

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Public Protection
DATE	16 May 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Housing Improvement Group – Capital Works Improvements
REPORT NUMBER	RES/23/158
DIRECTOR	Resources
CHIEF OFFICER	Corporate Landlord
REPORT AUTHOR	Stephen Booth
TERMS OF REFERENCE	1.1.1

1. PURPOSE OF REPORT

- 1.1 To consider issues that arise from tenants refusing capital improvement works and options on how to better progress such works along with also considering the Council approach to communal repairs and replacement in properties in shared ownership.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Note that officers within Corporate Landlord, Early Intervention and Community Empowerment and Capital are working on improvements around provision of information and support to tenants impacted by planned capital works;
- 2.2 Instructs the Chief Officer - Corporate Landlord to report back to this Committee on progress towards introducing those outcomes referred to in 2.1 above
- 2.3 Notes the options set out in the report with regard to enforcement of capital works and instructs the Chief Officer - Corporate Landlord to investigate further the legal impact of the options and report their findings back to this Committee in due course.

3. CURRENT SITUATION

- 3.1 At the committee on 17 January 2023 it was agreed to instruct the Chief Officer – Corporate Landlord to report to the next meeting of this Committee on the capital programme of works to properties, following consideration of the current approach to tenants refusing improvement works, with options to change this approach and the case for changing to an approach which ensures all tenanted properties are upgraded and maintained to the same standard.

Capital Work – Tenant Refusals

- 3.2 In order to ensure that properties within the Housing Revenue Account are properly maintained and meet appropriate standards there is an agreed programme of capital improvements works to properties to benefit tenants and the asset. The types of works that form part of the capital works have historically included kitchen and bathroom replacement, heating and electrical upgrades (including fire systems), door and window replacement programmes, roof renewals etc. In the coming years there will also be enhanced workstreams around environmental measures (wall and roof insulation etc.)
- 3.3 Historically there has been relatively high refusal rates for such works. This is evidenced in the table below which shows the range of refusals for some work elements (excluding 20/ 21 when covid 19 had an impact)

Type of work	Tenant Refusal rate
Kitchen replacement	40 to 70%
Bathroom replacement	10 to 25%
Re-wiring	20 to 45%
Window replacement	2 to 5%
Smoke detectors	1000 or so still to be fitted of approx. 22,000

- 3.4 Tenants are generally encouraged to allow work to take place but when consent cannot be obtained works are generally not taken forward as this would require the Council to ultimately force access to the property. The exception to this is around critical Health and Safety works such as gas safety certification where there is an established process to gain entry (see appendix 1) and more recently the Council are seeking to gain entry for fire system upgrades. When works are refused, tenants are asked to sign a waiver that they have refused works to allow for any dispensation to be applied with the Housing Regulator for the Council not meeting standards such as Scottish Housing Quality Standard etc.
- 3.5 Tenants can give no reason for refusal of works, but often state a range of considerations, depending on the proposed improvements works. This may include:-
- Unwilling to put up with disruption.
 - May have recently decorated
 - May have installed own kitchen/ bathroom (with or without consent)
 - May have installed own floor finished which may be disrupted
 - Tenant may be elderly or infirm
 - Health of tenant and negative impact of disruption.

- 3.6 The impact on these capital works not being undertaken can be noted as follows:-
- Additional staff time and resource to manage refusal process and engage with tenants
 - Delays in being able to progress with works and meet spend ambitions.
 - Loss of economy of scale in undertaking a range of works in the same location
 - General reduction in quality of stock/ relaxations being required from housing regulator around SHQS etc.
 - Extended void periods (capital works are generally caught up with during void periods)

- 3.7 Council houses are occupied under a Scottish Secure Tenancy Agreement. The version used by the Council is adopted from best practise in the sector. With the tenancy agreement the access for works is noted below:-

We have the right to come into the house to inspect it and its fixtures and fittings or carry out repairs to it, or adjoining property, during reasonable times of the day. We will give you at least 24 hours' notice in writing except in an emergency. We have the right of access to the house in order to:

- *lay wires, cables and pipes for the purposes of telecommunications, water, gas, and electricity,*
- *fit or replace or repair smoke detectors, or other safety-related appliances, or security-related appliances including door-entry systems.*
- *inspect or service any gas appliances,*
- *undertake any other servicing or maintenance work which we consider necessary, and*
- *carry out improvement works in accordance with the Scottish Quality Housing Standards (or such standards as may replace or supersede same) providing we give you reasonable notice in writing.*

We have the right of access to the common parts at any reasonable time.

If you refuse us entry to the house or the common parts, we will have the right to make forcible entry provided we have given you every reasonable opportunity to let us in voluntarily. If we have to make forcible entry, in this situation, you are liable for the costs of any damage reasonably caused. In an emergency, we have the right to make forcible entry to the house without notice.

In addition, the tenancy agreement also states that where a tenant initially provides written agreement to modernisation, such as, but not limited to kitchen and/or bathroom replacement work but then subsequently denies access for the work to proceed, the Council will be entitled to charge the tenant for any costs incurred. The tenant will be advised in writing of the amount that they will be held liable for.

There are, however, a number of styles of tenancy agreement which still apply to existing tenancies created over the years which do not contain the wording above. The terms of the tenancy agreement would have to be checked in every situation prior to a decision on the action, if any, which can be applied in each circumstance.

- 3.8 Through recent work with the Housing Service Review Group on the delivery of the Housing Capital programme a number of areas for improvement around consultation and communication with tenants were identified. These included issues such as:

- Improving access to information on planned works on the City Council's website
- Identification of a point of contact within the Council for each capital works contract, not just the contractor's liaison staff
- The tenant should be asked for feedback and should sign off on completed work
- Use of videos to demonstrate what is involved in capital works projects, especially kitchen replacement
- Provide assistance to tenants to prepare for works
- Provide Locality staff with access to information on planned works in their area so that they can assist with communication with tenants
- Improve the use of social media where appropriate to inform tenants of planned capital works in their home/area

It is intended that these improvements in the service can be introduced, where practicable, within the current year, or at the earliest opportunity thereafter as circumstances allow.

Whilst it is believed that the service improvements detailed above will in time lead to an improved take up in capital works by tenants, it is still likely that no access or refusal of works will occur. To improve the situation officers have provided a range of options for consideration by the Committee:

3.9 Option A – Maintain Status Quo

Description	Continue to allow tenant refusals for capital works other than for Health and safety purposes
Advantages	Tenants have large degree of control over their home.
Disbenefits	Decreasing quality of council accommodation
Unintended consequences	none
Risks	Failure to meet SHQS/ EESSH2/ Health and Safety issues

3.10 Option B – Extend the range of works where forced entry will be obtained

Description	Continue to allow tenant refusals for limited capital works other than for Health and safety purposes
Advantages	Tenants retain a significant degree of control over their home but not to the extent of option A.
Disbenefits	Decreasing quality of council accommodation Many types of capital work require access over a number of days, not always consecutively. Maintaining access in these circumstances would be difficult
Unintended consequences	none
Risks	Failure to meet SHQS/ EESSH2/ Health and Safety issues

3.11 Option C – Insist on compliance with all works (enforce lease conditions)

Description	Move to a position where access is taken to tenants' homes where sufficient notice of work has been provided as laid out in existing lease conditions
Advantages	Ensures all planned capital works are undertaken as and when required Ensures properties meet SHQS/ESSH2/Health and Safety requirements
Disbenefits	Many types of capital work require access over a number of days, not always consecutively. Maintaining access in these circumstances would be difficult
Unintended consequences	none
Risks	Reputational risk – Council might be accused of a heavy handed approach to delivery of capital works

3.12 It is proposed that the Chief Officer Corporate Landlord investigates the legal impact of these options further and reports findings back to this committee on completion of these investigations .

4. FINANCIAL IMPLICATIONS

4.1 No financial implications have been identified at this time although this will require to be addressed in follow up reports. Proposed studies will be met by current resource.

4.2 Any specialised or additional resource requirement will be identified within the HRA budget setting process.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from the recommendations of this report. The legal implications of any future recommendations will be addressed in future reports.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account	*Does Target Risk Level Match
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			controls/control actions	Appetite Set?
Strategic Risk	Quality of housing may reduce without effective maintenance, repairs, and capital improvements	Implementation of recommendations in this report.	Low	Yes
Compliance	Provision of quality housing ensures compliance with Scottish Housing Regulator requirements	Implementation of recommendations in this report.	Low	Yes
Operational	Provision of housing is a priority for residents of Aberdeen City. Failure to ensure there is an adequate supply of good quality housing may result in people seeking to be housed elsewhere.	Implementation of recommendations in this report.	Low	Yes
Financial	None at this time			Yes
Reputational	Failure to improve the quality of Council homes may harm the Council's reputation if the properties need repairs.	Implementation of recommendations in this report.	Low	Yes
Environment / Climate	Improvements to homes have a positive impact on carbon reduction. Failure to effectively implement the proposals may result in increased carbon emissions.	Implementation of recommendations in this report.	Low	Yes

8. OUTCOMES

	Impact of Report
Aberdeen City Council Policy Statement Working in Partnership for Aberdeen	The proposals within this report have no impact on the Council Delivery Plan.
Aberdeen City Local Outcome Improvement Plan 2016-26	
Prosperous Economy Stretch Outcomes	The proposals within this report support the City Centre Masterplan, by setting out steps which are expected to support a number of employment sectors.
Prosperous People Stretch Outcomes	The proposals within this report support improved healthy life expectancy by setting out steps towards achieving reductions in fuel poverty and housing that is affordable.
Prosperous Place Stretch Outcomes	The proposals within this report support reducing Aberdeen's carbon emissions and improving the standard of housing by setting out steps towards achieving more energy efficient and better quality housing.
<i>Regional and City Strategies</i>	<p>The proposals within this report support the Aberdeen City Local Housing Strategy through the delivery and provision of quality affordable housing.</p> <p>The proposals within this report also support the following Legislative and Policy Programmes:</p> <ul style="list-style-type: none"> - Scottish Housing Quality Standard - Energy Efficiency Standard for Social Housing 2.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Not required at this time.

Data Protection Impact Assessment	Not required at this time.
Other	None

10. BACKGROUND PAPERS

10.1 None.

11. APPENDICES

11.1 Aberdeen City Council Gas Management Procedures – Arranged Access Procedure

12. REPORT AUTHOR CONTACT DETAILS

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