaution recommendations identified by FRAs.
- We will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage).
- If we are made aware that a resident living in one of our buildings has a physical, cognitive or mental impairment, we will complete a person-centred fire risk assessment (PCFRA) for them.
- Within twelve months of approving this policy, we will adopt a sterile environment approach in all internal common areas, requiring tenants to remove combustible materials from corridors and fire escape routes.
- We will not permit the storage of mobility scooters within internal common areas.
- We will undertake quarterly checks of communal fire doors and annual checks of flat entrance doors to all such buildings over 11 metres in height.
- For all other communal blocks and other properties with common areas, we will undertake a six-monthly check of all communal fire doors, and an annual check of 25 per cent sample of flat entrance doors.
- We will ensure robust processes are in place to implement all general fire precaution measures identified by FRAs, in accordance with the following priorities and timescales:
 - Intolerable risk – within 24 hours
 - High risk – within one month.
 - Medium risk – within three months.
 - Low risk – within six months or delivered as part of a planned programme within 12 months
- We will establish a resident engagement communication programme. This will support tenants in their understanding of fire safety, advise them of how they can keep themselves and other tenants safe, and encourage them to report any fire safety concerns.

Gas Safety

- We will carry out an annual gas safety check to all properties with a gas supply, irrespective of whether the gas is connected or not. We use the 'MOT' approach to gas safety checks. This approach, under Part F, Regulation 36 (3) of the Gas Safety Regulations, allows a gas safety check to take place within ten months and one day of the previous safety check and retain the original 12-month anniversary date of the previous safety check.
- We will ensure that copies of all landlord's gas safety records (LGSRs) and any other relevant certificates are provided to tenants within 28 days of completion.
- We will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage).
- We will ensure that gas safety checks are carried out within 24 hours of the commencement of a new tenancy.
- We will carry out a five-point visual check of resident owned appliances.
- We will not permit residents to install their own fixed heating appliance (such as wood burning heaters). Where we find such heating systems have been installed without

permission, we will require its removal. Where we have previously given permission for a resident to install a fixed heating system, EFDC will assume responsibility for the regular safety checks and servicing (including chimney sweeps) unless agreed otherwise.

- We will operate a robust process if there is difficulty gaining access to a property to carry out the gas safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license following a minimum of three attempts at gaining access. Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.
- This policy applies to the few EFDC properties with other types of combustion heating such as solid fuel or oil fired boilers.

Lift safety

- We will ensure all lifting equipment is subject to a thorough examination before being commissioned into use for the first time.
- All lifting equipment will be subject to a periodic thorough examination and routine servicing and maintenance.
- All lifts that we install in properties we own or manage will be fully accessible for disabled users.
- Where we become aware of a breakdown, we will ensure our lift contractor attends within four hours (emergencies), 24 hours (urgent) or three days for non-emergency / routine breakdowns.
- In the event of any persons becoming trapped in a lift we are responsible for we will ensure our lift contractor attends within one hour.
- All lifting equipment, including domestic lifts, will be subject to a thorough examination:
 - Before being commissioned into use for the first time
 - Every six months if the lift is being used to carry people – this includes passenger lifts and domestic stairlifts
 - Every 12 months if the lift only carries loads

Water Hygiene

- We will review legionella risk assessments every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk.
- When properties become void, we will flush the water system, including any shower loop, before undertaking any work.
- We will carry out checks to identify pipework 'dead legs' and remove them within void properties and any properties where we are carrying out adaptations or planned investment work (e.g. bathroom or kitchen replacements).

4 Obligations for the Council

- 4.1 The obligations of the Council are listed in section 5.0 of respective policies.
- 4.2 Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under any of the principal legislation listed in Section 4.1; and via a regulatory notice from the Regulator of Social Housing.

Tenants' and Leaseholders' Panel Comments

The policies were discussed at the Tenants' and Leaseholders' Panel on 5 September 2023. The following suggested amendments to the fire safety policy have been incorporated into the policy:

- Section 6.18 – the policy to adopt a sterile environment approach in all internal common areas was amended to allow this requirement to be relaxed in circumstances where there is a regular management presence.
- Section 6.19 – the policy not permitting the storage of mobility scooters within internal common areas was extended to eBikes and other battery powered equipment.

Scrutiny Comments

Please insert where its relevant to the report a paragraph entitled, e.g. "Scrutiny Comments" as above. Any pre-scrutiny and/or consultation undertaken can be included here. It can also be summarised below under "Resource Implications" in the "Consultation / Scrutiny Undertaken" section.

Resource Implications:

The policies reflect the assessment regime we already have in place so there are no additional resource requirements to comply with these policies. Actions arise which often have a cost implication. However, actions should diminish from assessment to assessment.

Legal and Governance Implications:

Adherence to the recommended policies will provide assurance that EFDC will remain compliant with our statutory obligations.

Safer, Cleaner and Greener Implications:

These policies and their implementation ensure the safety of residents, staff and contractors.

Consultation / Scrutiny Undertaken:

The Residents' Panel will be consulted on the policies before the Cabinet Meeting.

Background Papers:

The proposed policies for electrical safety, fire safety, gas safety, lift safety and water hygiene.

Risk Management:

The biggest risk is that the policies are not embedded in working practices or that tenants and leaseholders are not aware of the risks. These risks are mitigated by tracking our performance against targets and by regular campaigns on health and safety.

Equality:

An Equality Impact Assessment was carried out and there was no significant impact.

Electrical Safety Policy



Name	Electrical Safety Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Resident Consultation	TBC
Equality Impact Assessment	August 2023
Cabinet Approval	TBC

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

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1.0 Introduction and Objectives

- 1.1 As a landlord, Epping Forest District Council (EFDC) is responsible for repairs and maintenance to our homes, communal blocks and other properties we own and manage, all of which will contain electrical installations, equipment and portable appliances.
- 1.2 The key objective of this policy is to ensure our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory electrical safety obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.3 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
 - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).

- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, electrical safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of electrical safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of electrical safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Service Manager - Assets has operational responsibility for the management of electrical safety and will be responsible for overseeing the delivery of these programmes.
- 3.6 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal access processes, as necessary.

4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** – Principal legislation applicable to this policy is as follows:

- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Electricity at Work Regulations 1989
- Electrical Equipment (Safety) Regulations 2016.

This policy also operates within the context of additional legislation (see Appendix 1).

4.2 **Guidance and codes of practice** – The principal guidance and codes of practice applicable to this policy are:

- INDG236 - Maintaining portable electrical equipment in low-risk environments (as amended 2013).
- IET Wiring Regulations British Standard 7671:2018 (18th edition).
- Code of Practice for the Management of Electrotechnical Care in Social Housing (Electrical Safety Roundtable) January 2019.
- The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (IET) 2020 (5th edition).

4.3 **Regulatory standards** – We must ensure that we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing

(Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

- 4.4 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under any of the principal legislation listed in Section 4.1; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

- 5.1 The Housing Act 2004 requires that properties are free from Category 1 HHSRS hazards; this includes electrical hazards.
- 5.2 The Landlord and Tenant Act 1985 and the Homes (Fitness for Human Habitation) Act 2018 place duties on landlords to ensure that electrical installations in rented properties are:
- Safe when a tenancy begins.
 - Maintained in a safe condition throughout the tenancy so the property is fit for habitation.
- 5.3 To comply with these duties, electrical installations are required to be periodically inspected and tested. There is no legal requirement setting out how frequently we must carry out inspections and tests in domestic properties, however the government has consulting during summer 2022 on introducing mandatory checks on electrical installations for social housing at least every five years.
- 5.4 Best practice guidance within the current version of BS7671:2018 (currently BS7671:2018+A2:2022) recommends that electrical installations are tested at intervals of no longer than five years from the previous inspection. This guidance also states that any deviation from a five-year interval should be at the recommendation of a competent person, and should be backed up by sound evidence to support the recommendation.
- 5.5 All electrical installations should be inspected and tested prior to the commencement of any new tenancies. This means that tests should be carried out whilst properties are void and when mutual exchanges and transfers take place, and a satisfactory Electrical Installation Condition Report (EICR) must be issued to the resident upon moving in.
- 5.6 The Electricity at Work Regulations 1989 places duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment.
- 5.7 The Electrical Equipment (Safety) Regulations 2016 requires landlords to ensure that any electrical appliances provided as part of a tenancy are safe when first supplied.

6.0 Statement of Intent

- 6.1 We acknowledge and accept our responsibilities with regards to electrical safety under the legislation and regulations, as outlined in Sections 4 and 5.
- 6.2 We will deliver an electrical inspection and testing programme as set out in Section 7.
- 6.3 We will ensure that all electrical installations are in a satisfactory condition following the completion of an electrical installation inspection and test and will require the production of a condition report or other certificate which confirms that the installation is safe.
- 6.4 We will ensure that a full electrical installation inspection and test is undertaken in the case of a change of occupancy (void properties, mutual exchanges and transfers), and when completing planned works within domestic properties; this will be evidenced through a satisfactory EICR or other report.
- 6.5 We are delivering an installation plan and have a target date of October 2023 to ensure each property has a smoke alarm and carbon monoxide alarm installed. We will install, test and replace (as required) battery/hard-wired smoke and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage). Where the property does not have a gas supply, we will do this as part of the electrical inspection test.
- 6.6 We will operate a robust process if there is difficulty gaining access to a property to carry out the electrical safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license provided the appropriate procedures have been followed and approval given by a Head of Service (or more senior role). Where resident vulnerability issues are known or identified, we will ensure that we safeguard the wellbeing of the resident.
- 6.7 We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.
- 6.8 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.9 We will operate measures to identify, manage and/or mitigate risks related to portable electrical appliances in the properties we are responsible for.
- 6.10 We will carry out a programme of checks to lightning protection, where it is installed, every 12 months.
- 6.11 We will establish and maintain a risk assessment for electrical safety management and operations, setting out our key electrical safety risks and appropriate mitigations.
- 6.12 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM), a Construction Phase Plan will be in place for all repairs work to

void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement and refurbishment works.

- 6.13 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to electrical safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 We are implementing a programme of five yearly electrical installation inspections and tests, having previously carried these out every 10 years. We carry out these inspections and tests to all domestic properties, communal blocks and other properties within the scope set out in 2.1, and from this point forward the inspection and test will be carried out every five years (unless the competent person recommends an earlier next test date). The person carrying out the test will be required to issue us with a new satisfactory EICR. The date of the next inspection and test is driven from the date of the most recent EICR.
- 7.2 **New builds and properties which have rewires** – All new builds, and all properties which have a rewire, will receive their first electrical installation inspection and test five years after the date of installation, and every five years thereafter.
- 7.3 **Properties managed by others** – We will obtain EICRs where our properties are managed by a third party. If the third party does not provide the EICR, we will carry out the inspection and obtain the EICR, and re-charge them for the cost of this work.

8.0 Follow-up Work

- 8.1 We will endeavour to repair all Code 1 (C1) and Code 2 (C2) defects identified by an electrical installation inspection and test at the time of the check, to produce a satisfactory EICR. Where this is not possible, we will make the installation safe and return to complete the required remediation works within 28 days to ensure a satisfactory EICR is produced.
- 8.2 Further Investigations (FIs) recorded on the EICR will be investigated within 28 days of the date on which the inspection and test was carried out. Any C1 or C2 faults identified as a result of these will be rectified within 28 days.
- 8.3 Where any C1 and C2 defects have been repaired, they will be recorded on the satisfactory EICR to provide an audit of the work completed.
- 8.4 We will review all Code 3 (C3) and observations and determine the most appropriate course of action.

9.0 Data and Records

- 9.1 We will maintain a core asset register of all properties we own or manage, with component/attribute data against each property to show electrical safety testing and inspection requirements.
- 9.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from the electrical safety programme and the programme remains up to date.
- 9.3 We will maintain accurate records, against each property we own and/or manage, of the following:
- Inspection dates;
 - Electrical Installation Condition Reports (EICRs);
 - Minor Electrical Works Certificates and Building Regulation Part P notifications associated with remedial works; and
 - Electrical Installation Certificates.
- 9.4 We will hold these in Share Point. We will implement the Civica CX system during 2023, and from that point will hold this information in it.
- 9.5 We will keep at least the two most recent EICR records or certificates outlined within section 9.3. We will have robust processes and controls in place to maintain appropriate levels of security for all electrical safety related data.

10.0 Resident Engagement

- 10.1 We consider good communication essential in the effective delivery of electrical safety programmes, therefore we will establish a resident engagement strategy and communication programme to support tenants in their understanding of electrical safety.
- 10.2 This will assist us in maximising access to carry out electrical inspections, encourage and support tenants to report any concerns about electrical safety, and help us to engage with vulnerable and hard to reach tenants.
- 10.3 We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

11.0 Competent Persons

- 11.1 The Senior Mechanical and Electrical Engineer Operational Assets, as the post responsible for managing day to day delivery of the programme, will hold the Level 4 VRQ in Electrical Safety Management or Level 4 VRQ Diploma in Asset and Building Management (or

equivalent). If they do not have this already, they will obtain it within 12 months of the approval of this policy.

- 11.2 Only suitably competent electrical contractors and operatives, who are registered with an approved competent body (for example the NICEIC, British Standards Institution, ELECSA, BRE Certification or NAPIT Registration) will undertake electrical works on our behalf.
- 11.3 Only suitably competent third-party technical auditors, who are registered with approved competent body (for example the NICEIC, British Standards Institution, ELECSA, BRE Certification or NAPIT Registration), will undertake quality assurance checks.
- 11.4 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

12.0 Training

- 12.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings, basic electrical safety awareness training and on the job training for those delivering the electrical safety programme, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

13.0 Performance Reporting

- 13.1 We will report robust key performance indicator (KPI) measures for electrical safety. These will be provided to SLT monthly and to the Cabinet on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal and others);
- Properties on the electrical inspection and testing programme;
- Properties not on the electrical inspection and testing programme;
- Properties with a satisfactory and in date EICR;
- Properties without a satisfactory and in date EICR;
- Completed, in-time and overdue follow-up works/actions arising from the inspection programme.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE with regards to electrical safety.

14.0 Quality Assurance

- 14.1 We will ensure there is a programme of third-party quality assurance audits of electrical safety checks. This will cover new installations (or those which have had upgrades which require a new EICR), sample of field checks and electrical safety certificates. Sampling will be risk-based taking into account the property type and the engineer who carried out the inspection. The minimum sample size will be 5%.
- 14.2 Internally we will undertake a 100 per cent desktop audits of all EICRs and other records and certificates outlined in 9.3.
- 14.3 We will carry out an internal audit of electrical safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

15.0 Significant Non-Compliance and Escalation

- 15.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an EFDC employee becoming aware of it.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to either the Head of Asset Strategy or the Head of Asset Operations in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 15.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

16.0 Glossary

- 16.1 This glossary defines key terms used throughout this policy:
- **EICR:** Electrical Installation Condition Report - a formal document that is produced following an assessment of the electrical installation within a property (domestic or

communal). It must be carried out by an experienced qualified electrician or approved contractor.

- **NICEIC:** National Inspection Council for Electrical Installation Contracting – an organisation which regulates the training and work of electrical contractors in the UK. The NICEIC is one of several providers given Government approval to offer Competent Person Schemes to oversee electrical work within the electrical industry.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- The Occupiers' Liability Act 1984
- Health and Safety at Work Act 1974
- Workplace (Health Safety and Welfare) Regulations 1992
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Regulatory Reform (Fire Safety) Order 2005
- Corporate Manslaughter and Homicide Act 2007
- Building Regulations 2010 (England and Wales) - Part P
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction, Design and Management Regulations 2015
- Data Protection Act 2018

Fire Safety Policy



Name	Fire Safety Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Resident Consultation	TBC
Equality Impact Assessment	August 2023
Cabinet Approval	TBC

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

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1.0 Introduction and Objectives

- 1.1 As a landlord, Epping Forest District Council (EFDC) is responsible for carrying out fire risk assessments, and taking action to identify, manage and mitigate risks associated with fire within the common areas of buildings we own and manage.
- 1.2 We have a duty to take general fire precaution measures to ensure, as far as is reasonably practicable, the safety of the people on our premises and in the immediate vicinity.
- 1.3 The key objective of this policy is to ensure that our Cabinet, Senior Leadership Team, employees, partners, and tenants are clear on our legal and regulatory fire safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
 - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees, within the home of each resident, and within all common areas of buildings and other properties we own and manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 EFDC is the 'Responsible Person' for the purposes of the key fire safety legislation because we own and manage homes and buildings where tenants and leaseholders live. This key

legislation is the Regulatory Reform (Fire Safety) Order 2005, and the Responsible Person is the dutyholder.

- 3.2 EFDC's Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.3 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, fire safety performance and any non-compliance.
- 3.4 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of fire safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.5 The Director of Housing has strategic responsibility for the management of fire safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.6 The Service Manager for Assets has operational responsibility for the management of fire safety and will be responsible for overseeing the delivery of these programmes.
- 3.7 Housing teams will provide support where gaining access to properties is difficult.

4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** - The principal legislation applicable to this policy is as follows:

- **Regulatory Reform (Fire Safety) Order 2005 (FSO).**
- The **Fire Safety Act 2021** came into force on 16 May 2022, amending the FSO.
- The **Fire Safety (England) Regulations 2022** are being laid under the FSO and will come into effect on 23 January 2023. As a result, this may impact definitions and requirements and result in changes to this policy.
- The **Building Safety Act 2022** will come into effect from April 2023 and will amend the FSO. As a result, this may impact definitions and requirements and result in changes to this policy.
- **Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022** which came into effect on 1 October 2022.

4.2 This policy also operates within the context of additional legislation, industry guidance and government policy direction (see Appendix 1).

4.3 **Regulatory Standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Homes Standard is the primary one applicable to this policy. The Social Housing

(Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

- 4.4 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution by the Fire and Rescue Service under the Fire Safety Order; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

5.1 Regulatory Reform (Fire Safety) Order 2005 (the FSO)

The Responsible Person (which is EFDC, as dutyholder) must:

- Carry out a fire risk assessment (FRA) for the purpose of identifying the general fire precautions and other measures needed to comply with the FSO. Although under the FSO this requirement only applies to common parts of premises, in practice the Responsible Person will need to consider the entire premises, including units of residential accommodation.
- Consider who may be especially at risk.
- Implement all necessary general fire precautions and any other necessary measures identified by an FRA to remove or reduce any risks.
- Implement a suitable system of maintenance and appoint competent persons to carry out any procedures that have been adopted.
- Periodically review FRAs in a timescale appropriate to the premises and/or occupation fire risk level. This timescale is determined by the fire risk assessor carrying out the FRA.

5.2 Fire Safety Act 2021

The Act amends the FSO by clarifying that in buildings with two or more sets of domestic premises, the FSO applies to:

- the structure and external walls of the building, including cladding, balconies and windows; and
- all doors between the domestic premises and the common parts, for example, entrance doors to individual flats which open on to common parts.

The Responsible Person must ensure that FRAs comply with the criteria outlined above by appointing a competent person to review them (if the FRAs do not already comply). See Section 11 for competency requirements.

5.3 Fire Safety (England) Regulations 2022

When the Regulations come into force on 23 January 2023 the Responsible Person will be required to:

- For all buildings - provide tenants with fire safety instructions and information on fire doors.
- For buildings over 11 metres - undertake quarterly checks of communal fire doors and annual checks of flat entrance doors.

There are also requirements for buildings over 18 metres (as defined within the Building Safety Act 2022), but EFDC does not have any buildings which meet this criterion.

5.4 **Building Safety Act 2022**

As well as bringing specific duties in respect of buildings over 18 metres (which will not apply to EFDC), the Building Safety Act will also amend the FSO when it comes into effect from April 2023. The amendments will be applicable to **all** buildings where the FSO applies and will require the Responsible Person to:

1. Record FRAs in full and record fire safety arrangements.
2. Appoint a competent person to undertake/review FRAs and record their identity.
3. Ascertain whether other RPs have duties in respect of the premises, and share relevant information with them.
4. Provide relevant fire safety information to tenants (for buildings with two or more domestic premises).

6.0 **Statement of Intent**

6.1 We acknowledge and accept our responsibilities under the FSO (as amended by the Fire Safety Act 2021) as outlined in Section 5. Where legislation has not yet come into force, we will monitor this regularly and update this policy accordingly.

6.2 Whilst we do not have any occupied higher risk buildings that fall within scope of the Building Safety Act 2022, we will apply the principles that are set out in the Accountable Persons duties to our highest risk buildings; these are our sheltered buildings. We will develop and adopt a resident safety strategy for these buildings within twelve months of approval of this policy.

6.3 We will review all our FRAs to ensure they meet the requirements set out in the Fire Safety Act 2021 by 30 September 2023

6.4 Each property requiring an FRA will have one in place, and the FRA will be carried out by a competent fire risk assessor. The FRAs will also be compliant with the British Standards Institution's PAS 79-1:2020 and PAS 79-2:2020 specifications for non-residential and residential buildings respectively.

- 6.5 All FRAs will be reviewed no later than the review date set within the most recent FRA and in the event of:
- A fire, fire safety incident or near miss;
 - Change in building use;
 - Change in working practices that may affect fire safety;
 - Following refurbishment works;
 - Change in applicable legislation; or
 - If required following an independent fire safety audit.
- 6.6 We will operate robust processes to implement all general fire precaution measures identified by FRAs.
- 6.7 Fire evacuation strategies will be determined on a building-by-building basis, in accordance with the recommendations of the competent fire risk assessor and with any guidance from Essex Fire and Rescue Service. Where we have buildings that are on a full evacuation strategy, we will implement plans to address the underlying risk factors which require the full evacuation, and will aim to move to an alternative evacuation strategy as soon as possible.
- 6.8 To comply with the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into force on 1 October 2022, we will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage). We are delivering an installation plan and have a target date of 30 October 2023 to ensure each property has a smoke alarm and carbon monoxide alarm installed.
- 6.9 If we are made aware that a resident living in one of our buildings has a physical, cognitive or mental impairment, we will complete a person-centred fire risk assessment (PCFRA) for them, if they provide their consent, and will take steps to ensure that any requirements arising from it are implemented.
- 6.10 Personal Emergency Evacuation Plans (PEEPs) will be carried out by a competent person, reviewed annually, and made available to Essex Fire and Rescue Service for use in the event of an evacuation, as follows:
- For any disabled resident and/or employee within any building where we provide care services and are the employer (i.e., sheltered or supported housing schemes); and
 - For any resident within a building where we have a responsibility for carrying out an FRA, where we have been notified that they are storing oxygen in their home for medical use.
- 6.11 When letting properties, we will consider the suitability of the accommodation for the prospective resident in respect of fire safety.

- 6.12 We are committed to working with Essex Fire and Rescue Service to create safer places to live and work. This joint working may include sharing information, having FRAs reviewed and staff training.
- 6.13 We will advise all new tenants of the opportunity to request a free home fire safety check, provided by Essex Fire and Rescue Service.
- 6.14 We will operate robust processes to gain access should any resident or leaseholder refuse access to carry out essential fire safety inspection and remediation works (as tested in the case *Croydon Council v. Leaseholder* 1st August 2014).
- 6.15 We will operate robust processes to gain access to properties where resident vulnerability issues are known or identified (including hoarding), whilst ensuring we safeguard the wellbeing of the resident.
- 6.16 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.17 We will operate a robust process to manage immediately dangerous situations identified during fire safety programmes.
- 6.18 Within twelve months of approving this policy, we will adopt a sterile environment approach in all internal common areas, requiring tenants to remove combustible materials from corridors and fire escape routes. At blocks with a regular management presence, such as Independent Living schemes, this approach may be relaxed to allow very low risk items (such as picture, noticeboards and doormats) in the internal common areas. This relaxation will be kept under review.
- 6.19 We will not permit the storage of mobility scooters, eBikes or other battery powered equipment within internal common areas.
- 6.20 For any buildings which require FRAs, we will not permit the use of barbeques on balconies, within any internal common areas of the buildings, or within two metres of boundary fences or any flammable structures when within the external curtilage of a building. Where barbeques are used within external common areas, they must be raised off the ground and not left unattended at any time.
- 6.21 We will establish and maintain a risk assessment for fire safety management and operations, setting out our key fire safety risks and appropriate mitigations.
- 6.22 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement and refurbishment works.

- 6.23 To comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002, we will consider the safety of our workplaces and plant/boiler rooms within our residential blocks that fall within scope of the legislation and will carry out a DSEAR risk assessment where appropriate.
- 6.24 We will operate robust processes to record and action any fire safety related near misses. A near miss is an unplanned event which does not result in an injury but had the potential to do so.
- 6.25 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to fire safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **FRAs** - We will ensure all our communal blocks and other properties with common areas, that we own and manage (within the scope set out in 2.1), have an FRA in place where we have the legal obligation to do so.
- 7.2 Thereafter, we will maintain a programme of FRA reviews, in a timescale appropriate to the premises and/or occupation fire risk level. This timescale will be in accordance with the maximum timescales we have set out in the fire safety procedure document, which should be read in conjunction with this policy. The timescale for each individual FRA will also be determined by the fire risk assessor carrying out the FRA where they identify specific risks or other factors which mean the FRA is required sooner than our maximum timescale for the type of building, and will be between one and three years; FRAs for our higher risk buildings will be reviewed annually.
- 7.3 All buildings will have, at the minimum, a Type 1 FRA (non-destructive assessment of common parts). However, we will undertake a more comprehensive FRA that covers dwellings as well as common parts and/or destructive sampling if there has been works that may have compromised compartmentation. A more comprehensive FRA will be commissioned if recommended by the Fire Risk Assessor or the Fire Service or if there is any other reason to conclude that one is required to maintain assurance.
- 7.4 We will ensure that a pre-occupation FRA is carried out on all new build schemes or new acquisitions where we have an obligation to do so. This will be followed by a post-occupation FRA, a maximum of three months after the first resident moves in.
- 7.5 **Properties managed by others** – Where our properties are managed by third parties, we will require them to provide copies of the FRAs to us, with evidence that any required follow up actions and works have been completed, to demonstrate that the buildings are safe. If the third party does not provide the FRA and the evidence, we will carry out the

FRA, re-charge them for the cost of this, and require them to complete any actions identified.

- 7.6 **Fire door checks** – we do not currently have any buildings over 18 metres in height, and therefore do not have obligations under the Fire Safety (England) Regulations 2022. If we were to acquire such buildings in the future, we will undertake quarterly checks of communal fire doors and annual checks of flat entrance doors to all such buildings over 11 metres in height. We will develop a risk-based approach to carrying out fire door checks in all other buildings, and will implement this from 1 September 2023.
- 7.7 For all other communal blocks and other properties with common areas, we will undertake a six-monthly check of all communal fire doors, and an annual check of 25 per cent sample of flat entrance doors. This sample will increase if issues are found on the initial sample. We will do this from the date on which the Fire Safety (England) Regulations take effect.
- 7.8 **Servicing** - We will carry out a programme of servicing, maintenance and testing, in accordance with all relevant British Standards and manufacturer’s recommendations, to all fire detection, prevention and firefighting systems and equipment within buildings we own and manage.
- 7.9 **Regular inspections** – We carry out a programme of inspections to all buildings with a fire risk assessment in place, to audit that all required management actions are taking place. The frequency of the inspections is determined by the overall risk associated with the building.

8.0 Follow-up Work

- 8.1 We will ensure robust processes are in place to implement all general fire precaution measures identified by FRAs, in accordance with the following priorities and timescales:
- Intolerable risk – within 24 hours.
 - High risk – within one month.
 - Medium risk – within three months.
 - Low risk – within six months or delivered as part of a planned programme within 12 months.
- 8.2 We will ensure there is a robust process in place to manage follow-up works arising from fire door audits, and servicing and maintenance checks to fire systems and equipment.

9.0 Data and Records

- 9.1 We will maintain a core asset register of all properties we own or manage (for assets identified as being within scope in 2.1), setting out which properties require an FRA. We

will also set out which properties require fire safety servicing and maintenance regimes (for example, fire alarms, emergency lighting and smoke/heat detection).

- 9.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from fire safety programmes and the programme remains up to date.
- 9.3 We will hold fire safety inspection dates, FRAs, FRA actions, and fire safety servicing records against all properties on each programme. These will be held in Share Point. We will implement the Civica CX system during 2023, and from that point will hold this information in it.
- 9.4 We will keep fire safety logbooks electronically for all properties on the FRA programme from the end of 2023, when we have implemented Civica CX. In the meantime we will hold them securely on site, and will still do so where required by Essex Fire and Rescue Service after we have also implemented electronic storage.
- 9.5 We will keep all records and data for the duration that we own and manage the property/in line with our document retention policy, and will have robust processes and controls in place to maintain appropriate levels of security for all fire safety related data.

10.0 Resident Engagement

- 10.1 We consider good communication essential in the effective delivery of fire safety programmes, therefore we will establish a resident engagement strategy and communication programme. This will support tenants in their understanding of fire safety, advise them of how they can keep themselves and other tenants safe, and encourage them to report any fire safety concerns.
- 10.2 We also aim to successfully engage with vulnerable and hard to reach tenants. We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.
- 10.3 Within 24 months of the approval of this policy, we will provide tenants with online access to a resident friendly version of the FRA for their property. A full version of the FRA will also be made available upon request.

11.0 Competent Persons

- 11.1 The Health and Safety Manager will hold the NEBOSH National Certificate in Fire Safety and Risk Management (or equivalent), or Level 4 VRQ Diploma in Asset and Building Management. If they do not have this already, they will obtain it within 12 months of the approval of this policy.

- 11.2 Only suitably competent contractors, Fire Risk Assessors and fire engineers will undertake FRAs or works to fire safety equipment, systems and installations. These must be certified by BAFE and/or be an IFSM member. Those carrying out FRAs must have skills, knowledge and experience as set out in the Fire Sector Federation’s guidance on choosing a competent Fire Risk Assessor.
- 11.3 Only suitably competent fire safety consultants and contractors will provide third party technical quality assurance checks.
- 11.4 We will check that our contractors hold the appropriate qualifications and accreditations for the work they will carry out. We will check this when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor’s certification appropriately. We will require contractors and operatives who carry out repair, maintenance, installation and other work to fire doors to be accredited with the relevant BM TRADA fire door scheme or equivalent.

12.0 Training

- 12.1 We will deliver training on this policy and the procedures that support it, including: team briefings; basic fire safety awareness training for all staff who deliver property compliance activity; and on the job training for those delivering the programme of FRAs and other fire safety programmes, planned maintenance and repairs works as part of their daily job. All training undertaken by staff will be formally recorded.

13.0 Performance Reporting

- 13.1 We will report robust key performance indicator (KPI) measures for fire safety. These will be provided to SLT monthly and to Cabinet on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – communal blocks and other properties;
- Properties on the FRA programme;
- Properties not on the FRA programme;
- Properties with a valid and in date FRA;
- Properties without a valid and in date FRA;
- Completed, in-time and overdue follow-up works/actions arising from the programme (split by priority).

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and

- Progress with completion of follow-up works.

In addition:

- Compliance with the fire safety equipment, systems and installations servicing and maintenance programme.
- The number of RIDDOR notifications to the HSE with regards to fire safety.
- Details of any enforcement notices from the Fire and Rescue Service or other enforcement bodies.
- Recording and reporting on property fires to identify trends and target awareness campaigns.

14.0 Quality Assurance

- 14.1 We will ensure there is a programme of external quality assurance audits of FRAs (field and desktop), on a five per cent sample basis.
- 14.2 We will carry out a programme of regular property inspections to all properties with an FRA, to audit that all required management actions have been completed.
- 14.3 We will carry out an independent audit of fire safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

15.0 Significant Non-Compliance and Escalation

- 15.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred or of an EFDC employee becoming aware of it.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to either the Service Manager for Assets or the Head of Asset Operations in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 15.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

16.0 Glossary

16.1 This glossary defines key terms used throughout this policy:

- **BAFE:** Is the independent register of quality fire safety service providers, who are certified to ensure quality and competence to help meet fire safety obligations.
- **BM TRADA:** Is a UKAS accredited certification body which provides independent third party certification fire services for manufacturing, installation and maintenance services for fire doors and a fire stopping installation certification scheme.
- **FRA:** A fire risk assessment is an assessment involving the systematic evaluation of the factors that determine the hazard from fire, the likelihood that there will be a fire and the consequences if one were to occur.
- **FRA survey:** The FSO states that an FRA is required, however, it does not prescribe how intrusive or destructive this should be. There are four types of FRA:
 - Type 1 – common parts only (non-destructive), basic level to satisfy the FSO.
 - Type 2 – common parts only (destructive), element of destruction on sample basis.
 - Type 3 – common parts and flats (non-destructive), considers means of escape and fire detection within at least a sample of flats.
 - Type 4 – common parts and flats (destructive).
- **IFSM:** The Institute of Fire Safety Managers.
- **PAS79:** A publicly available specification published by the British Standards Institution which focuses on making sure that all the required information that pertains to both an FRA and its findings are recorded.
- **PCFRA:** A person-centred fire risk assessment will help identify residents who are at higher risk from fire in their own accommodation, whether this is due to their behaviours or their ability to respond and escape from a fire.
- **PEEP:** A personal emergency evacuation plan is a bespoke escape plan for individuals who may not be able to reach an ultimate place of safety unaided or within a satisfactory period of time in the event of any emergency.
- **UKAS:** The National Accreditation Body for the United Kingdom, appointed by government to assess and accredit organisations that provide services including certification, testing, inspection and calibration.

Appendix 1 – Additional Legislation and Policy Direction

Legislation - This policy also operates within the context of the following legislation:

- Health and Safety at Work Act 1974
- The Occupiers' Liability Act 1984
- Furniture and Furnishings (Fire) (Safety) Regulations 1988
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Gas Safety (Installation and Use) Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
- The Defective Premises Act 1972
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Building Regulations 2010: Approved Document B Fire Safety
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Electrical Equipment (Safety) Regulations 2016
- Data Protection Act 2018

Guidance – The principal guidance documents applicable to this policy are:

- Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing (Local Authorities Coordinators of Regulatory Services), August 2008.
- Fire safety in purpose-built blocks of flats (hosted by the Home Office and to be read alongside the National Fire Chiefs Council's guidance on simultaneous evacuation), 2011. [note this guidance should be viewed as no longer comprehensive; the Home Office is currently working on a revised version but in the interim, it is continued to be made available as it contains relevant and useful information for purpose-built blocks of flats]
- Fire Safety in Specialised Housing (National Fire Chiefs Council), May 2017. This guidance covers sheltered schemes, supported schemes and extra care schemes.
- Housing Health and Safety Rating System Operating Guidance: Housing Act 2004 Guidance about inspections and assessment of hazards given under Section 9 (Ministry of Housing, Communities & Local Government), February 2006.
- Housing Health and Safety Rating System Operating Guidance: Addendum for the profile for the hazard of fire and in relation to cladding systems on high rise residential buildings (Ministry of Housing, Communities & Local Government), November 2018.

- Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings (Ministry of Housing, Communities & Local Government), January 2020.
- Simultaneous Evacuation Guidance: Guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built blocks of flats (National Fire Chiefs Council), October 2020.

Additional guidance and policy direction – The following documents set out clear direction for landlords in respect of fire safety, and whilst not statutory guidance or approved legislation, there are certain recommendations or proposals which are applicable to this policy:

- Fire Sector Federation – Approved Code of Practice: A National Framework for Fire Risk Assessor Competency (November 2020).
- Fire Sector Federation – A Guide to Choosing a Competent Fire Risk Assessor (Version 3, October 2020).
- Setting the Bar: A new competence regime for building a safer future (October 2020).
- The Regulatory Reform (Fire Safety) Order 2005: Call for Evidence (July 2019), and summary of responses (March 2020).
- Building a Safer Future - Proposals for reform of the building safety regulatory system: A consultation (June 2019).
- Grenfell Tower Inquiry: phase 1 report. Volume 1 – 4 (October 2019).
- Building a Safer Future - Independent Review of Building Regulations and Fire Safety: Final Report (May 2018).

Gas Safety Policy



Name	Gas and Heating Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Resident Consultation	TBC
Equality Impact Assessment	August 2023
Cabinet Approval	TBC

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

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1.0 Introduction and Objectives

- 1.1 As a landlord, Epping Forest District Council (EFDC) is responsible for the maintenance and repairs to our homes, communal blocks and other properties we own and manage, many of which will contain gas installations and appliances. The Gas Safety (Installation and Use) Regulations 1998 (as amended) specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties and certain commercial premises to ensure they remain safe.
- 1.2 We are also responsible for maintaining other types of heating systems to ensure that all heating appliances provided for tenants are safe. These include air source heat pumps/ oil/ solid fuel and electrical heating systems.
- 1.3 The key objective of this policy is to ensure our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory gas/heating safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
 - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented, to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, gas/heating safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of gas and heating safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of gas and heating safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Service Manager for Assets has operational responsibility for the management of gas and heating safety and will be responsible for overseeing the delivery of these programmes.
- 3.6 Housing management teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal processes as necessary.

4.0 Legislation, Guidance and Regulatory Standards

- 4.1 **Legislation** - The principal legislation applicable to this policy is:
 - The Gas Safety (Installation and Use) Regulations 1998 as amended (hereafter referred to as the Gas Safety Regulations). We have a legal obligation under Part F, Regulation 36 (Duties of Landlords) and we are the 'Landlord' for the purposes of the legislation.
 - Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 which came into effect on 1 October 2022.
 - This policy also operates within the context of additional legislation (see Appendix 1).
- 4.2 **Approved Code of Practice (ACoP)** - The ACoP applicable to this policy is:
 - ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018).
- 4.3 **Guidance** – The principal guidance applicable to this policy is:

- INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and guidance (3rd Edition 2018).

4.4 **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

4.5 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under the Gas Safety Regulations; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

5.1 The Gas Safety Regulations impose duties on landlords to protect tenants in their homes. The main landlord duties are set out in Regulation 36 and require landlords to:

- Ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available it is recommended that they are serviced annually, unless advised otherwise by a Gas Safe registered engineer.
- Ensure the annual safety check is carried out on each gas appliance and flue within 12 months of the previous safety check.
- Have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer.
- Keep a record of each safety check for at least two years (until at least two further gas safety checks have been carried out).
- Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or prior to any new resident moving in.
- Display a copy of the latest safety check record in a common area of a building where the gas appliance serves a communal heating system to multiple homes.
- Ensure that no gas fitting of a type that would contravene Regulation 30 (for example, certain gas fires and instantaneous water heaters) is fitted in any room occupied, or to be occupied, as sleeping accommodation after the Regulations came into force. This includes any room converted into such accommodation after that time.

5.2 These obligations apply to both gas heating and liquid petroleum gas heating systems.

- 5.3 **Other heating types** – Although there is no legal requirement to do so, we will carry out safety checks to properties with the other heating types set out in Section 1.2 (see Section 7 - Programmes for details).
- 5.4 The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into effect on 1 October 2022, require social landlords to:
- Install a smoke alarm on every storey with living accommodation.
 - Install carbon monoxide alarms in any rooms used as living accommodation with a fixed combustion appliance (excluding gas cookers).
 - Repair or replace faulty alarms as soon as reasonably practicable.

6.0 Statement of Intent

- 6.1 We acknowledge and accept our responsibilities under the Gas Safety Regulations and the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 as outlined in Section 5, and all other duties set out in relevant legislation.
- 6.2 We will carry out an annual gas safety check to all properties with a gas supply, irrespective of whether the gas is connected or not.
- 6.3 We will ensure that copies of all landlord's gas safety records (LGSRs) and any other relevant certificates are provided to tenants or displayed in a common area within 28 days of completion.
- 6.4 To comply with the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which come into force on 1 October 2022, we will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage). We are delivering an installation plan and have a target date of October 2023 to ensure each property has a smoke alarm and carbon monoxide alarm installed.
- 6.5 We will cap off gas supplies to all properties when the property becomes void, and a new resident is not moving in immediately after. This will be completed by the end of the next working day following the property becoming void.
- 6.6 We will cap off gas supplies to all new build properties upon handover from the contractor/developer to us if the new tenancy is not commencing immediately at the point of handover.
- 6.7 We will ensure that gas safety checks are carried out within 24 hours of the commencement of a new tenancy (void or new build properties), mutual exchange and/or transfer, and that the resident receives a copy of the LGSR.
- 6.8 We will ensure a gas safety check is carried out following our installation of any new gas appliance and obtain a gas safety certificate to confirm the necessary checks have been

- completed. The safety check will include: a gas soundness test of the carcass; gas working pressures being taken; a visual inspection of the meter installation; and a visual inspection, including the safe working operation, of all other gas appliances and associated flues within a property.
- 6.9 We will carry out a five-point visual check of resident owned appliances. The visual safety check (location; flueing; ventilation; signs of distress; and stable and secure) will be done on gas cookers and gas fires. Where appliances are found to be faulty these will be disconnected and a warning notice issued. We will require the tenant to provide a copy of an appropriate record from a Gas Safe engineer that the appliance has been made safe.
- 6.10 We will not permit residents to install their own fixed heating appliance (such as wood burning heaters). Where we find such heating systems have been installed without permission, we will require their removal. Where we have previously given permission for a resident to install a fixed heating system, EFDC will assume responsibility for the regular safety checks and servicing (including chimney sweeps) unless agreed otherwise.
- 6.11 A safety check will be carried out on completion of any repair and/or refurbishment works to occupied or void properties where works may have affected any gas fittings, appliances or flues.
- 6.12 We will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide detectors as part of the annual gas safety check (or at void stage).
- 6.13 We will carry out an annual gas safety check to all properties where the gas supply has been capped at the request of the resident, and will check that the supply has not been reconnected by the resident. At the same time, we will check on the resident's wellbeing and assess whether or not the lack of gas heating is adversely affecting the condition of the property. In addition, we will communicate monthly with these tenants to check whether the property remains capped and inform the resident of what is required to reinstate gas at the property.
- 6.14 Any open flue gas appliances found in any rooms that are being used as bedrooms or for sleeping will be removed.
- 6.15 We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.
- 6.16 We will regularly check properties that are not currently connected to the gas mains network to ensure a gas supply has not been installed without our knowledge.
- 6.17 We will operate a robust process if there is difficulty gaining access to a property to carry out the gas/heating safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license following a

- minimum of three attempts at gaining access. Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.
- 6.18 We will operate effective contract management arrangements with the contractors responsible for delivering the programme, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.19 We will ensure that all replacements, modifications and installations of gas appliances and heating systems within our properties will comply with all elements of Building Regulations, Part J Combustion Appliances and Fuel Storage Systems.
- 6.20 We will establish and maintain a risk assessment for gas safety management and operations, setting out our key gas safety risks and appropriate mitigations.
- 6.21 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place in respect of all repairs to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement works and refurbishment projects.
- 6.22 We will identify whether we have any buildings which require a risk assessment under the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002 and will carry out a DSEAR risk assessment where required.
- 6.23 We will operate a robust process to investigate and manage all RIDDOR notifications submitted to the HSE in relation to gas and heating safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **Domestic properties** – We will carry out a programme of annual gas safety checks to all domestic properties we own and manage; the check will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.2 We use the 'MOT' approach to gas safety checks. This approach, under Part F, Regulation 36 (3) of the Gas Safety Regulations, allows a gas safety check to take place within ten months and one day of the previous safety check and retain the original 12-month anniversary date of the previous LGSR.
- 7.3 We will carry out a safety check of electrical heating systems every five years, as part of the periodic electrical inspection and testing programme.
- 7.4 Where we have installed a solid fuel appliance, or have given permission for the resident to install a solid fuel appliance, we will carry out an annual safety check a chimney sweep at least twice a year when burning wood or house coal. As individual solid fuel heating systems become beyond economic repair, we will replace them with alternative heating.

We will not permit residents to install their own fixed heating appliance (such as wood burning heaters). Where we find such heating systems have been installed without permission, we will require their removal.

- 7.5 We will carry out an annual safety check to properties with heat pumps and oil heating systems.
- 7.6 **Communal blocks and other properties** – We will carry out a programme of annual gas safety checks and services to all communal blocks and other properties (supported schemes/offices/shops/depots, within the scope set out in 2.1), where we have the legal obligation to do so; these will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.7 **Properties managed by others** – Where our properties are managed by others, we will require them to provide copied of valid and in date LGSRs/gas safety certificates to us. If the third party does not provide the LGSR/certificate, we will carry out the safety check and re-charge them for the cost of this work.
- 7.8 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas/heating safety check (where the work cannot be completed at the time of the check).

8.0 Data and Records

- 8.1 We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property to show gas/heating safety check requirements.
- 8.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from gas/heating safety programmes and the programme remains up to date.
- 8.3 We will hold gas/heating safety check dates and safety check records against each property we own or manage. We will hold the dates of the safety checks and safety check records in Share Point. We will implement the Civica CX system during 2023, and from that point will hold this information in it.
- 8.4 We will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas/heating supply in every domestic property, communal block or other property.
- 8.5 We will keep all completed safety check records, warning notices and remedial work records for at least two years, and in accordance with our document retention policy and will have robust processes and controls in place to maintain appropriate levels of security for all gas/heating safety related data and records.

9.0 Resident Engagement

- 9.1 We consider good communication essential in the effective delivery of gas and heating safety programmes, therefore we will establish a resident engagement strategy and communication programme to support tenants in their understanding of gas and heating safety.
- 9.2 This will assist us in maximising access to carry out gas safety checks, encourage and support tenants to report any concerns about gas and heating safety, and help us engage with vulnerable and hard to reach tenants.
- 9.3 We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

10.0 Competent Persons

- 10.1 The Senior Mechanical and Electrical Engineer Operational Assets, as the post responsible for managing day to day delivery of the programme, will hold the Level 4 VRQ in Gas Safety Management or Level 4 VRQ Diploma in Asset and Building Management (if they are not Gas Safe Registered), and full membership of the Association of Gas Safety Managers (AGSM). If they do not have these already, they will obtain them within 12 months of the approval of this policy.
- 10.2 All operatives/engineers (internal or external) will maintain Gas Safe accreditation for all areas of gas/LPG works that they undertake and will be members of the Nationally Accredited Certification Scheme for Individual Gas Fitting Operatives (ACS).
- 10.3 Only suitably competent Gas Safe accredited contractors will undertake works to gas/LPG fittings, appliances and flues.
- 10.4 Only suitably competent Oil Firing Technical Association (OFTEC) and/or HETAS accredited contractors will undertake works to oil fired and solid fuel fittings, appliances, and flues.
- 10.5 Only individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) will undertake works on ground/air source heat pumps, solar thermal and biomass heating systems.
- 10.6 Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake servicing and repairs to electrical heating systems.
- 10.7 Only suitably competent Gas Safe registered and NICEIC (or equivalent) third party technical auditors will undertake quality assurance checks.
- 10.8 We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 Training

11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; basic gas and heating safety awareness training; and on the job training for those delivering the programme of gas and heating safety checks, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

12.0 Performance Reporting

12.1 We will report robust key performance indicator (KPI) measures for gas/heating safety. These will be provided to SLT monthly and to the Cabinet on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal and others);
- Properties on the gas/heating servicing programme;
- Properties not on the gas/heating servicing programme;
- Properties with a valid and in date LGSR/certificate;
- Properties without a valid and in date LGSR/certificate;
- Properties due to be serviced within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective actions; and
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE about gas/heating safety.

13.0 Quality Assurance

13.1 We will ensure there is a programme of third-party quality assurance audits of gas safety checks. This will cover new installations (or those which have had upgrades which require a new LGSR), sample of field checks and gas safety certificates. Sampling will be risk-based

taking into account the property type and the engineer who carried out the inspection. The minimum sample size will be 5%.

- 13.2 Internally we will undertake 100 per cent desktop audits of all LGSRs/certificates.
- 13.3 We will carry out an independent audit of gas/heating safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

14.0 Significant Non-Compliance and Escalation

- 14.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an EFDC employee becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to either the Service Manager for Assets or the Head of Asset Operations in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 14.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

15.0 Glossary

- 15.1 This glossary defines key terms used throughout this policy:
- **Gas Safe Register:** the official list of gas engineers who are qualified to work legally on gas appliances.
 - **LGSR:** Landlord's Gas Safety Record – a certificate containing the results of the annual safety check carried out on gas appliances and flues.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- Health and Safety at Work Act 1974
- Gas Safety (Management) Regulations 1996 (as amended)
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Defective Premises Act 1972
- The Occupiers' Liability Act 1984
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Workplace (Health, Safety and Welfare) Regulations 1992
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Pressure Equipment (Safety) Regulations 2016
- Pressure Systems Safety Regulations 2000
- Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002
- Building Regulations 2010 (England and Wales)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018

Lift Safety Policy



Name	Lift Safety Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Resident Consultation	TBC
Equality Impact Assessment	August 2023
Cabinet Approval	TBC

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

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1.0 Introduction and Objectives

- 1.1 As a landlord and building manager, Epping Forest District Council (EFDC) is responsible for maintenance and repairs to our homes, communal blocks and other buildings and assets we own and manage, some of which will contain domestic lifts, passenger lifts, goods lifts and other lifting equipment. We are responsible for maintaining these lifts and carrying out periodic thorough examinations to ensure they continue to operate safely.
- 1.2 The key objective of this policy is to ensure our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory lift safety obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.3 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
- The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.
- 2.4 We own and manage domestic properties which have been adapted with living aids such as stair lifts, through floor lifts and hoists to enable tenants to continue to live

independently. We take responsibility for the lifts which have been installed within our domestic properties which we have either installed directly, or have been made aware of if they have been installed by others.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, lift safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of lift safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of lift safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Service Manager for Assets has operational responsibility for the management of lift safety and will be responsible for overseeing the delivery of these programmes.
- 3.6 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal access process as necessary.

4.0 Legislation, Guidance and Regulatory Standards

- 4.1 **Legislation** - The principal legislation applicable to this policy is as follows:
- The Health and Safety at Work Act 1974.
 - The Lifting Operation and Lifting Equipment Regulations 1998 (LOLER).
 - Provision and Use of Work Equipment Regulations 1998 (PUWER).
- 4.2 **Approved Code of Practice (ACoP)**—The principal ACoP applicable to this policy is:
- ACoP L113 - Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 (2nd edition 2014).
- 4.3 **Guidance** – The principal guidance applicable to this policy is as follows:

- INDG422 - Thorough examination of lifting equipment: A simple guide for employers (2008).
- INDG339 - Thorough examination and testing of lifts: Simple guidance for lift owners (2008).

4.4 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under LOLER or PUWER; and via a regulatory notice from the Regulator of Social Housing.

4.5 **Regulatory Standards** – We must ensure we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

5.0 **Obligations**

5.1 **LOLER**

Passenger lifts in workplaces (for example, offices) which are used by people during their course of work, fall within the scope of LOLER.

LOLER requires landlords to maintain lifts and ensure that they have thorough examinations:

- Before use for the first time;
- After substantial and significant changes have been made;
- At least every six months if the lift is used at any time to carry people or every 12 months if the lift is only carrying loads (or in accordance with an examination scheme); and
- Following exceptional circumstances such as damage to, or failure of, the lift, long periods out of use, or a major change in operating conditions which is likely to affect the integrity of the equipment.
- Thorough examination reports must be kept for at least two years.

5.2 **Health and Safety at Work Act 1974**

Section 3 of the Health and Safety at Work Act makes employers, such as landlords, responsible for the health and safety of employees and people using or visiting their premises, so far as reasonably practicable (including tenants).

For passenger lifts in communal blocks and for tenanted properties with domestic lifts, duties may be adequately discharged by adopting the same provisions as applies to all other lifting equipment covered by LOLER (carrying out regular maintenance and a six-monthly thorough examination).

5.3 **Provision and Use of Work Equipment Regulations 1998 (PUWER)**

There is some overlap between LOLER and PUWER, which applies to all work equipment, including lifting equipment (such as hoists, lift trucks, elevating work platforms and lifting slings). The scope of this policy includes for lifts which are fixed within assets owned and managed by EFDC (i.e., passenger/stairlifts/through floor lifts/goods lifts) and not mobile lifting equipment.

5.4 **Insurance**

Insurers may impose demands for similarly stringent levels of risk management to cover public liability.

6.0 **Statement of Intent**

6.1 We acknowledge and accept our responsibilities under the legislation outlined in Sections 4 and 5.

6.2 We will adopt the same principles to the management of lifts within communal blocks and domestic properties as for passenger lifts, goods lifts and any other lifts provided as work equipment. We will therefore carry out a programme of periodic servicing and maintenance and thorough examinations to lifts within domestic properties where these have been installed by us, or where our tenant has installed one and made us aware of it.

6.3 We will ensure all lifting equipment is subject to a thorough examination before being commissioned into use for the first time.

6.4 All lifting equipment will be subject to a periodic thorough examination and routine servicing and maintenance.

6.5 All lifts that we install in properties we own or manage will be fully accessible for disabled users, as per the requirements of the Equality Act 2010, and to the specifications outlined in Part M of the Building Regulations 2004.

6.6 We will endeavour to ensure that all lifting equipment will be in full working order at all times. Where we become aware of a breakdown, we will ensure our lift contractor attends within four hours (emergencies), 24 hours (urgent) or three days for non-emergency / routine breakdowns.

- 6.7 We will operate robust processes to deal with entrapment situations. In the event of any persons becoming trapped in a lift we are responsible for we will ensure our lift contractor attends within one hour.
- 6.8 We will operate a robust process to manage and rectify immediately dangerous situations identified during a lift safety check or any other maintenance work.
- 6.9 All passenger lifts will have an intercom that dials directly to a dedicated call centre. Call handlers will contact emergency services if there is an urgent concern for a person's welfare.
- 6.10 When a void property has a domestic lift, we will determine whether it is to be retained for use by the next tenant. If it is not, it will be removed. If the lift is retained, it will have a service visit when the property is re-let to ensure it is safe and working correctly at the point the new tenancy commences. The new tenant will also be shown how to operate the lift safely. If the thorough examination is due before the new tenancy commences, we will also ensure this is carried out.
- 6.11 We will operate a robust process to gain access to properties to undertake thorough examinations, lift safety/servicing visits and follow-on works. In the case of access for domestic stairlifts, where resident vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the resident, whilst ensuring we can gain timely access to any property in order to be compliant with this policy.
- 6.12 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.13 We will establish and maintain a risk assessment for lift safety management and operations, setting out our key lift safety risks and appropriate mitigations.
- 6.14 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM), a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed/ updated annually thereafter), component replacement works and refurbishment projects. This plan will detail what is required to reinstate lifts affected by the works, to ensure they are safe to use and continue to comply with relevant legislation.
- 6.15 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to lift safety, and we will take action to ensure any issues identified and lessons we have learned to prevent a similar incident occurring again.

7.0 Programmes

7.1 **Thorough examinations** – all lifting equipment, including domestic lifts, will be subject to a thorough examination:

- Before being commissioned into use for the first time;
- Every six months if the lift is being used to carry people – this includes passenger lifts and domestic stairlifts;
- Every 12 months if the lift only carries loads;
- In accordance with an examination scheme (as prepared by a competent person) where there is one in place; or
- In accordance with our insurer’s specification (if more frequent).

7.2 **Maintenance** - All lifting equipment will be subject to routine servicing and maintenance in line with manufacturers’ recommendations and/or any examination scheme.

7.3 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of a thorough examination or servicing and maintenance inspection (where the work cannot be completed at the time of the examination or servicing/inspection).

8.0 Data and Records

8.1 We will maintain a core asset register of all properties we own or manage, setting out which properties have lifts which require a thorough examination. We will also set out which properties have lifts which require ongoing servicing and maintenance. This register will also hold data against each property asset of the type, age and condition of lifting equipment in place.

8.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from lift safety programmes and the programme remains up to date.

8.3 We will hold records of the following against all properties on each programme:

- Thorough examination dates and reports;
- Servicing and maintenance dates and reports;
- Any examination schemes in place;
- Evidence of completed remedial works; and
- Entrapment incidents.

- 8.4 All records and data as outlined above will be stored in our shared drive. We will implement the Civica CX system during 2023, and from that point will hold this information in it.
- 8.5 Where we install any stairlifts or other lifts to domestic properties or give approval for or become aware of any installation of such lifts, we will add them to the thorough examination and servicing programmes.
- 8.6 We will keep all records for at least five years or for the duration that we own and manage the property/in line with our document retention policy and have robust processes and controls in place to maintain appropriate levels of security for all lift safety related data and records.

9.0 Resident Engagement

- 9.1 We consider good communication essential in the effective delivery of lift safety programmes, therefore we will establish a resident engagement strategy and communication programme to support tenants in their understanding of lift safety.
- 9.2 This will assist us in maximising access to carry out periodic servicing and thorough examinations, encourage tenants to report any lift safety concerns, and help us to engage with vulnerable and hard to reach tenants.
- 9.3 We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

10.0 Competent Persons

- 10.1 The Principal Mechanical and Electrical Engineer will undertake appropriate training, such as the Lift and Escalator Industry Association (LEIA) Practical Management of a Lift/Escalator Contract, Level 4 VRQ Diploma in Asset and Building Management or equivalent, to ensure lift safety programmes are managed effectively.
- 10.2 The Approved Code of Practice for LOLER states:
- You should ensure that the person carrying out a thorough examination has such appropriate practical and theoretical knowledge and experience of the lifting equipment to be thoroughly examined as will enable them to detect defects or weaknesses and to assess their importance in relation to the safety and continued use of the lifting equipment.*
- 10.3 Therefore, only suitably competent lift consultants and contractors, registered with the Lift and Escalator Industry Association (or equivalent), will be appointed to

undertake thorough examinations, risk assessments, prepare examination schemes and undertake lifting equipment works.

- 10.4 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 Training

- 11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; basic lift safety awareness training; and on the job training for those delivering the programme of lift inspections, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

12.0 Performance Reporting

- 12.1 We will report robust key performance indicator (KPI) measures for lift safety. These will be provided to SLT monthly and to the Cabinet on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal blocks and other properties);
- Properties on the thorough examination programme;
- Properties not on the thorough examination;
- Properties with a valid and in date thorough examination;
- Properties without a valid and in date thorough examination;
- Properties due to be examined within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme (split by priority).

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective actions; and
- Progress with completion of follow-up works.

In addition:

- The number of entrapments within lifts (in month and year to date).
- The number of RIDDOR notifications to the HSE with regards to lift safety.

- Domestic lift servicing programme.

13.0 Quality Assurance

- 13.1 We will ensure there is programme of annual third-party quality assurance audits of services to lifts that are not included on the thorough examination programme.
- 13.2 We will carry out an independent audit of lift safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

14.0 Significant Non-Compliance and Escalation

- 14.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of a EFDC employee becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to Service Manager for Assets in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 14.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

15.0 Glossary

- 15.1 This glossary defines key terms used throughout this policy:
- **Examination scheme** – LOLER permits a scheme of examination (examination scheme), drawn up by a competent person, as an alternative to the fixed maximum periods of a thorough examination.
 - **IOSH Managing Safely course** - The Institution of Occupational Safety and Health (IOSH) have designed the IOSH Managing Safely course for managers and

supervisors of organisations in virtually all industry sectors, in order to give them all they need to know to effectively manage health and safety in the workplace.

- **LEIA** – The Lift and Escalator Industry Association is the trade association and advisory body for the lift and escalator industry.
- **Thorough examination** - A systematic and detailed examination of the equipment and safety-critical parts, carried out at specified intervals by a competent person who must then complete a written report.

Appendix 1- Additional Legislation

This policy also operates within the context of the following legislation:

- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Building Regulations 2010 – Part M
- Workplace (Health Safety and Welfare) Regulations 1992
- Management of Health and Safety at Work Regulations 1999
- The Occupiers’ Liability Act 1984
- Equality Act 2010
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018

Water Hygiene Policy



Name	Water Hygiene Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Tenant Consultation	TBC
Equality Impact Assessment	August 2023
Cabinet Approval	TBC

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

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1.0 Introduction and Objectives

- 1.1 As a landlord, Epping Forest District Council (EFDC) must meet the legal obligations which require us to deal with the risks associated with legionella bacteria within the properties we own or manage. Legionella bacteria can cause a potentially fatal form of pneumonia called Legionnaires' disease. People contract Legionnaires' disease by inhaling small droplets of water containing the bacteria.
- 1.2 As far as is reasonably practicable, we must introduce measures to reduce and/or control exposure to legionella bacteria, including managing the conditions that support the growth of the bacteria in water systems.
- 1.3 The key objective of this policy is to ensure that our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory water hygiene obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
 - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees within the home of each tenant, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, water hygiene safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of water hygiene safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of water hygiene safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Service Manager for Assets has operational responsibility for the management of water hygiene safety and will be responsible for overseeing the delivery of these programmes. The Service Manager for Assets is the Responsible Person.
- 3.6 The Team Manager Property Operations is the Deputy Responsible Person who will provide cover to the Service Manager for Assets (Responsible Person) in their absence.
- 3.7 Housing teams will provide support where gaining access to properties is difficult.

4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** - The principal legislation applicable to this policy is as follows:

- The Health and Safety at Work Act 1974.
- The Management of Health and Safety at Work Regulations 1999 (the Management Regulations).
- The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH).

This policy also operates within the context of additional legislation (see Appendix 1).

4.2 **Approved Code of Practice (ACoP)** – The principal ACoP applicable to this policy is:

- ACoP L8 - Legionnaires' disease: The control of legionella bacteria in water systems (4th edition 2013).

4.3 **Guidance** – The principal guidance applicable to this policy is as follows:

- HSG274 - Legionnaires' disease: Technical guidance Part 1: The control of legionella bacteria in evaporative cooling systems (2013).
- HSG274 - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold water systems (2014).
- HSG274 - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013).
- INDG458 - Legionnaires' disease: A brief guide for dutyholders (2012).
- BS 8580-1:2019 Water quality, risk assessments for Legionella control – Code of practice.

4.4 **Regulatory Standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

4.5 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the COSHH Regulations; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

5.1 The Management Regulations and the Health and Safety at Work Act 1974 place a duty on us, as an employer and landlord, to ensure our employees and others affected by our undertakings (for example, tenants), are not exposed to health and safety risks, including the risk from legionella.

5.2 We have a legal obligation under COSHH to prevent or control exposure to biological agents, including legionella.

5.3 EFDC is the 'Duty Holder' as defined by ACoP L8 and we must take necessary precautions to prevent, reduce or control the risks of exposure to legionella.

5.4 As the Duty Holder, we must:

- Carry out a risk assessment for all hot and cold water systems, cooling plant and any other systems that can produce water droplets to identify and assess potential risks.
- Implement measures to either eliminate, reduce or control identified risks.
- Appoint a Responsible Person to take managerial responsibility for:

- Carrying out risk assessments;
- Producing written schemes of control (a practical, risk management document used to control the risk from exposure to legionella); and
- Implementing the written scheme of control.
- Appoint a Deputy Responsible Person who will provide cover to the responsible person in their absence.
- Keep associated records for five years.

6.0 Statement of Intent

- 6.1 We acknowledge and accept our responsibilities and obligations under the legislation outlined in Section 5.
- 6.2 We will review legionella risk assessments every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk. Schemes will be assessed as high, medium or low risk.
- 6.3 Written schemes of control will be in place for all properties risk assessed as requiring controls to manage the risk of legionella exposure.
- 6.4 When properties become void, we will flush the water system, including any shower loop, before undertaking any work. If the property is not to be made available for relet (i.e. it is being held as a 'long term void') or where a period of very cold weather is forecast, we will drain down the system. In all cases, the water system will then be flushed and recommissioned before the property is let, and the shower head replaced or sterilised.
- 6.5 We will carry out checks to identify pipework 'dead legs' and remove them within void properties and any properties where we are carrying out adaptations or planned investment work.
- 6.6 When we acquire properties (existing or new build) we will follow the same process as for void properties, and we will ensure there are no pipework 'dead legs' present when we take possession of the property.
- 6.7 We will operate a robust process for the management of immediately dangerous situations identified from the legionella risk assessment, water testing/monitoring regime or suspected legionella outbreak.
- 6.8 We will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential water hygiene related inspection and remediation works. Where tenant vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the tenant.

- 6.9 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.10 We will establish and maintain a risk assessment for water hygiene management and operations, setting out our key water hygiene risks and appropriate mitigations.
- 6.11 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM), a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement works and refurbishment projects.
- 6.12 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to water hygiene safety, and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **Communal blocks and other properties** – We will ensure all communal blocks and other properties (supported schemes/offices/shops/depots) that we own or manage (within the scope set out in 2.1) are subject to an initial visit to establish whether a legionella risk assessment (LRA) is required. Thereafter, if an LRA is required, the property will be included on the LRA programme. If an LRA is not required, we will record this on our core asset register.
- 7.2 For all properties on the LRA programme, we will undertake LRAs and then review the LRA every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk.
- 7.3 LRAs will also be reviewed in the following circumstances:
- Change in building use.
 - Change in internal layout of water system.
 - Change in building occupation that increases the risk due to health.
 - After a confirmed or suspected outbreak of Legionella.
 - Following a water hygiene audit (if required).
- 7.4 **Domestic properties** – We will undertake an annual programme of five per cent sample surveys in domestic properties. These will be prioritised according to the perceived level of risk (based on design, size and age of property, and type of water supply).

7.5 **Testing and monitoring** - We will undertake testing and monitoring (for example, monthly temperature checks) as set out within any written schemes of control.

7.6 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of an LRA or ongoing monitoring (where the work cannot be completed at the time of the assessment or check).

8.0 Data and Records

8.1 We will maintain a core asset register of all properties we own or manage, setting out which properties require an LRA. We will also set out which properties require ongoing testing and monitoring as prescribed by the written control scheme (for example, monthly temperature checks).

8.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from water hygiene programmes and the programmes remain up to date.

8.3 We will hold LRA inspection dates, LRAs, and testing and monitoring records against all properties on each programme. These will be held in Share Point. We will implement the Civica CX system during 2023, and from that point will hold this information in it.

8.4 We will keep water hygiene logbooks electronically (and/or securely on site where practical), for all properties on the LRA programme.

8.5 We will keep all records for at least five years and in line with our document retention policy, and have robust processes and controls in place to maintain appropriate levels of security for all water hygiene related data and records.

9.0 Tenant Engagement

9.1 We consider good communication essential in the effective delivery of water hygiene programmes, therefore we will establish a tenant communication programme on this. This will support tenants in their understanding of water hygiene and legionella risk, advise them how they can manage the risks within their properties, and to encourage them to report any concerns about water safety.

9.2 We also aim to successfully engage with vulnerable and hard to reach tenants. We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

9.1 We will display written schemes of control in communal areas of buildings to inform occupants how the risk of exposure to legionella bacteria is being managed and controlled.

10.0 Competent Persons

- 10.1 As we must appoint a Responsible Person and a Deputy Responsible Person, they must both be trained, instructed, and informed to the same level and should assist in the frequent monitoring of written control schemes. Therefore, they will hold a relevant qualification such as the BOHS P901 – Management and control of building hot and cold water services, Level 2 Award in Legionella Awareness (or equivalent), or Level 4 VRQ Diploma in Asset and Building Management. If they do not have these already, they will obtain them within 12 months of the approval of this policy.
- 10.2 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake LRAs, prepare written schemes of control and undertake works in respect of water hygiene and legionella control.
- 10.3 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake third party technical quality assurance checks.
- 10.4 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 Training

- 11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; basic water hygiene awareness training; and on the job training for those delivering the programme of LRAs and water hygiene testing and monitoring, as part of their daily job. All training undertaken by staff will be formally recorded.

12.0 Performance Reporting

- 12.1 We will report robust key performance indicator (KPI) measures for water hygiene safety. These will be provided to SLT monthly and to the Cabinet a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal and others);
- Properties on the LRA programme;
- Properties not on the LRA programme;
- Properties with a valid and in date LRA;
- Properties without a valid and in date LRA;

- Properties due an LRA within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE with regards to water safety.

13.0 Quality Assurance

- 13.1 We will ensure there is a programme of third-party quality assurance audits to five per cent of LRAs. Annual audits will be undertaken to any systems identified within the LRAs as being high risk.
- 13.2 We undertake an internal desktop check of 100 per cent of all certifications.
- 13.3 We will carry out an independent audit of water hygiene safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

14.0 Significant Non-Compliance and Escalation

- 14.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an EFDC employee becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to the Service Manager for Assets in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 14.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

15.0 Glossary

15.1 This glossary defines key terms used throughout this policy:

- **BOHS:** British Occupational Hygiene Society.
- **Duty Holder:** the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.
- **Legionellosis:** a collective term for diseases caused by legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever.
- **LRA:** Legionella Risk Assessment – an assessment which identifies the risks of exposure to legionella in the water systems present in a premises and the necessary control measures required.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- Public Health (Infectious Diseases) Regulations 1988
- Water Supply (Water Quality) Regulations 2018
- The Workplace (Health Safety and Welfare) Regulations 1992
- Water Supply (Water Fittings) Regulations 1999
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018

Report to Communities Scrutiny Committee

Date of meeting: 26th September 2023

Portfolio: Portfolio Holly Whitbread

Subject: Social Housing Annual Lettings Report 2022/23

Officer contact for further information: Chris Walsh



Democratic Services Officer:

L Kirman: email: DemocraticServices@eppingforestdc.gov.uk tel:01992 564243)

Recommendations/Decisions Required:

To consider and comment on the annual review of lettings

Report:

1. As a registered provider of social housing the Council is obliged to comply with Regulator of Social Housing Tenancy Standard which states “Registered providers shall let their homes in a fair, transparent and efficient way”.
2. The Social Housing Annual Lettings Report 2022-2023 provides information on the letting of social housing in the District between 1 April 2022 to 31 March 2023 and the demand for social housing on 31 March 2023 from qualifying applicants in accordance with the Council’s Allocations Scheme for 2018-2022.
3. The report includes typical waiting times and profiling information on age and mobility needs of the applicants that have been rehoused.
4. Details are also provided on the number of mutual exchanges and management transfers that took place outside of the allocations scheme during the same period, and the number of properties that former tenants purchased from the Council under the Right to Buy.
5. A review of the Allocations Scheme for 2022-2027 resulted in some changes which became effective in September 2022. The changes are reflected in this report.

Reason for decision:

To consider and comment on the social housing lettings that were made between 1 April 2022 and 31 March 2023 and the snapshot of qualifying applicants on the Housing Register as at 31 March 2023.

Options considered and rejected:

N/A

Consultation undertaken:

N/A

Resource implications:

None

Legal and Governance Implications, Relevant Statutory Powers:

None

Corporate Plan Implications:

None

Background Papers:

Social Housing Annual Lettings Report 2022/23

Risk Management:

None

Equality:

N/A

Key Decision: (if required):



Social Housing Annual Lettings Report 2022/23



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INTRODUCTION

This report provides information on the allocation of social housing in the District of Epping Forest (“the District”) between 1 April 2022 to 31 March 2023 and the demand for social housing at 31 March 2023.

A review of the Allocations Scheme for 2022-2027 resulted in some changes which became effective in September 2022. The new Housing Allocations Scheme 2022-2027 can be found [on our policy page](#) under the ‘Housing’ heading. The implementation of the new Scheme took place halfway through the financial year 2022-2023 and this report reflects lets under both the old and new Schemes. We continue to closely monitor and review the effectiveness of the new Scheme and the impact that this may have on lets, particularly in Bands B and C.

Social housing lettings: April 2022 to March 2023

Information is provided on the number, size and type of social rented properties that were let to qualifying households between 1 April 2022 and 31 March 2023. It includes typical waiting times and profiling information on age, mobility needs and ethnicity of the applicants that have been rehoused.

The report covers Council owned stock and properties owned by other registered providers of social housing (RPs), including housing associations.

Housing register snapshot: 31 March 2023

A snapshot is taken on 31 March every year of the number of applicants on the housing register. The breakdown in this report includes the number of households waiting for 1-bed, 2-bed, 3-bed or 4+bed properties in priority Bands A-C, and homeless households to whom the Council owes a main housing duty (or ‘main homeless duty’).

Other information

Details are also provided on the number of mutual exchanges and management transfers that took place outside of the Allocations Scheme between 2022-2023, and the number of properties that former tenants purchased from the Council under the Right to Buy.

CONTEXT

Eligibility for social housing

The Government sets out who is eligible for social housing in England depending on whether they are a British citizen and how long they have been habitually resident in the country and/or their immigration status.

The Council determines who qualifies for social housing in the District based on whether they fulfil the local eligibility criteria specified in the Allocations Scheme or if the Council has accepted a main housing duty under homelessness legislation.

The housing register

The housing register is a list of applicants in housing need who qualify for at least one offer of social rented housing in the District. Applicants on the housing register are awarded one of three priority bands: Band A – Emergency Need, Band B – Urgent Need, or Band C – Moderate Need. Band A represents the highest priority and Band C represents the lowest.

Choice-based lettings and direct lets

The majority of lettings are made to households on the housing register through the Council's choice-based letting scheme (CBL).

Applicants are required to actively consider available Council and other RP properties that are advertised and updated weekly on a database known as LOCATA through the HomeOption website (www.homeoption.org).

Applicants can express an interest in suitable vacant properties by selecting up to three properties per week to bid on. Bids are then placed in order for each property. The bid from the applicant in the highest band who has been waiting the longest is usually then selected and offered that property if it meets their needs.

Direct lets (DL) are usually only made in exceptional circumstances, for example to Council tenants that we to move by way of management transfer. For more information, please see Section 9 of our Housing Allocations Scheme – 'Allocations Outside of the Scheme'.

Affordable rent and social rent

The rent charged for social housing is either 'affordable rent' or 'social rent'. Affordable rent is set at up to 80% of the market rent for the property and social rent is set using a formula that takes account of local earnings and house-prices. Affordable rent is typically higher than social rent.

The majority of Council owned re-let properties are at social rents. More new build properties are set at affordable rent than social rent. Affordable rents are typically used for properties we have had to re-purchase or, more commonly, from new developments where the grant funding arrangements require a specific balance of affordable and social rents.

Accessibility and adaptations

A number of households include one or more occupants with disabilities or mobility needs and require a property with level access such as a bungalow or ground floor flat. Occasionally additional adaptations may be necessary such as a level-access shower, handrails, a stair lift or a fully wheelchair adapted property.

When adapted properties become available to let then households with an identified need for those specific adaptations are usually prioritised above households without that need.

Sheltered housing supplementary waiting list

Independent Living housing (previously sheltered housing) is advertised via CBL and sometimes attracts limited interest from applicants on the Housing Register. The Council keeps a Supplementary Waiting List (SWL) of applicants aged over 60 who can bid for sheltered housing in the District without meeting all the criteria required to join the housing register.

If a qualifying applicant on the housing register does bid for an individual sheltered housing property, then they will be given priority over applicants from the SWL who have also submitted bids.

Main housing duty (main homeless duty)

Main housing duty means the duty that the Council has accepted to rehouse a homeless household under part 7 of the Housing Act 1996. This duty applies when a household is unintentionally homeless, eligible for assistance and has a priority need (referred to as 'main homeless duty' on the graphs in this report for ease of reference).

Priority Bands A-C

The following table gives a breakdown of the main categories of need within each priority Band for a choice based letting within the Allocations Scheme for 2022-2027.

Band	Main categories of need
A	<ul style="list-style-type: none"> i. Members of the Armed Forces with serious injury, illness, or disability ii. Bereaved spouses or civil partners of those serving in the regular forces iii. Home seekers with an assessed need to move on emergency medical grounds or emergency grounds relating to disability iv. Home seekers with an assessed need to move on emergency welfare grounds v. On the recommendation of the Councils medical advisor applicants with specific accommodation requirements will be given priority for suitable properties as they become available above other applicants in the Band (e.g., adapted or ground floor properties etc.) regardless of the date they joined the Band. vi. Downsizers seeking fewer bedrooms than current social housing property
B	<ul style="list-style-type: none"> i. Home seekers living in insanitary, overcrowded, or unsatisfactory conditions ii. Home seekers with an assessed need to move on urgent medical grounds or urgent grounds relating to disability, including learning disabilities iii. Home seekers with an assessed need to move on urgent welfare grounds iv. Home seekers needing two or more additional bedrooms compared to their current accommodation v. Home seekers needing to be one household but are having to live apart vi. Home seekers needing to move to a particular locality vii. Applicants who have an agreed fostering or adoption agreement in place with Essex County Council, who need to move to a larger home in order to accommodate a looked after child. viii. Home seekers accepted by the Council as being statutorily homeless and owed the main housing duty under section 193 of the Housing Act 1996 (as amended) ix. Existing council sheltered tenants wishing to move within their scheme or to another scheme x. Existing council tenants over 60 living in 1 bed property wishing to move to sheltered accommodation xi. Home seekers who the Council has placed into supported housing (after a period of at least 9 months) if they are ready to move on and the Council does not owe a main homelessness duty
C	<ul style="list-style-type: none"> i. Members of the Armed Forces with no housing need, and the application is made within 5 years of discharge ii. Spouses and children of existing and former Armed Forces Personnel, and the application is made within 5 years of discharge iii. Home seekers with an assessed need to move on moderate medical grounds or moderate grounds relating to disability iv. Home seekers with an assessed need to move on moderate welfare grounds v. Home seekers needing one additional bedroom compared to their current accommodation vi. Home seekers sharing accommodation with another household vii. Home seekers needing to be closer to their place of work viii. Home seekers in the Council's interim accommodation awaiting their homelessness decision ix. Home seekers to whom the Council does not owe a full homelessness duty, where there is a requirement to afford reasonable preference on the ground of

	homelessness x. Home seekers who are entitled to a reasonable preference under Part 6 of the Housing Act 1996 as amended and can demonstrate an exceptional need to either leave their current local authority's area or move to the Epping Forest District
--	--

We also have approximately 100 applicants in Band B who are existing tenants of the Council living in 2 or 3 bed flat accommodation, who wish to move to a house. This band existed in the previous Housing Allocations Scheme 2018-2022 but was removed from the new Housing Allocations Scheme 2022-2027. We allowed any existing applicants in this band to remain on the register but stopped allowing any new applicants in this band as of 26th September 2023.

Management transfers

Occasionally the Council has to move an existing Council tenant to an alternative property for housing management reasons. This may be due to an emergency for medical or personal safety reasons, or as a permanent decant to carry out major works or to regenerate or demolish their existing home.

LETTINGS INFORMATION

Number of properties let by year

This table shows the number of properties that have been let to qualifying applicants in housing need each year over the last five years.

Year	Total	Council properties	RP properties
2022/23	358*	328*	30*
2021/22	404	361	43
2020/21	379 ⁺	338 ⁺	41 ⁺
2019/20	532 ⁺	488 ⁺	44 ⁺
2018/19	426 ⁺	353 ⁺	73 ⁺

*Adjusted figures, source: Local Authority Housing Statistical Returns (LAHS) *Provisional figures 2022/23

Fig.1

Our total lettings figures for 2022/23 are slightly lower than we had anticipated; this can largely be attributed to unforeseen changes to our voids supply midway through the year, which caused some delays to our void turnaround timescales.

Properties let by priority need

This chart shows the percentage of properties that were let by priority need between 2022-2023.

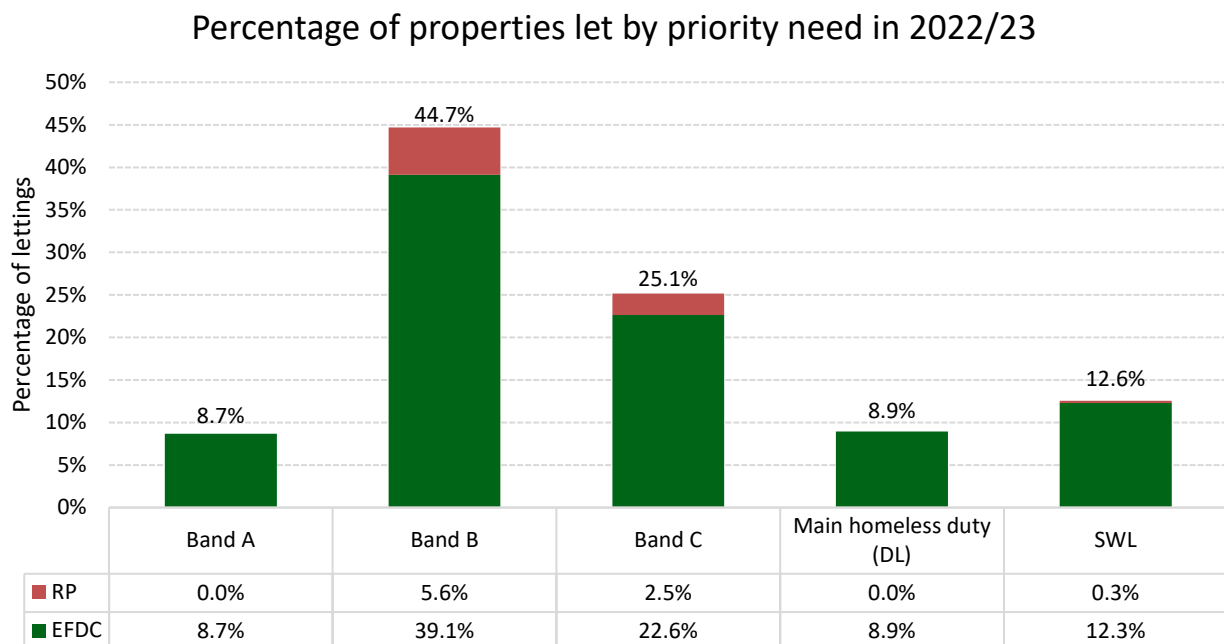


Fig.2

The highest percentage of properties were let to applicants in Band B (44.7%) followed by Band C (25.1%). The fewest number of lettings were made to applicants in Band A (8.7%), this is also the smallest band in terms of numbers of applicants.

Lettings to homeless applicants between 1st April 2022 and 25th September 2022 (under the old Housing Allocations Scheme) were made as direct lets, so are reflected in the 8.9% 'main homeless duty (DL)', whereas any lets to homeless applicants from 26th September 2022 to 31st March 2023 are in the 'Band B' section of the graph.

Properties let by choice-based lettings and direct lets

This chart shows the percentage of properties that were allocated via choice-based lettings (Bands A-C and SWL) and main homeless duty direct lets by landlord between 2022-2023.

Percentage of properties let via Choice Based Lettings (CBL) and Direct Lets (DL) in 2022/23

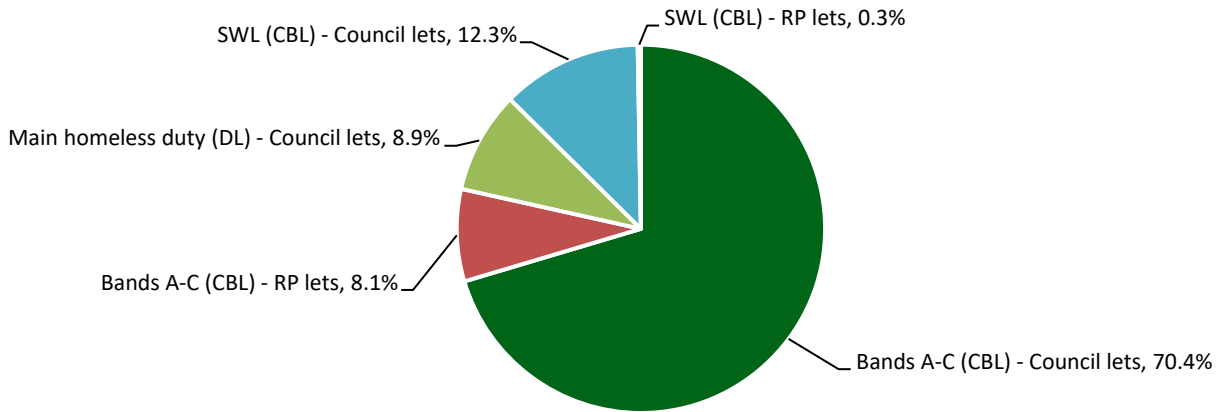


Fig.3

The majority of lettings were Council properties via choice-based lettings (70.4%) and Council properties that were direct lets to main homeless duty households (8.0%). Choice-based lettings of RP properties accounted for a further 8.1% of all lettings. Mutual exchanges and management transfers are not included in the total lets figures.

Properties let to residents of the District and other local authorities

This chart shows the percentage of Band A-C applicants, main homeless duty households (DL) and SWL applicants that were habitually resident in the District before being allocated a property and those who were previously resident in other local authority areas.

Percentage of lettings from in district and out of district applicants in 2022/23

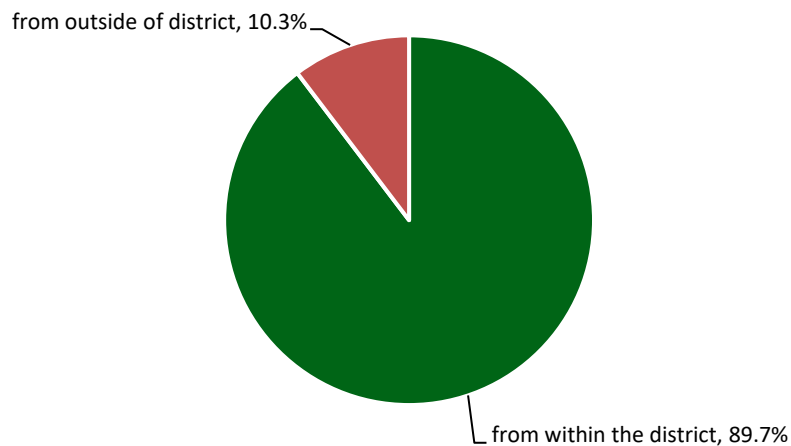


Fig.4

The majority of properties were let to existing residents of the District (89.7%).

Percentage of re-lets, new-build and acquired properties let

This chart compares the letting of new build Council and RP properties with the re-letting of existing Council and RP properties between 2022-2023.

Percentage of lettings by stock type and landlord in 2022/23

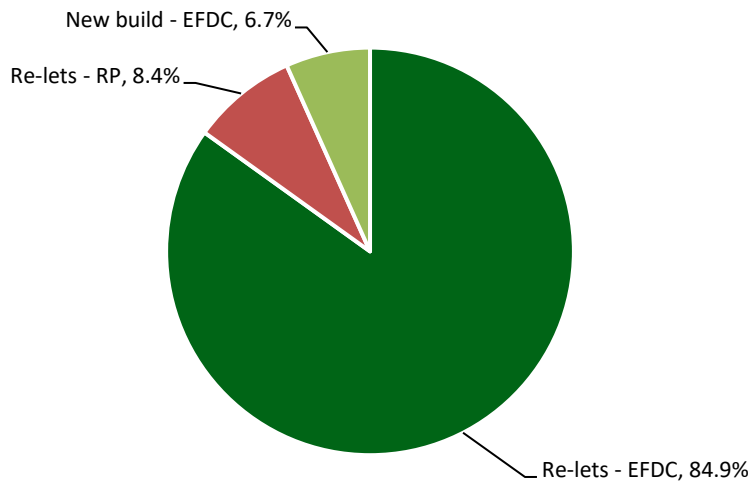


Fig.5

The majority of lettings between 2022-2023 were to existing Council properties that had become vacant (84.9%) followed by relets to RP stock (8.4%). New-build Council housing accounted for the remainder (6.7%). We did not acquire any properties through the open market during this period.

Properties let by rent type

This chart shows the percentage of properties that were let at social rent levels compared to affordable rent between 2022-2023.

Percentage of lettings at social rent and affordable rent in 2022/23

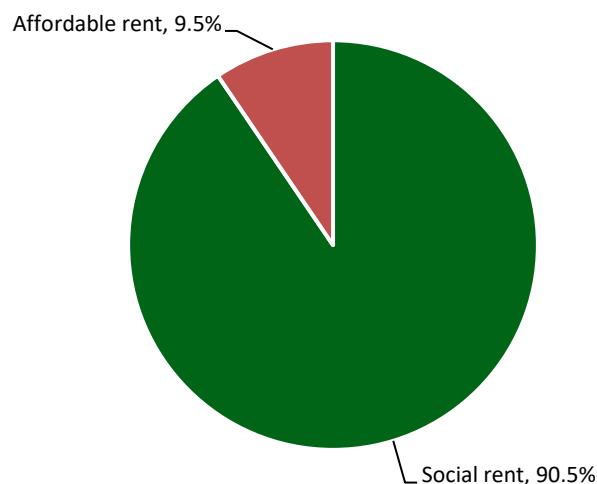


Fig.6

Over 90% of properties were let at social rent and just under 10% were let at affordable rent between 2022-2023.

The following chart provides a further breakdown of lettings for affordable rent and social rent by landlord and applicant need between 2022-2023.

Percentage of lettings by landlord, need and rent type in 2022/23

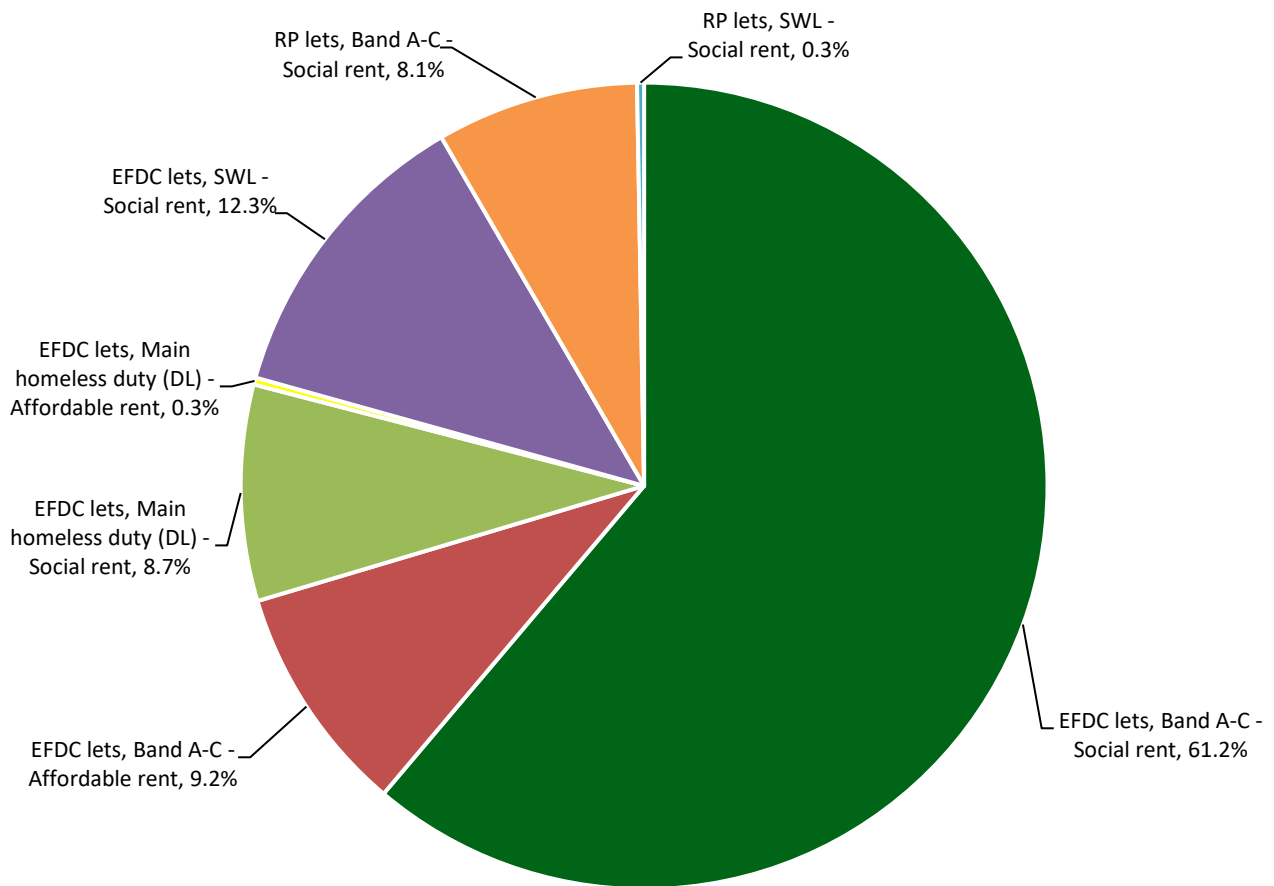


Fig.7

Over half of all lets (61.2%) were of Council properties made to applicants in Band A-C at social rent, with only 9.2% of council properties let to Band A-C applicants at affordable rent.

The majority of Council properties let direct to main homeless duty households were at social rent (8.7%), whilst 0.3% were let at affordable rent.

Only 8.1% of properties let were RP properties let to Band A-C applicants via choice-based lettings, all of which were at social rent.

Properties let by dwelling type

This chart shows the number of lettings by property type i.e., flat, house, maisonette, bungalow and sheltered accommodation to Band A-C applicants, main homeless duty households (DL) and SWL applicants between 2022-2023.

Number of lets by property type in 2022/23

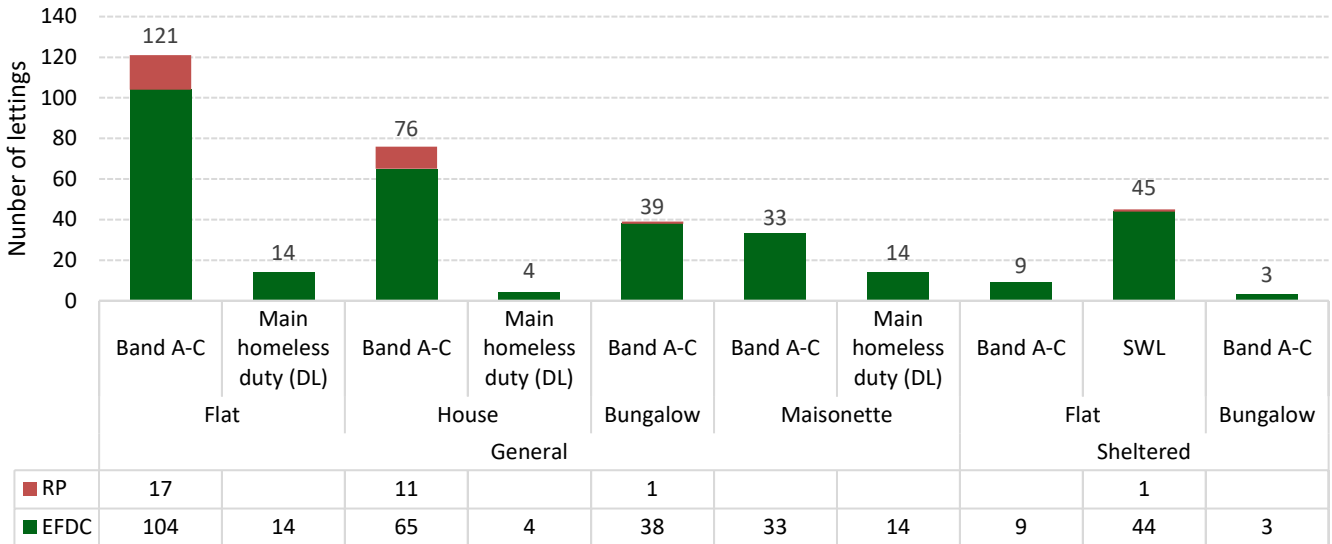


Fig.8

The majority of properties we let during this period were flats, due to the makeup of our housing stock.

All sheltered housing lettings to the supplementary waiting list applicants (45) were to flats. All vacant sheltered housing bungalows were let to Band A-C applicants (3).

Properties let by bed size

This chart shows the number of properties that were let by bed size to Band A-C applicants, main homeless duty households (DL) and SWL applicants between 2022-2023.

Number of lettings by bed size in 2022/23

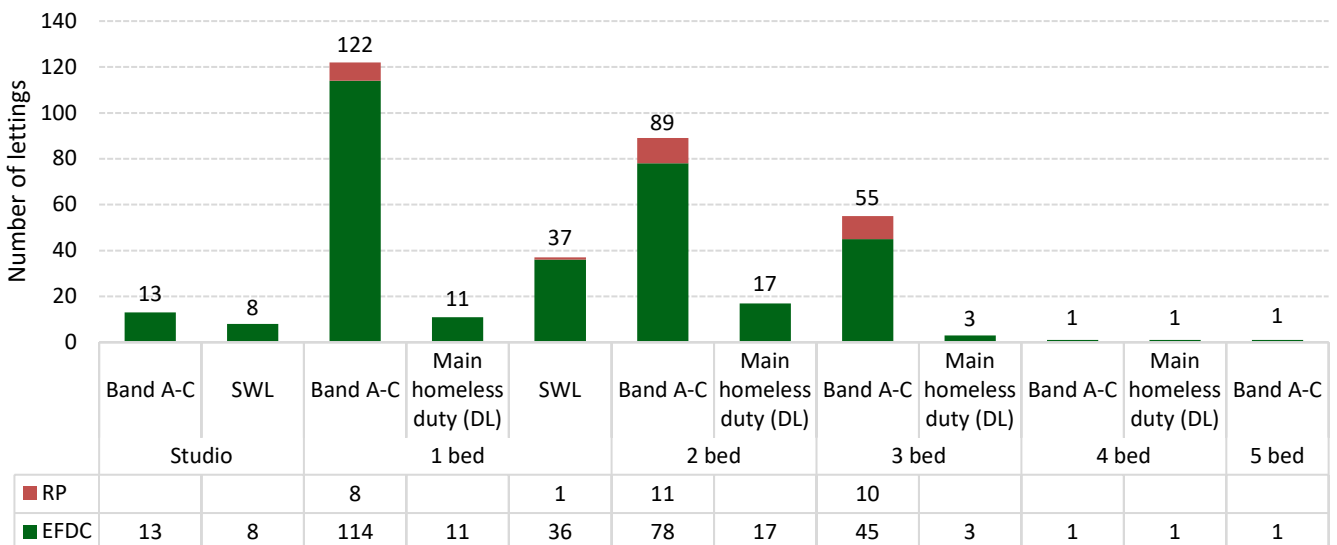


Fig.9

The majority of lettings in 2022/23 were for 1 bed properties. These generally saw the highest turnover of occupants and therefore become vacant more frequently than family sized homes.

Properties let by age group of main applicant

This chart shows the percentage of properties that were let by age group for Bands A-C applicants, main homeless duty households (DL) and SWL applicants between 2022-2023.

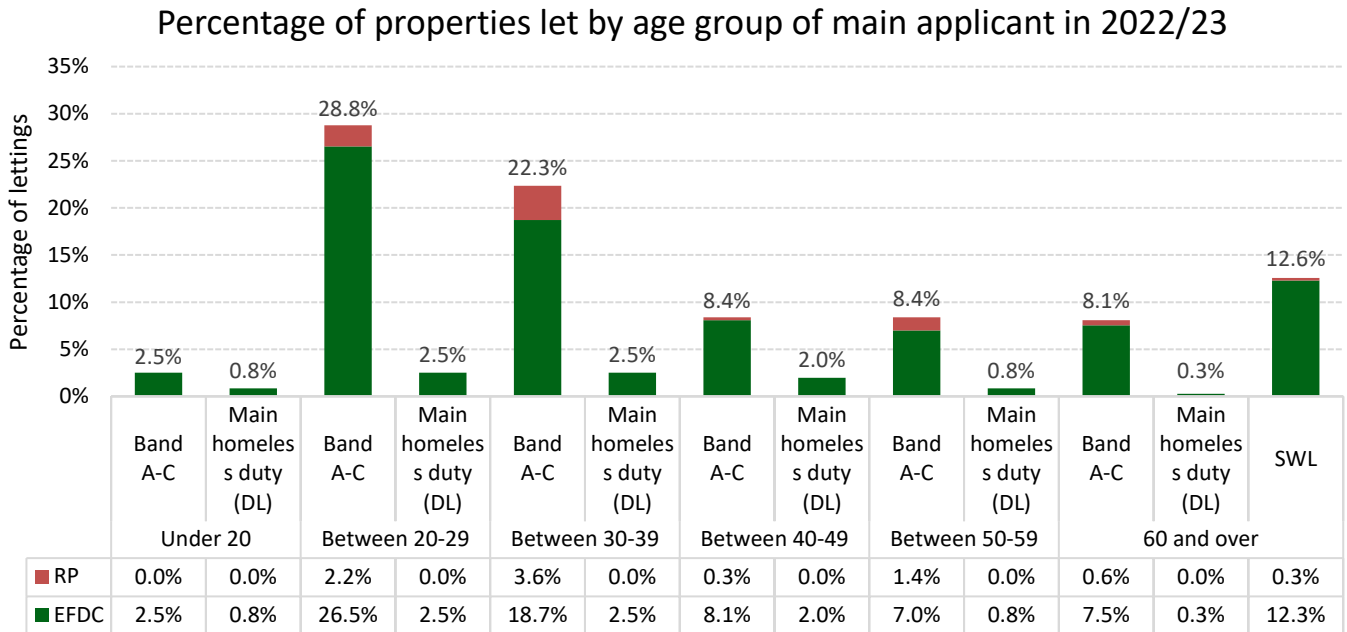
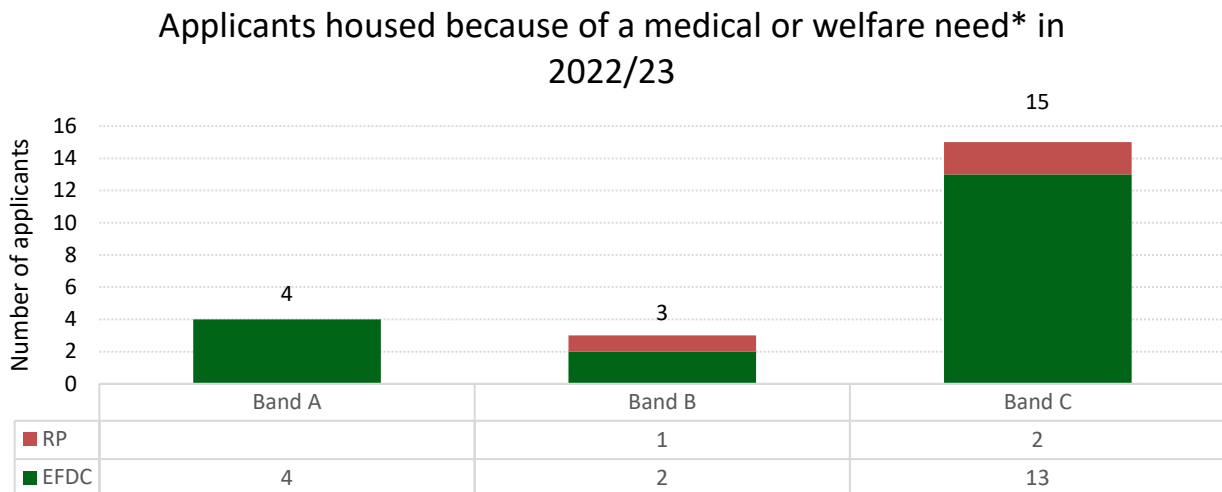


Fig.10

The majority of lettings were made to main applicants in Bands A-C between the ages of 20-29 (28.8%), followed by Band A-C with main applicants aged between 30-39 (22.3%).

Applicants with medical or welfare needs

This chart shows the number of applicants who were housed due to having a medical or welfare need.

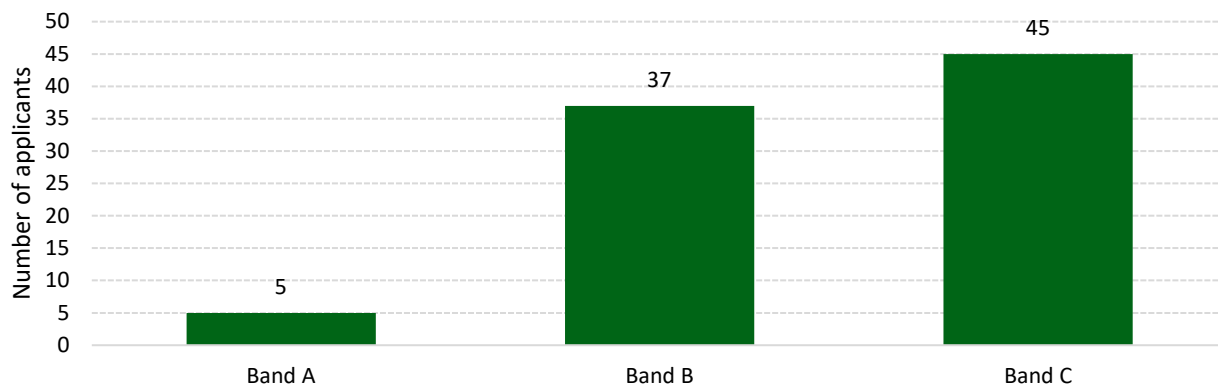


*Applicants housed because of a medical or welfare need does not include those who were housed for other primary reasons and who also have a medical or welfare need.

We were able to house more applicants with medical needs in Band C than those in Bands A and B during this year. However, it should be noted that the Band B medical need category was not introduced until the implementation of the new Housing Allocations Scheme in September 2022. Next year's report will be a better reflection of this information. There are a number of reasons why applicants with a medical need in Band C may be more successful in bidding. Firstly, we generally only have very few applicants who meet the high threshold for Band A emergency medical need.

Secondly, those with a Band A medical need are likely to have more specific requirements for the type of property they need (for example wet rooms, wheelchair access etc.) and as we only have a small proportion of adapted properties within our stock, they will be waiting longer for a home.

Applicants on the housing register because of a medical or welfare need* as at 31 March 2023



*Applicants on the housing register because of a medical or welfare need does not include those who are on the housing register for other primary reasons and who also have a medical or welfare need.

As mentioned earlier, we only have a small number of applicants who meet the threshold for Band A emergency medical need. The majority of applicants either have a moderate or urgent medical need.

WAITING TIMES

The following charts show the length time applicants waited who were offered and accepted a property between 2022-2023. Waiting times are typically affected by the size and type of property needed, the applicant's priority banding and bidding history (if applicable) and whether they were maintaining their rent account and conditions of tenancy satisfactorily.

It should be noted that any data about waiting times will always be subjective, as we are operating a choice-based lettings system, meaning that it is ultimately down to the applicants what they choose to bid on. Therefore, an applicant could wait on the register for several years between bids and this would affect the average waiting time data for applicants in that band.

Waiting time for Band A applicants housed between 2022-2023

This chart shows the length of time that Band A applicants waited before being housed.

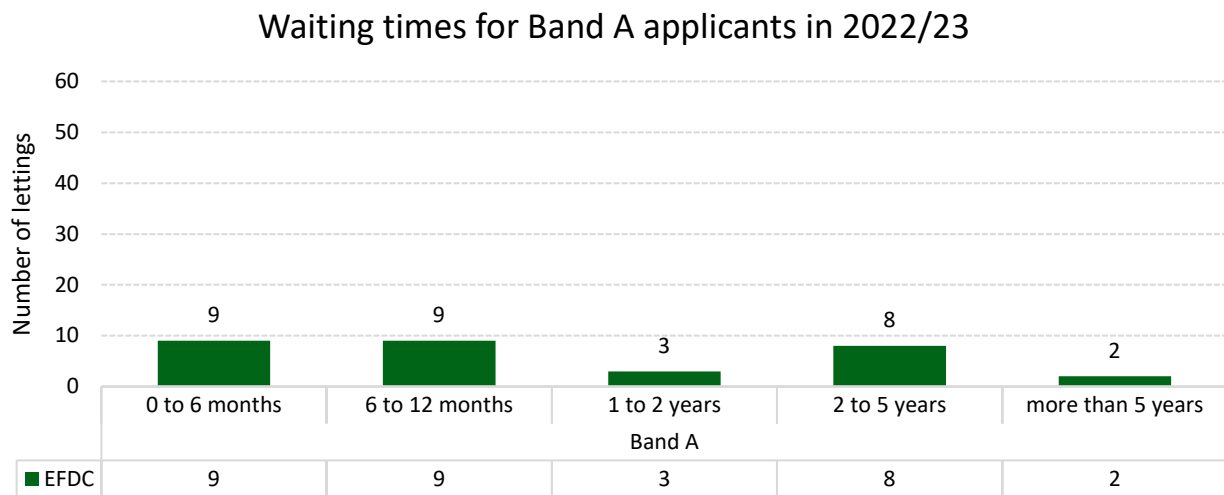


Fig.13

The waiting time for Band A applicants housed in 2022/23 varied between less than six months to more than five years. This is affected by the size and type of property needed and whether they had urgent need to move or were choosing to downsize. As mentioned earlier, this also largely depends on the regularity with which applicants choose to bid.

Waiting time for Band B applicants housed between 2022-2023

This chart shows the length of time that Band B applicants waited before being housed.

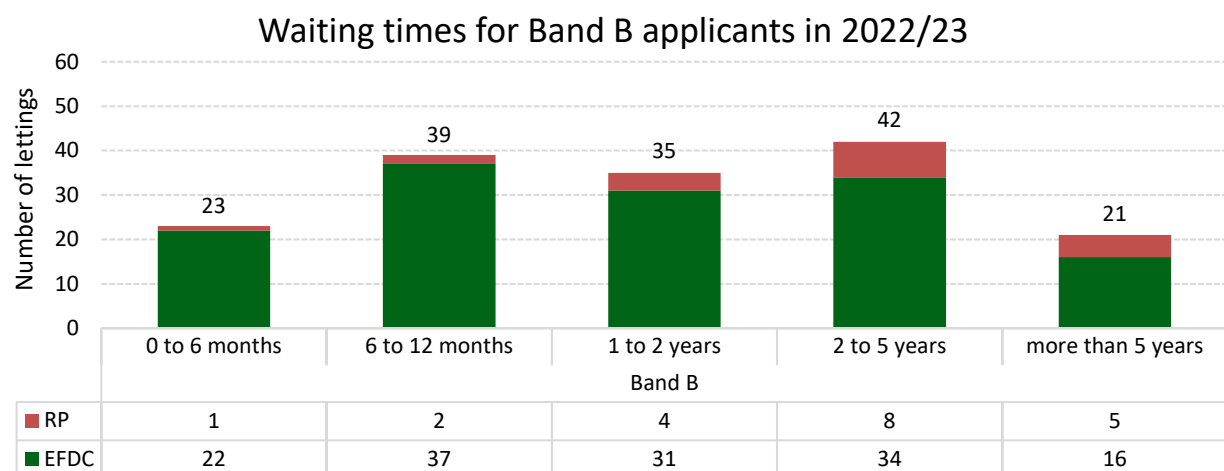


Fig.14

Band B applicants most commonly waited between 2 to 5 years. As with Band A there is a fairly even distribution of applicants who waited anything from less than six months to more than five years. From 26th September 2022 onwards, this band also includes homeless households to whom we have accepted a main housing duty.

Waiting time for Band C applicants housed between 2022-2023

This chart shows the length of time Band C applicants waited before being housed.

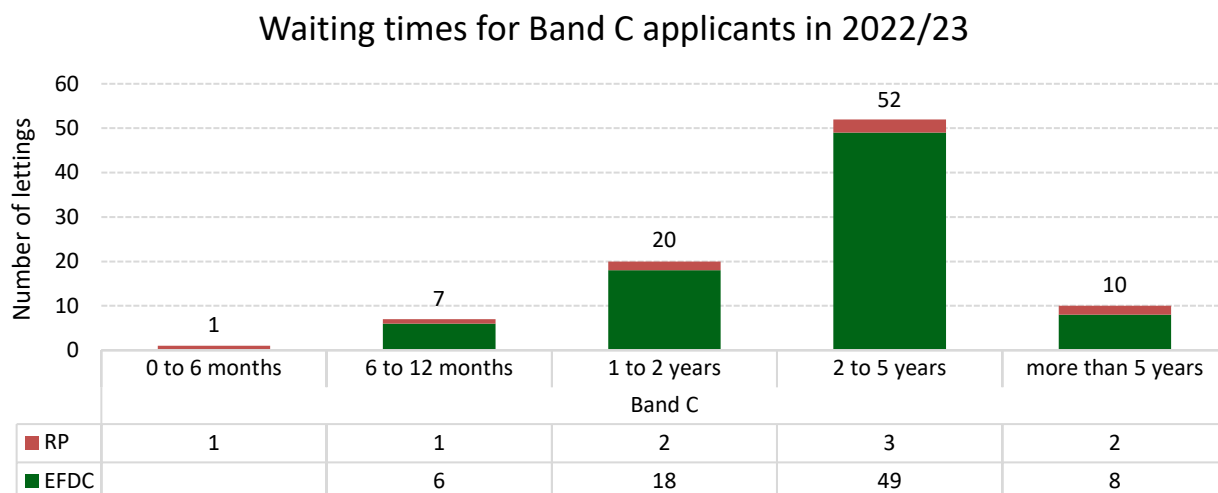


Fig.15

Band C applicants most commonly waited between 2 to 5 years to move. Band C is the lowest priority Band and has the highest number of applicants.

Waiting time for main homeless duty households (DL) between 2022-2023

The waiting time for main homeless duty households is taken from the date that the Council accepted a main housing duty towards that household, regardless of when a household approached the Council for assistance or the date they may have been placed in temporary accommodation.

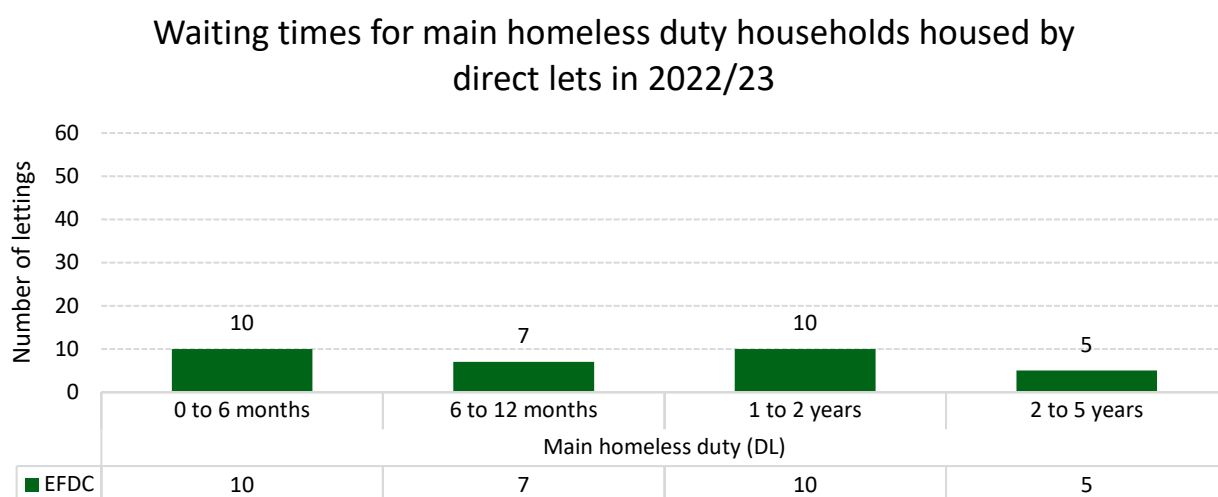


Fig.16

This chart only relates to direct lets between 1st April 2022 and 26th September 2022, after which accepted homeless applicants were able to bid in Band B instead of receiving direct offers. Most homeless households waited between 6 months and 2 years for their final offer of suitable settled accommodation, depending on the size and type of property they needed.

Waiting time for supplementary waiting list applicants housed between 2022-2023

This chart shows the length of time applicants on the supplementary waiting list waited before being housed.

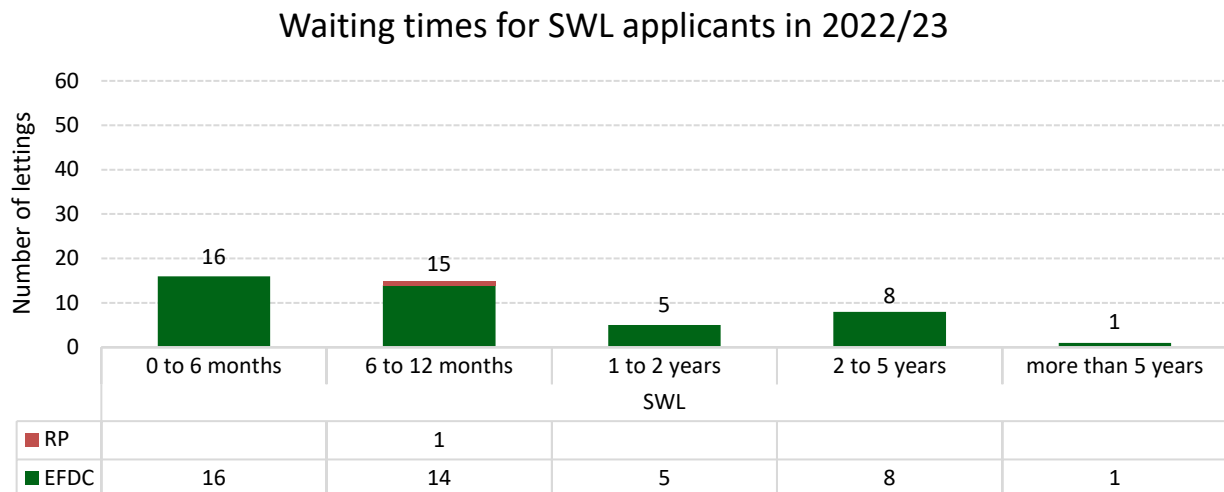


Fig.17

Applicants for sheltered housing on the SWL most commonly waited 0 to 12 months to receive an offer. The relatively short waiting time was due to the low demand for sheltered housing from other applicants who qualified to join the housing register. Applicants requiring sheltered accommodation on our main housing waiting list will always be prioritised over applicants on the Supplementary Waiting List.

THE HOUSING REGISTER

Applicants on the housing register between 2018/19 and 2022/23

This table is the number of applicants on the housing register at 31 March every year from 2019 to 2023. It does not include the supplementary waiting list for sheltered housing as those applicants fall outside of the qualifying criteria for the housing register.

Year	Total Active Applicants
31 March 2023	1,276
31 March 2022	1,308
31 March 2021	1,355
31 March 2020	1,291
31 March 2019	1,494

Fig.18

The reduction in the waiting list from 2022 to 2023 can be attributed to management of the waiting list, as well as the implementation of the new Housing Allocations Scheme in September 2022. The new Scheme saw accepted homeless households being allowed onto the register in Band B, but it also saw the removal of other categories such as Band B 'flat to house', meaning that the number of applicants overall has slightly reduced.

Applicants waiting to move by Band and bed size

This chart shows the number of applicants waiting to move on 31 March 2023 by priority Band and bed size.

Number of applicants on the housing register by band and bed size as at 31 March 2023

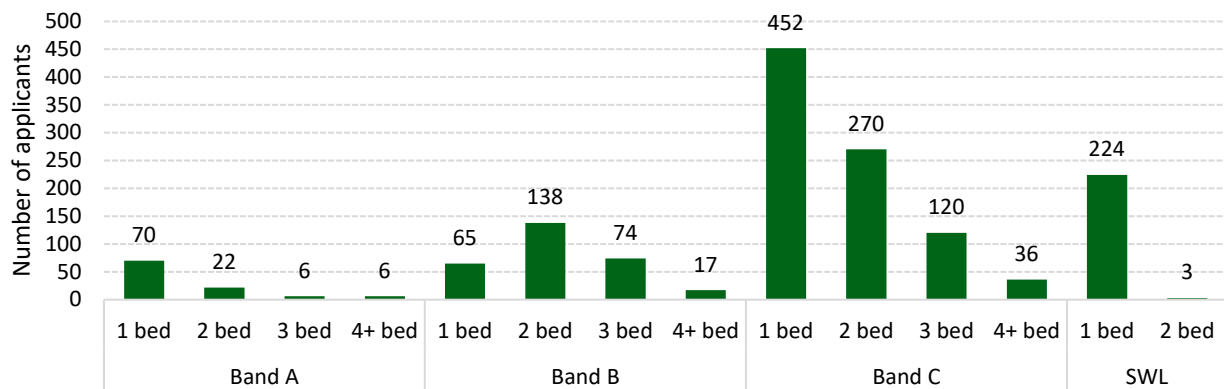


Fig. 19

There were 104 applicants in Band A, 294 applicants in Band B and 878 applicants in Band C. An additional 227 applicants were on the supplementary waiting list (SWL). Band C has the largest number of applicants by far, the majority of which are younger people living at home with their family and wanting to move to their first property, or families who require a property with 1 bedroom larger than their current accommodation.

In common with previous years, the demand from Band A and Band C applicants was mainly for 1 bed properties. The demand from Band B applicants was mainly for 2-bed family sized accommodation.

Members of the Armed Forces waiting to move

Members of the Armed Forces and former members of the Armed Forces, or their bereaved partners are given specific consideration and priority is awarded based on their circumstances in relation to their service.

This chart shows the number of members of the armed forces or their bereaved partners that were housed between 2022-23 and on the housing register on 31 March 2023.

Number of members of the Armed Forces or their bereaved partners on the housing register or housed in 2022/23

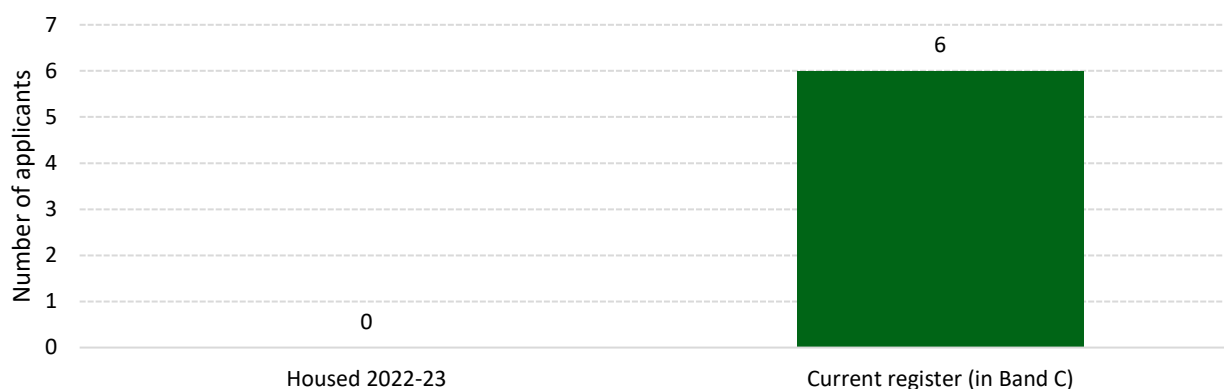


Fig.20

A total of six applicants were in Band C on the housing register on 31 March 2023. No lettings were made to these applicants in this category during 2022-2023, mainly due to the applicants not bidding for the properties available. We are satisfied that ex-services personnel are not being disadvantaged in any way by our current lettings system.

Homeless households waiting to move

The chart below gives a snapshot as at 31 March 2023 of the number of homeless households waiting to move, by the size of property that they required.

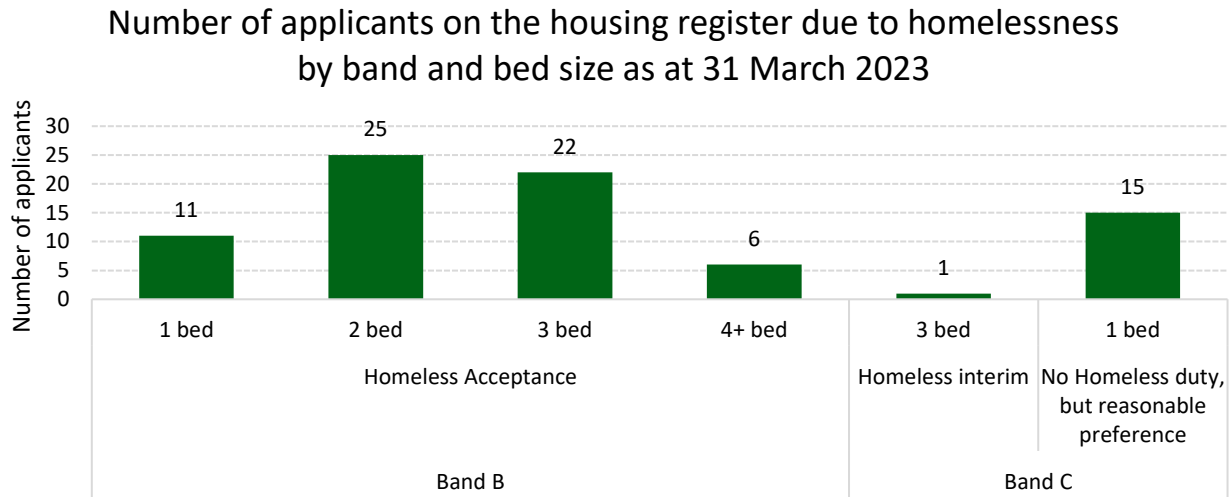


Fig.21

The highest demand has been for 1-bed properties; required for 11 homeless households where we had accepted a main duty and a further 15 households where we did not accept a main duty. This was closely followed by 25 main homeless duty households needing 2-bed family sized homes and 23 households requiring 3-bed homes. Although the demand for 4+bed properties was significantly lower, these larger family sized homes are in shortest supply, consequently larger households are likely to be waiting for significantly longer.

OTHER INFORMATION

The following information reflects tenant mobility and lettings outside of the Housing Allocations Scheme including mutual exchanges, management transfers and Right to Buy sales.

Number of mutual exchanges by year between 2018/19 and 2022/23

This table shows the number of mutual exchanges that took place each year between 2018/19 and 2022/23.

Year	Total	Intra - district	Inter - district
2022/23	57	41	16
2021/22	82	64	18
2020/21	69	59	10
2019/20	74	63	11
2018/19	96	82	14

Fig.22

Of the 57 mutual exchanges that took place between 2022-2023 most (41) were between tenants who both or all lived in the District.

Number of management transfers between 2022-2023

This chart shows the number of management transfers that the Council made by bed size between 2022-2023.

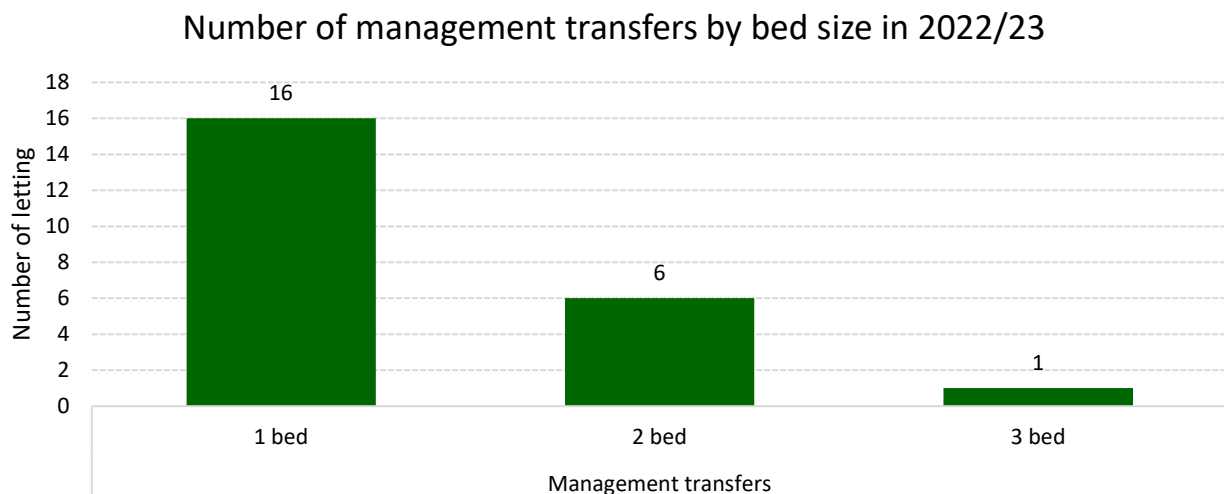


Fig.23

There were 23 management transfers between 2022-2023. The vast majority were into one-bedroom properties (16).

The following chart shows the percentage of management transfers by age-group of the lead tenant that were arranged in 2022-23.

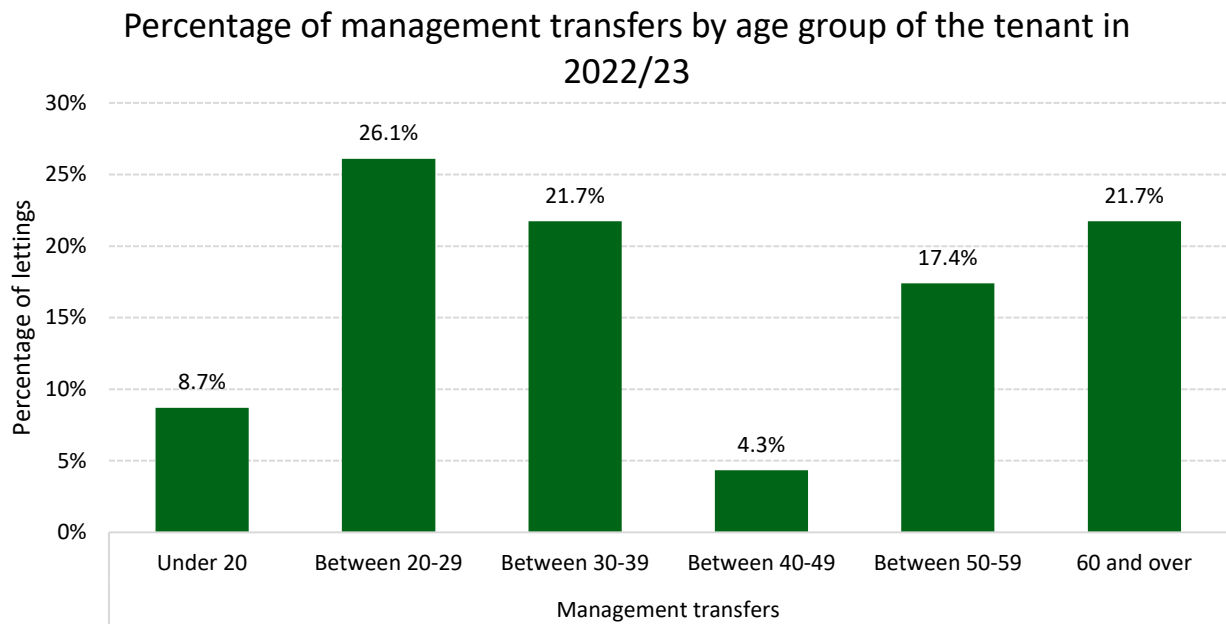


Fig.24

Most households who moved via management transfer had a lead tenant between 20-29 years old (26.1%). Closely followed by those aged between 30-39 years old and 60 and over (both 21.7%).

Management transfers required by bed size

The chart below shows the number of management transfer households waiting to move as at 31 March 2023. Typically, management transfers are to properties with the same number of bedrooms as the tenant’s existing property.

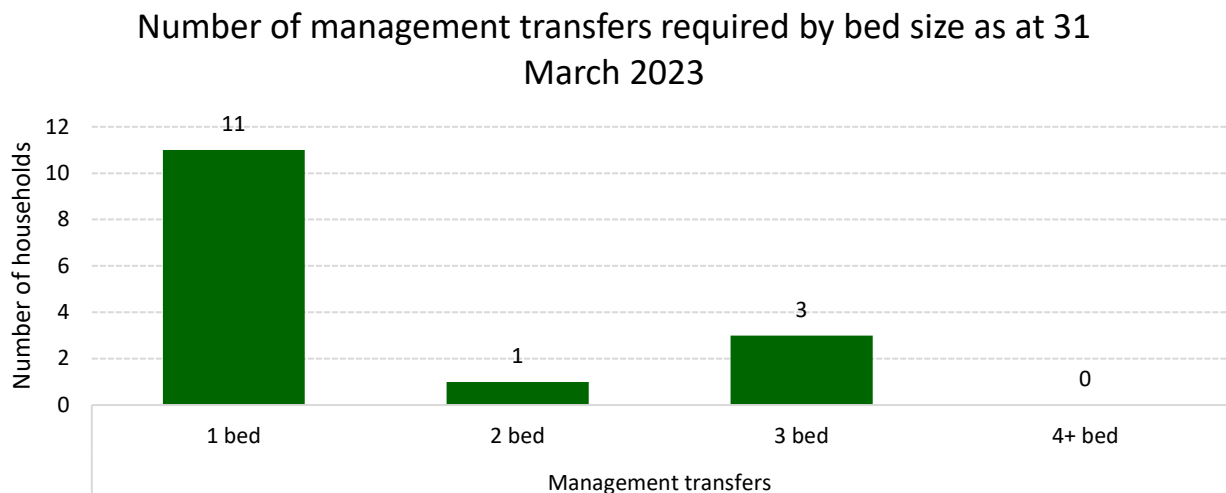


Fig.25

Of the 15 households that the Council had identified as needing a management transfer on 31 March 2023, ten households required a 1-bedroom property, and one household required a 2-bed property. Although only three 3-bed were required, these are in the shortest supply.

Number of Right to Buy sales by year between 2018/19 and 2022/23

This chart shows the number of Right to Buy sales that have taken place over the last 5 years.

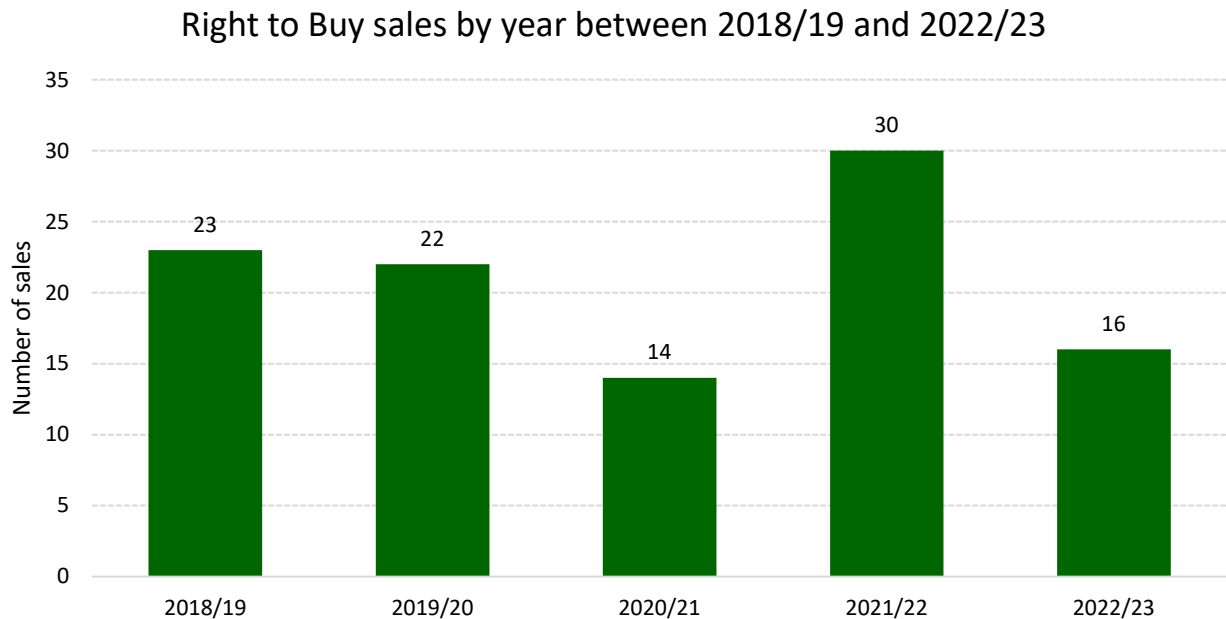


Fig. 26

The number of sales and applications fluctuate each year and often depend on the financial climate and the maximum level of discount allowed. In April 2012 the Government increased the maximum RTB discount threshold from £34,000 to £75,000. This increase in discount saw applications significantly increase.

Since then, the maximum discount has been increased each year in line with inflation and the current maximum discount for the district, as of April 2023, is £96,000. The housing market, the cost of living and particularly the impact on the availability of mortgages led to applications levelling off. EFDC district is a high value area for properties and changes in the housing market impact on the level of RTB applications being received and completing.

Further details on the [allocation of social housing](#) in the District can be found on the Councils website www.eppingforestdc.gov.uk

If you have any questions or require this information in a more accessible format, please contact:

housingstrategy@eppingforestdc.gov.uk

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CM16 4BZ

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September 2023

Report to Communities Scrutiny Committee

Date of meeting: 26th September 2023

Portfolio: Property & Housing (Cllr Holly Whitbread)

Subject: EFDC Housing Allocation Scheme – 1 year review

Officer contact for further information:

Chris Walsh, Service Manager Housing Needs and Management

Democratic Services Officer:

L Kirman: email: DemocraticServices@eppingforestdc.gov.uk tel:01992 564243)



Recommendations/Decisions Required:

- (i) Communities Scrutiny Committee considers and comments on the draft Cabinet Report as set out in Appendix 1 of this report.

Report:

This report is to provide Scrutiny Committee members with the opportunity to consider and comment on the findings of the review of the Housing Allocations Scheme, one year of from it having been introduced.

The details of the report are as set out in the draft Cabinet report as attached. A date for presentation to Cabinet is to be agreed.

Background

As set out in the attached draft Cabinet Report.

Resource implications: None

Legal and Governance Implications: None

Safer, Cleaner, Greener Implications: None

Background Papers:

EFDC Housing Allocations Scheme 2022-2027 (Appendix A of the Cabinet report)

Impact Assessments:

Risk Management: N/A

Equality: An Equality Impact Assessment for the Housing Allocations Scheme is being maintained and updated as necessary.

DRAFT Report to the Cabinet



**Epping Forest
District Council**

Report reference:

Date of meeting: To be agreed

Portfolio: Housing and Property (Cllr Holly Whitbread)

Subject: EFDC Housing Allocation Scheme – 1 year review

Responsible Officer:

Surjit Balu

Interim Director for Housing
& Property

Democratic Services:

Vivienne Messenger:

email: DemocraticServices@eppingforestdc.gov.uk

Recommendations/Decisions Required:

Recommendation 1 – No change to medical banding

Recommendation 2 – No change to homeless households

Recommendation 3 – No change to lacking one bedroom or sharing accommodation

Recommendation 4 – No change to bedroom sizes

Recommendation 5 – An end date of 25th September 2025 be introduced for applicants with preserved rights to move from a flat to a house under the previous allocations scheme

Report:

Introduction

The purpose of this report is to review the main changes that were made to our Housing Allocations Scheme, which was approved by Cabinet in March 2022 and implemented on 26th September 2022. A full copy of the Housing Allocations Scheme is contained in Appendix 1b.

As a Local Housing Authority, Epping Forest District Council has a statutory duty to publish a Housing Allocations Scheme. This Scheme is used to determine priorities when selecting a household to be offered the tenancy of Council owned accommodation, or to be nominated for an offer of housing from another registered provider.

The Scheme dictates how we operate our choice-based lettings system, often referred to as 'the housing register'. Qualifying applicants are placed in one of three bands (A, B or C) depending on their assessed need. The applicants' bands and registration dates are used to prioritise expressions of interest, or 'bids' for vacant properties that are advertised on a weekly basis. The purpose of a choice-based lettings system is to enable applicants to exercise some degree of choice as to where they live (albeit limited by supply and demand).

The demand for affordable rented housing in Epping Forest continues to outweigh the supply of suitable accommodation. Therefore, it is important that only those with a demonstrated housing need can access our Council housing stock, and that those applications are prioritised correctly.

Significant changes made to the Scheme

The table below summarises the main changes that were made to the Housing Allocations Scheme in 2022.

Banding	Original Criteria	Revised Criteria
Medical Banding	Only 2 medical bands - Band A 'urgent medical need' and Band C 'moderate medical need'.	3 medical bands - Band A 'emergency medical need', Band B 'urgent medical need' and Band C 'moderate medical need'.
Homeless Households	Statutory homeless households only received direct offers of housing.	Statutory homeless households can bid via choice-based lettings, in Band B.
Applicants lacking 1 bedroom	Band B priority awarded.	Band C priority awarded.
Applicants sharing accommodation with another household	Initially placed in Band C and moved to Band B after 2 years.	Remain in Band C, regardless of length of time.
Bedroom sizes	Applicants able to bid on properties one bedroom size smaller than their bedroom requirement.	Applicants only able to bid on properties that are the correct size for their family.
Flats to houses	Applicants living in EFDC flats able to join the register and bid on houses, with the same number of bedrooms.	This option removed, but those already on the list could continue to bid on houses.

There were several other, smaller changes made to the Housing Allocations Scheme in 2022, however many of these are not detailed in this report as they have not had any major impact on our applicants, or generated any significant interest from applicants or members.

Impact of changes**1. Medical banding**

As part of the implementation of the new Housing Allocations Scheme, we contacted all applicants who were recognised as having a medical need and asked them to complete a new medical assessment form, to give us an update on their condition. All medical forms were then sent to an independent medical advisor for re-assessment under the three new bands.

This exercise also helped us to identify a number of applicants on the housing register who had not logged on or placed a bid in a long time, in some cases years. These applications were cancelled when we received no response after multiple attempts to contact them to request a new medical assessment.

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On 23rd September 2022, before the implementation of our new Housing Allocations Scheme, the number of applicants placed in medical bands were as follows:

Priority band	Number of applicants
Band A – Urgent medical need	21 applicants
Band C – Moderate medical need	127 applicants

As of 1st August 2023, under the new Housing Allocations Scheme, the number of applicants placed in medical bands were as follows:

Priority band	Number of applicants
Band A – Emergency medical need	1 applicant
Band B – Urgent medical need	39 applicants
Band C – Moderate medical need	46 applicants

The reduction in the number of applicants attracting a medical priority can largely be attributed to the re-assessment exercise and the number of applications that were removed due to inactivity/failure to respond.

In the year prior to the new Housing Allocations Scheme being implemented, properties let to applicants with a recognised medical need were as follows:

Priority band	Number of lets
Band A – Urgent medical need	12
Band C – Moderate medical need	16

This represents 15% of all applicants on the register with a medical priority being housed during this period.

In the last 11 months since the new Housing Allocations Scheme has been implemented, properties let to applicants with a recognised medical need were as follows:

Priority band	Number of lets
Band A – Emergency medical need	4
Band B – Urgent medical need	5
Band C – Moderate medical need	5

This represents 14% of all applicants on the register with a medical priority being housed during this period, i.e. consistent with the previous year.

Since the implementation of the new Housing Allocations Scheme, we have received a total of 33 appeals relating to medical assessments. In 8% of these cases, we made the decision to award a higher medical priority following the appeal. This is fairly consistent with the year prior to the implementation of the new Housing Allocations Scheme, where we received 27 appeals relating to medical assessments, 11% of which were awarded a higher medical priority following their appeal. We would therefore conclude that the introduction of three medical bands has not caused a significant increase in customer appeals/complaints.

Recommendations

Having three medical bands better reflects the varied nature of the conditions that our applicants present to us with, and allows us to prioritise their applications accordingly. Having three bands allows us to take a more nuanced approach to applications that might otherwise have been placed in Band C (moderate medical), because they didn't quite meet the threshold

for Band A. Therefore, this change has had a positive impact and we would recommend that the three medical bands remain.

Recommendation 1 – No change to medical banding

2. Homeless households

Where the Council has accepted a duty to provide settled accommodation to a homeless household under Part 7 of the Housing Act 1996, we are required to give reasonable preference to their application for housing.

Under the previous Housing Allocations Scheme (2018-2022), homeless households living in temporary accommodation were not allowed to bid via the choice-based lettings system and were instead made 'direct offers' of accommodation, in order to discharge our duty.

It was felt that this 'two tier' system could be seen as unfair or discriminatory, therefore in the new Housing Allocations Scheme, homeless households are able to bid via the choice-based lettings system, in Band B. However, we do also reserve the right to place bids on any applicant's behalf if they are not bidding regularly, or if they are not successful on any bids within a reasonable timescale. This is known as placing 'auto bids' and is usually considered for homeless households after 6-8 bidding cycles.

In the year prior to the new Housing Allocations Scheme being implemented, we let 61 properties to homeless households via direct offer. Their bedroom needs were as follows:

Bedroom size required	Number of lets	Average waiting time
1 bed	30	10 months
2 bed	20	14 months
3 bed	8	2 years, 10 months
4 bed or larger	3	22 months

This represents 16.5% of all lets during this period.

In the last 11 months since the new Housing Allocations Scheme has been implemented, we let 92 properties to homeless households via the choice-based lettings system. Their bedroom needs were as follows:

Bedroom size required	Number of lets	Average waiting time
1 bed	32	6 months
2 bed	47	9 months
3 bed	13	18 months
4 bed or larger	0	N/A

This represents 34% of all lets during this period, a significant increase on the year prior.

More broadly, compared to the previous financial year, we have seen an increase in households approaching the EFDC homelessness service. Our homelessness service has been successful in preventing a number of approaches however, we have experienced an increase of placements in bed and breakfast accommodation of approximately 9%. This can be attributed to factors such as the cost of living crisis, the postponement of evictions during the Covid-19 pandemic being removed, changes in legislation resulting in some private sector landlords exiting the market, and follow-on effects from conflict in other countries increasing demand here in the UK. This is in keeping with national trends around homelessness. Effective management of temporary accommodation budget and spend is very important. We did

forecast and plan for a potential increase of up to 24% in demand for temporary accommodation compared to last year. So far, as indicated above, the increase has been 9% and we continue to monitor the situation closely.

To date, we have not received any complaints from applicants regarding the change from a direct offer system to a choice-based lettings system for homeless households living in temporary accommodation.

Recommendations

This is a challenging issue and one that we want to get right. Whilst we recognise that giving homeless households a high priority may result in a longer wait for applicants in other categories, we must acknowledge that our housing register is intended to be a 'housing needs' based system and not just a waiting list for anyone who wishes to join.

Homeless households living in temporary accommodation are often placed outside of the District and away from their support networks, for example in bed and breakfast accommodation in neighbouring areas. Many of these applicants are living and sleeping in 1 room with their families, and sharing cooking and/or bathroom facilities with other households.

Given this context, it is clear that a family living in temporary accommodation should be awarded a higher priority than someone who is in their own property, within the District, with their own cooking and bathroom facilities, but lacking a bedroom.

We will of course continue to monitor the local and national picture with regards to homelessness, however we believe that the current system is working and we would therefore recommend that this aspect of the Scheme remains the same.

Recommendation 2 – No change to homeless households

3. Applicants lacking 1 bedroom, or sharing accommodation

In our previous Housing Allocations Scheme (2018-2022), applicants needing one additional bedroom compared to their current accommodation were placed in Band B.

During consultation, it was felt that this potentially awarded too high a priority to those lacking one bedroom. This living situation, whilst not ideal, was not deemed as urgent as some of the other scenarios that were awarded a Band B priority (for example applicants occupying housing which poses a serious health hazard, applicants needing to move urgently due to a disability etc.). Therefore, in the new Housing Allocations Scheme, applicants needing one additional bedroom compared to their current accommodation are placed in Band C.

Similarly, under the previous Housing Allocations Scheme (2018-2022), applicants sharing accommodation with another household were initially placed in Band C, however once they had been sharing for over two years, their banding increased to Band B.

During consultation it was felt that applicants sharing accommodation with another household, for example adult children living with their parents, is unfortunately a common reality of the modern world and that Band C 'moderate housing need' seemed to adequately reflect this scenario. Therefore in the new Housing Allocations Scheme, applicants sharing accommodation with another household remain in Band C, regardless of the length of time they have been sharing.

When the new Housing Allocations Scheme was implemented, 318 applicants who were lacking 1 bedroom and 36 applicants who had been sharing accommodation for over 2 years

DRAFT REPORT

were moved from Band B to Band C. All applicants affected were advised of this change in writing, with at least 4 weeks' notice.

In the year prior to the new Housing Allocations Scheme being implemented, we let 67 properties to applicants lacking 1 bedroom. Their bedroom needs were as follows:

Bedroom size required	Number of lets
1 bed	0
2 bed	53
3 bed	11
4 bed	3

This represents 18% of all lets during this period.

During this period we also let a further 19 properties to applicants who had been sharing accommodation with another household for over 2 years. Their bedroom needs were as follows:

Bedroom size required	Number of lets
1 bed	0
2 bed	16
3 bed	3
4 bed	0

This represents a further 5% of all lets during this period.

In the last 11 months since the new Housing Allocations Scheme has been implemented, we have only let 8 properties to applicants lacking 1 bedroom. Their bedroom needs were as follows:

Bedroom size required	Number of lets
1 bed	0
2 bed	4
3 bed	4
4 bed	0

This represents just 3% of all lets during this period, a significant decrease compared to the year prior. For these applicants, the average waiting time was just over 4 years.

We also let a further 44 properties to applicants who had been sharing accommodation with another household, albeit this is no longer broken down into those sharing for longer than 2 years. Their bedroom needs were as follows:

Bedroom size required	Number of lets
1 bed	43
2 bed	1
3 bed	0
4 bed	0

For these applicants, the average waiting time was 3 years and 4 months.

We currently have 555 applicants currently on the register who are in Band C and sharing accommodation with another household. Of these applicants, 78% are single people awaiting a 1 bedroom property.

We also currently have 299 applicants on the housing register who are in Band C and lacking 1 bedroom.

The statutory definition of overcrowding is outlined in the Housing Act 1985. However, it should be noted that the definition of **severe** overcrowding is 'lacking 2 or more bedrooms'. This is recognised in the current Housing Allocations Scheme, as those who are lacking 2 or more bedrooms are placed in Band B.

It is also worth noting that overcrowding is not just a local issue, with the English Housing Survey published by the Department for Levelling Up, Housing and Communities in December 2022 finding that across the UK, there were approximately 732,000 households living in overcrowded conditions.

Since the implementation of the new Housing Allocations Scheme, we have received several member enquiries (albeit relating to 7 individual constituents) regarding either applicants lacking 1 bedroom, or applicants sharing accommodation with another household, being moved down to Band C. This has by far been the change in the new Scheme that has generated the most interest from our applicants and members. In all 7 of these cases, we were only able to reiterate that the Scheme had been applied correctly and that these applicants only qualified for Band C.

Recommendations

We recognise that the number of lets to applicants lacking 1 bedroom have decreased in the last 11 months. We note the impact of this change to the Scheme, however we would still recommend that Band C is the correct level of priority for applicants lacking 1 bedroom, when compared to the other categories of applicants that attract a higher banding, for example households who are homeless or living in accommodation that poses a serious health hazard. We would also recommend that we continue to recognise cases of severe overcrowding with a Band B priority.

We also recognise that approximately 42% of all applicants currently on our housing register are sharing accommodation with another household, the most common reason by far for joining our housing register. It is however worth noting that a very high proportion of these applicants are younger, single people living at home with family and looking to move to their first home. We therefore recommend that Band C is the appropriate level of priority and that other options should be explored by these applicants, such as privately rented and shared accommodation.

Recommendation 3 – No change to lacking one bedroom or sharing accommodation

4. Bedroom sizes

Under the previous Housing Allocations Scheme (2018-2022), applicants were able to bid on properties one bedroom size smaller than their bedroom requirement, for example a single parent with 1 child requiring a 2 bedroom home could be housed in a 1 bedroom property.

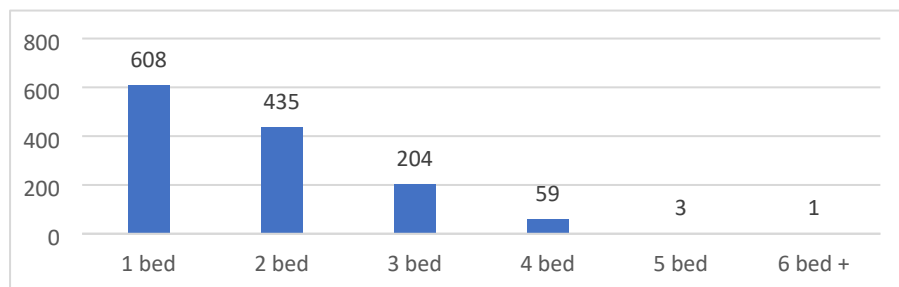
It was felt that this system created more issues than it solved, as applicants would accept a property too small for them and then immediately re-join the housing register for a larger property.

Therefore in the new Housing Allocations Scheme, applicants are only able to bid on properties that are the correct size for their family. The Scheme does however allow us to make exceptions for families requiring a 4 bedroom property or larger (within the permitted

DRAFT REPORT

number of occupants allowed under the Housing Act 1985) given that larger sized homes are in the shortest supply.

We currently have a total of 1,310 applicants on our housing register; their bedroom needs are as follows:



In the year prior to the new Housing Allocations Scheme being implemented, we let 370 properties as follows:

Property size	Number of properties let
Bedsit/studio or 1 bedroom	198
2 bedroom	119
3 bedroom	46
4 bedroom	7

Of these 370 properties, only 5% were let to households who required 1 bedroom larger than the property offered. The great majority of these were 1 bedroom properties being let to families that required 2 bedroom properties. These figures suggest that in reality, only a small number of families previously took us up on the ability to bid on properties smaller than their requirements.

We feel that removing the ability to bid on properties smaller than the household requirement is a positive change. This helps us to avoid contrived situations – for example a household joining the register as 'lacking 1 bedroom' but then choosing to accept a property that is 1 bedroom smaller than their needs, calling into question their reason for joining the housing register in the first place.

To date we have only received one complaint from an applicant on the subject of not being able to bid on properties 1 bedroom smaller than their needs. Whilst we empathised with the applicant's circumstances, we concluded that the Scheme had been applied correctly and that it would be best for the applicant in the long term to await an allocation of a 3 bedroom property, rather than allow them to bid on a 2 bedroom property which would not suit the needs of a family of their size.

Recommendations

Whilst we anticipate that this change may have slightly increased the waiting time for 2 bedroom accommodation, we also feel that a positive change to come from this is that single applicants will stand a better chance of being successful on a bid for a 1 bedroom property, as they are no longer having to compete with applicants who have a 2 bedroom need. We know that almost half of all applicants on our housing register are currently waiting for a 1 bedroom property, so this seems the fairest way to allocate properties moving forwards. We would therefore recommend that the current policy on bedroom sizes remains the same.

Recommendation 4 – No change to bedroom sizes

5. Flat to house

Under the previous Housing Allocations Scheme (2018-2022), applicants who were otherwise adequately housed but who were living in flatted accommodation within our own stock and wanted to move to a house, were able to join the housing register to bid on houses only. For clarity, this option was only available to existing Council tenants, and not households in the private sector.

We felt that this band, often referred to as 'flat to house', did not reflect our 'housing needs' based approach to the housing register. This was potentially an unfair system particularly for non-existing Council tenants due to them being considered as adequately housed and, were therefore not able to join the register. Therefore in the new Housing Allocations Scheme, applicants who are adequately housed in a flat are not able to join the housing register purely on the basis that they wish to move to a house.

We did however make the decision to allow any existing applicants within this band to remain on the register, in recognition of the fact that many of them had been waiting for a long time and that removing their applications would cause significant upset.

As of 26th September 2022, there were 147 applicants within this band on the housing register. Over the last 11 months, 45 of these applicants have been housed. Their bedroom needs were as follows:

Bedroom size	Number of lets
1 bed	0
2 bed	17
3 bed	27
4 bed	1

To date, we have not received any customer complaints relating to the removal of the 'flat to house' priority category.

Recommendations

We feel that the removal of this section of the Scheme is a positive change, which better reflects our policy of allocating our Council housing stock to those with the greatest housing need. As mentioned earlier, the demand for social housing far outweighs the supply in our area, so it seems unreasonable to allocate houses to those who were already housed in an appropriate property, albeit a flat.

We would therefore recommend that we continue to not offer any priority to those wanting to move from a flat to a house, with no other recognised housing need.

We would also recommend that any households who have remained in this 'legacy' band following the implementation of the new Scheme in September 2022 are given a deadline as to how long they can remain on the register. This will allow us to equalise the housing register and ensure that consistent banding is applied throughout. This will also provide an incentive for any remaining applicants within this band to bid on properties, given that 19% of the applicants currently in this band have not placed a bid in the last year, and a further 8% have never placed a bid.

We would recommend a deadline of September 2025 for cancellation of any applications still remaining in this band, giving a further 2 years for them to bid in Band B. Our lettings data for the last year suggests that these applicants would have a good chance of placing a successful bid during this 2 year period.

Recommendation 5 – An end date of 25th September 2025 be introduced for applicants with preserved rights to move from a flat to a house under the previous Allocations Scheme.

Resource implications: None

Legal and Governance Implications: None

Safer, Cleaner, Greener Implications: None

Background Papers: Housing Allocations Scheme 2022-2027 (Appendix)

Impact Assessments:

Risk Management: N/A

Equality: An Equality Impact Assessment for the Housing Allocations Scheme is being maintained and updated as necessary.



Housing Allocations Scheme

2022 – 2027

Version 1

Effective from 26 September 2022



If you would like this document in an accessible format, then please contact:

The Housing Strategy Team

Housingstrategy@eppingforest.dc.gov.uk

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SECTION ONE: EXECUTIVE SUMMARY

1.1 Introduction

This is Epping Forest District Council's Housing Allocations Scheme ('the scheme') for determining priorities and for the procedures to be followed when allocating social housing within the District between 2022-2027.

The scheme was approved by Cabinet on 7 March 2022 and takes effect on 26 September 2022. It covers all aspects of the allocations process and replaces previous Housing Allocations Schemes for all current and future applications.

1.2 Fair access to social housing

The demand for affordable rented housing in the District far outweighs the supply of social housing that becomes available every year.

The Council maintains a housing register of applicants who qualify and are eligible to be allocated social housing under the scheme.

We are committed to ensuring everyone has fair access to social housing. Every eligible applicant who makes a request to join the housing register shall be considered by the Council.

The policies described in the scheme shall be applied consistently to all applications to join the housing register unless otherwise stated. We shall offer assistance to applicants who may have difficulty applying without our support.

Applicants who in the Council's opinion have sufficient funds to enable them to meet their own housing costs (currently £76,000) shall not qualify to join the register. For joint applicants (or more) then their combined funds shall be considered.

1.3 Health and wellbeing

Many people who approach the Council for help with housing also have concerns about their health and wellbeing or that of their families.

Although we cannot offer a settled home to everyone who approaches us, or even to those applicants in urgent housing need as quickly as we would like to, we aim to make every contact count towards improving the mental and physical health and wellbeing of residents.

As well as assessing individual application for housing we will also let applicants know what free opportunities are available to promote positive mental health, positive activities, and positive community initiatives for all residents as part of our road map toward levelling up.

1.4 Housing options

We shall support applicants to choose and access the most suitable housing options and shall provide information and advice on the range of alternatives to joining the housing register including mutual exchange, low-cost home ownership, and accessing accommodation within the private rented sector.

We shall promote independent living for all applicants who are seeking assistance to meet their housing related support needs. Options shall include providing information and free advice about aids and adaptations, floating support, improved security, befriending, and mobility schemes.

1.5 Managing expectations

The Council shall not accept applicants onto the housing register if it is evident that they have little or no prospect of being allocated accommodation. We consider this to be the fairest way of managing expectations.

1.6 Downsizing

Existing social housing tenants who are under-occupying a property and want to downsize shall be actively supported to do so. For Council tenants this may include financial incentives and allowing tenants who want to give up a larger family sized home to move to a smaller property with one spare bedroom for guests etc.

1.7 Housing need

The Council shall only allocate accommodation to people on the housing register in accordance with the scheme and shall give reasonable preference to specified categories of people based on their assessed need for affordable housing.

1.8 Social housing tenants

Existing social housing tenants applying to Council for a transfer who are considered to have reasonable preference for an allocation shall be treated on the same basis as new applicants.

We shall very occasionally arrange a landlord management transfer for an existing Council tenant to alternative social housing outside of the scheme where we consider there is an emergency (or urgent) need to do so. Where the Council agrees the tenant meets the management transfer criteria, it does not need to apply the reasonable preference criteria.

1.9 Prioritising applications

Qualifying applicants who have been accepted on to the scheme shall be placed in one of three priority bands.

Band A - Emergency Need, Band B - Urgent Need, Band C - Moderate Need

1.10 Choice

The scheme aims to ensure that the accommodation offered meets the needs, circumstances, and wherever possible the preferences of the applicants and their households who are eligible and qualify to join the Housing Register.

The majority of allocations shall be via the Councils choice-based lettings scheme for properties that are advertised on the [HomeOption](#) website.

Housing staff can arrange assisted bidding for applicants on request if they would experience difficulty without this help.

As far as reasonably possible all applicants shall be offered:

- (a) a choice of housing accommodation; or
- (b) the opportunity to express preference about the housing accommodation to be allocated to them.

Some applicants may receive a direct offer of suitable accommodation or placed on the auto-bidding system depending on their assessed housing need and bidding history.

1.11 Preventing homelessness

Everyone who is homeless or at risk of becoming homeless and approaches the Council for assistance under the Homelessness Reduction Act 2017 shall be encouraged to apply to join the housing register, providing they are eligible to do so.

The Council reserves the right to discharge its main homelessness duty under Part 7 of the Housing Act 1996 to homeless households either by making an offer of settled social housing via the scheme, or by securing an offer of settled accommodation for at least six months in the private rented sector.

This option only applies to Part 7 offers to homeless households and shall be determined by the availability of suitable accommodation. An equivalent power does not apply for applicants that have been accepted onto the housing register under the provisions of Part 6 of the Housing Act 1996. All Part 6 allocations will be for social housing.

1.12 Best use of social housing

In order to make the best use of all available housing the Council shall continue to work closely with a number of private registered providers (also known as housing associations) to secure nomination rights for the homes that they own and manage in the District.

Registered providers agree to work in partnership with the Council by advertising vacant properties through the choice-based lettings scheme and accepting nominations for vacant properties from applicants on the housing register under part 6 of the Housing Act 1996 in accordance with the scheme.

Similarly, registered providers assist the Council with discharging its main duty to homeless households under part 7 of the Housing Act 1996 by accepting nominations for settled accommodation from homeless applicants on the housing register.

Registered providers shall also consider direct allocations for vacancies (including those both inside and outside of the scheme) in accordance with nominations agreements and all local lettings policies and plans.

1.13 Scope of the scheme

An allocation of accommodation for the purpose of the scheme means:

- (a) selecting a person to be a secure or introductory tenant of accommodation held by the council
- (b) nominating a person to be a secure or introductory tenant of accommodation held by another housing authority
- (c) nominating a person to be an assured tenant of accommodation held by a private registered provider.

The scheme applies to the allocation of accommodation to existing secure or introductory tenants of the local housing authority and existing assured tenants of private registered providers only in the following circumstances:

- (a) the allocation involves a transfer
- (b) the application for transfer is made by the tenant; and
- (c) the housing authority is satisfied that the tenant is to be given reasonable preference

under the statutory framework.

The scheme **does** apply to the following:

- (d) existing tenants who occupy an adapted property and no longer require those adaptations, but the Council requires the property for an applicant who does need them; and existing tenants who are under-occupying their accommodation.

The scheme **does not** apply to the following:

- (a) mutual exchanges between secure tenants
- (b) mutual exchanges between secure and assured tenants, and those with flexible/fixed term tenancies
- (c) assignments
- (d) renewals/extensions of fixed term/flexible tenancies
- (e) transfers to existing tenants where the Council is satisfied that the tenant does not have reasonable preference
- (f) transfers to existing tenants that the Council initiates for management purposes, including temporary decants
- (g) conversion of introductory tenancies to secure tenancies
- (h) successions under section 89 of the Housing Act 1985
- (i) allocations to persons who lawfully occupy accommodation let on family intervention tenancies
- (j) provision of non-secure temporary accommodation in discharge of any homelessness duties or powers
- (k) transfer of tenancies by court order under family law or under the provision of the Civil Partnerships Act 2004
- (l) re-housing due to being displaced from previous accommodation by the Council or being re-housed by the Council pursuant to the Land Compensation Act 1973
- (m) temporary decants to allow property repairs to be carried out; and
- (n) accommodation based care and support extra care or residential care for vulnerable adults or children which shall fall under the remit of Essex County Council.

Local lettings plans

Occasionally the Council may consider introducing local lettings policies and plans in response to specific issues such as local skill shortages, community cohesion and economic regeneration. Any recommendations will be subject to an equality impact assessment and Cabinet approval.

SECTION TWO: GENERAL DUTIES

2.1 Housing allocations legislation and regulation

This Housing Allocations Scheme has been developed to comply with the provisions of:

- (a) The Housing Act 1996 as amended
- (b) The Allocation of accommodation: Guidance for Local Authorities June 2012 last updated June 2022

2.2 Equality and diversity

The Council is committed to upholding its public sector duties under the Equality Act 2010.

When making decisions we shall have due regard to:

- (a) eliminate unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act
- (b) advancing equality of opportunity between people who share a protected characteristic and those who do not
- (c) foster good relations between persons who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

The scheme takes into account the outcome of the public consultation and the equalities impact assessment that were undertaken and published on the Council's website as part of the review.

2.3 Privacy and information sharing

Some or all of the information that an applicant provides is likely to be personal and sensitive and/or fall within special categories of data as defined under the General Data Protection Regulations and Data Protection Act 2018 and the Electronic Communications Act 2000.

The information that an applicant provides will be securely held by the Council and will only be accessed by authorised persons with the appropriate access controls.

Applicants shall be asked to sign a consent form as part of their housing application to enable the Council to share their information.

The Council will only use the information that an applicant has provided for the purpose set out in the scheme and will not use it for any other purpose, unless the applicant has given their consent, or this is otherwise required or permitted by law, for example if there is a safeguarding issue or in specific circumstances to prevent or detect crime.

Members of the public shall not be informed that a person is an applicant for an allocation of housing accommodation without the applicant's consent.

The Council is responsible for determining whether data sharing is lawful under UK data protection law, and this shall be determined on a case-by-case basis.

Applicants shall have the right under the General Data Protection Regulation and Data Protection Act 2018 to see all information held regarding their application for housing.

Full details are available in the Councils [Privacy Policy](#).

Any questions or concerns about privacy should be directed to:

Data Protection Officer,
Epping Forest District Council,
Civic Offices, High Street,
Epping,
Essex,
CM16 4BZ.
(01992) 564180

dataprotection@eppingforestdc.gov.uk

2.4 Freedom of Information

The public has the right under the Freedom of Information Act 2000 to see information on how the scheme has been prepared and approved by the Council.

Requests for information under the Freedom of Information Act must be made in writing via the Council's website, by email foienquiries@eppingforestdc.gov.uk or by post

Freedom of Information Officer
Epping Forest District Council Civic Offices
323 High Street
Epping
CM16 4BZ

Requests must state the applicants name and address for a response and describe the information requested.

2.5 Safeguarding

The Council has a duty to work together with other professionals and agencies in promoting the welfare of children, young people and adults with needs for care and support and safeguarding them from abuse and neglect.

- (a) Any concerns about the welfare of a child should be reported to [Essex Safeguarding Children Board](#).
- (b) Any concerns about the welfare of an adult, should be reported to [Essex Safeguarding Adults Board](#).
- (c) Full details of the Council's Safeguarding role and responsibilities are set out in our [Safeguarding Policy](#).

2.6 Prevention of fraud and false statements

Where an applicant provides false information in connection with their application and this subsequently comes to the Council's attention, the designated manager may reject the application on the grounds of fraud and/or arrange for further investigation including a referral to the Council's fraud team.

Any rejection from the housing register on the grounds of fraud may be treated as a permanent

exclusion (including subsequent applications from the same applicant) even if the application is made from a different address.

The applicant shall be advised of the terms of and the reasons for the exclusion and 'Fraudulent Information Provided' will be recorded on their casefile.

It is a criminal offence for any applicant and/or anyone providing supporting information to knowingly or recklessly make a false statement or knowingly to withhold reasonably requested information relevant to the housing application.

If there is evidence that a criminal offence has been committed, the Council may take proceedings that could result in a criminal record, a fine or imprisonment. The Council may also seek possession of any home obtained as a result of fraud.

2.7 Complaints

If an applicant has requested a review of a decision and does not agree with the outcome or is dissatisfied with another aspect of the service they can inform the service or the Council's [Complaints officer](#) via the Council's website, by telephoning the Council's Contact Centre on 01992 564000 or in writing to:

Complaints Officer
Contact Centre
Civic Offices
High Street
Epping,
Essex CM16 4BZ

The Council can investigate and put things right where necessary. Full details are available in the Council's [customer complaints policy](#).

If the applicant remains dissatisfied they can contact the [Local Government Ombudsman](#) or seek to challenge a decision via judicial review.

2.8 Local and national context

A detailed list of associated local and national policies strategies regulation and legislation that provide the framework for this scheme are referenced at Appendix H

SECTION THREE: THE HOUSING ALLOCATIONS POLICY

3.1 Advice and assistance

A choice-based lettings scheme typically requires housing applicants to be actively involved in seeking accommodation and the Council understands that some applicants may require help with this. We aim to ensure that no person is disadvantaged by the way the scheme operates.

Advice and information shall be made freely available about the right to make an application for housing; including the ability to request any necessary assistance when completing an application and expressing an interest in advertised properties, specifically for those applicants who would normally have difficulty in doing so without assistance.

Applicants shall also be given information to enable them to assess how long it is likely to be before accommodation appropriate to their needs may become available for allocation. The details shall be published on the HomeOption website and provided to applicants in an alternative accessible format on request at no charge.

3.2 Alternative housing options

As there are likely to be many more applicants for social housing than properties available, the Council shall also provide information about other options, including but not limited to advice on:

- (a) aids and adaptations
- (b) security measures
- (c) renting in the private rented sector
- (d) available low-cost home ownership options
- (e) key worker housing schemes
- (f) mutual exchanges
- (g) floating support

3.3 Building resilience

When people apply to the Council for help to find somewhere suitable and affordable to live, they or other members of their household may be experiencing a wide range of difficulties that are having, or could have, a serious effect on their health and wellbeing or that of their family.

We understand that for most applicants when they first register for housing their focus is to find out how the Council can help with their housing needs.

It is evident from the many applications that we receive each year that lots of households are struggling with social, emotional or health related issues such as loneliness, mental health difficulties, weight management, or beating an addiction.

Applicants are being encouraged to use the on-line housing registration process as an opportunity to have a look (in their own time if and when they want to) at the many free activities that are available across the District specifically designed to help establish positive mental health, positive activities, and positive community as part of our road map to levelling up the District.

Applicants can also ask staff for free confidential advice on what services are available and what may be suitable for them.

3.4 Choice-based letting

The Council has adopted the HomeOption choice-based letting scheme which advertises available Council and housing association properties on-line and gives applicants on the housing register the opportunity to express an interest in suitable properties on the website. This is usually referred to as submitting a 'bid' to be considered for the property.

In general terms, the property shall be offered to the applicant in the highest band, who bids for the property and has been in that band for the longest time. Details on how the scheme operates shall be included in the letter that is sent out to applicants that are accepted onto the housing register.

3.5 Assisted bidding

The Council can provide assisted bidding for applicants who need help and do not have the facilities or anyone else to support them. Housing staff can arrange the appropriate assistance on request in advance if required. With assisted bidding the applicant chooses which properties they would like to bid on and receives assistance to submit their bids. This may include choice based computer-generated bids.

3.6 Auto-bidding and direct offers

Although the majority of applicants shall be allocated a property that they have self-selected via choice-based lettings the Council may from time to time arrange auto-bidding or make a direct offer of accommodation.

Auto-bidding can be set up to automatically generate bids for suitable properties based on the applicants assessed need. The applicant does not make the selection.

The Council may also directly offer a property to an applicant rather than selecting an applicant from bids or auto-bidding for advertised properties.

Auto-bidding and direct offers will only usually be considered where the applicant has been unsuccessful in their bidding – or if the applicant has not been bidding, and then usually only for the following categories of applicants;

Band A – Emergency Housing Need:

- (a) Households with an emergency need to move on medical, disability or welfare grounds as determined by the Council's Medical Officer,
- (b) Other emergency housing need situations where applicants are failing to bid on suitable properties, or it would be unreasonable to rely solely on waiting to secure something suitable via choice-based lettings.

Band B – Urgent Housing Need:

- (a) Households who are in temporary accommodation and the Council has accepted a main duty to house them under Part 7 of the Housing Act 1996.
- (b) Qualifying applicants who are ready to move on from supported housing
- (c) Other urgent housing need situations where it may be unreasonable to rely solely on waiting to secure something suitable via choice-based lettings.

*Applicants who are or could be considered for auto-bidding or a direct offer are usually still expected to bid for suitable properties via HomeOption.

All auto-bidding arrangements and direct offers of accommodation shall be authorised by the designated manager.

If an applicant refuses an auto-bid or direct offer and exercises their right to request a statutory review as to the suitability of the offer then bidding and auto-bidding will be suspended whilst the review is taking place. If the review finds that the offer was unsuitable, the applicant shall be able to continue to bid until they are successful or have been made another direct offer of suitable accommodation.

3.7 Eligibility to join the housing register

In considering applications to join the housing register the Council shall first ascertain whether an applicant is eligible for an allocation of accommodation; and if they qualify for an allocation of accommodation.

Persons from abroad

The Government sets the rules for which persons from abroad are eligible to join a Housing Register.

In general, persons from abroad who need leave to enter or remain in the UK will only be eligible under certain circumstances the current regulations are summarised at Appendix C.

The regulations are quite complex and subject to change by 'statutory instruments' and subject to amendment during the lifetime of the scheme.

The Council shall not allocate housing to an ineligible person by granting them a joint tenancy with another, eligible person.

The rules do not apply to an applicant who is already a secure or introductory tenant or an assured tenant of accommodation in which case the applicant can apply for a transfer regardless of their immigration status.

Any part of a household who is not a qualifying person shall be disregarded when assessing the need and size of accommodation.

The Council has also set some local criteria to determine who does and does not qualify to join the housing register.

3.8 Qualifying to join the housing register

Applicants must qualify under each of the local eligibility criteria and must not be disqualified under any of the grounds listed at paragraph 3.12.

An applicant's eligibility or qualification to join the housing register shall be kept under review during the application process. Applicants who cease to be eligible and/or qualifying may be removed from the housing register at any time.

3.9 Local eligibility criteria

Age

The housing register shall be open to applicants of 18 years and over.

3.10 Residency criteria

To meet the residency criteria applicants are required to have lived in the District for seven continuous years or more immediately prior to the date of their application.

Any resident who moved out of the District for less than two years but has lived within the District for at least seven continuous years immediately prior to moving out of the District, shall be treated as an applicant who has lived in the District for more than seven continuous years prior to application.

3.11 Exceptions to the residency criteria

The following exceptions to the seven-year residency criteria shall apply:

3.11.1 Armed Forces

Through the Military Covenant, the Government has made clear its responsibility to support the British Armed Forces in return for the important contribution they make to the country. Therefore, in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, the Residency Criteria shall not apply to the following applicants;

Applicants who:

- (a) are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- (b) formerly served in the regular forces where the application is made within 5 years of discharge
- (c) are divorced or separated spouses or civil partners of service personnel who live in accommodation provided by the Ministry of Defence
- (d) have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service; or
- (e) are serving or have served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service where the application is made within 5 years of discharge.

The "regular forces" and the "reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

3.11.2 Households who are homeless or at risk of homelessness

Households who are owed a homelessness duty by the Council under Part 7 S193 of the Housing Act 1996 as amended:

- (a) who have already met the residency provisions in accordance with this legislation;
- (b) where there is a requirement to afford reasonable preference on the ground of homelessness, and
- (c) the Council does not owe a full homelessness duty.

3.11.3 Applicants ready to move-on from supported housing

Applicants who are leaving supported housing schemes where a lesser residency criterion of

2 years shall apply as set out at section 3.12.

3.11.4 Victims of domestic abuse

Applicants who are living in a refuge or other form of safe temporary accommodation in the District having escaped domestic abuse from within the District or from another local authority area.

3.11.5 Social housing tenants with specific employment needs

Applicants who are existing local authority or housing association tenants with a good tenancy record who are seeking to transfer from another local housing authority area in England.

They must provide appropriate evidence that they are in long-term work in the District or have a genuine intention of taking up an offer of work in the District (work does not including short-term, occasional, ancillary, voluntary, marginal or economically insignificant employment), comprising a minimum of 16 hours each week or an apprenticeship.

They must also demonstrate that they are experiencing hardship as a result of the above due to one or more of the following factors:

- (a) they live in excess of 50 miles from their current or intended place of work
- (b) they have a return journey time on public transport which is generally in excess of 3 hours based upon internet journey planners
- (c) the availability of transport is restrictive causing similar difficulties listed in (a) and (b) above
- (d) transport is unaffordable when taking into account earnings
- (e) there are medical and child-care factors which would be affected if the tenant could not move
- (f) the failure to move would result in the loss of an opportunity to improve an applicant's job prospects or in the opinion of the designated manager some other hardship factor not covered by the scheme

3.11.6 Looked after children

Where an applicant has been placed outside of the District by Essex County Council's Children Services Department, but Epping Forest District is the location they would normally live in, then they will be considered to fulfil the Residency criteria.

3.11.7 Leaving secure accommodation

Where an applicant has been moved to secure accommodation outside of the District for example due to detention in prison or in hospital under the Mental Health Act, then the applicant shall retain the local eligibility afforded immediately before their detention.

3.11.8 Other exceptional circumstances

Applicants who in the opinion of the designated manager are entitled to a reasonable preference under Part 6 of the Housing Act 1996 as amended and can demonstrate an exceptional need to either leave their current local authority's area or move to the Epping Forest District to escape violence or harm.

3.12 Non-qualifying applicants

Every application shall be assessed on its own merits. Any applicant rejected as ineligible or non-qualifying shall be provided with a written explanation by the designated officer giving

clear grounds for the decision, based on the relevant facts. The applicant shall have the right to request a review of the decision.

The following grounds shall disqualify an applicant from joining the Housing Register:

3.12.1 **Housing need**

Any applicant who does not have an assessed housing need, as listed within at least one of the priority Bands criteria detailed at Section 7 of the scheme shall not qualify.

3.12.2 **Financial resources**

Any applicant(s) who, in the opinion of the Council, has sufficient funds either individually or collectively to enable them to meet their housing costs shall not qualify. At present the total upper threshold is set at £76,000.

Total income and assets shall be determined by calculating the total combined annual gross taxable income added to any residential property equity, savings, shares or any other assets. All applicants shall be required to provide evidence of income and capital.

Where the designated manager is satisfied with the evidence that applicant(s) has disposed of assets by means of wilful deception within the six years directly prior to making the application the applicant shall be disqualified.

Any lump sums received, as compensation for an injury or disability sustained on active service by either, members of the Armed Forces, former Service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, shall be disregarded from the calculation.

3.12.3 **Deliberately worsening housing circumstances**

Any applicant who in the view of the designated manager is found to have deliberately worsened their circumstances in order to qualify to join the housing register shall be disqualified. Examples include but are not limited to:

- (a) selling a property that is affordable and suitable for the applicant's needs
- (b) moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation
- (c) requesting or colluding with a landlord or family member to issue them with a Notice to Quit; or
- (d) deliberately overcrowding a property by moving in friends and/or other family members who have never lived together with the applicant previously, and who then request rehousing to larger accommodation.

3.12.4 **Serious unacceptable behaviour**

The Council may decide that an applicant is ineligible for social housing if it is satisfied that:

- (a) they, or a member of their household, has been found to be responsible for unacceptable behaviour (such as non-payment of rent, causing a nuisance or annoyance, or domestic violence/ abuse, harassment, threats of harassment, or violence) serious enough to make them unsuitable to be a tenant of the Council; and at the time their application is considered, they are unsuitable to be a tenant of the Council by reason of that behaviour.

Acts of violence and aggression to employees will not be tolerated by the Council and any applicant who threatens or uses violence towards any Council employee or contractor will be

removed from the housing register immediately.

3.12.5 **Rent arrears**

Applicants with rent arrears shall be disqualified from joining the housing register if they wilfully and persistently fail to pay their rent and show disregard for advice and assistance to address the arrears where it would be reasonable to expect them to do so (e.g., the behaviour is not attributable to an underlying vulnerability). The individual circumstances shall be considered in every case and a proportionate risk-based assessment shall be taken to whether the applicant should be disqualified from:

- (a) joining the register; or
- (b) being considered for a property if they are already on the register.

Generally, applicants are unlikely to be disqualified if they can evidence that:

- (a) they have made an arrangement with the landlord to pay the arrears, kept to the arrangement for at least three months are continuing to make the payments and give an undertaking to continue to pay the debt if they are rehoused
- (b) the arrears accrued due to an unavoidable life event for example health reasons, a period of unemployment, furlough, caring responsibilities or other crisis, and reasonable measures have been and/or are being taken to address the debt and the underlying cause where possible for example debt counselling
- (c) the arrears accrued as a result of third-party financial abuse or deception
- (d) the applicant has been granted a mental health breathing space or a standard breathing space under the national debt respite scheme and the appropriate support plans are in place or being pursued to ensure a longer terms solution
- (e) the arrears amount to less than 1/12 of the annual rental charge.

Where appropriate applicants shall be invited to consider pursuing free local support as part of levelling up for the District.

3.12.6 **Future applications**

If a non-qualifying applicant considers that he/she should be treated as a qualifying person in the future, they may make a fresh application at that time.

3.13 **Reasonable preference**

The Council shall give reasonable preference to specific categories of people when prioritising applicants on the housing register in accordance with Part 6 of the Housing Act 1996 as amended.

Reasonable preference shall be given to applicants:

- (i) who are homeless within the meaning of Part 7 of the Housing Act (including those who are intentionally homeless and those not in priority need)
- (ii) who are owed a particular statutory duty by any local housing authority under section 190(2), 193(2) or s195(2) of the 1996 Act or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3)
- (iii) occupying unsanitary, overcrowded or otherwise living in unsatisfactory housing

- (iv) who need to move on medical or welfare grounds (including grounds relating to a disability); and
- (v) who need to move to a particular locality within the District; where failure to meet that need would cause hardship (to themselves or others).

3.14 Determining priority

The Council shall determine priority between applicants with reasonable preference by:

- (a) assessing the level of housing need and categorising it as either Emergency, Urgent or Moderate; and
- (b) prioritising bids from or making direct offers to applicants who have been in the highest band for the longest time.

3.15 Under-occupation and downsizing

The Council shall prioritise and support qualifying Council tenants and qualifying Housing Association tenants who are under occupying their current home and want to downsize into smaller accommodation.

Qualifying Council tenants with one or more spare bedroom(s) will be offered additional incentives to consider transferring or mutually exchanging into a smaller property.

Qualifying Council tenants in general needs accommodation will be offered additional incentives to consider moving to sheltered housing.

The incentives shall usually apply to lifetime Council tenants and secure fixed term Council tenants with more than six months remaining on their tenancy who wish to transfer (or mutual exchange) to smaller general needs accommodation or to sheltered housing.

3.16 Incentives to downsize

3.16.1 Financial incentives

The financial incentive shall usually include an offer of £500 to cover removal costs a payment of £500 to meet decoration costs (in addition to the amount paid under the Council's decorations allowance scheme) and £1,000 for each bedroom 'released' (or £500 if moving from a 3-bed to a 2-bed with a 1-bed need) up to a maximum payment of £4,000, subject to the tenant having a housing need for the downsized property.

The incentive payments made to existing tenants who downsize accommodation shall also apply to any Epping Forest District Council tenant who downsizes accommodation by way of mutual exchange, providing all parties to the mutual exchange are Epping Forest District Council tenants and will result in all parties being adequately housed in accordance with the scheme.

If a Council tenant is moving from general needs accommodation to sheltered housing then they shall receive an additional 'bonus' payment of £1,000 regardless of whether they are giving up any bedrooms or the number of bedrooms they are giving up.

If a Council tenant owes arrears of rent in their accommodation then the amount owed to the Council shall be deducted from the amount of incentive paid.

3.16.2 **Size and type of offer**

A lifetime tenant of the Council or a fixed term tenant with more than six months left on their fixed term tenancy wishing to downsize where they are giving up one or more bedrooms usually have the option of being considered for:

- (a) a property of the right size and type based on their needs (Appendix A) or
- (b) a property of the right size and type and one spare bedroom (Appendix B)
(e.g., a couple, or single person can move from a 3-bedroom house to a 2-bedroom flat or a 1- bedroom flat) either with or without a garden.

3.16.3 **Exceptions to incentives**

The incentives do not apply to applicants who have been awarded Band A due to an emergency need to move (Section 7 points i-v).

A qualifying housing association tenant who wishes to downsize shall be awarded Band A although they will not be considered for the additional incentives

Where a Council tenant is releasing a 3-bedroom property and needs a 1-bedroom property, but opts for a 2-bedroom property, then the incentive payment shall be reduced from £1,000 to £500 given the demand for 2-bedroom properties.

Where a tenant of the Council is downsizing accommodation, they can choose to be considered for a bungalow provided they are over 50 years of age.

The financial threshold to join the housing register (currently £76,000 Section 3.12.2) shall be disregarded where a Council tenant is under-occupying accommodation and moves or enters into a mutual exchange to any property with fewer bedrooms than their current property and both properties are owned by the Council.

If the household income exceeds the usual upper threshold to join the housing register and section 3.12.2 has been disregarded then the Council's incentive payment shall not be made.

3.17 **Insanitary, overcrowded housing or unsatisfactory conditions**

The definition of insanitary, overcrowded, or unsatisfactory conditions for the purpose of the scheme is:

- (a) Where the permitted number, in accordance with the provisions of S.326 of the Housing Act 1985 is exceeded, or
- (b) in accordance with the legislation, the property is in a serious state of disrepair, of poor internal or external arrangement, or
- (c) is lacking one or more of the following: kitchen facilities, inside W.C. or utility supplies.

3.18 **Medical and welfare needs**

The Housing Act 1996 states that reasonable preference on the housing register should be given to applicants who have a need to move on medical or welfare grounds (including grounds relating to a disability and access needs and/or learning disability).

The medical and welfare category includes applicants, or members of the applicant's household, whose health is being affected by their current property, and where a move to another more suitable property would alleviate their condition or make it easier to manage.

3.19 Medical grounds (including disability)

Where it appears that there is a need to make enquiries into an applicant's medical condition, the designated officer shall refer the case to the Council's medical advisor or a company commissioned by the Council to provide medical advice on written evidence, taking into account all known facts relating to the application.

It is important to note that reasonable preference shall not be awarded based upon the medical condition itself, rather upon the impact the condition has upon the applicant's housing requirements and whether the applicant's current accommodation is directly contributing to the deterioration of the applicant's health.

Both reasonable preference and the associated priority awarded shall take into account the extent to which the medical advisor considers alternative accommodation will assist with stabilising or improving the condition and the urgency with which alternative accommodation is required. The applicant can provide their own medical evidence if appropriate along with a medical/welfare assessment form, which will be sent to the Council's medical advisor.

If in the opinion of the medical advisor reasonable preference should be granted, then they shall recommend that the application is awarded one of the three following priorities :

3.19.1 Emergency medical need

Where it can be demonstrated that, due to an illness or disability, it would be unacceptable for the applicant to remain in their current dwelling.

Urgent medical need

Where it can be demonstrated that - due to a serious or chronic illness or disability - the health of and therefore quality of life of an applicant (or member of their household) is; significantly affected by their current dwelling; and is likely to significantly improve (or any deterioration is likely to stabilise or slow down significantly) if they move.

Moderate medical need

Where it can be demonstrated that due to an illness or disability the applicant finds living in their current dwelling difficult and it is clear that remaining in that dwelling would contribute to deterioration in their health; or it would be beneficial for the applicant to move to alternative accommodation but, at present, the applicant can manage in their present dwelling.

The medical advisor shall also recommend the type of property most appropriate to the household's medical needs.

The medical award shall be taken into account by the designated officer when assessing the application. Where two or more members of a household have a medical need then the level of priority awarded shall be related to the household member with the greatest medical need.

Reassessment of medical need

Any applicant who is awarded Band A on medical grounds and refuses a suitable offer of a property for which they have submitted a bid, or have been offered as a result of auto-bidding, or received a direct offer as appropriate, shall have their application cancelled. They can reapply and their medical need shall be reassessed. If following reassessment their circumstances still warrant Band A, then their priority date will be the date of the new application.

Any applicant who is awarded Band B on medical grounds and refuses two suitable offers of properties for which they have submitted bids, or have been offered as a result of auto-bidding, or received a direct offer as appropriate, shall have their application cancelled. They can reapply and their medical need shall be reassessed. If following reassessment their circumstances still warrant Band B, then their priority date will be the date of the new application.

A re-assessment shall also be required if an applicant fails to fully participate in the choice-based letting scheme for more than 12 months.

If an applicant with reasonable preference on medical grounds moves from their existing accommodation but remains on the register, then they shall require a new medical assessment.

3.20 Welfare grounds

Welfare grounds shall be assessed on written evidence by the designated manager in consultation with the Council's medical advisor.

Welfare issues shall encompass:

- (a) providing or receiving ongoing care and care and support needs for those who could not be expected to find their own accommodation such as young adults with a learning disability who wish to live independently in the community; and
- (b) social needs, for instance, where a secure base is required for a care-leaver or any other vulnerable person to build a stable life.

Those who are active foster-carers or those who are adopting who need to secure larger accommodation in order to look after a child who was previously looked after by local authority will be considered for a Flexible (fixed-term) Tenancy (in accordance with the Council's Tenancy Policy) where additional priority is justified.

3.21 Hardship grounds

Hardship grounds shall be assessed on written evidence by the designated manager in consultation with the Council's medical advisor.

Hardship may include a need to move to give or receive care that is substantial or ongoing as well as for access to specialist medical treatment where there are severe mental health issues and/or, medical or welfare issues and there are exceptional reasons why this support cannot be made available through a reliance on public transport or on the applicant's own transport.

3.22 Move on from supported housing

In respect of applicants placed in supported housing by the Council under its nomination rights, or with the support of the Homelessness Team for at least 9 months, and to whom the Council does not owe the full homelessness duty, who are ready to move on from supported housing, a lesser residency criterion of 2 years shall apply.

Applicants shall be made one offer of suitable accommodation at the end of their stay in supported housing, for which they have submitted a bid, or been offered as a result of auto-bidding, or received a direct offer as appropriate.

The Council shall offer applicants who are moving on from supported housing a 10-year Secure (fixed term) Tenancy. If the applicant refuses a suitable offer then they will be

required to leave the supported housing.

3.23 Sheltered housing supplementary waiting list

The Council operates a separate Supplementary Waiting List for applicants over 60 years of age who do not meet certain aspects of the Local Eligibility Criteria.

Applicants shall generally only be able to bid on studio or one-bedroom Council or Housing Association properties in sheltered accommodation or grouped dwelling schemes (not bungalows) for older people under the HomeOption Scheme. However, qualifying persons on the Council's housing register who have submitted bids shall be given priority.

Any offers of tenancies made to applicants on the supplementary waiting list shall be prioritised in registration date order.

Prior to any offer, the Council shall undertake an in-depth assessment of the applicant's circumstances to determine if the accommodation is suitable for the applicant. The following criteria shall still apply when determining whether the applicant is eligible for inclusion on the supplementary waiting list:

- (a) Prevention of fraud and false statements (section 2.6)
- (b) Persons from abroad (section 3.7)
- (c) Non-qualifying applicants (section 3.12); and
- (d) Property size and type offered (Appendix A).

SECTION FOUR: LOCAL LETTINGS PLANS

4.1 Local lettings plans

Occasionally the Council may propose local lettings plan to allocate particular accommodation to applicants of a particular description (whether or not they fall within the reasonable preference categories listed under section 3.13) in an area that has specific issues, in order to promote stable, settled, safe communities.

The need for the plan shall be clearly defined in relation to the area, the type of property and affected applicants or potential applicants.

An Equalities Impact Assessment shall be conducted and explicit reference shall be made to how the community will benefit from the proposal. The decision whether to introduce a local lettings plan shall be subject to Cabinet approval and shall not affect overall compliance with the requirements of the scheme.

Examples may include but are not limited to:

- (a) Lettings on a specific development to key workers where a shortage of other available affordable housing in the locality is having a serious impact on the ability of a particular statutory service to recruit and retain essential staff.
- (b) Temporarily halting allocations to vulnerable applicants in specific localities with social issues that are likely to leave them open to exploitation, whilst the Community Safety Partnership tackles the issues.
- (c) Restricting the allocation of high-density housing developments with minimal green

space (such as commercial premises with permitted development rights) to households without young children.

Local Lettings Plans shall be kept under periodic review to determine whether they are fulfilling the need for which they were originally intended and are still required.

SECTION FIVE: THE HOUSING REGISTER

5.1 Applying to join the housing register

Applicants are required to complete the on-line application form at [HomeOption](#) and submit the relevant supporting documents by the means specified on the application form.

Applicants who require advice or assistance can

Email rehousing@eppingforestdc.gov.uk

Telephone 01992 564716

Visit The Community Hub Civic Offices
323 High Street Epping
CM16 4BZ

5.2 Applications from Members of the Council, staff, or their relatives

Any housing applicant (including existing council tenants) must tell the Council when they apply to join the housing register if they are:

- (a) an elected member of the Council: or
- (b) a Council employee: or
- (c) related to any of the above
- (d) partner of any of the above
- (e) living with any of the above

The application from any of the above shall be flagged on the Council's computer system to show their status.

Where an applicant fails to disclose the above information and this subsequently comes to the Council's attention, the housing application may be suspended or cancelled, as determined by the designated manager.

5.3 Application forms

Application forms shall only be accepted by the Council as complete once all correct and relevant information and supporting documents have been received and verified.

5.4 Supporting information

An application shall not be progressed until applicants provide the necessary information. If the information is not supplied within the specified timescales (typically 14 days) then the application shall usually be cancelled, and the applicants advised to reapply at a later stage when they are able to provide the necessary details in the required format.

However, if the applicants have made a homelessness application to the Council under Part

7 of the Housing Act 1996, then their application to join the housing register shall still be processed. It will only be cancelled if the Council subsequently decides that no duty is owed to the applicants under the homelessness legislation, and the applicants fail to provide all of the relevant supporting documentation.

5.5 Proof of identity

Applicants and other members of the household shall, at the point of application, be required to provide documentary proof from two official sources of;

- (a) their identity; and
- (b) their residency.

Applicants shall be required to provide an original full birth certificate, a current passport and any other appropriate documents as determined by the designated manager.

If there is a valid reason why the required documents cannot be provided, then the designated manager may agree to accept alternative forms of evidence.

5.6 Proof of residency

Applicants shall be required to provide satisfactory evidence of residency. The Council reserves the right to validate the residency of the applicants and other members of the household by seeking information from other Council services and relevant statutory bodies as appropriate.

Eligibility may be reviewed before or when an applicant is considered for an offer of a particular property and the evidence required may be more extensive than was requested at the point of being accepted onto the register.

Usually, if an applicant fails to provide the required evidence, then they will not be offered the property.

5.7 Registration date

The registration date shall be the date that a fully completed application is received by the Council.

5.8 Households

For the purpose of the scheme a household means an applicant and any other person who usually live with the applicant as a member of their family, or someone who might reasonably be expected to reside with them.

5.9 Residence and contact with children

Where applicants have children subject to residence and contact issues, the Council shall usually consider the children as permanent household members of the partner with the primary residence and control of the child/children. Where the other partner applies to join the register, it will not always be possible to consider the child/children as part of their household.

Documentary evidence detailing residence and contact arrangements such as a court order or solicitor's letter, and who receives the Child Benefit will be required to determine the property size that applicants will be considered for.

5.10 Change of circumstances

Applicants shall be required to report any change in circumstances that may affect their application by completing an online Change of Circumstances form and uploading the appropriate supporting documents as soon as is reasonably possible.

The onus shall be on the applicant to inform the Council when there is a change in their circumstances that may affect their application.

The designated officer shall inform the applicant in writing whether the change in circumstances affects the status of their application or priority status within 10 working days of receiving the details of the change in circumstances.

Where an applicant's change in circumstances results in a higher priority Band being awarded to their application then the date of moving to the higher Band shall become the priority order date for consideration within that Band.

5.11 Offers and refusals

5.11.1 Band A emergency need

With the exception of downsizers, applicants in Band A who refuse one offer of suitable accommodation for which they have submitted a bid, or been offered as a result of auto-bidding, or received a direct offer as appropriate, shall have their application cancelled. Cancelled applicants will be able to re-apply and their application will be assessed on their current circumstances. If accepted, they will receive a new registration date and may be awarded a different priority.

5.11.2 Band A downsizers

If it becomes apparent that an applicant wishing to downsize continually places bids and then refuses suitable offers and in the opinion of the designated manager it is placing a disproportionate burden on the service, then the downsizer may be suspended from bidding for six months. The Council is keen to encourage downsizing, however administering refusals of suitable offers causes delays for other applicants waiting to move.

5.11.3 Band B main homelessness duty

Applicants in Band B who are owed a main housing duty under part 7 of the Housing Act and who refuse one offer of suitable accommodation for which they have submitted a bid, or been offered as a result of auto-bidding, or received a direct offer in discharge of the duty shall have their application cancelled.

5.11.4 Band B move on from supported housing

Applicants in Band B who qualify for a move from supported housing who refuse one offer of suitable accommodation for which they have submitted a bid via the choice-based letting scheme or been offered as a result of auto-bidding or received a direct offer as appropriate shall have their application cancelled.

5.11.5 Band B urgent need

With the exception of Homeless households to whom the Council has a main housing duty, or applicants who are ready to move on from supported housing, all other Band B applicants who refuse two offers of suitable accommodation for which they have submitted a bid, or been offered as a result of auto-bidding, or received a direct offer as appropriate shall have their application cancelled.

5.11.6 **Band C moderate need**

Band C applicants who refuse two offers of suitable accommodation for which they have submitted a bid, or been offered as a result of auto-bidding, or received a direct offer as appropriate shall have their application cancelled.

SECTION SIX : DECISIONS AND REVIEWS

6.1 Decisions

Applicants shall be notified of all decisions in writing, or other formats on request. All correspondence notifying applicants of ineligibility or non-qualification for joining the register, or about the Band that they have been awarded, or about any other decision concerning the facts of their case, shall state that they have a right to request a review of the decision. It will set out how to request a review and give applicants the opportunity to have the information explained to them verbally.

6.2 Right of review

If an applicant considers they have been unfairly or unreasonably treated having regard to the provisions of the scheme, they shall have 21 days of the date of the original decision letter within which to exercise their right to request a review.

In the first instance, applicants shall be required to seek a review by either writing to the designated manager, or by notifying the designated team by any convenient method and shall receive a written response within 8 weeks of the date the request is received. Upon request, the decision letter may be collected by the applicant within a reasonable period. If it is necessary to extend the deadline, then the applicant shall be notified of the extension and the reasons for doing so.

The review shall be undertaken by the designated officer or manager who shall inform the applicant of any further rights of appeal as appropriate.

The review shall be undertaken by a person senior to the person making the original decision and who has had no significant involvement in the original decision.

In cases where the Council considers that an applicant may have difficulty in understanding the implications of a decision on ineligibility or disqualification, then the designated officer shall make arrangements for the information to be explained to the applicant verbally.

6.3 Monitoring and review of applications

Applicants shall not be required to annually re-register after first applying to join the housing register, although they will be required to inform the Council of any changes in their circumstances, which may affect their housing application and result in the Council reviewing their application.

The Council may monitor the bidding patterns of applicants. In addition to the clauses at section 5.11, if an applicant in any Band fails to submit a bid for 12 months or longer then the Council may cancel their application.

The Council shall inform the applicant of the decision in writing. The letter shall also advise the applicant that they can request a statutory review of the decision.

All applicants will have already been informed of this condition in the confirmation letter that they received when their application was originally accepted.

SECTION SEVEN: PRIORITY BANDS**7. Band A: Emergency Band B: Urgent Band C: Moderate****BAND A Emergency Need**

Band A – Emergency Need Criteria	
i	Any member of the Armed Forces, or former Service personnel, or serving or former members of the Reserve Forces who joins the Council's housing register, where they are assessed by the Council's medical advisor as suffering from a serious injury, illness or disability which is wholly or partly attributable to their service, where the application is made within 5 years of discharge are given priority above all other applicants within Band A.
ii	Bereaved spouses or civil partners of those serving in the Regular Forces where the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their spouse or civil partner and the death was wholly or partly attributable to their service.
iii	Applicants with an assessed need to move on emergency medical grounds or emergency grounds relating to disability.
iv	Applicants with an assessed need to move on emergency welfare grounds.
v	On the recommendation of the Council's medical advisor applicants with specific accommodation requirements will be given priority for suitable properties as they become available above other applicants in the Band (e.g., adapted or ground floor properties etc.) regardless of the date they joined the Band.
vi	Applicants with a Council or housing association tenancy in the District wanting to move to accommodation with fewer bedrooms than the property they currently occupy.

BAND B Urgent Need

Band B – Urgent Need Criteria	
i	Applicants occupying insanitary or overcrowded housing which poses a serious health hazard, or otherwise living in unsatisfactory conditions (in accordance with housing legislation) but not as a result of the introduction of a further household.
ii	Applicants with an assessed need to move on urgent medical grounds or urgent grounds relating to disability, including learning disabilities.
iii	Applicants with an assessed need to move on urgent welfare grounds.
iv	Applicants needing two or more additional bedrooms compared to their current accommodation.
v	Applicants who can demonstrate they would otherwise be one household but are having to live apart from other members of their household because of a lack of accommodation, which would lead to statutory overcrowding if they occupied accommodation available to them individually but not for other personal reasons (i.e., family disputes).
vi	Applicants with an assessed need to move to a particular locality within the District where failure to meet that need would cause hardship to themselves or to others.
vii	Applicants who have an agreed fostering or adoption agreement in place with Essex County Council, who need to move to a larger home in order to accommodate a looked after child. Special guardians, holders of a residence order, and family and friend carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care shall also be included in this category.

viii	Applicants accepted by the Council as being statutorily homeless and owed the main housing duty under section 193 of the Housing Act 1996 (as amended).
ix	Existing tenants living in sheltered accommodation, who are wishing to move to alternative sheltered accommodation within their own scheme or to another sheltered scheme within the District (including sheltered bungalows).
x	Existing tenants of the Council aged over 60 years, living in 1-bedroom Council accommodation wishing to move to sheltered accommodation regardless of their need (including sheltered bungalows).
xi	Applicants who the Council has placed into supported housing (after a period of at least 9 months) if they are ready to move on and the Council does not owe a main homelessness duty.

BAND C Moderate Need

Band C – Moderate Need Criteria	
i	Any member of the Armed Forces or former Service personnel or serving or former members of the Reserve Forces who have no housing need, and the application is made within 5 years of discharge.
ii	Spouses and children (including stepchildren) of existing and former Armed Forces personnel (where the application is made within 5 years of discharge) seeking accommodation in their own right, provided that one of their family members (as defined by Section 113 of the Housing Act 1985) has lived within the District for at least 3 years immediately prior to the date of application.
iii	Applicants with an assessed need to move on moderate medical grounds or moderate grounds relating to disability.
iv	Applicants with an assessed need to move on moderate welfare grounds.
v	Applicants needing one additional bedroom compared to their current accommodation.
vi	Applicants defined as a household, who are sharing accommodation with another household.
vii	Applicants with an assessed need to move to be nearer to their place of work or to take up an offer of permanent employment or an apprenticeship.
viii	Applicants placed in interim accommodation by the Council awaiting their homelessness decision under S.184 of the Housing Act 1996 as amended.
ix	Applicants to whom the Council does not owe a full homelessness duty, where there is a requirement under Part 7 of the Housing Act 1996 as amended to afford reasonable preference on the ground of homelessness.
x	Applicants who are entitled to a reasonable preference under Part 6 of the Housing Act 1996 as amended and can demonstrate an exceptional need to either leave their current local authority's area or move to the Epping Forest District.

SECTION EIGHT: ALLOCATIONS & NOMINATIONS

8.1 Social housing providers

The statutory register of social housing providers includes local authority providers and private non-profit and profit-making registered providers. Most private non-profit providers are also known as housing associations.

The scheme operates in accordance with section 170 of the Housing Act 1996. At the Council's request, private registered providers with social rented housing stock in the District have a duty to co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the scheme.

8.2 Nominations agreements

The Council and those private registered providers with stock in the District shall have formal agreements in place to ensure that a negotiated percentage of lettings shall go to applicants on the housing register.

The District's private registered provider partners shall participate in the Council's choice-based letting scheme and advertise their properties through HomeOption.

All nominations to private registered providers shall be prioritised in accordance with the scheme.

8.3 Available properties

It is essential that void (empty) properties are let quickly and without unnecessary delay. Void properties affect the Council in terms of a loss of rental income, the continuing provision of temporary accommodation for homeless families, the possible deterioration of the property, increased risks of squatting and vandalism, and a poor public image.

8.4 Advertising available properties

The type of properties that are advertised are likely to vary (sometimes considerably) from week to week, depending on what becomes available.

Adverts may include Council and private registered provider properties for social rent or affordable rent.

8.5 Other affordable housing

The Council may also provide links to schemes advertising other types of affordable housing in the locality that applicants may wish to consider, including key worker schemes, help to buy, mutual exchange and private rented accommodation.

8.6 The bidding and nominations process

Eligible applicants can make bids for properties up until the advertised deadline for that bidding round. Bids can be made online via the website, or at the Community Hub at the Civic offices.

Full details of the bidding process are available on the HomeOption website.

Bids that are received after the advertised deadline shall not usually be considered other than at the discretion of a designated officer or manager.

Applicants can bid for up to 3 affordable properties each bidding cycle. Bids can be cancelled and reassigned to other properties if desired.

All bids shall be checked by the Rehousing Team against the eligibility criteria. Ineligible bids shall be excluded from consideration by the designated manager. As far as possible the Council shall use the Banding system and waiting time within the Band to allocate accommodation in accordance with Section 7 of the scheme.

8.7 Restrictive labelling

Restrictive labelling of properties through HomeOption may be applied to ensure that the Council meets its statutory obligations and to help achieve the intended outcomes of the scheme, the District's Housing Strategy, Homelessness and Rough Sleeping Strategy and Tenancy Strategy.

Restrictive labelling may also be applied to the allocation of sheltered housing or to properties that have adaptations to meet the needs of elderly, or vulnerable or disabled applicants.

On occasion, the Council may choose not to advertise a property through the choice-based letting scheme and offer the property as a direct offer. This may be due to the serious nature and needs of an applicant, or as part of the Council's effort to reduce the amount of time that homeless households spend in temporary accommodation or for applicants who are ready to move on from supported housing. The details of individual direct offers shall remain confidential, in order to protect the applicant.

8.8 Viewings

The Council may arrange multiple viewings for some properties (i.e., inviting more than one applicant to view a property) and anticipates that all partner agencies shall follow a multiple viewing framework. All invited applicants shall be required to bring proof of their identity and original documentation for verification.

The applicants with the highest priority may be required to sign for the property immediately. At the point of sign-up, the successful applicant's photograph and National Insurance number shall be taken as further verification of their identity.

All applicants who have been allocated an Epping Forest District Council tenancy through HomeOption shall be encouraged to attend an appropriate tenancy and/or money advice workshop depending on the availability at the point of allocation.

All Council properties shall be let to the agreed lettable standard, and a copy of the standard shall be included with the offer letter.

8.9 Withdrawal of an offer

An offer may be withdrawn prior to the tenancy being signed, where:

- (a) the applicant has made a false declaration, or failed to provide up to date information which substantially altered their eligibility for the property offered
- (b) the information available at the time of offer about the vacant property was incorrect, and it is subsequently discovered that the size and type is no longer suitable to the

applicant's needs

- (c) incorrect information on the applicant's computer records substantially alters the applicant's qualification to join the housing register and/or their priority status
- (d) the property was offered prior to being ready to let and there are significant delays to the date that the property is likely to be available for the applicant to move in to.

8.10 Feedback on let properties

All properties that have been let through HomeOption shall be listed on the HomeOption website showing the number of bidders for each property, and the profile of the successful bidder including their Band, and date of registration.

SECTION NINE: ALLOCATIONS OUTSIDE OF THE SCHEME

Allocations may be made outside of the Allocations Scheme in the following circumstances:

9.1 Management transfers

Where the Council arranges a landlord transfer for Council tenants due to housing management issues, it is known as a management transfer.

Although a Council tenant can request a management transfer, it falls outside the rules of Part 6 because it is treated as a transfer that is initiated by the Council as the landlord.

In practice a management transfer is rarely offered as it shall only be used where no other housing solution is possible.

The tenant shall usually receive a single direct offer of the next suitable property with a comparable number of rooms that becomes available. (A separate offer policy applies for temporary and permanent decants due to major works or regeneration)

Grounds for a management transfer

The Council may offer a management transfer because they require the tenant to move, or the tenant needs to move urgently due to, for example:

- (a) domestic abuse
- (b) violence, harassment, intimidation, or threats of violence likely to be carried out
- (c) the need to protect witnesses who have agreed to go to court to give evidence on matters of anti-social behaviour
- (d) urgent social reasons
- (e) major works to the property needing to be carried out (in accordance with the Decant Policy)

Assessment, priority and offer policy

Where the Council agrees that a tenant meets the management transfer criteria, the Council does not need to apply the reasonable preference criteria.

The tenant is not assessed in the usual way through the scheme.

The Council shall generally give top priority to tenants who need to move under a management transfer, reflecting the urgent nature of the need.

Management transfers shall be agreed by the designated manager within Housing Needs and the designated manager for the Housing Revenue Account, based on supporting evidence.

If a management transfer is agreed:

- (a) the tenant shall be offered a suitable property which may be a Council or Housing Association property as soon as possible.

The offer shall have a comparable number of rooms as the tenant's current home, unless they are in a property that is too big for their needs, in which case they may be offered a smaller property. A tenant who is granted a management transfer shall not qualify for any under-occupation incentive payment.

- (b) the tenant shall be offered housing in any area in the District that removes them from the situation of immediate risk.
- (c) the tenant's need for a management transfer shall be kept under continuous review. Should their assessed level of need or other circumstances change before the tenant receives an offer then the management transfer status may be withdrawn.

9.2 Joint tenancies

If the existing tenancy is held by joint tenants and the management transfer does not include all tenants, then the tenancy shall need to be resolved first. The designated officer shall advise the tenant(s) of the available options including seeking independent advice.

9.3 Transfers due to domestic abuse

From 1 November 2021 certain social housing tenants who are transferred to a new property because of [domestic abuse](#) are entitled to a lifetime secure tenancy, rather than a fixed-term flexible tenancy.

If the Council offers a tenancy to someone who is or was previously secure tenant or fully assured tenant of a social landlord, and the new tenancy is being granted for reasons connected with the domestic abuse towards that person or a member of their household, the Council shall offer a lifetime secure tenancy, not a flexible tenancy.

9.4 Mutual exchange

A secure tenant has the right to exchange their tenancy, by way of assignment, with another secure tenant or with a fully assured tenant of a private registered provider of social housing (PRPSH).

The following three types of tenancy exchange are normally allowable:

- (a) assured shorthold tenant with a secure tenant
- (b) assured tenant with flexible tenant
- (c) assured tenant with assured shorthold tenant

The mutual exchange of tenancies falls outside the statutory criteria governing the allocation

of housing.

A mutual exchange may only take place with written consent from the landlord. Exchanges can take place between more than two tenants if each landlord consents.

The most popular way to find another tenant who may be interested in exchanging their home is to register on [HomeSwapper](#). Full details of the regulations governing mutual exchanges can be found on [Gov.uk – swapping a council or housing association home](#).

9.5 Major works - regeneration or demolition

Tenants who are required to vacate their home due to a Compulsory Purchase Order, or Council tenants who have to move because their home requires major works, regeneration or demolition are rehoused in accordance with the Council's Decant policy.

The rules vary depending on whether the tenants are required to move permanently to another home or temporarily until they are able to return to their existing home.

9.6 Permanent decants

Permanent decants are usually subject to a maximum of two offers of suitable accommodation. If the tenant does not accept the second offer, then the Council is likely to have to initiate possession proceedings via the County Court which if granted is usually conditional on the availability of a final offer of suitable accommodation at the point of obtaining full vacant possession.

9.6.1 Statutory compensation

Tenants who are required to move permanently are usually entitled to a statutory home loss payment and/or a statutory disturbance payment.

9.7 Temporary decants

Temporary decants are usually subject to one offer of suitable accommodation.

9.7.1 Discretionary disturbance payments

Tenants who are required to move temporarily may be entitled to a discretionary disturbance payment to meet the main costs associated with the temporary relocation.

9.8 Other allocations outside of the scheme

The following allocations will also be made outside of the Housing Allocations Scheme:

- (a) where a tenant succeeds to a tenancy (or an introductory tenancy) upon the death of a tenant
- (b) to accommodate a successor tenant who is under-occupying Council accommodation
- (c) where a tenancy is assigned to a person who would qualify to succeed to the tenancy if the tenant died immediately before the assignment
- (d) where a tenancy is either granted in response to a transfer request under Section 158 of the Localism Act 2011 or any other tenant transfers
- (e) where an introductory tenancy becomes a secure lifetime or secure (fixed term) tenancy on ceasing to be an introductory tenancy

- (f) where an introductory tenant undertakes a mutual exchange with a secure lifetime or secure (fixed term) tenant. In these circumstances, each party shall surrender their tenancies, and the Council shall grant each party a new tenancy which reflects their previous tenancy status. Any period the affected tenant spent as an introductory tenant in their previous property shall count towards the fulfilment of the 12-month introductory period in the new property. It should be noted that some social landlords do not allow introductory tenants to enter into a mutual exchange within any trial period
- (g) where a tenancy is disposed through a Property Adjustment Order in accordance with the relevant legislation
- (h) where a property is offered to an applicant on the Witness Protection Mobility Scheme.

SECTION TEN: GOVERNANCE

10.1 Exceptional circumstances

Any provision in the scheme may be waived in exceptional circumstances and at the discretion of the appropriate senior manager with delegated authority (as stated in the department’s Scheme of Delegations).

The application of such discretion shall normally require a full report of the circumstances of the individual case to be prepared by the Team Manager for the consideration of the delegated manager (currently the Director of Community and Wellbeing).

10.2 Designated decision makers

	Decision	Designated Manager	Based on information provided by
i	Exceptional Circumstances	Director Community and Wellbeing	Relevant Team Manager
ii	Fraudulent applications	Director Community and Wellbeing	Relevant Team Manager
iii	Management Transfers	Director Community and Wellbeing and Director of HRA	Joint relevant Team Manager(s)
iv	Permanent Decants	Director of Housing Revenue Account	Director Community and Wellbeing
v	Temporary Decants	Director of Housing Revenue Account	Director Community and Wellbeing
vi	Mutual Exchanges	Rehousing Team Manager	Relevant Officer

10.3 Monitoring the allocations scheme

Performance information on applications and allocations shall be reviewed annually to establish whether the aims and objectives of the scheme are being achieved. The findings shall be published in an Annual Lettings Report and made available on the Councils website.

10.4 Review of the allocations scheme

The scheme shall be reviewed in full no later than the Council year leading up to April 2027. Some or all of the scheme may be reviewed earlier should the need arise.

10.5 Consultation on changes to the allocations scheme

Before adopting a new Housing Allocations Scheme or making an alteration reflecting a major change of policy in its existing scheme, the Council shall send a copy of the draft scheme or any proposed major change to the scheme to all of the following interested parties, and give them reasonable opportunity to comment:

- Private Registered Providers of social housing with which it has nomination arrangements
- Town and Parish Councils
- The Tenants and Leaseholders Panel
- Partner agencies with an interest in the scheme.

SECTION ELEVEN: APPENDICES**APPENDIX A: PROPERTY SIZE AND TYPE OFFERED**

The following criteria shall determine the size and type of properties that applicants are considered for:

Property Size	Household Composition
Studio flat	Single person
1-bedroom flat	Single person Couple (including where one is pregnant)
1- bedroom bungalow	Single person over 50 Couple over 50 Downsizer over 50 Applicant who requires ground floor accommodation
1-bedroom sheltered flat or bungalow	Single person over 60 Couple over 60 Applicant who requires sheltered ground floor accommodation
2-bedroom flat, maisonette or house	Single person or couple with: family member, or family members of the same sex, or 2 family members of opposite sex both under 10 years Single person or couple downsizing by 2 or more bedrooms
2-bedroom sheltered flat or bungalow	Single older person or older couple with an assessed need for an extra bedroom Single person or couple who requires sheltered ground floor accommodation with an extra bedroom Single older person or couple downsizing by 2 or more bedrooms
3- bedroom flat, maisonette or house	Single person or couple with 2 family members of opposite sex with one family member over the age of 10 years Single person or couple with 3 family members 2 of whom are of the same sex Single person or couple with 4 family members 2 each of the same sex
4- bedroom* flat maisonette or house	Single person or couple with 4 or more family members where two are of opposite sex and over the age of 10 years
5-bedroom* flat maisonette or house	Single person or couple with 5 or more family members where 2 family members are of opposite sex and one is over 10 years of age

Exceptions

*Larger family sized homes are in the shortest supply. Therefore, applicants with an assessed need for four or more bedrooms may be considered for a property with one bedroom fewer than their assessed need, provided it falls within the permitted number of occupants allowed under the Housing Act 1985.

Under-occupiers wishing to downsize from a house or maisonette or flat with three bedrooms to a flat can be considered for flat with one bedroom more than their assessed need (i.e., a 2-bed flat or a 1-bed flat) with or without a garden.

Under-occupiers wishing to downsize from a house with four or more bedrooms, where they are giving up two or more bedrooms, may be considered for a house or a flat with one bedroom more than their assessed need with or without a garden.

Under-occupiers with minor rent arrears shall not be prohibited from transferring on the condition that they give an undertaking to maintain a reasonable repayment agreement until the debt is paid in full.

APPENDIX B: DOWNSIZING INCENTIVE SCHEDULE FOR COUNCIL TENANTS

Size and type of property tenant is vacating	Size of property tenant would ordinarily need under scheme	Size of property tenant wants and qualifies for	Incentive(s)
1 bedroom any	1-bedroom	1-bedroom sheltered	£1,000 (sheltered bonus)
2-bedroom flat/house/bungalow	1-bedroom	1-bedroom flat/bungalow	£1,000
3-bedroom flat/house/bungalow	1-bedroom	1-bedroom flat/bungalow	£2,000
3-bedroom flat/house/bungalow	1-bedroom	2-bedroom flat	£500 +1 spare bedroom
3-bedroom flat/house/bungalow	2-bedroom	2-bedroom flat/house/bungalow	£1,000
4-bedroom flat/house/bungalow	1-bedroom	1-bedroom flat/bungalow	£3,000
4-bedroom flat/house/bungalow	1-bedroom	2-bedroom flat/house/bungalow	£2,000 + 1 spare bedroom
4-bedroom flat/house/bungalow	2-bedroom	2-bedroom flat/house/bungalow	£2,000
4-bedroom flat/house/bungalow	2-bedroom	3-bedroom flat/house/bungalow	£1,000 + 1 spare bedroom
4-bedroom flat/house/bungalow	3-bedroom	3-bedroom flat/house/bungalow	£1,000
Any (including 1-bed) except sheltered	1-bedroom	1-bed sheltered	Above incentive + £1,000 (sheltered bonus)

APPENDIX C: ELIGIBILITY PERSONS FROM ABROAD

A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under [section 160ZA](#) of the 1996 Act.

There are 2 categories for the purposes of section 160ZA:

1. (i) a person subject to immigration control – such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (section 160ZA(2)), and
2. (ii) a person from abroad other than a person subject to immigration control – regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (section 160ZA(4)).

The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the [Allocation of Housing and Homelessness \(Eligibility\) \(England\) Regulations 2006](#) (as amended) ('the Eligibility Regulations').

APPENDIX D: GLOSSARY

Assessed Need

The housing needs of an applicant that have been established through the professional assessment of their application to join the housing register e.g., the size and type of property they require and the level of priority (if any) that is awarded to their application.

Assisted bidding

Providing support for an applicant to place bids for advertised properties if they would find it difficult to place bids without assistance.

Auto-bidding

Automatic computer-generated bidding for advertised properties that match the assessed needs of an applicant.

Bands

The method the Council uses to award priority to applicants based on their assessed need for housing. There are three Bands: A - Emergency, B – Urgent, C - Moderate.

Bidding

Expressing an interest in a vacant property that is advertised. Up to three bids are allowed each weekly advertising cycle.

Choice- Based Lettings

Allocating vacant properties by advertising them giving applicants some choice as to which ones to express an interest in (or 'bid' for).

The Council

Epping Forest District Council.

Decant

A permanent or temporary move of a tenant to allow major works/refurbishment to be carried out, or prior to demolition and redevelopment.

Direct Allocation

Receiving an offer of a property directly from the Council without bidding for it.

Downsizing

Choosing to move to a smaller property because the current home is larger than needed.

Duties

The statutory and regulatory responsibilities of the Council, the core services they are required to provide and the actions that they are expected to take that are defined in law or by the Government.

Former Tenant Arrears

Arrears of rent from a previous property that are still to be paid off.

General needs housing

Social housing at rents that are usually lower than the private rented sector, where there is no additional support linked to the accommodation other than repairs and general estate management.

HomeOption

The name of the choice-based letting scheme that the Council uses to advertise its vacant properties for people on the housing register to bid for.

Household

An applicant and any other person who usually lives with the applicant as a member of their family or someone who might reasonably be expected to reside with them.

Housing Association/ Registered Provider

Social landlords who provide affordable housing to rent or buy and are registered and regulated by the Regulator for Social Housing.

Housing Register

A list of households who have been assessed as qualifying for an offer of suitable social rented housing from the Council or a housing association based on their needs.

Insanitary

A property in such poor condition that it could be harmful to the health of people living in it.

Key worker

Certain jobs (usually in the public sector) that are important to keep essential services like health, education and public safety running, where staffing levels are affected by the supply of affordable local housing that is available close to the places of employment.

Landlord Transfer

A type of transfer that the Council as the landlord may arrange for a Council tenant outside of the housing register. A management transfer is a type of landlord transfer.

Levelling up

The Government's plan to spread social and economic opportunity more equally across communities and areas of the country.

Local Lettings Plan

These set out how properties will be allocated in a specific area for a set period of time to meet specific local issues. They are only used in exceptional circumstances.

Management Transfer

A type of priority given to transferring existing Council tenants to alternative social housing in exceptional circumstances where an immediate move is required and no other option is

appropriate.

Medical Need

The extent to which an applicant's physical health, mental health or learning difference is adversely affected by their current living conditions and/or how likely it is to stabilise or improve if they move to more suitable accommodation.

Mutual Exchange

A home swap between two or more social housing tenants.

Older Person

For the purpose of sheltered housing, an older person is an applicant aged 60 or over. For general needs bungalows, an older person is an applicant aged 50 or over.

Reasonable preference

Giving a level of priority to an applicant on the housing register because their circumstances fall within certain defined groups e.g. overcrowding, homelessness, medical or welfare needs.

Registered Provider /Housing associations

Social landlords who provide affordable housing to rent or buy and are registered and regulated by the Regulator for Social Housing.

Settled Accommodation

Either social rented housing or private rented housing that will be available to rent for at least six months.

Sheltered Bungalows

Bungalows that are linked to sheltered housing schemes and the associated support.

Sheltered Housing

Housing that is designed to give older people the independence of their own home with the security of having assistive technology and housing related support available.

Social Housing Tenant

Someone who rents a property from a local council or a registered provider of housing.

Supported housing

Housing with accommodation-based support (usually for a period for between 6 months and 2 years) and it is expected that the applicant shall move on when they no longer require the support.

Suitable offer

An offer of a property that meets the assessed needs of an applicant's household.

Social landlords

Provide affordable housing to rent or buy and are registered and regulated by the Regulator for Social Housing.

Tenant

A person who lives in a property belonging to the landlord or freeholder and holds a tenancy, lease or licence.

Under-occupier

A social housing tenant living in a property with more bedrooms than their household needs.

Wellbeing

Promoting ways to improve mental, emotional and physical health through social activities.

APPENDIX E : SUPPORTING DOCUMENT CHECKLIST

Proof of identification and eligibility

One of the following must be provided for each applicant:

- (a) birth certificate (a secondary form of photo identification shall be required if birth certificate is provided)
- (b) passport
- (c) gov.uk Share Code for EU citizens
- (d) National Insurance card
- (e) photograph of the applicant and all family members

Additional documents may also be required where an applicant (or in some circumstances a member of the applicant's household) is:

- (a) subject to immigration control
- (b) a national of the European Economic Area (EEA); or
- (c) an Accession State National.

Where an applicant who is accepted as a refugee or granted indefinite, exceptional, discretionary, or limited leave to remain in the UK then the relevant Home Office documents shall also be required.

Nationals of the EEA shall be required to provide recent payslips as evidence of current employment (2 months or 6 weekly) to demonstrate eligibility.

Accession State Nationals shall be required to provide current registration documents and proof of current employment e.g., recent wage slips, contract details, self-employment reference number verification.

Proof of residence

Any two of the following recent documents must be provided for each applicant; documents that are more than 6 months old will not be accepted:

- (a) household bill
- (b) DWP Benefit document
- (c) current driving licence
- (d) bank, credit card or catalogue statement with current address
- (e) tenancy or licence agreement
- (f) rent book or letter from the current landlord
- (g) Section 21 or Section 8 notice from the current landlord
- (h) proof of marriage
- (i) proof of name change (if applying in a different name)

- (j) proof of pregnancy
- (k) Child Benefit award letter or a recent bank statement showing Child Benefit payments
- (l) custody or residency paperwork if access to children applicable
- (m) completion statement if an applicant has previously owned a property

The Council shall conduct credit reference checks to verify the information that the applicant has provided on their housing application in an attempt to reduce tenancy fraud. If false information has been provided at any stage, then the offer of accommodation will be withdrawn, or the application will be removed from the Housing Register.

APPENDIX F : MEDICAL AND WELFARE INDICATORS

Indicators of medical and welfare reasonable preference categories

Applicants given reasonable preference medical or welfare grounds shall be awarded either Band A, Band B or Band C based on their level of need

- (a) Emergency need
- (b) Urgent need
- (c) Moderate need

Insanitary, overcrowded, and unsatisfactory housing conditions

- (a) lacking bathroom or kitchen
- (b) lacking inside WC
- (c) lacking cold or hot water supplies, electricity, gas, or adequate heating
- (d) sharing living room, kitchen, bathroom/WC
- (e) property in disrepair
- (f) poor internal or external arrangements

People who need to move on medical or welfare grounds (criteria may apply to any member of the household)

- (a) a mental illness or disorder
- (b) a physical or learning disability
- (c) chronic or progressive medical conditions (e.g., MS, HIV/AIDS)
- (d) infirmity due to old age
- (e) the need to give or receive care* including active foster carers or those who are adopting
- (f) the need to recover from the effects of violence or threats of violence, or physical, emotional or sexual abuse
- (g) having escaped domestic abuse and are being accommodated in a refuge or other temporary accommodation
- (h) ability to fend for self, restricted for other reasons
- (i) young people at risk
- (j) people with behavioural difficulties
- (k) need for adapted housing and/or extra facilities, bedroom or bathroom
- (l) need for improved heating (on medical grounds)
- (m) need for sheltered housing (on medical grounds)
- (n) need for ground floor accommodation (on medical grounds)
- (o) need to be near friends/relatives or medical facility on medical grounds
- (p) need to move following hospitalisation or long-term care

APPENDIX G : GENERAL INFORMATION AND ADVICE

The following general information about the scheme shall be made available:

- (a) the procedures for applying to go onto the housing register and for applying for advertised vacancies
- (b) how applicants will be prioritised under the scheme
- (c) how successful applicants will be selected
- (d) how properties will be advertised, including bidding cycles and restrictive labelling (for example, certain properties will only be allocated to applicants who meet the mobility requirements of the property)
- (e) how to request a review of the procedures; and
- (f) details of the private registered providers that advertise vacancies through HomeOption the Councils choice-based lettings website.

Applicants shall be provided with information regarding their own application which shall include:

- (a) the Band they have been awarded under the scheme
- (b) the type of properties they are entitled to bid for
- (c) their chances of bidding successfully on the property types and areas in which they are interested
- (d) how bidding, direct offers assisting bidding and auto-bidding applies to them
- (e) the documents they will need to supply in regard to verification and references, and when they will need to provide it
- (f) the average waiting time per property type for each priority housing needs group; and
- (g) whether their application has been rejected and the options that are available to them.

Advertisements shall include as many of the following as possible:

- (a) property location
- (b) property type, size and floor level
- (c) type of tenancy to be offered
- (d) amount of rent and other charges payable
- (e) the energy performance certificate rating
- (f) the type of heating
- (g) whether there is a heating charge payable that is not covered by housing benefit
- (h) any additional amenities such as a garden or parking with the property
- (i) photos of the scheme or the locality and links to guides about the local area; and
- (j) adaptations to the property that may aid mobility within the home.

Applicants who require assistance to access the scheme shall, upon request, be offered the following services:

- (a) an interpretation service if their first language is not English
- (b) signing if speech or hearing is impaired
- (c) provision of documents in large print or braille if they have a visual impairment; and/or
- (d) an interview to explain the scheme and information about where independent advice can be obtained about the scheme
- (e) an easy-to-read version of key documents

APPENDIX H: LOCAL AND NATIONAL CONTEXT

The scheme pays due regard to the relevant parts of the following

Context	Specific reference material
Corporate Plan 2018-2023	<p>The scheme supports Epping Forest District Council’s Corporate Plan objectives.</p> <ul style="list-style-type: none"> • Delivering core services that people want • Adults and Children are supported in times of need • People live longer healthier and independent lives • People and communities achieve their full potential
Regulatory Standards	<p>The scheme pays due regard to the following regulatory guidance</p> <ul style="list-style-type: none"> • Allocation of Accommodation: guidance for local housing authorities in England June 2012, Supplementary Guidance December 2013, March 2015 December 2020 • Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations June 2021 • Housing Health and Safety Rating System (HHSRS) • Homelessness Reduction Act 2017: Homelessness Code of Guidance • Providing Social Housing for Local People March 2015 • Public Sector Equality Duty • Regulator of Social Housing consumer standards • Improving Access to Social Housing for Victims of Domestic Abuse in Refuges November 2018
Legislation	<p>The scheme supports the following legislation:</p> <ul style="list-style-type: none"> • Anti-social Behaviour Act 2003 • Care Act 2014 • Children’s Act 1989 and Children’s Act 2004 • Data Protection Act 2018 • Domestic Abuse Act 2021 • Equality Act 2010 • Homelessness Act 2002 as amended • Housing Act 1985 • Housing Act 1996 as amended • Immigration and Social Security Coordination Act (ISSC) 2020 • Localism Act 2011
Related policies	<p>The scheme is linked to the following policies:</p> <ul style="list-style-type: none"> • Anti-social Behaviour and Hate Crime Policy • Customer Complaints Policy • Decant Policy (draft) • Domestic Abuse Policy 2022-2025 (draft) • Income Recovery Policy 2020 • Privacy Policy • Safeguarding Policy • Tenancy Policy 2022-2027

Related strategies	<p>The scheme is linked to the following strategies:</p> <ul style="list-style-type: none"> • Asset Management Strategy (Draft) • Homelessness and Rough Sleeping Strategy 2022-2027 • Housing Strategy 2022-2027
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APPENDIX I: VERSION CONTROL LOG

Version	Date	Details of changes included in update	Author
V01.00	16 Sep 2022	Published Allocations Scheme	Janice Nuth

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