
Report to: Scrutiny Committee

Date of Meeting: 8th September 2011

Subject: Council Housing: Winter Maintenance & Malicious Damage

Report by: Head of Community & Regulatory Services

1.0 Purpose

- 1.1. As requested by Scrutiny Committee in January 2011 this report advises the committee on the approach taken by Housing and the Property Contracts Unit with regard to winter maintenance of Council housing. The report also, as agreed at Scrutiny Committee, discusses the policy and practice taken by Housing with regard to malicious damage of Housing Revenue Account (HRA) property.

2.0 Recommendations

- 2.1. Scrutiny Committee is asked to note the planned management actions summarised in this report in line with the approved Housing Revenue Budget 2011/12 and Capital Programme 2011/12.

3.0 Considerations

- 3.1. As reported to Council in February 2011, Facilities Management will conduct a financial review this year of the Council's housing repairs service and report back to Council. The review is considering a full range of factors including the costing structure and efficiency improvements that can be delivered through management actions. The analysis will be done by challenging all costs of repairs, including central support provision.
- 3.2. The Council is required to review and approve the 30 year HRA Financial Business Plan for the next planning period of 2013-18, in 2012. This will involve detailed consultation with tenants and interested individuals to give full consideration to recent legislative updates affecting housing services. The financial review of the housing repairs service by Facilities Management will be integral to the HRA financial business plan review.

Winter Maintenance

- 3.3. In February 2011, Council approved an additional budget provision for HRA repairs and maintenance of £300K for 2011/12 to take account of the severe weather. The HRA draft final management accounts for 2010/11 show that although the additional winter maintenance contributed to the overall budget overspend of Repairs and Maintenance, the impact was reduced due to strict management cost controls. The actual overspend on Repairs and Maintenance was £26,899, which is 0.6% of the total £4.5M budget provision.
- 3.4. In common with many front line services, the last two winters have placed significant pressure on housing and the repairs service. Close partnership working by Housing and the Property Contracts Unit (PCU) in recent years, has delivered an accessible and highly responsive service to tenants whilst consistently improving on performance targets and controlling costs. The winters of 2009/10 and 2010/11 have been two of the coldest ever recorded in the UK and this is reflected in the number of jobs we have had to respond to and the type of work required.
- 3.5. Analysis shows that since 2008, demand for repairs during the winter months has increased. There was a 75% increase in the number of high priority jobs handled between 26 November 2010 and 29 December 2010 (2,351 jobs), compared with the same period in 2009 (1,339 jobs). The 2009 response to priority jobs for November and December had already represented a significant increase on the corresponding period in 2008.
- 3.6. In total over the last three winters 2008 to 2011 in the months November to January, Property Contracts Unit have had to deal with priority jobs totalling in excess of 9,000, of which December 2010 accounts for a fifth of that total (1900 jobs), given the severity of the conditions experienced. It is worthy of note that our performance in responding to these emergencies last winter remained strong and only suffered a minor dip in relation to repairs completed on target timescale in December 2010, despite the challenging conditions the trades and housing staff were working through. Overall performance for all categories of repairs in 2010/11 has remained above target. Some other social landlords took the decision to only process emergency repairs during the severe winter weather but Clackmannanshire Council did not take this decision allowing our partnership management approach to deliver excellent customer results.
- 3.7. As part of the implementation of the new Housing Business Management System (HBMS) Housing and Property Contracts Unit staff will work together to improve service delivery to council tenants. This will include streamlining of processes, developing an appointments system for tenants, improved budget management information, which will contribute to the delivery of further efficiencies whilst maintaining performance results. The new system will also provide easy access to information for all staff and direct call operatives to ensure that tenants are reminded of their responsibilities. This will ensure that we continue with our consistent approach when serving tenants and that support and intensive housing management is provided where required.
- 3.8. During the period of high demand for priority repairs last winter, housing staff dealt with a number of challenging tenancy management and property issues, including arranging emergency and mid to long term temporary

accommodation. The cost to the HRA of the emergency bed and breakfast accommodation for tenants whose properties were uninhabitable as a result of the severe weather was £8,800. In addition to this staff provided help and assistance to vulnerable and elderly tenants to help them cope in their tenancies, issued bottled water to tenants where water supplies were unavailable, and project managed major repair cases some of which included negotiation and decisions in cross tenure situations.

- 3.9. We have a number of measures in place to protect property and to help tenants and residents prepare for winter weather conditions. This includes additional void management practices, heightened publicity and tenant communication and improvements to specifications for capital investment work. Our void management procedures include the requirement to arrange drain downs at the start of the winter period to minimise the risk of damage to our properties as a result of frozen pipes and flooding. However, some void properties were still affected by burst pipes from neighbouring owner occupied and tenanted properties.
- 3.10. Before and during each winter period we include information for tenants and residents in publications and on our website highlighting suggestions on how to keep warm, how to be safe in severe weather and what to do in an emergency. We also promote the importance of all tenants having adequate contents insurance to protect against loss of personal belongings, and the next issue of the Council's View Newsletter will publicise details of our current scheme. We also ensure that all information we provide to our tenants is in line with the Scottish Government winter weather radio broadcast campaign, and provide regular updates on Clacksweb, Facebook and Twitter as well as information in the View Newsletter. The updating of the Council's social media sites proved invaluable during the severe weather, as it meant we could get messages out to tenants instantly.
- 3.11. In addition to this, a Council wide task team has been established with membership from key frontline services to explore the lessons learned from last year. The housing service front line review group will report its findings of last winter's response, and advise on improvement actions to this task team. This will ensure our collective response can meet the challenge if future winters are as severe. This will include coordination of communication and information to tenants and residents and further promotion of the Council's energy efficiency service to help reduce the impact of fuel poverty.

Malicious Damage to HRA property

- 3.12. Under the terms of the Housing (Scotland) Act 2001, the Scottish Secure Tenancy Agreement sets out the rights and responsibilities of tenants and the Council as, Social Housing Landlord. The Tenancy Agreement includes details of the tenant's responsibilities in relation to looking after their property and sustaining their tenancy.
- 3.13. It states that the tenant 'must take reasonable care to avoid risk of danger or damage to the house' and under the section 'Respect for Others' the tenancy agreement states that 'you, those living with you and your visitors must not harass or act in an anti-social manner'. It goes on to define 'anti-social' as causing or likely to cause alarm, distress, nuisance, annoyance, or damage to property.

- 3.14. Landlords must act fairly in all matters connected with a tenancy and must have clear evidence before proceeding with any action against the tenant. Detailed investigations are often required and may not always result in sufficient evidence to support proceeding with any action against a specific individual, to enforce tenancy conditions. Under the Housing (Scotland) Act 2010 there is a statutory requirement for social housing landlords to identify the need for and provide support to tenants who are vulnerable before taking enforcement action.
- 3.15. Under current legislation, the landlord can proceed with court action to seek recovery of possession of the tenancy but only if there is clear substantiated evidence of at least two occasions of anti-social behaviour as defined under the terms of the Housing (Scotland) Act 2001. The ultimate penalty is eviction and as a statutory housing authority we may have a duty to re-house some tenants following eviction.
- 3.16. The requirement to prevent homelessness and sustain tenancies and communities requires a heightened focus on resources to deliver enhanced intensive housing management and housing support services to help tenants to adhere to their tenancy conditions and to maintain their tenancies. The focus is to work with tenants to help and support them and to reduce incidents of 'anti-social' behaviour.
- 3.17. In addition to HRA void turnover costs the homeless service also has its own separate turnover of an average 10 properties a month in homeless temporary accommodation. The process for action in recovery of possession is broadly similar to the HRA even though the occupant does not yet have a Scottish Secure Tenancy. It is a process centred upon support, advice and evidence gathering. The funding of repairs to homeless property is recovered through homeless rents which are paid into the General Fund. The nature of the client group within homeless temporary accommodation is such that many present with high levels of vulnerability and often complex support needs. Some occupants of homeless property will have an assessed need by Social Services such as those within the broader mental health arena or criminal justice process. It is estimated that up to 5% of void property may have higher than normal repair costs and recovery of this is again hampered by the transient nature of the client group.
- 3.18. In some cases resulting in malicious damage, incidents come to our attention by means other than a specific report that identifies the alleged perpetrator of the anti-social behaviour. In some cases, for example, vandalism such as broken windows to a tenant's house or damage due to an attempted break-in, tenants are required to report incidents to the police to obtain a crime reference number. This can enable us to recover the cost of repairing the damage by way of our buildings insurance. We can also recover the cost of damage to HRA property as a result of vandalism such as graffiti on a common close, through our insurance.
- 3.19. The above costs for winter maintenance and general repairing expenses form part of Clackmannanshire Councils HRA overall repairs maintenance expenditure, the budget for which is set in line with the councils stock retention business plan. These overall costs are expressed as costs per house and for the financial year 2009/10 Clackmannanshire Council was the

5th lowest of all landlord Scottish Local Authorities. Our cost per house was £915 in 2009/10 compared with a Scottish Local Authority average of £1,103.¹

Repairs and Maintenance (R&M) Spending (£ per house per year) 2005/06 to 2009/10:

Year	05/06	06/07	07/08	08/09	09/10
Clackmannanshire R&M Cost Per House	787	807	836	837	915
Scottish LA's Average R&M Cost Per House	966	995	1,052	1,072	1,103
Clackmannanshire Rank (1 = lowest)	6	6	4	5	5

3.20. Insurance claims are processed for incidents of malicious damage, burst pipes and fire damage. The amount received in a year may not directly correlate to the claims received in that year.

4.0 Sustainability Implications

4.1. We work with our partners to ensure a consistent high standard is achieved in all our properties in our communities.

5.0 Resource Implications

5.1. Financial

5.2. As set out in the report.

5.3. Staffing

5.4. As set out in the report.

6.0 Exempt Reports

6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please double click on the check box ☒)

¹ <http://www.scotland.gov.uk/Topics/Statistics/Browse/Housing-Regeneration/HSfS/HRATables>

The area has a positive image and attracts people and businesses	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input checked="" type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input checked="" type="checkbox"/>
Vulnerable people and families are supported	<input checked="" type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input checked="" type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input checked="" type="checkbox"/>

(2) Council Policies (Please detail)

Housing Stock Retention Policy 2006

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☒ No ☐

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

10.0 Appendices

10.1 None

11.0 Background Papers


11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes ☐ (please list the documents below) No ☒

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