



## Report to Policy Committee

**Author/Lead Officer of Report:** Tom Smith,  
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**Report of:** *Ajman Ali (Executive Director, Neighbourhood Services)*  
**Report to:** *Housing Policy Committee*  
**Date of Decision:** *21<sup>st</sup> March 2024*  
**Subject:** *Housing Repairs Policy*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
Insert EIA reference number and attach EIA	2638	
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Does the report contain confidential or exempt information? Yes  No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*“The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended).”*

### Purpose of Report:

This report seeks approval from the Housing Policy Committee to implement a new Housing Repairs Policy.

The Council’s Tenancy Conditions set out in basic detail the types of repairs that the Council will be responsible for as the landlord of Sheffield City Council’s housing stock. The Repairs Policy explains in more detail the types of repairs that Sheffield City Council will not be responsible for, and which we expect tenants to be responsible for.

**Recommendations:**

It is recommended that the Housing Policy Committee:

1. Note the outcomes of the consultation undertaken as part of the Repairs Policy Review, as described in this report.
2. Approves the new Housing Repairs Policy.

**Background Papers:****Appendix 1 – Proposed Sheffield City Council Housing Repairs Policy**

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Helen Damon
		Legal: Rebecca Lambert
		Equalities & Consultation: Bashir Khan
		Climate: N/A
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	<b>SLB member who approved submission:</b>	<i>Ajman Ali</i>
3	<b>Committee Chair consulted:</b>	<i>Cllr Douglas Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Tom Smith	<b>Job Title:</b> Director of Direct Services
	<b>Date:</b> 5 <sup>th</sup> March 2024	

## **1. PROPOSAL**

- 1.1 The purpose of this paper is for Members to consider the implementation of a new Repairs Policy for Council Housing. Whilst the current Housing Repairs Policy remains largely fit for purpose, this review has been concerned with clarifying the types of repairs Sheffield City Council will be responsible for, and which types of repairs we expect tenants to be responsible for. This will be to the benefit of tenants and staff. The Committee will note that there is also a paper submitted in respect of the proposed Tenancy Condition Variation. The Committee's attention should be drawn to the proposed changes to the repairing obligations and responsibilities under conditions 7 and 9 of the Tenancy Conditions. These should be read in conjunction with the new Housing Repairs Policy.
- 1.2 The Council's Tenancy Conditions set out in basic detail the types of repairs that the Council will be responsible for as the landlord of Sheffield City Council's housing stock. The Repairs Policy explains in more detail the types of repairs that Sheffield City Council will not be responsible for, and which we expect tenants to be responsible for. A copy of the proposed policy is attached in Appendix 1.
- 1.3 The current policy has led to a lack of clarity in service delivery, and potential confusion for tenants and staff. Demand for our Repairs Service is increasing, and it is important that we provide clarity to tenants and staff on the responsibility for different types of repairs. Our benchmarking activities have shown that Sheffield City Council currently undertakes more minor repairs which in other comparator organisations would be a tenant responsibility. Our current policy has led to some confusion over responsibilities that this new policy now addresses.
- 1.4 An online consultation has been carried out with our tenants. Feedback from this consultation has helped to shape the proposed policy and some minor amendments and updates have been made to it. Much of what was already in the policy was supported by tenants. This is described in more detail in section 3.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The new Council Plan was approved by Full Council on 6<sup>th</sup> March 2024., "Together we get things done", in collaboration with our communities, partners, and stakeholders is a shared narrative that describes where we all want to be as a city. The Council plan sets out our City Goals, which will become a driving force to support our Council improvement journey and delivery planning. With the goals being developed collaboratively, a key aim is that this will promote a joined-up approach to delivering the goals.

One of the new Council Plan's goals is 'Great neighbourhoods that people are happy to call home', with a specific priority around increasing the availability, quality, and range of housing in our neighbourhoods.

All of the work carried out in our Repairs Service seeks to contribute to creating quality housing in Sheffield. As this policy seeks to help clarify repairs responsibilities and ensure that both the Council and tenants take responsibility for important repairs carried out on Sheffield City Council's housing stock, it will support the Council in creating quality housing in Sheffield, and contribute towards one of our City Goals.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 Consultation with tenants has been carried out as part of this proposal. An online survey was carried out on the Council's online engagement platform, Have Your Say Sheffield.
- 3.2 As part of the online consultation, we shared the draft policy, outlining what the proposed policy seeks to make clearer. The focus of the survey questions was the clarity of the policy. Tenants were asked if different parts of the policy were easy to understand, and whether the different repairs responsibilities of tenants and the Council (the landlord) were made clear in the policy.
- 3.3 Details of the online consultation can be [found here](#).
- 3.4 At the time of writing this report, the consultation is still live. The early indication from the responses so far is showing that feedback is generally positive on the clarity and readability of the proposed policy.
- 3.5 A full update on the consultation, and our response to the feedback will be presented to the Committee at March's meeting.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### **4.1 Equality Implications**

- 4.1.1 Decisions need to consider the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:
  - eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

- 4.1.2 A full Equality Impact Assessment has been carried out and recognises that some of our tenants have vulnerabilities that we may need to consider when enacting the Repairs Policy. As set out in section 7.1 of the policy, we will treat all vulnerabilities sensitively, and adapt our working practices where appropriate, to ensure tenants do not face any additional barriers when accessing our service.

Section 7.2 of the policy also details our Handyperson Service for tenants who are 60 years old or over, disabled, or suffer from severe health problems. The free service can support these tenants with some small repairs and jobs, as explained in more detail in the policy.

#### 4.2 Financial and Commercial Implications

- 4.2.1 The changes to the repairs policy are primarily to provide clarification of the scope of repairs that the Council is responsible for. It is anticipated that this clarification will reduce the volume of smaller repairs that are taken on by the service and allow the service to deploy staff to other priority work.
- 4.2.2 The 2024/25 budget includes a saving of £400k for implementing these changes to the repairs policy.

#### 4.3 Legal Implications

- 4.3.1 The Council as a Landlord has a legal obligation to carry out certain types of repairs in properties which it rents out. The Council's main statutory repairing obligations are contained under section 11 of the Landlord and Tenant Act 1985. The Landlord's repairing covenants set out in section 11 of the Landlord and Tenant Act 1985 are as follows:

*(a) to keep in repair the structure and exterior of the dwelling-house,*

*(b) to keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas and electricity and for sanitation, and*

*(c) to keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.*

- 4.3.2 The Council's Tenancy Conditions detailed in 'You and your Home' set out the Council's contractual obligations as Landlord. Condition 7 of the Tenancy Conditions sets out the Council's repairing obligations and

responsibilities. Condition 9 details things which are the Tenant's own responsibility and fall outside of the Council's repairing obligations.

- 4.3.3 The new Housing Repairs Policy aims to work in conjunction with the Tenancy Conditions to provide further detailed information regarding the specific types of repairs which are the Council's responsibility and those which are the responsibility of the Tenant. It is a matter of good practice that the repairing obligations contained within a tenancy agreement should reflect the wording of section 11 of the Landlord and Tenant Act 1985 in order to prevent any disparity between the Council's Statutory and Contractual obligations in respect of repairs. The proposed changes to Condition 7 of the Tenancy Condition under the Tenancy Condition Variation Proposals (explained in section 1.1 of this report) have been amended to reflect this best practice approach. In view of this the further information and detail provided in the new Housing Repairs Policy regarding specific repairs will help to ensure that Tenants have a clear understanding of where different obligations and responsibilities lie. The new Housing Repairs Policy also clearly explains how repairs will be assessed and categorised by the Council. It also details the Council's responsibilities under the Right to Repair Scheme which requires the Council to comply with its obligations under the Secure Tenants of Local Authorities (Right to Repair) Regulations 1994.
- 4.3.4 Although the Council's main statutory repairing obligations are contained within Section 11 of the Landlord and Tenant Act 1985 there are also a number of other statutory and regulatory provisions which form part of the Council's overall repairing responsibilities a number of these key provisions are detailed below.
- 4.3.5 Under section 9A of the Landlord and Tenant Act 1985 as amended by the Homes (Fitness for Human Habitation) Act 2018 all social and private landlords must ensure that their property, including any common parts of the building, is fit for human habitation at the beginning of the tenancy and throughout its duration. In order to achieve this the Council in its capacity as a social landlord will need to make sure that each Council Property is free of hazards which are so serious that the dwelling is not reasonably suitable for occupation in that condition. The criteria for determining whether a property is unfit for human habitation is set out in section 10 of the Landlord and Tenant Act 1985.
- 4.3.6 The Social Housing (Regulation) Act 2023 has under section 42 made further amendments to the Landlord and Tenant Act 1985 to include the additional provision S10A. This is the new 'Awaab's Law' provision which introduces the new 'Implied term as to remedying hazards.'
- 4.3.7 Section 4 of the Defective Premises Act 1972 imposes a duty of care on the Council as Landlord for defects in the state of the premises where the

Council has an obligation or right to remedy such a defect. This includes a duty of care to prevent personal injury or damage to property. The duty extends to all persons who might reasonably be expected to be affected by the defects.

4.3.8 All Local Authorities and Social Landlords must ensure the Housing they provide meets the minimum requirements of the Decent Home Standard as defined by Government's June 2006 guidance entitled 'A Decent Home: Definition and Guidance for implementation'. A Decent Home must meet the following 4 criteria:

- (a) It meets the current statutory minimum standard for housing - (To be a decent home a dwelling should be free of category 1 hazards under the Housing Health and Safety Rating System, and the existence of such hazards should be a trigger for remedial action unless practical steps cannot be taken without disproportionate expense or disruption)
- (b) It is in a reasonable state of repair
- (c) It has reasonably modern facilities and services
- (d) It provides a reasonable degree of thermal comfort

4.3.9 The general power of management of its housing is vested in the Council by virtue of section 21 of the Housing Act 1985. The Council can use the powers under this section, in conjunction with the other statutory and regulatory provisions detailed above, to approve the new Housing Repairs Policy. There is a duty under section 105 of the Housing Act 1985 and section 137(2) of the Housing Act 1996 to consult Secure and Introductory tenants who are likely to be substantially affected by a change in a matter of housing management.

#### 4.4 Climate Implications

4.4.1 There are no direct climate implications arising from the policy.

#### 4.4 Other Implications

4.4.1 There are no other implications arising from the policy.

### **5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 The current Housing Repairs Policy could be maintained. However, as noted in 1.3 there are issues with the current policy that the proposed policy seeks to address.

### **6. REASONS FOR RECOMMENDATIONS**

- 6.1 The proposed Housing Repairs Policy addresses issues with the current policy as explained in 1.3.
- 6.2 The proposed policy will benefit staff and tenants as it sets out clearly the responsibilities for conducting repairs in Sheffield City Council's housing stock.