

Monday, 28 April 2025

## **OVERVIEW AND SCRUTINY BOARD**

A meeting of **Overview and Scrutiny Board** will be held on

**Wednesday, 7 May 2025**

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Long (Chairman)

Councillor Cowell

Councillor Douglas-Dunbar

Councillor Fellows

Councillor Foster

Councillor Hutchings

Councillor Johns

Councillor Law

Councillor Spacagna (Vice-Chair)

Councillor Tolchard

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## **A Healthy, Happy and Prosperous Torbay**

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# OVERVIEW AND SCRUTINY BOARD AGENDA

**1. Apologies**

To receive apologies for absence, including notifications of any changes to the membership of the Board.

**2. Minutes**

To confirm as a correct record the minutes of the meeting of the Board held on 12 March 2025.

(Pages 3 - 8)

**3. Declarations of Interest**

**a)** To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**b)** To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

**4. Urgent Items**

To consider any other items that the Chairman decides are urgent.

**5. Play Improvement Strategy**

To consider the review of play parks including a condition survey and the outcome of engagement with young people and make recommendations to the Cabinet.

(Pages 9 - 20)

**6. Housing Policies**

To consider the submitted Housing Policies and make recommendations to the Cabinet.

(Pages 21 - 132)

## **Minutes of the Overview and Scrutiny Board**

**12 March 2025**

**-: Present :-**

Councillor Long (Chairman)

Councillors Cowell, Douglas-Dunbar, Fellows, Foster, Johns, Law, Spacagna (Vice-Chair), and Tolchard

(Also in attendance: Councillors Bye, Carter, Penny, David Thomas, Tranter and Tyerman)

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### **50. Apologies**

An apology for absence was received from Councillor Hutchings.

### **51. Minutes**

The minutes of the meeting of the Board held on 12 February 2025 were confirmed as a correct record and signed by the Chairman.

### **52. Housing Audit and Compliance Framework**

The Cabinet Member for Housing and Finance, Councillor Tyerman, Managing Director, Liam Montgomery, and Housing Manager, Anita Merritt presented the submitted Quarterly Housing Audit and Compliance Report for Quarter 3 2024/2025 for all housing stock for TorVista Homes and those that had been transferred to the Council together with the temporary accommodation units and responded to questions.

Members were updated that the data in red relating to temporary accommodation was all compliant and had been completed but the Council was just waiting for some dates to come through. There was some outstanding PAT testing which had been ordered for temporary accommodation, but the dates were still to be confirmed. Temporary accommodation was currently being managed by a different Team of Officers, but it was intended to bring all housing elements together to ensure a consistent approach to all the Council's housing stock.

The Board asked questions in relation to there being two or three properties with an Energy Performance Certificate (EPC) rating below C, with new lettings being required to be C or above later in the year, what plans did the Council have to look at EPC ratings on those properties and does the Council have any ambitions to uprate the C rated properties to A or B; it was understood that all properties from TorVista Homes were being transferred to the Council, what was the reason that this had not

happened; was it expected that the Council would not be able to transfer existing tenants from TorVista Homes to the Council; the report mentioned adaptations such as wet rooms and level access showers, would the properties have other accessible elements as well; when accessible properties become vacant would they be considered for use by people fleeing domestic abuse; page 8 referred to a vacant property and alternative use being explored, what was this; and had fire risk assessments been completed for the temporary accommodation.

In response to questions in respect of EPCs, Members were advised that upgrading EPCs was part of the wider programme linked to climate change looking at all Council properties including the housing stock. It would be included as part of the ongoing repairs and maintenance. The Council would ensure that all properties were rated C or above within the required timeframe to ensure compliance.

The Board was advised that it had been planned for all TorVista Homes properties to be transferred to the Council, but this had been delayed as some of the tenancies could not be changed for existing tenants, those would be transferred as they become vacant. The Council was aware that there were some limitations on the type of accommodation that Councils could offer as this was one of the reasons that TorVista Homes was set up in the first place, but it was a surprise that the Council would have to rely on them becoming vacant before they could be transferred. This made it hard to put an end date on the process. All those that could be transferred had been transferred. There was no difference to the tenants in the way the property was being managed apart from the name on the bill. It was noted that there were still some administrative costs associated with running the TorVista Homes accounts for longer than anticipated.

In response to questions around accessible properties, Members were advised that the Council was trying to get to a stage where they would look across all areas of the Council when a Council owned property became vacant to use the stock as strategically as possible to make the best use of the size and type of accommodation, this could be for cared for young people, adult social care clients, people on waiting lists, people fleeing domestic abuse or those in temporary accommodation. All the temporary accommodation purchased was intended to house families but there was also a need for single person properties. Members received a verbal update on the vacant house of multiple occupation (HMO) property and the restrictions relating to the Government Grant and some of the potential options being explored. Officers from across the Council were working together to find the best solution for the property and clients moving forward.

It was noted that all compliance testing for temporary accommodation (TA18) had been completed. Following the meeting it was confirmed that all fire extinguishers were up to date for Council owned stock with all the certificates received except for the two HMOs which had been completed but the certificates had not yet been received. There were two outstanding Fire Risk Assessments, but they had been booked in for week commencing 14 April 2025.

Resolved (unanimously):

1. that the Overview and Scrutiny Board note that the Housing Audit and Compliance Key Performance Indicators (KPIs) Report demonstrates that Torbay Council is compliant in all areas regarding their housing stock. This now incorporates the existing TorVista Homes housing stock, transferred housing stock and temporary accommodation stock;
2. that the KPIs will continue to be mirrored and reported for all housing stock held by Torbay Council; and
3. that this will be presented quarterly to the Overview and Scrutiny Board as part of the quarterly performance monitoring report.

### **53. Update on Domestic Abuse Safe Accommodation Needs Assessment Refresh**

The Cabinet Member for Adult and Community Services, Public Health and Inequalities, Councillor Tranter, and the Domestic Abuse and Sexual Violence Commissioning and Strategy Lead, Shirley Beauchamp, presented the submitted report on the Domestic Abuse Service Safe Accommodation Needs Assessment Refresh and responded to questions. The Director of Adult and Community Services, Jo Williams also attended the meeting and responded to questions. An updated Action Plan (Appendix 2) was circulated prior to the meeting following confirmation of changes the additional £400k funding.

Members were advised that out of 23 units there were only 3 or 4 single person units and the Council was looking to increase the number of single persons units. There had been an increase in demand of people accessing the Domestic Abuse Service by 58% being referred. This did not necessarily translate into the need for safe accommodation but highlighted the increase in demand for support since the new Domestic Abuse Duty came into force in October 2021. It was noted that there was also an issue with people presenting themselves as fleeing from domestic abuse to secure safe accommodation, however, in many cases following a risk assessment this was as a result of relationship breakdown rather than domestic abuse.

The Board was informed that the Government had confirmed an additional £400k funding for Domestic Abuse included within the Base Budget which would enable longer term commissioning. There remained a number of short term grant funds supporting the Service which had been extended to March 2026. The Team was awaiting the outcome of the Comprehensive Spending Review due in June 2025 to have a view on longer term funding and sustainability for some of the projects. Members were advised that the Team was working with Children's Services colleagues looking at emotional and therapeutic support to children and their families impacted by domestic abuse and would be procuring the Adult and Young People's Recovery Toolkit as a way to support this.

Members asked questions in relation to how the Peninsula therapeutic approach would work; how long did people stay in safe accommodation (this was 6 to 9 months); what was economic abuse; how was the Service reaching out to minority groups; what action was taken to try to keep people's pets with them when they flee

domestic abuse; what was being done in respect of behaviour change programmes for perpetrators and what would the cost be; the launch of the Older People's Charter was due in November 2024 but was now scheduled for April 2025, was this on schedule; paragraph 2.4 of the report referred to reliable Devon and Cornwall Police data not being available, was this still the case; there had been a 58% increase in referrals how many people did that equate to and was that a result of increased awareness of the Service; in other areas it had been raised that people from the transgender community were unable to access domestic abuse safe accommodation for women and were placed in unsafe temporary accommodation, how were they supported in Torbay; and would Local Government Reorganisation impact on domestic abuse.

Members were advised that it was hoped to work with the colleagues from the wider South West Peninsula on an emotional trauma offer as part of the Domestic Abuse Programme funded through the Office of the Police and Crime Commissioner (OPCC) and NHS England, but they had recently decided not to include domestic abuse in that work unless sexual violence was also a major factor. Officers would be speaking with the OPCC and looking at how a therapeutic offer could be supported and funded.

It was noted that economic abuse was wider than financial abuse as for example this covered access to work or study as well as finances and made victims depend on the perpetrator financially.

Members were advised that the Team recognised the importance of pets as well as the impact on the pets themselves of domestic abuse and works closely with Refuge for Pets which provides foster placements for pets until families move into permanent accommodation. Some of the commissioned accommodation did allow pets, this was normally in houses rather than flats.

The Board was informed that the co-ordinated community response sat alongside Domestic Abuse Housing Alliance accreditation and the Whole Housing Approach, looking at the whole housing system to try to prevent the need for people to come into domestic abuse accommodation in the first place. This takes a lot of work and a lot of resource (£160k a year over two years, plus membership of relevant organisations). It includes co-ordinating, reviewing policies and procedures, and training to ensure early identification and would take money out of the support requirements identified as part of the safe accommodation needs assessment. It was noted that there was a risk within the Service Risk Assessment on capacity to deliver the Domestic Abuse and Sexual Violence Strategy objectives. Therefore it had been decided not to progress this work at this time but it remains a recommendation in the action plan.

In response to questions around minority groups, Members were advised that there were very low numbers of people coming forward from black and ethnic communities, and that the Service was starting to see a small number (under 5 households) approaching the service who have indefinite leave to remain status, or were experiencing honour based violence. There was a challenge over a lack of understanding in the Council about the legal position if someone was not entitled to public funds. There was support available through the Olive Project, a Devon based charity working for minority black and ethnic women experiencing domestic abuse and sexual violence; and free training had been provided to Adults and Children's Services

staff. Due to the low numbers it was not felt viable to commission support ourselves however the Council continued to work with Peninsula partners on a targeted population strategy to prepare for the future and what may come out of the funding review to meet common needs identified in our safe accommodation needs assessments. It was noted that due to funding eligibility criteria a lot of small grass roots organisations were unable to access “by and for” grant funding that was available last year. Officers had lobbied the Domestic Abuse Commissioner and Home Office regarding this issue as larger national organisations were not interested in developing services in the South West.

Members were advised of the various behaviour change programmes that had been in place since 2014, but that they had always been carried out using temporary funding. This included a grant funded project working with the Craft Framework supporting families and identifying domestic abuse at an early stage and to put in intervention to address this, however the project was unable to demonstrate the impact to make a suitable business case to take it forward. Work was still being delivered by the Standing Tall voluntary sector partnership through grant funding. A Peninsula bid for Perpetrator Funding, led by the OPCC had been submitted in 2023 but was unsuccessful. Members recognised the need for funding for behaviour change programmes to be sustainable and not one off as the programmes usually lasted for 26 weeks. There were two types of programmes for behaviour change, a high risk high harm programme costing around £90k per year, or a community based programme for medium risk perpetrators costing around £70k per year, both included support for the partner to manage escalation of risk whilst the perpetrator attends the programme.

Members were advised that the launch of the Older People’s Charter was on track, but it had not yet been decided how it would be rolled out e.g. through domiciliary care providers, voluntary sector groups, Healthwatch etc. It was noted that it was difficult for some older people to recognise that they were victims of domestic abuse. There was also a blind spot in the statistics which stop at 74 as well as this being a cultural issue.

The Board was informed that data was now being received from Devon and Cornwall Police but the accuracy of the data was being reviewed by them. National data was being used through the Crime Survey for England and Wales.

Members noted that there were 1,569 referrals in 2023 and by the end of March 2025 there were projected to be 2,483 referrals to the Domestic Abuse Service. It was felt that this was partly due to awareness of the Service and whilst this did not translate into the same numbers of people needing safe accommodation this did indicate that those numbers were also increasing.

The Board was advised that it was not known what the impact of Local Government Reorganisation would be on domestic abuse. However, Torbay Council was already working closely with Peninsula peers, which was not necessarily the case across the Country.

Members were informed that whilst there were no statistics on how many victims stay in the home with children, it was not often that a perpetrator was left in the family

home. The Council was working with other areas on a Managed Reciprocal scheme whereby a victim in a social housing tenancy could be moved out of Torbay and directly into another social housing property where appropriate, and then Torbay would reciprocate and provide a similar offer to people from that area. This could be applied to perpetrators as well to enable the family to stay in their home. There was not a problem with transgender people accessing safe accommodation in Torbay as our accommodation units were all self-contained.

The Board noted that the Adult Social Care and Health Overview and Scrutiny Sub-Board was due to undertake a spotlight review on domestic abuse later in the year.

Resolved (unanimously):

1. that the Cabinet be recommended:
  - a. that the Overview and Scrutiny Board supports the Safe Accommodation Action Plan set out in the revised Appendix 2 to the submitted report as a way forward; and
  - b. to explore identifying £100k to be put into the Base Budget to fund suitable behaviour change programmes (aimed at perpetrators) for domestic abuse and sexual violence;
2. that the Chairman of the Overview and Scrutiny Board be requested to write to the two Members of Parliament:
  - a. to ask them explore what opportunities there are for funding for behaviour change programmes (aimed at perpetrators) for domestic abuse and sexual violence to ensure that there is sustainable funding within the upcoming Comprehensive Spending Review; and
  - b. to ask them what is being done to challenge the National Crime Statistics only including people up to 74 when people are living longer and are still subjected to domestic abuse and sexual violence;
3. that the Chairman of the Overview and Scrutiny Board be requested to write to the Police and Crime Commissioner to ask if there is any funding available to support behaviour change programmes (aimed at perpetrators) for domestic abuse and sexual violence.
4. that the Director of Adults and Community Services be requested to present an all Member briefing on funding for domestic abuse and sexual violence following the Comprehensive Spending Review (CSR) in June 2025 so that Members can be aware of the impact on the projects which currently only have 12 months funding.

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Chairman



## **Play Improvement Strategy**

### **Overview and Scrutiny Board - 7 May 2025**

We want children and young people to feel part of their community, be safe and live well. We want to support healthy, physically active lives for all and in doing so will make greater use of our natural and cultural assets. We are continuing to work to get the basics right – so that our parks and residential areas are clean, safe and well-maintained. We want to celebrate and protect the places that make Torbay special.

This Play Improvement Strategy aims to provide high quality, safe and inclusive play spaces for children and young people of all ages.

#### **Introduction**

Over recent years the quality of play provision in Torbay has decreased and there has been no significant investment since the play builder scheme 2010 - 2012. As a result, many of the play areas are reaching end of life, a large amount of equipment has had to be removed due to failure or safety issues and the remaining equipment provides a limited range of play opportunities. In recent years the way in which play areas are used has changed and the provision in Torbay has not kept pace with this.

Play equipment is expensive, high risk and heavily governed by regulations and standards (EN 1176: Play equipment standard and BS EN 117:2018 impact attenuating playground surfacing), whilst the market is very competitive there are only a limited number of suppliers of suitable equipment and the design and procurement process is complex. An average, medium sized fully equipped play area can be anywhere in the region of £100,000 - £200,000 to build from scratch and substantial repairs and improvements to an average site, in the condition of the play areas in Torbay can be over £50,000.

Inclusive play and access to play is important for children, families and carers including those with disabilities. In order to reflect the challenges in funding, maintenance costs and sustainability, play provision does not have to be all about equipment and play areas in the traditional sense.

National studies have shown that children benefit from imaginative play and sensory play based around the natural environment so play provision should be considered in the wider sense in terms of safe spaces with opportunities for enjoyment by children. Providing high quality, safe and inclusive play spaces for children and young people of all ages has a key part to play in improving health and wellbeing and preventing ill health for future generations.

With the various challenges and opportunities around the future of play in Torbay a vision and strategy based on robust evidence and best practice is required. In the short term this will identify and allow the removal of high-risk liabilities for the Council and ensure quick wins are maximised using currently available funding. In the long term the strategy will form a framework for the allocation of ad hoc funding, such as CIL and Ward Member budgets and provide a basis for attracting a cocktail of

funding such as government funding e.g. Long-Term Plan for Towns or Section 106, to reduce the funding liability for the Council.

The improvement strategy is in no way aimed at removing or closing play areas and the number of areas available for play will not change, however, to be realistic to circumstance and cost the strategy will focus on play spaces as opposed to equipped play areas and there will be sites where equipment is removed and replaced with high quality landscaped natural features.

## **National Context**

Torbay Council is not alone in facing significant challenges with regard to play provision and the local situation is reflective of the state of play across the country. Years of austerity and reductions in local authority funding has resulted in the serious decline of play standards, availability and quality in all areas of the UK.

In 2024 Play England wrote an open letter to the Government which was debated in January 2025 stating the importance of play, drawing attention to the national decline in quality play spaces and seeking change in the planning system to provide play sufficiency legislation.

Article 31 of the United Nations Convention on the Rights of the Child (UNCRC) creates a specific right for all children to have rest and leisure, to engage in play and recreational activities appropriate to their age and to participate freely in cultural life and the arts.

## **Local Context**

There are 74 Playgrounds or youth facilities managed by SWISCo on behalf of Torbay Council.

Investment from 2010 through 2012 saw an estimated replacement of 274 pieces of play equipment, this equates to an estimated 63% of the overall play stock. The funding at the time, particular playbuilder, saw an emphasises on timber and natural looking play equipment. Much of this equipment is beyond 10 years old and is reaching the end of its life. Recent years has seen the number of defects increase and the risk rating of defects rise. Defects rated as a low risk have increased to medium. This is evident in the latest annual inspections carried out in 2024 and 2025. The budget has not increased as the age of the equipment and number of defects increased. Furthermore, playground products are subject to inflation and RPI. These are the principal factors for the funding gap.

Since 2014 the annual budget for the repair, maintenance and management of play facilities has been £67,100. Of this approx. £5,000 per year is used to fund the required annual inspection, leaving £839 per play area for maintenance and replacement.

Repairs and replacement parts have to comply with relevant standards and as a result are not cheap, for example a new toddler swing seat is £120, a flat swing seat

£70 and a basket swing seat is £2000. Many of the pieces of play equipment have complex moving parts or bearings which can be in excess of £1000 to replace.

Given the limited budget the primary factor in allocating repairs, maintenance and replacement is limiting or preventing health and safety risk and the focus in the short term has to be on those parks presenting the highest risk and liability. This approach does limit SWISCo's ability to arrange repairs on a play value, community benefit or on an improvement basis.

The estimated cost to totally replace all existing play equipment, safety surfacing and associated infrastructure in its current form and distribution is over £6,000,000 (6 million). Whilst this is not an immediate requirement, it provides an indication of the scale and value of the current provision and the level of ongoing investment and maintenance considering an average lifespan of ten years for play equipment.

Following the most recent annual external inspection approx. 40% of the play areas in Torbay have been found to present a moderate to high risk which has to be resolved within 3 months, in most cases the cause of the risk is the age and condition of the equipment. With the limited maintenance budget funds are not available to carry out the necessary repairs so removal or decommissioning of equipment will have to be seriously considered.

There is a fundamental relationship between the equipment and the safety surfacing around it. The regulations regarding play equipment include statutory provision of safety surfacing to prevent injury from falling. The type, depth and area of the surfacing is mandatory depending on the equipment and the provision of it is at least as expensive in many cases as the play equipment itself.

During the play builder years there was a preference for cheaper rubber mat safety surfacing. This product is no longer considered compliant in many cases where it is currently used and would not be permissible in a new installation. Rubber mat is difficult and costly to maintain and looks visually unappealing. The amount of rubber mat used in Torbay play areas increases maintenance costs but would be very expensive to replace.

In order to make the safety surface sustainable and useable in the long term significant and costly ground preparation required, top soil has to be removed and replaced with compacted hardcore material to provide a solid foundation.

The type and quantity of safety surfacing is unique to the equipment it relates to and it is generally not possible to replace equipment without significant replacement of the surfacing around it and in many cases the defect rating and risk is itself a result of deteriorated surfacing.

Many of the play areas provided by new development over the last 30 years were done so by developers against out dated policy guidance or with no consideration of future use or maintenance, as a result Torbay has a legacy of badly designed and under used play areas.

A wider understanding of the long term plan for a play area is required to commit the investment to replace a piece of play equipment or an area of safety surfacing due to the significant expense involved and the need to not replace surfacing around equipment that itself is near end of life or the additional cost of surfacing around a new piece of equipment.

## **Capital Funding**

There is currently £500,000 of Council capital funding available for improvements to play. It is essential that this funding is allocated in the most effective way, to limit the risk to the Council of high risk play areas and deliver the highest level of play provision in the areas most in need. Simply allocating the capital funding evenly across all the current play areas would result in less than £7,000 per play area, resulting in low levels of improvement, in some cases where it is not required and offer no long term strategy for a sustainable play provision.

## **Improvement Strategy**

In order to make most use of all available future funding a strategic approach is required to ensure improvements and replacements are delivered in a coordinated manner to provide best value for our communities.

The vision for this improvement strategy is:

*To provide high quality, accessible, safe, and inclusive play spaces where everyone of all abilities can have fun, learn and be active through play in such a way that quality is judged above quantity and the provision and maintenance of them is possible within budget and resource parameters.*

## **Key Considerations:**

- **Quality not Quantity** – High quality well equipped play areas, evenly and suitably distributed that provide a significant range of play opportunities for users of all abilities rather than a large number of small under equipped spaces that provide little play value but are expensive to maintain. Innovative design and use of materials and the natural landscape can provide a far more valuable and inclusive play experience at a fraction of the cost and liability.
- **Safety Surfacing** - it will be understood that safety surfacing is an integral and essential part of the play area so it will be as high quality as possible.
- **Natural Play** - play areas do not have to be full of equipment – green spaces offer safe and attractive opportunities for imaginative and free play. With suitable conditioning and signposting safe and welcoming spaces can be created which do not require large amounts of expensive equipment.
- **Engagement** - Members will be consulted throughout the process and will be invited to join staff on walks around the clusters to discuss options and suggestions. When appropriate local schools and youth provisions will be engaged for opinion and design ideas.

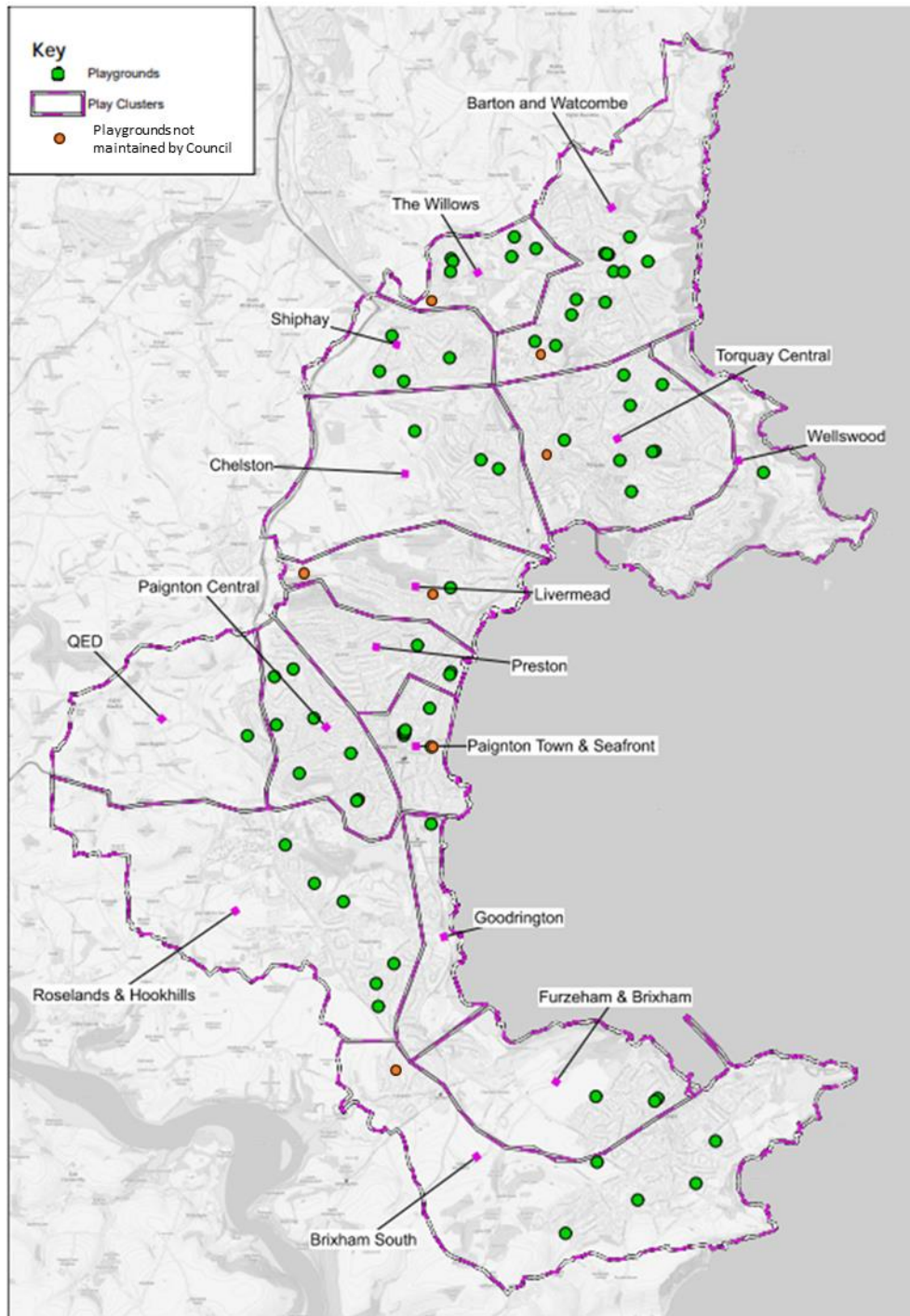
- **Clear Priorities** – using socio-economic data and play area specific risk, condition and play value information a priority list will be created to ensure available funding is allocated in the most appropriate and effective way.
- **Master Planning** – each site that will be retained, regardless of priority and available funding will be subject to a master plan to guide ad hoc replacement and maintenance actions to ensure they are in line with the overall strategy.
- **Safety and Reduction of Risk** – There are a number of play areas that have significantly deteriorated and are beyond end of life. The improvement strategy aims to create a safe play provision above all else so in some instances equipment will be removed without being immediately replaced.
- **Future Developments** – to be actively involved in discussions with developers to ensure Section 106 agreements and funding is in line with the overall strategy

### **Clusters**

Given the high number of play areas and nuances around each area the Bay has been divided into Clusters. The rationale for the clusters is based on the proximity and number of play areas and more importantly defined in area by the communities that are likely to use them as local assessable play spaces considering population density and major boundary factors such as main roads.

Analysing play provision on a cluster basis allows a more strategic approach to be taken; by looking at play areas in groups rather than individually a better overall picture of community play provision is achieved and improvements can be targeted to achieve overall quality above quantity improvements. The clusters will be used and considered to help inform prioritisation of investment and type of play area.

Map showing Clusters and Play Areas



## **Analysis and Priority**

Play areas have been assessed and scored against the following criteria to provide an evidence based approach to understanding the areas presenting the greatest risk and opportunity for improvement against the key principles of the vision and strategy

**Condition** All of the play areas have been inspected by qualified staff and an assessment made of the current condition in terms of age, appearance, structural condition, wear levels in moving parts and quality/condition of safety surfacing.

**Play Value** Based on Play England criteria this assessment looks at the type of variety of play functions within the play area and how much opportunity it offers for children to enjoy the experience. It is not necessarily reflective of the amount of equipment and in some cases natural play areas with low levels of equipment can score highly.

**Risk** Created using the 2025 annual external inspection reports this provides an indication of the level of risk and liability for the Council.

**Deprivation and Age** Using census data these score provide information around the level of population below 15 and the Multiple deprivation Index level

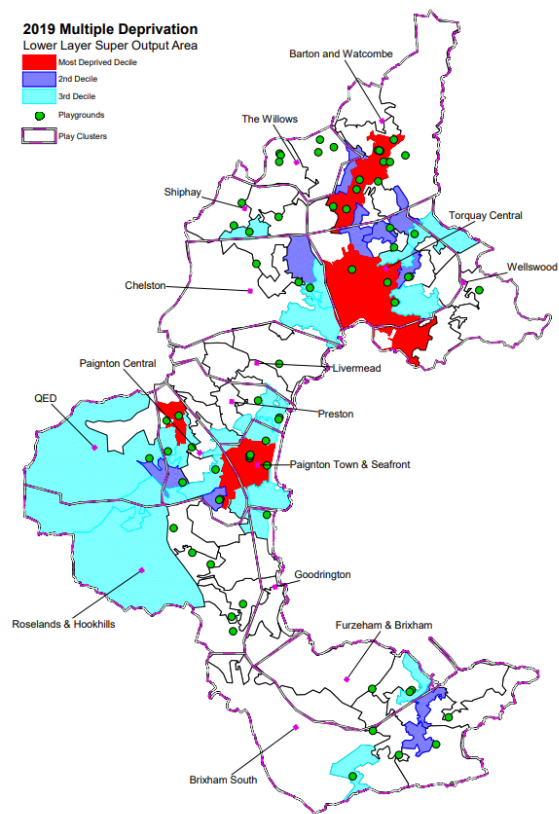
Scores for all criteria are from 1 – 5 with 5 being the most positive

Table of overall scores ranked in priority order

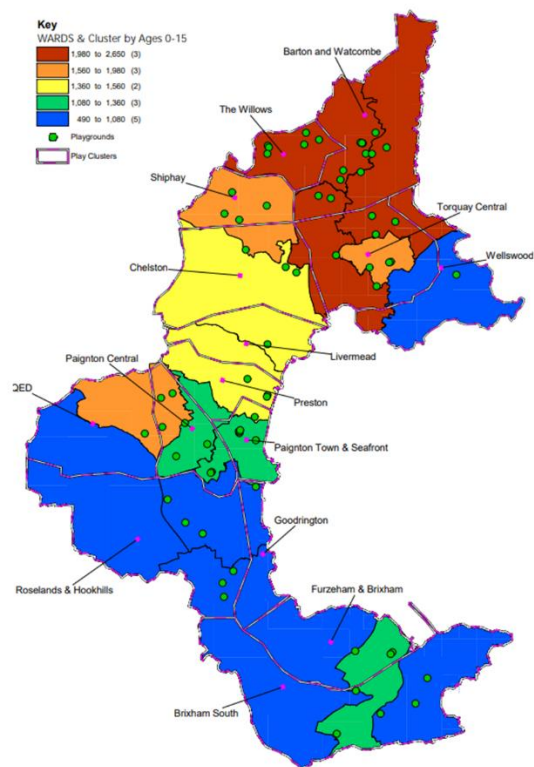
CLUSTER	Number of Play Areas	Average Play Value	Average Condition Score	Average Risk Score	Deprivation Score	Age Score	TOTAL
Barton & Watcombe	12	2.5	2.3	2.1	1	1	8.9
Torquay Central	13	3.1	2.7	2.2	1	1	10
Shiphay	4	1.8	2.3	2.5	3	2	11.6
Chelston	3	2.7	2.7	2	2	3	12.4
Paignton Central	7	3	2.7	2.3	1	4	13
QED	1	3	3	3	2	2	13
Paignton Town & Seafront	2	3	1.5	3.5	1	4	13
Willows	6	3.2	3.2	2.3	4	1	13.7
Livermead	1	3	2	2	4	3	14
Preston	3	3.3	2.7	3	3	3	15
Wellswood	1	3	2	1	4	5	15
Brixham South	6	2.7	3.3	3	2	4	15
Roselands & Hookhills	6	2.5	2.5	2	3	5	15
Goodrington	1	3	3	2	3	5	16
Furzeham \ Brixham	3	3.3	3	3.3	4	4	17.6



## Map showing Clusters and Multiple Deprivation Index



## Map Showing Play Areas and population between 0 – 15 years of age



## **Next Steps**

It is proposed that Members are offered the opportunity to attend a programme of site visits to each cluster. The site visits will provide an opportunity to brief Members on the general issues associated with play and the need for a strategic plan, highlight and agree mitigation for the immediate risks and to discuss and agree a suitable way forward in terms of improving and rationalising the play provision within the cluster. Within some there clusters there are play areas with exceptional and outlying scores which potentially require urgent attention not necessarily in line with the overall cluster score

The results of these visits can then be master planned, costed and on a priority basis a programme of work can be delivered to the value of the available funding. Furthermore, the improvement strategy will provide an indication for the level of future funding required and a guide for future improvements.

Where suitable and required, designs for new equipment and play areas can be shared with the local community for opinion and preference.

It is proposed that the programme of site visits be complete by end of June (see appendix one) with results and master planning being available by the end of July. This timeline would allow procurement and installation of new equipment and play areas to be carried out to be complete for spring 2026.

## Appendix 1 Proposed Dates for Cluster Visits

CLUSTER	Meeting Place	Date	Time
Barton & Watcombe	Starpitan Green	21.5.25	5.30 - 7
Torquay Central	Ellacombe Park	4.6.25	5.30 – 7
Shiphay	Shiphay Park	14.5.25	5.30 - 7
Chelston	Shiphay Park	14.5.25	5.30 - 7
Paignton Central	Victoria Park PGN	28.5.25	5.30 - 7
QED	Victoria Park PGN	28.5.25	5.30 - 7
Paignton Town & Seafront	Preston Green	3.6.25	5.30 - 7
Willows	Starpitan Green	21.5.25	5.30 - 7
Livermead	Preston Green	3.6.25	5.30 - 7
Preston	Preston Green	3.6.25	5.30 – 7
Wellswood	Stoodley Knowle	10.6.25	5.30 - 7
Brixham South	Furzeham Green	27.5.25	5.30 - 7
Roselands & Hookhills	Youngs Park	11.6.25	5.30 - 7
Goodrington	Youngs Park	11.6.25	5.30 - 7
Furzeham \ Brixham	Furzeham Green	27.5.25	5.30 - 7

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**Meeting:** Overview and Scrutiny Board/Cabinet

**Date:** 7 and 13 May 2025

**Wards affected:** All Wards

**Report Title:** Housing policies

**When does the decision need to be implemented?** May 2025

**Cabinet Member Contact Details:** Councillor Alan Tyerman, Cabinet Member for Housing and Finance, alan.tyerman@torbay.gov.uk

**Director Contact Details:** David Carter, Interim Director of Regeneration,

## 1. Purpose of Report

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1.1. The report seeks approval to adopt the following housing policies as Council policies which is needed following the transfer of housing stock from TorVista:

- Tenancy Policy
- Damp and Mould Policy
- Complaints Policy
- Lettings Policy
- Tenant Involvement Policy
- Rent arrears and debt recovery Policy
- Right to Buy Policy
- Minimum lettable Standard

## 2. Reason for Proposal and its benefits

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2.1. The proposal in this report is to consider the various housing policies that will provide a robust governance framework around the management of the Councils housing stock following the transfer of housing from TorVista Homes to Torbay Council and make recommendations to the Cabinet.

## 3. Recommendation(s) / Proposed Decision

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1. That the Overview and Scrutiny Board recommend to the Cabinet:

- 1.1 that the housing policies set out in Appendices 1 to 8 of the submitted report be adopted by Torbay Council, and the Director of Regeneration be given delegated authority, in consultation with the Cabinet Member for Housing and Finance, to review the policies and make changes as appropriate and in line with any changes to legislation.
- 1.2 that the general limitations within the Officer Scheme of Delegation in relation to property disposals does not apply in relation to the Right to Buy Policy and the Director of Finance be given delegated authority to dispose of property in accordance with the Right to Buy Policy.

## 4. Appendices

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Appendix 1: Tenancy Policy  
Appendix 2: Damp and Mould Policy  
Appendix 3: Complaints Policy (housing)  
Appendix 4: Lettings Policy  
Appendix 5: Tenant Involvement & Empowerment Policy  
Appendix 6: Rent arrears and debt recovery Policy  
Appendix 7: Right to Buy Policy  
Appendix 8: Minimum Lettable Standard

## 5. Background Documents

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Housing Ombudsman Complaint Handling Code became statutory on 1 April 2024 meaning landlords are legally obliged to follow its requirements. The Complaints Policy (housing) has been updated to follow this Code. Any complaints relating to Temporary Accommodation will be dealt with under Torbay Council's Complaints Policy.

The Damp and Mould Policy has been reviewed to include the proposed changes set out by the Housing Ombudsman under Awaab's Law. The Government has announced that they will be implementing this law from October 2025. This policy also includes Torbay Council's Temporary Accommodation.

Right to Buy Policy has been completed following Government guidelines: [Right to Buy: buying your council home: Overview - GOV.UK](#)

Minimum Lettable Standard document has been compiled in line with the decent homes standard as set out by Government guidelines: [Decent Homes Standard: review - GOV.UK](#)

## Supporting Information

### 6. Introduction

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- 6.1 These policies, with the exception of the revised Lettings and Right to Buy policies, have previously been approved by TorVista Homes Board. They incorporate all legislative and compliance requirements and provide a robust and transparent Governance framework for the Councils housing stock.
- 6.2 Temporary Accommodation properties are now incorporated within the Damp and Mould Policy. The intention is, where applicable, for these policies to incorporate all of the Councils housing stock, including temporary accommodation. This will ensure consistency and work is underway to include these. In the meantime the temporary accommodation stock has their own procedures in place.

### 7. Options under consideration

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- 7.1. Not applicable

### 8. Financial Opportunities and Implications

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- 8.1. The Right to Buy policy is written in accordance with legislation. However, due to the prescriptive way in which a Right to Buy is carried out there is the potential that a disposal in this way could have a financial impact on the Council.

### 9. Legal Implications

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- 9.1. All policies take account of guidance, legislation and compliance obligations as set out by the Regulator for Social Housing

### 10. Engagement and Consultation

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- 10.1. Service departments have been engaged with in terms of the allocation of these properties and the ongoing maintenance arrangements.

### 11. Procurement Implications

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- 11.1. Not applicable

### 12. Protecting our naturally inspiring Bay and tackling Climate Change

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- 12.1. Not applicable

## 13. Associated Risks

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- 13.1. The risks are mainly linked to the Council not having appropriate policies in place. This would create uncertainty and inconsistency at an operational level.



## 14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
<div>Age</div> <div>Page 25</div>	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Safe, secure and affordable accommodation is vital to ensure wellbeing. This is key as people tend to experience increased fragility as they age.</p> <p>It is recognised that paying fees and charges may be difficult for some pensioners due to high levels of poverty within this demographic. Furthermore, some pensioners may difficulty accessing financial wellbeing information due to the societal shift to ‘digital first’ models of service delivery.</p> <p>Safe, secure and affordable accommodation is also important for children and young people to ensure that they can reach their potential.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis</p>	<p>Pride in Place</p> <p>Rent Arrears and Debt Recovery policy promotes a payment culture, early intervention when arrears occur and signposting to relevant agency.</p>

			<p>which is provided by Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></p>	
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>Safe, secure and affordable accommodation is vital to ensure wellbeing.</p> <p>It is recognised that paying fees and charges may be difficult for some carers due to higher levels of poverty within this demographic.</p> <p>However, it is recognised that people with caring responsibilities are more likely to experience financial hardship.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></p>	Pride in Place

Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>Safe, secure and affordable accommodation is vital to ensure wellbeing.</p> <p>It is recognised that people with disabilities and in particular learning disabilities face increased vulnerabilities when compared to the wider population.</p> <p>It is recognised that paying fees and charges may be difficult for some people with disabilities due to higher levels of poverty within this demographic.</p> <p>It is also recognised that those with some mental health conditions may find applying for financial support daunting.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council.</p> <p><u><a href="#">Help with the cost of living - Torbay Council</a></u></p>	Pride in Place
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth.	There is no differential impact anticipated.	Not applicable	Not applicable

	This proportion is similar to the Southwest and is lower than England.			
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.	Not applicable	Not applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.	Not applicable	Not applicable
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst	It is recognised that people who are from black, Asian or minority ethnic backgrounds are more likely to experience financial hardship.	We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.  Information about charges and fees will be clearly communicated to	

	the 20% most deprived areas in England.		<p>tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council, this includes links for benefit and finance advice, housing and homelessness.</p> <p><u><a href="#">Help with the cost of living - Torbay Council</a></u></p>	
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.	Not applicable	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	It is recognised that families and households headed by females are more likely to experience financial hardship and be on lower income and thus, experience homelessness.	We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.	Pride in Place

			<p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></p>	
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact		Not applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	Veterans often suffer complex physical and/or mental medical conditions resulting from their service experiences.	We will work in a person centred and trauma informed manner alongside other Council departments to ensure	Pride in Place

	<p>5.9 per cent of the population have previously served in the UK armed forces.</p>	<p>Torbay Council is committed to working with Veterans under the Localism Act.</p>	<p>that individual needs are met.</p> <p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council. Help with the cost of living - Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></p> <p>We will also signpost to appropriate organisations providing support to the armed forces community.</p>	
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Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Torbay Council set rents in accordance with the Rent Standard set by the Government. Rents are capped at the Local Housing Allowance rate.	That we take steps under this policy to support this.	Pride in Place
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact anticipated	Not applicable	Not applicable
Human Rights impacts		There is no differential impact anticipated	Not applicable	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact anticipated	Not applicable	Not applicable



## 15. Cumulative Council Impact

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15.1. None

## 16. Cumulative Community Impacts

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16.1. None

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# Tenancy Policy

November 2024

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## 1. Version control

Date	Details	Updated by
November 2024	V1	
February 2025	V2	Anita Merritt

## 2. Overview

---

Torbay Council acknowledges its role in meeting housing need. We are committed to letting our properties in a fair, transparent and efficient way, in line with our Lettings Policy. We will meet all statutory and legal requirements that are applicable to us as a landlord.

Torbay Council is a social landlord with its own housing stock; therefore, we are required to have a Tenancy Policy.

Torbay Council will review this policy every three years, however; we may carry out a review earlier than this if legislative, regulatory, or other strategic changes which would have an impact on any element of this policy.

All TorVista Homes tenants on an Assured tenancy will be transitioned to a Secure tenancy, following the transfer of their home ownership to Torbay Council, and on completion of an Introductory Tenancy, where applicable.

As well as addressing issues regarding tenancy and tenure type, this Tenancy Policy also sets out how Torbay Council deals with applications for succession following the change in law brought about by Localism Act 2011.

## 3. Policy Statement

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This policy aims to ensure that:

- Sustain communities where people want to live
- Prevent homelessness
- Meet the requirements set out by the regulator
- Households can be moved from properties which are no longer suitable for their needs
- Tenants will be helped to sustain their tenancies, but where problems occur, particularly at the start of the tenancy, action can be taken quickly to either change the behaviour, or, failing that, the tenancy can be ended and the property offered to someone else
- Tenancy fraud is identified and tackled
- Work with our local authority partners in delivery of their strategic objectives

## 4. Tenancy type

---

In line with our Lettings Policy, Torbay Council offers tenancies that meet statutory and legal requirements.

No one will be offered a tenancy that is any less secure than that which they already hold.

We will grant secure tenancies to existing social housing tenants who are transferring or moving from another organisation that offers fixed term or Assured tenancies.

All new tenants who have not held a social housing general needs tenancy directly before signing a tenancy agreement with us will be offered a 12-month Introductory Tenancy (with the ability to extend for a further 6 months).

We will review all Introductory Tenancies in advance of the end date to consider if a Secure Tenancy should be offered. Torbay Council will give notice of this decision in writing explaining the basis for this decision. If the starter tenancy has been satisfactorily maintained, it will automatically convert to a Secure Tenancy.

We will consider:

- How the tenant has conducted the tenancy. We are committed to raising issues of concern directly with tenants in a timely manner; therefore, the tenant will be aware of any breaches that we will be taking into account
- Whether there is any under occupation or overcrowding
- If there are any special features or adaptations in the property and whether anyone living in the property requires these; and
- Any significant changes in the household's financial circumstances.

We would not normally convert to a Secure Tenancy at the end of the starter period if:

- There has been a serious breach of the existing tenancy – the tenant will have been alerted to this at the time that the breach occurred.
- We have identified and substantiated any tenancy fraud.
- The review highlights issues which would justify not offering a further tenancy.
- The tenant has not engaged with the review process (the exception would be if we are aware that the tenant is vulnerable or aware of other valid reasons).

If Torbay Council decide not to convert an introductory tenancy, the tenant has a right to ask for a review of this decision. The tenant should make their request in writing within 14 days of being informed of the decision. We can accept requests for reviews from support and advocacy bodies provided they can provide written authority from the tenant confirming their instructions. The request must set out why they feel the decision is not justified.

A relevant manager not involved in the original decision to extend or end the tenancy will review the decision to check:

- Any information provided by the tenant
- Any evidence to support the original decision is adequate
- That the starter tenancy/probationary period review procedure has been correctly followed
- That the decision is proportionate, taking into account the needs of the individual, the needs of the community and any perceived risk to Torbay Council.

If we are giving a tenant notice, we will:

- Explain the reasons why.
- Serve the relevant notice
- Offer general advice and signpost them to other relevant agencies including the Housing Options team at Torbay Council.
- The tenant will have the right to appeal via our complaint's procedure.

Non-secure Tenancies - Tenants housed under the Next Steps Accommodation Programme (NSAP) criteria will have a non-secure tenancy. These tenancies do not have the same security of tenure or rights as secure tenants.

Temporary Accommodation - This Policy does not apply to accommodation provided by the Council to meet its duties to homeless households. Temporary Accommodation is exempt from the Protection from Eviction Act and occupants do not have the same legal rights as those occupying a property as a tenant.

## 5. Succession

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In certain circumstances, tenants may have the right to assign their tenancy to another person who would be entitled to succeed on a tenant's death. This request must be put in writing and comply with the conditions of the tenancy agreement.

There can only be one assignment by law and that can only be made to a person who would qualify as a successor to the tenancy.

People entitled to succeed:

- If you are a joint tenant and you die, then the tenancy may continue in the name of the remaining tenant.
- If you are not a joint tenant and you die, the tenancy may pass to your wife, husband, civil partner or partner provided he or she lived with you in your home as their principal or only home at the time of your death.
- If you are not a joint tenant and you do not have a wife, husband, civil partner or partner who lived with you in your home as their principal or only home immediately prior to your death, the tenancy may pass to a member of your family who lived with you in your home (as their principal or only home) for at least 12 months prior to your death.

## 6. Mutual Exchange

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Torbay Council recognises that tenants may want to move for a variety of reasons, including under occupation, overcrowding, for work, access to services or to be nearer family or support networks. We will provide general advice / facilitate access to Mutual Exchange services and signpost tenants to other agencies who can offer support with Housing Options. Introductory tenancies do not qualify for Mutual Exchanges.

Mutual Exchange is where one or more social tenant legally swaps their tenancy with another social tenant. The person transferring the tenancy is the 'assignor' and the tenancy is transferred to the 'assignee'.

The assignment means the assignee becomes the tenant of Torbay Council under the same tenancy agreement.

Under the Localism Act if at least one of the tenants has a secure tenancy which began before April 2012 and at least one of the tenants is on a flexible tenancy, then such exchanges must be done by surrender and granting of new tenancies.

In these circumstances, we will grant the tenant whose secure tenancy predated April 2012 a secure tenancy. This will ensure that existing tenants (before April 2012) retain similar security of tenure to that of their original tenancy.

As a landlord we can still refuse an exchange of this nature (Schedule 3 of the Housing Act 1985). We have 42 days to make that decision.

## 7. Assignments

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Requests for assignments will be considered in line with current legislation which sets out when a secure tenancy can be assigned. The three circumstances are:

- i) Assignment by way of mutual exchange
- ii) Assignment following an order of the Court made in certain Matrimonial, Civil Partnership or Children Act Proceedings.
- iii) Assignment to a potential successor to the tenancy following the death of the tenant.

## 8. Direct Matches

---

All allocations will be made through the choice-based lettings scheme – Devon Home Choice. This operates independently from Torbay Council.

In exceptional circumstances, Torbay Council has the discretion to allocate our own stock outside of the Devon Home Choice policy.

The Next Steps Accommodation Programme (NSAP) - these properties are let via direct referrals from the relevant agencies.

## 9. Vulnerable tenants

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Vulnerable tenants are those that are:

- At risk of being harmed, physically, mentally and/or emotionally
- Need support or protection because of their age, disability or other characteristics
- Risk of neglect or abuse

Torbay Council will ensure that these tenants are not affected in a negative way by this policy by:

- Communicating with them in an appropriate way
- Where necessary provide information in a different format
- Where permission is in place we will liaise with friends or family or other advocates

- Where we need to take tenancy action we carry out a proportionality assessment because the behaviour could be linked to a vulnerability
- Where we have permission we will refer that tenant on for further support
- Where we have permission we will liaise with other agencies, unless the risk negates the need of consent under our Safeguarding Policy

## 10. Tenancy Fraud

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As part of our lettings process Torbay Council will check identification and this is to be held on the tenant's personal electronic file.

If a tenant has fraudulently obtained the property (based on misinformation) we will take action to end the tenancy.

Our tenancy agreement will set out the requirement for the tenant to live in the property as their only or principal home and their obligations and the restrictions in terms of subletting and assignment.

During routine visits to our properties, we do check who is occupying the premises.

Where appropriate and in accordance with the law we will cooperate with other agencies where tenancy fraud is suspected.

## 11. Regulatory code and legal framework

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In observing this policy, Torbay Council will comply with all the legal and regulatory expectations outlined in the Regulator of Social Housing's Tenancy Standard.

## 12. Review

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The Director of Regeneration will review this policy every three years unless there are any changes to legislation in the meantime.

## 13. Equality and Diversity Statement

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Torbay Council is committed to promoting equality and inclusion and to ensuring that our communities thrive. We complete equality impact assessments (EIAs) to help us understand the possible impacts that our decision may have on different groups. This toolkit guides you through the different stages of the equality impact assessment process to help ensure that your EIA is meaningful and robust.

The Equality Act 2010 provides legal protection from discrimination across nine 'protected characteristics' which are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and marriage and civil partnerships.



Under the Act, the Council is subject to the Public Sector Equality Duty (PSED) which means that we must take steps to actively promote equality. The PSED requires public authorities to have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not, and

Foster good relations between people who share a protected characteristic and those who do not.

The PSED requires us to give 'due regard' to equality when making decisions and delivering services. This is to ensure our actions actively promote equality and do not directly or indirectly adversely affect people with protected characteristics.

## Equality Impact Assessment

The Council has a public sector duty under the Equality Act 2010 to have ‘due regard’ to equality and to advancing equality of opportunity between those persons who share a relevant protected characteristic and persons who do not share it. The Act also seeks to eliminate discrimination, harassment and victimisation and promote cohesion. It is important that you carefully and thoroughly consider the different potential impacts that the decision being taken may have on people who share protected characteristics.

It is not enough to state that a proposal will affect everyone equally. There should be thorough consideration as to whether particular groups or individuals are more likely to be affected than others by the proposals and decision. Please complete the table below. If you consider there to be no positive or negative impacts state ‘there is no differential impact’.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Torbay Council has signed up for advertising our units of social housing via Devon Home Choice, the choice-based lettings scheme for Devon. We do not keep a ‘housing list’. We work in line with the legal and operational requirements of Devon Home Choice, and they operate independently from Torbay Council.</p> <p>Any age restrictions on properties advertised on Devon Home Choice will be clearly indicated and filtered meaning those in the inappropriate age bracket will</p>	<p>Work in line with Devon Home Choice procedures and policies when it comes to shortlisting successful applicants</p> <p>Devon Home Choice Policy v12.6 22nd November 2024.pdf</p>	Pride in Place

		not be able to bid on age restricted properties. Presently Torbay Council operate no age restricted properties.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact anticipated.	Not Applicable.	Not Applicable
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>Torbay Council's housing stock may not be suitably adapted (e.g., top floor flat with no lift) and there are legal reasons that the accommodation cannot be adapted (a communal stairwell is not suitable for a stairlift for example, as it is at risk of limiting or blocking residents escape route) for persons with a disability affecting their mobility.</p> <p>Torbay Council's housing stock may also not be suitable for those with disabilities affecting sensory function. In these instances, Torbay Council will work with Occupational Health to investigate if adaptations can be made.</p>	Where possible work with Adult Services and Occupational Therapy upon customer securing a successful bid on Devon Home Choice to discuss possible adaptations to social housing before an offer is made or refused.	<p>Pride in Place</p> <p>Adult Services</p> <p>Occupational Therapy</p>

		<p>Torbay Council has signed up for advertising our units of social housing via Devon Home Choice, the choice-based lettings scheme for Devon. We do not keep a 'housing list'. We work in line with the legal and operational requirements of Devon Home Choice, and they operate independently from Torbay Council.</p> <p>In line with Devon Home Choice policies, shortlisting will be made to those bidding, in order of preference in need of that adaptation (e.g., Step Free Access or Wet Room, stair lift).</p>		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact anticipated.	Not Applicable	Not Applicable

Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact anticipated.	Not Applicable	Not Applicable

Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		In line with Devon Home Choice guidelines: Some households with rent arrears owed to social or private landlords may be excluded from bidding on Devon Home Choice.  Torbay Council require one month's rent in advance from all tenants. In such instances where the tenant is offered a property and	Work with the household to determine whether an arrears payment plan in place and adhered to. This should also be discussed with the current housing provider for verification purposes.	Pride in Place

		has no such funds we will work with the household and signpost them to various departments who may be able to assist with rent in advance or a Discretionary Payment.	Signpost to other council departments such as Housing Options, Welfare Support or Benefits (to be considered for Discretionary Housing payment depending on the circumstances of the arrears/urgency of the move).	
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact anticipated.	Not Applicable	Not Applicable
Human Rights impacts		There is no differential impact anticipated.	Not Applicable	Not Applicable
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	<p>Torbay Council takes its responsibility towards care experienced children and young people seriously.</p> <p>Torbay Council also understand that care experienced young people moving into their own social housing accommodation may be at greater risk of abuse or exploitation.</p>	Torbay Council will ensure there is support available for care experienced young people coming into their homes. They will ensure there is a plan in place for support and ongoing guidance.	<p>Pride in Place</p> <p>Children's Services</p> <p>Young Devon</p>

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# Damp & Mould Policy

November 2024

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## 1. Version control

Date	Details	Updated by
Feb 2023	V1	Anita Merritt
November 2024	V2	Kelly Kinnair
January 2025	V3	Lianne Hancock

## 2. Policy Statement

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This Policy is to ensure that Torbay Council complies with relevant legislation (specifically the Landlord and Tenant Act, 1985, Housing Health and Safety Rating System within the Housing Act 2004 and Decent Homes Guidance and the Social Housing Reform Act 2023)

## 3. Scope

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This policy applies to all residential properties owned or managed by Torbay Council, including general needs housing, Next Steps Accommodation Programme (NSAP) and temporary accommodation residents.

Torbay Council acknowledges that it has responsibilities contained in the tenancy agreement and legislation. These include maintaining the exterior of our homes in good repair such as drains, gutters and roofs and keeping heating systems in good repair and working order.

Tenants also have responsibilities in the tenancy agreement to look after their home and our approach is to work in partnership with tenants to be able to provide and maintain dry and energy efficient homes.

The main aim is to manage reports of damp and mould or contributing factors (such as condensation) in a proactive way. This will be by the completion of reactive repairs, planned works or by providing advice to tenants on measures they can take to help manage damp and mould through changes to the way they use their home.

To provide tenants with the information they need to work their heating and hot water systems efficiently; along with information to help them to minimise condensation.

## 4. Responsibility

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Torbay Council are responsible for making sure that our homes are fit to live in and maintained in accordance with the tenancy agreement, regulatory requirements and legislation.

We will investigate to determine the cause of damp, condensation and mould and carry out remedial repairs and actions in accordance with the tenancy agreement and repairs policy.

Tenants are responsible for ensuring that no damage occurs to their home as per the tenancy agreement. Tenants will be provided with information and guidance on minimizing condensation in their home.

## 5. Definitions and responsibility for damp, mould and condensation

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There are three main categories of damp:

**Penetrating damp:** This occurs if water (rainwater or otherwise) is coming in through a wall or roof, (for example, under a loose roof tile) or through cracks. It can be identified by:

- Discoloration of internal walls or ceilings.
- The presence of tidemarks or salt deposits.
- Blown or blistered plaster.
- Rusted nails in skirting boards and floor timbers.
- Random damp patches to walls and ceilings (at any height) may appear and severe mould on internal walls and window frames may be present.

**Rising damp:** This is extremely rare and on most occasions mis diagnosed from the effects of other sources of dampness. It is believed to occur where there is a problem with the damp proof course (DPC). Rising damp results in bricks becoming porous and means water will flow up from the ground level and be carried up through the brickwork by capillary action. This will transfer moisture from wet bricks to dry ones. Like penetrating damp, rising damp usually leaves a tide mark.

**Condensation damp:** Condensation occurs when moisture held in warm air comes into contact with a cold surface and then condenses producing water droplets. This can take two main forms:

- Surface condensation arising when the inner surface of the structure is cooler than the room air.
- Condensation inside the structure (interstitial) where vapor pressure forces water vapor through porous materials (e.g. walls), which then condenses when it reaches colder conditions within the structure.

The conditions that can increase the risk of condensation are:

- Inadequate ventilation e.g. natural opening windows and trickle / background vents and mechanical extraction in bathrooms and kitchens.
- Inadequate heating e.g., undersized boilers and radiators, draught stripping.
- Inadequate thermal insulation e.g. Missing or defective wall and loft insulation.
- High humidity e.g. presence of rising and penetrating damp.
- Poor building design and construction – specific cold areas (bridging) which are integral with the building construction.

Conditions that can lead to condensation are:

- Poor ventilation – not opening windows, blocking up vents not turning on extract fans, not allowing air to circulate around furniture.
- Poor heating – not heating the house which can be a result of fuel poverty.
- Defective insulation –dislodged insulation in lofts.
- High humidity - not covering pans when cooking and drying laundry inside the house can contribute to this.

- Overcrowding.

Mould is a natural organic compound that develops in damp conditions and will only grow on damp surfaces. This is often noticeable and present in situations where condensation damp is present.

Condensation usually happens during cold weather and appears on cold surfaces and places where there is little movement of air. For example, in corners of rooms, on or near windows, in or behind furniture. If left untreated, mould will begin to grow and spread.

## 6. Temporary Accommodation

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Torbay Council has a duty to provide temporary accommodation to some homeless households. The Council owns several units of accommodation which are used to meet accommodation duties to homeless households. Sometimes, due to demand on the Housing Options Service, the Council also spot purchases accommodation which is owned by another organisation.

The Temporary Accommodation Licence Agreement will specify who the landlord of the accommodation is. All cases of damp and mould or any of the 29 hazards defined in the Housing Health and Safety Rating System should always be reported to the Housing Options Team and not just the landlord of the accommodation provided.

Where Torbay Council is the owner of the accommodation or hold a lease on the property for the provision of Temporary Accommodation, the properties are visited regularly and inspections undertaken. Due to the high turnover in occupancy compared to a tenanted property proactive inspections are undertaken, where access can be gained under the licence agreement. Where necessary, the team will liaise with the landlord of the accommodation and ensure that this Policy and the Damp and Mould Procedure are followed.

## 7. Process

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When a report of damp, mould or condensation is received, Torbay Council will try to identify possible causes. Please refer to our Damp and Mould Procedure for timescales.

Some causes of damp and mould may be obvious, in these cases, remedial repairs will be ordered.

Where the cause is not immediately obvious, a Surveyor from Property Services may need to visit the home to carry out an inspection.

During these visits, findings will be recorded and where a report is produced, a summary of this will be provided to the tenant once this is available.

If the issue is identified as condensation-based, information and guidance will be provided to the tenant. This information will include a discussion on the possible causes of condensation and some solutions that may help.

If the issue is identified as building related, the remedial works will be identified and scheduled.

If damp still exists, a Specialist Contractor will be instructed to identify the cause.

While dealing with the issues regarding damp or mould a good relationship needs to be maintained with the tenants involved to ensure they are fully informed of the process, timescales and outcomes.

If any remedial repairs or major structural repairs, refurbishments or improvements are required to the property, we would need to consider the risk to the wellbeing of the household, should they remain in occupation. It maybe that alternative accommodation arrangements will need to be made. This may be on a day by-day basis or a temporary decant to an alternative property. The tenant will be supported through this process to find suitable accommodation.

An inspection will be undertaken six months after any works are completed to ensure the issue has not returned.

## 8. Legal & Regulatory Requirements

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Torbay Council will comply with relevant legislation and regulation, including:

Housing Act 1985

Homes (Fit for Human Habitation) Act 2018

Landlord and Tenant Act Section 11 – Repairs and Maintenance

Housing Act 2004 – Housing Health and Safety Rating

Decent Homes Standard

Social Housing Reform Act 2023

## 9. Appeals

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Any tenant who is not satisfied with our approach to assessing and managing their damp and mould concerns can make a formal complaint.

If the tenant is dissatisfied with actions and decisions made under this policy, it will be dealt with under our Complaints Policy.

## 10. Equality and Diversity

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Torbay Council is committed to promoting equality and inclusion and to ensuring that our communities thrive. We complete equality impact assessments (EIAs) to help us understand the possible impacts that our decision may have on different groups. This toolkit guides you through the different stages of the equality impact assessment process to help ensure that your EIA is meaningful and robust.

The Equality Act 2010 provides legal protection from discrimination across nine 'protected characteristics' which are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and marriage and civil partnerships.

Under the Act, the Council is subject to the Public Sector Equality Duty (PSED) which means that we must take steps to actively promote equality. The PSED requires public authorities to have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not, and

Foster good relations between people who share a protected characteristic and those who do not.

The PSED requires us to give 'due regard' to equality when making decisions and delivering services. This is to ensure our actions actively promote equality and do not directly or indirectly adversely affect people with protected characteristics.

## 11. Monitoring, record keeping and review

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We will monitor this policy to ensure it continues to meet good practice and current legislation. We will review it in accordance with our policy timetable for all policies, or in line with changes to Legislation.

Records on information from conversations, emails, letters, inspections and out outcomes will be kept on our information management system.

## Equality Impact Assessment

The Council has a public sector duty under the Equality Act 2010 to have ‘due regard’ to equality and to advancing equality of opportunity between those persons who share a relevant protected characteristic and persons who do not share it. The Act also seeks to eliminate discrimination, harassment and victimisation and promote cohesion. It is important that you carefully and thoroughly consider the different potential impacts that the decision being taken may have on people who share protected characteristics.

It is not enough to state that a proposal will affect everyone equally. There should be thorough consideration as to whether particular groups or individuals are more likely to be affected than others by the proposals and decision. Please complete the table below. If you consider there to be no positive or negative impacts state ‘there is no differential impact’.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Safe and secure accommodation is vital to ensure wellbeing. This is key as people tend to experience increased fragility as they age.</p> <p>Children with developing immune systems can suffer lasting consequences of exposure to these pollutants during childhood. As we age our immune systems weaken making elderly people vulnerable to exposure to damp and mould.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>We will ensure our policies and processes are made available to all residents, and we will ensure that we work in line with the ‘The</p>	<p>Pride in Place</p> <p>Housing Standards</p> <p>Environmental Health</p>

		<p>Any person with underlying respiratory or heart conditions, or anyone who is immunocompromised can suffer the consequences of exposure to damp and mould.</p> <p>Repeated exposure to damp and mould can still lead to health problems in adults without underlying health problems.</p>	<p>Safety and Quality Standard' from The Regulator of Social Housing, which requires landlords to provide safe and good-quality homes for their tenants, along with good-quality landlord services.</p>	
<p>Carers</p> <p>Page 56</p>	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>There is no differential impact anticipated.</p>		<p>Not Applicable</p>
<p>Disability</p>	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>Any person with underlying respiratory or heart conditions, or anyone who is immunocompromised can suffer the consequences of exposure to damp and mould.</p> <p>People with weakened immune systems or chronic lung illnesses are more likely to pick up serious infections from mould.</p>		<p>Pride In Place</p>



Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact anticipated.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact anticipated.		Not Applicable
Pregnancy and Maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	<p>Pregnancy brings about changes in the body that can make people sensitive to environmental factors like mould.</p> <p>Children with developing immune systems can suffer lasting consequences of exposure to these pollutants during childhood. As we age our immune systems weaken making elderly people vulnerable to exposure to damp and mould.</p>		<p>Pride in Place</p> <p>Housing Standards</p> <p>Environmental Health</p>

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact anticipated.		Not Applicable
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact anticipated.		Not Applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact anticipated.		Not Applicable
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact anticipated.		Not Applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have	There is no differential impact anticipated.		Not Applicable

	previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		<p>Damp and mould exposure can lead to a range of health issues or mental health issues which could lead to repeated work/school absences which can have economic implications.</p> <p>Damp and mould exposure can lead to additional pressure on the NHS.</p> <p>Damp and mould can be associated with fuel poverty.</p>		Pride in Place  Housing Standards  Environmental Health
Public Health impacts (Including impacts on the general health of the population of Torbay)		<p>Exposure to damp and mould can lead to public health impacts including respiratory issues, allergic reactions, mental health conditions, as well as (but not limited to) eye irritation, throat irritation and nasal stuffiness. People with weakened immune systems or chronic lung illnesses are more likely to pick up serious infections from mould.</p>		Pride in Place  Housing Standards  Environmental Health

Human Rights impacts		There is no differential impact anticipated.		Not Applicable
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact anticipated.		Not Applicable

# Complaints Policy (housing)

December 2024

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## 1. Version control

Date	Details	Updated by
December 2024	V1	Anita Merritt

## 2. Introduction

Torbay Council are committed to high standards of customer service. However, there may be occasions when we do not meet those high standards which we set for ourselves. We welcome feedback and we also take any form of complaint seriously. We will try wherever reasonably possible to resolve a complaint to the customer's satisfaction.

This policy explains how customers can make a complaint if they are not satisfied with our services and this applies to all customers of Torbay Council and to any managing agents or sub-contractors working with or on behalf of Torbay Council.

### 3. Definition of a complaint

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We define a complaint as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

We will aim to recognise what a complaint is from talking to a customer without them having to use the word complaint. We will give customers the choice of making a complaint or not.

A complaint can be made in the following way:

- In person
- Letter to: Tor Hill House, Union Street, Torquay
- Online: insert details when website finalised
- Email: [socialhousing@torbay.gov.uk](mailto:socialhousing@torbay.gov.uk)
- Telephone: 01803 201201
- Email or phone the Housing Manager or Housing Officer

Complaints will be accepted via a third party eg friend, family, neighbour or MP. These will be logged accordingly and this Complaints Policy followed.

### 4. When we will not accept a complaint

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We will accept a complaint unless there is a reason not to do so. The list below demonstrates what may not be considered a complaint but will be looked into on its own merits.

- A complaint that a contractor has turned up late to carry out a repair. We will contact the contractor immediately to find out the reason and feedback for a quick resolution. However, if the complaint is about the dissatisfaction of the repair itself then this will be logged and looked into under our Complaints Policy.
- Complaints about another neighbour will be passed on to the housing team to give advice on neighbour disputes.
- Issues regarding Anti-Social Behaviour (ASB) will be dealt with under our ASB policy. We will manage complaints about how we are handling the ASB process under this policy.
- Issues that occurred over 12 months ago but we will consider the circumstances around each complaint.
- Disagreement against a decision where there is already an appeal process in place i.e. lettings decision.

- We will consider the complaints made about dissatisfaction in surveys and these will be signposted accordingly.
- If legal action has begun regarding an issue and an application has already been lodged at Court.
- An issue that is already being investigated by other agencies i.e Police investigation, serious case review.
- A complaint already being dealt with by the Housing Ombudsman.
- Any complaint that is already being dealt with under our Complaints Policy unless there are ongoing issues related to the complaint or an MP or Housing Ombudsman has asked us to review the complaint.

If an issue raised falls under the above categories we will explain why it is not considered under the complaints process and advise them if there is an alternative method or how to contact the Ombudsman.

## 5. Complaint's procedure

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There is a two-stage complaint procedure in place which is dealt with within our Housing team.

We aim to deal with complaints quickly and where applicable offer an apology or resolution.

We will consider if the customer is vulnerable or at risk and follow other relevant policies to minimise any risks.

We will acknowledge complaints in a clear away setting out our understanding of the complaint and what the customer is seeking as an outcome.

A written answer to the complaint will be provided when known and not when the outstanding actions are due to be completed. Any outstanding issues or if a complaint requires an extension will be clearly set out to the customer.

Where additional complaints are raised during an investigation these will be included in the stage 1 response if they are related and if a response has not been finalised. If the stage 1 response has been issued and the new issues are not related these will be logged as a new complaint.

### **Informal - Quick resolution**

Where we receive negative feedback, a representative of Torbay Council will contact the complainant within 2 working days of their complaint being raised and will work to agree a suitable resolution in a mutually agreeable timeframe. The response is much quicker than a formal complaint as we will not normally carry out an investigation or send formal letters but will look to get the problem resolved as quickly as possible.

## **Formal Complaints**

Where we are unable to resolve a complaint through our quick resolution process, or a customer requests to make a formal complaint we operate a two stage formal complaints process:

### **Stage One**

When a complaint is made it must be acknowledged and logged within 5 working days of receipt.

We will let you know who will be dealing with your complaint and how to contact them.

We will investigate the complaint and provide a written response within 10 working days of receiving the complaint and will keep the complainant informed of the progress until resolution.

We will provide details of how to escalate to stage two if the customer is not satisfied with the response. This will then be dealt with by a senior member of staff.

If a complaint is made through a third party then the third party will receive an acknowledgement and a copy of the outcome letter.

### **Stage Two**

If a customer is dissatisfied with the outcome of the complaint review at stage one, the customer can make a request for their complaint to be escalated to stage 2 (appeal panel), within 15 working days of receiving the stage one response.

When a complaint is made it must be acknowledged and logged within 5 working days of receipt.

We will investigate the complaint and provide a written response within 20 working days and will keep the complainant informed of the progress until resolution.

We will let you know who will be dealing with your complaint and how to contact them.

Customers or those acting on their behalf will be allowed to speak to the complaint handler regarding any adverse findings from the outcome of stage one.

Stage two will be dealt with a senior member of staff that has had no previous involvement with the initial complaint therefore the review will be independent. This is the final stage of Torbay Council's complaints process for its social housing stock.

## **6. Taking your complaint further**

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If the complainant remains unhappy with Torbay Council's handling of their complaint once the complaints procedure has been exhausted they can refer their case directly to the Housing Ombudsman Service for an independent review.

Details of the Housing Ombudsman Service is available on their website: <http://www.housing-ombudsman.org.uk>



## 7. Learning from complaints

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Complaints and feedback will be promoted to our customers and staff as an opportunity to learn and make improvements to our service.

When something changes as a result of a complaint, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. This can include but is not limited to:

- Apologising
- Acknowledging where things where things have gone wrong and providing an explanation and or reasons
- Reconsidering or changing a decision
- Changing policies, procedure or practices

As a result of any fault being identified we will offer a remedy which will reflect the impact on the customer. This offer will set out what will happen, when and in agreement with the customer. This proposal will be followed through to completion.

The Overview & Scrutiny Board will receive quarterly reports about the volumes of complaints received, at which stage they were resolved, and any trends or themes within the complaints.

All staff will receive training on this policy and this will be ongoing through regular performance reviews.

## 8. Monitoring and Performance

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The Director of Regeneration is responsible for ensuring this policy is kept up to date, implemented within the organisation and monitored and evaluated.

This policy will be reviewed every three years or when there is a change in circumstances, in work practices or the introduction of new legislation.

## 9. Supporting policy

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Equality and Diversity Policy

## Equality Impact Assessment – Housing Complaints

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age  Page 66	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Torbay Council should ensure that the methods of submitting complaints remain accessible by enabling customers to report by various methods face to face, in writing or via Torbay Council's website. This is particularly relevant to ensure we capture concerns or complaints from harder to reach demographic groups (which often includes younger people), who tend to reach for their device rather than a pen and paper when they are unhappy with a service.</p> <p>Torbay Council should clearly advise that complaints are received via email, in person, in writing and over the telephone, to ensure they capture the needs of our</p>	<p>Sometimes Torbay Council's complainant may be an older person, or someone with limited ability (due to health issues e.g., dementia).</p> <p>Torbay Council need to ensure that correct support is put in place and that referral mechanisms are available to the relevant agencies, and when we are aware of health issues or limited capability in a household,</p>	<p>Pride in Place</p> <p>Adult Services</p> <p>Children's Services</p>

		older or more technology restricted demographic of customers.	that we have support in place even before a customer may need to complain.	
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>Some customers with learning difficulties, hearing or sight impairments or mental health issues may not understand how policies and procedures work. Torbay Council must ensure support is offered in all aspects of tenancy support, and all aspects of raising a formal complaint should the need arise.</p> <p>Torbay Council will work with Support Workers or appointed persons on behalf of the complainant if applicable. This ensures accessibility of the service as well as making any other reasonable adjustments where required (such as letters in alternate formats or specified methods of contact).</p>	<p>Regularly monitor customers contact preferences and update the case management system to this effect.</p> <p>Ensure appointed Support Workers or appointed persons remain relevant/updated.</p> <p>Ensure Torbay Council staff are up to date with relevant mental health training.</p>	<p>Pride in Place</p> <p>Adult Services</p> <p>Children's Services</p>

Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Pregnancy and Maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact anticipated.	Not Applicable	Not Applicable
Race	In the 2021 Census, 96.1% of Torbay residents described	Although it is expected there would be little or no impact (Torbay Council would	Torbay Council will ensure any language	Pride in Place

	<p>their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p>	<p>be aware of any language barriers upon the point of a tenancy being offered), it should be advised that assistance by way of an interpreter can be organised by prior arrangement.</p>	<p>barriers which could impact communication are noted on the case management software upon execution of the tenancy.</p> <p>Torbay Council will review complaints from persons who are not housing customers on a case by case basis.</p> <p>Torbay Council must ensure that provisions are in place before the landlord/tenant relationship is formally executed, and that this provision is ongoing.</p> <p>The housing management team should also ensure relevant departments, namely Revenues, are aware of any language</p>	<p>Communications Revenues</p>
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			barriers for the provision of invoicing/revenue collection.	
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact anticipated.	Not Applicable	
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact anticipated.	Not Applicable	
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact anticipated.	Not Applicable	
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact anticipated.	Not Applicable	

Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact anticipated.	Not Applicable	
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact anticipated.	Not Applicable	
Human Rights impacts		There is no differential impact anticipated.	Not Applicable	
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact anticipated.	Not Applicable	

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# Lettings Policy v5

March 2025

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## 1. Version control

Date	Details	Updated by
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<b>February 2021</b>	V1	Anita Merritt
<b>February 2022</b>	V2	Anita Merritt
<b>August 2024</b>	V3	Kelly Kinnair
<b>March 2025</b>	V4	Anita Merritt
	V5	Mike & Lianne

## 2. Policy statement

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Torbay Council will ensure that it lets its social housing properties in a fair and transparent way, whilst efficiently making the best use of its available housing. Lettings decisions are made that also support neighbourhood sustainability. In developing this policy Torbay Council has followed and fully considered the following:

Legislation:

- The Housing Act 1996, Part 6 as amended by the Homelessness Act 2002 and the Localism Act 2011
- The Housing Act 1996, Part 7 amended by the Homelessness Reduction Act 2017
- The Children Act 2004
- The Equality Act 2010
- The Domestic Abuse Act 2021

Statutory guidance:

- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”.
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”.
- Homelessness code of guidance for local authorities (February 2018).
- Improving access to social housing for members of the Armed Forces (MHCLG June 2020).
- Improving access to social housing for victims of domestic abuse (MHCLG January 2022)
- The Right to Move and social housing allocations (MHCLG March 2015)
- The Localism Act 2011 introduced significant amendments to Part 6 of the Housing Act 1996.

## 3. Scope

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This policy deals with all social tenancies that Torbay Council issues, except for Mutual Exchange, which has its own policy. Torbay Council aims to offer applicants a choice in where they live. This is achieved through the operation of a Choice Based Lettings system, Devon Home Choice (DHC) and, where appropriate, the allocation of homes through Direct Lettings.

There is high demand for accommodation, but a very limited supply of social housing. Whilst Torbay Council is committed to delivering new social homes, there will still be a large imbalance between the number of applicants seeking social housing, and the relatively low number of properties which are available. In this context, the allocations policy allows the Council to allocate

this scarce resource as fairly as possible. In developing the allocations policy, regard has been given to the Homelessness and Rough Sleeping Strategy and Housing Strategy.

The DHC Policy is a separate document which should be read in conjunction with this policy.

## 4. Policy aims

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This policy aims to allocate properties in a fair and transparent way. Torbay Council will allocate its vacant homes efficiently with the minimum loss of income by keeping re-let times to a minimum and in-line with the Equality Act.

The policy will respond to specific, local challenges by defining exceptions which are beyond the scope of the DHC policy. Torbay Council reserves the right to depart from any aspect of this policy where circumstances arise.

Any decision to depart from the policy will be taken by the Housing Manager.

## 5. Direct Let

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Where interventions and legal powers may not be adequate/appropriate, Torbay Council will consider rehousing customers outside of the choice-based lettings system. These allocations will only be approved when it meets Torbay Council's wider strategy. In these circumstances Direct letting will look to apply Torbay Council's own Local Connection Criteria. Circumstances which would be considered for approval include but are not limited to:

- Where a property is needed urgently to deal with an emergency
- Where in exceptional circumstances an offer is required to prevent the homelessness of an applicant who would otherwise be requiring temporary accommodation
- Serious harassment and/or victimization
- Targeted criminal or anti-social behaviour
- A victim of domestic abuse
- Where a property has been fully adapted/partially adapted and would meet the needs of an applicant/tenant needing that type of accommodation
- Serious detriment to a resident's health due to the type of accommodation
- Where a tenant is under-occupying a property and wishes to move to a smaller home because of affordability concerns.
- All applications would be assessed by the Housing Manager and agreed by their Line Manager on merit and would be supported by evidence, such as medical or Police reports. Tenants granted a management move will be made one offer of suitable accommodation.
- Homeless direct offer – applicants that are homeless and have been accepted under the relief or main duty:
  - May be made one suitable offer either within or outside Torbay Council, regardless of the areas requested by the applicant (unless the applicant(s) are fleeing in which

case only areas considered to be safe will be offered) in order to prevent or relieve homelessness successfully.

- Offered a property that is not going to be advertised through DHC, as temporary accommodation for an interim period, to relieve the pressure on temporary accommodation use. These properties would be offered on a licence agreement and not as a Part 6 offer.
- Torbay Council may be required by the Housing Options team to hold an empty property, until such time as any appeal has been reviewed and a decision made.

## 6. Local Letting Policies (LLPs) and Priority Bidding

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Local Letting Plans aim to achieve agreed objectives, such as minimising anti-social behaviour in certain areas or improving the success rate of integrating young or vulnerable people into general needs housing.

Local Letting Plans are developed on a locality basis to address the requirements of that specific area.

Local lettings may be used to (this is not an exhaustive list):

- Enable new schemes to be allocated to a mixture of tenants in order to develop a sustainable community
- Enable an existing community to become more sustainable, by encouraging more working families to move into the area.
- Enable applicants to return to an area where they have a local connection.
- When a property, advertised on DHC is subject to a local lettings scheme, this will be clearly stated in the advert. The local lettings policy will be available to view on the DHC website.

Priority Bidding: Torbay Council may advertise properties giving additional preference to specific groups. These specific groups are listed below:

- Allocations to existing Torbay Council tenants (transfers)
- Allocations to homeless applicants owed the main housing duty and living in temporary accommodation provided by the Council
- Allocations to applicants requiring adapted properties
- Preference to larger families if it is a 4 or 5 bedroomed property
- Preference to those over 55 years of age if the property was previously categorised as 'sheltered' or 'Extra Care Homes'
- Other specific groups of applicants, as determined by Torbay Council

## 7. Devon Home Choice

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DHC is a choice based letting scheme that is transparent, easy to use and accessible for all. It aims to manage expectations through regular published reports of housing allocations. The DHC policy sets out the fundamental principles upon which the scheme is based and forms the best

part of Torbay's allocation policy. Torbay Council coordinates DHC within Torbay and maintains the housing register for all partners operating within the area. For more information on the DHC scheme please visit: [Devon Home Choice](#)

## **Allocations**

For the purposes of Part 6 of the 1996 Act, a local authority allocates accommodation when it selects a person to be a secure or introductory tenant of accommodation held by that authority.

The following are not allocations under this policy:

- Succession to a tenancy on a tenant's death pursuant to s89 Housing Act 1985
- Assignment of a tenancy by way of mutual exchange
- Assignment of a tenancy to a person qualified to succeed to the tenancy on the tenant's death
- Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004
- An introductory tenancy becoming a secure tenancy
- A person being granted a family intervention tenancy
- Provision of non-secure temporary accommodation in discharge of any homelessness duty or power

## **Tenancy Types**

New tenants of Torbay Council will normally be offered an Introductory Tenancy for an initial twelve month period. In exceptional circumstances, it may be appropriate to grant a Secure Tenancy. Existing tenants of Torbay Council or another Registered Provider, who have been tenants for twelve months or more, will normally be offered a Secure Tenancy. This includes tenants who have successfully completed their Introductory tenancy.

## **Withdrawal of Properties**

Torbay Council reserve the right to withdraw properties from DHC at any time. For example, it is possible that some advertised properties may still be awaiting void inspections and may have to be withdrawn if it later becomes apparent that they require extensive maintenance works (major void).

## **Reasonable Preference**

The Housing Act 1996 as amended requires all Councils to give 'reasonable preference' in their allocations scheme to groups in high housing need, such as the homeless, people with medical or welfare needs, or those living in overcrowded, insanitary or unsatisfactory circumstances. The DHC application form incorporates questions to establish whether an applicant is in one of the reasonable preference categories. A full explanation of reasonable preference groups are listed in the DHC Policy - DHC Policy - Reasonable Preference [Devon Home Choice Policy v13.0 April 2025.pdf](#)

## 8. Eligibility for social housing with Torbay Council

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### Eligibility

Anyone over 16 years of age and over can apply to the housing register if they are eligible. However, this does not guarantee housing under the scheme, as, by law, there are defined groups of applicants who cannot be re-housed. An applicant's eligibility for the scheme will be assessed before access is given to complete an application. It may be necessary to provide evidence of eligibility during the process which will include at least 5 years of past housing history.

Applicants under the age of 18 will only be considered with a guarantor. Upon their 18th birthday they will be required to sign a tenancy agreement. Under the Housing Act (1996) as amended by the Homelessness Act 2002 and the Localism Act (2011), Local Authorities must consider whether applicants are eligible for housing assistance. This relates to some applicants who may have been living abroad or who do not have permanent permission to remain in the UK. Some applicants will be ineligible, whether or not they are subject to immigration control. Regulations relating to this may be updated regularly.

### Non-Eligibility

The Council cannot by law allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996) unless they fall within a class exempted from this restriction by Government regulations. In addition, the Council cannot, by law, allocate housing accommodation to other classes of persons from abroad if Government regulations dictate we cannot. Please visit the DHC website for more information relating to non-eligible applicants.

Under the Localism Act, the Council can further restrict applicants from being included onto the housing register. These will include circumstances where:

- Applicants or members of their household have been found guilty of unacceptable behaviour making them unsuitable to be a tenant at the time an application is made unless a proven sustainment of good behaviour for a period (normally up to twelve continual months) is provided. Behaviour is deemed unacceptable only if it is of a kind that would entitle a landlord to a Possession Order.
- An existing social housing tenant / licensee requests a transfer but has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges or debts; or has proven instances of anti-social behaviour (ASB). Evidence of sustained debt clearance, good behaviour and engagement with a landlord, normally for a period of up to twelve months will be needed as well as an affordability assessment. A letter of support / reference for a transfer will need to be provided from the Landlord.
- An existing private tenant / licensee has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges or debts; or has proven instances of ASB. Evidence of a sustained attempt at debt clearance, an affordability assessment will be required and / or good behaviour and engagement with a Landlord, normally for a period of up to 12 months, may be taken into account. A letter of support / reference for a transfer will need to be provided from the Landlord.

- Applicants have current or former rent arrears or have accrued other property related charges unless there has been a sustainment of debt clearance and attended an affordability assessment for a period, normally up to 12 months. The period of up to 12 months for good behaviour and engagement, is considered on a case-by-case basis and may be reduced this will be at the council's discretion.
- Households with a gross household income more than six times higher than the relevant Local Housing Allowance level prevailing in Torbay at the time will normally be considered to be able to meet their housing need, through either renting privately or owner occupation. Such households will normally have their applications placed in the No housing need band (E) or removed from the Devon Home Choice register in those local authority areas which do not register households with no housing need. (See current income / saving levels on the current DHC policy)
- Criminal convictions may also result in refusal. Applicants who have been convicted of a serious criminal offence, or have been guilty of anti-social behaviour, or other unacceptable behaviour including a history of causing serious nuisance or annoyance to neighbours within the past five years. Unacceptable behaviour may also include serious damage or neglect of a property.
- If there is proven evidence that they have within the last five years committed or threatened acts of physical violence, harassment or hate related abuse against staff or Torbay Council customers.
- If they have current or former tenant arrears with Torbay Council. We will consider exceptions, if the applicant is needing to downsize because of a reduction in welfare benefits which means their home is no longer affordable, (any arrears will be written into the new tenancy agreement), or if we have identified that their current home is no longer suitable due to medical reasons.
- They do not provide evidence as requested by Torbay Council to confirm they have the means to pay the monthly rent charge within the specified timescales. Evidence can include 6 months' worth of bank statements, 6 months' pay-slips (if appropriate) and proof of all debts, including current/past credit cards. Applicants who fail an affordability assessment due to insufficient funds available to pay the monthly rent will also be ineligible.
- Applicants with support needs which we are unable to meet internally or through an external support agency.
- Applicants for re-housing who are employees of Torbay Council, relatives of employees or close connections should declare this when shortlisted for a property and the verification process is completed. These applications will be handled in accordance with our Conflict-of-Interest Policy.
- Torbay Council will reject or suspend an application where an applicant is deemed ineligible using the above criteria. However, Torbay Council reserves the right to decide, on a case-by-case basis and where there are exceptional circumstances, to rehouse an applicant who does not meet the eligibility criteria.



- Torbay Council further reserves the right, in exceptional circumstances, to restrict offers of accommodation that are inappropriate in relation to any information obtained via a risk assessment or support needs assessment.
- Please see Devon Home Policy for more circumstances

Torbay Council is committed to preventing and tackling homelessness. We believe that the assessment criteria set out in the choice-based lettings policy documents give adequate preference to bidders accepted as homeless by partner local authorities. However, when there are opportunities to create more accommodation to tackle homelessness and/or provide specialist housing, these will take priority over the Choice Based Lettings scheme.

Torbay Council will not label its vacancies with any additional preference for homeless people and should not risk any development being identified as specifically for the homeless, or any incoming household being stigmatized as having been homeless.

## 9. Refusal of eligible bidders/nominations

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Torbay Council embrace the ideals of social inclusion and should not introduce 'blanket bans' for certain types of applicants. Each case should be dealt with on its own merits, considering the individual circumstances of the household. People should not be refused access to housing merely because they are likely to cause housing management difficulties.

However, it is recognised that it may be necessary to refuse the offer of a home:

- To persons who present a significant risk to staff, the community or a Torbay Council property in cases where this can be properly substantiated.
- To persons who have a support need or vulnerability which means they will be unable to meet the terms and conditions of their tenancy without additional support, which it has not been possible to secure.
- To persons who have not been able to view a property and decide on an offer of accommodation within a reasonable time
- To persons who have failed aspects of Torbay Council verification process.
- To households who, when assessed against the personal affordability criteria, would be unlikely to successfully sustain a tenancy.
- To bidders who require disability adaptations to make the property under consideration habitable by a household member, but where the property is not suitable for those adaptations.

## 10. Social housing fraud

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Social Housing fraud is a criminal offence, and anyone found to have deliberately lied, provided false information, or withheld information as part of an application will not be accepted as an eligible applicant by Torbay Council. A tenancy obtained by deception will be repossessed. If we discover this type of irregularity at the offer stage, we will withdraw the offer.



Torbay Council's procedures will provide for the full assessment of these issues before a decision on the offer of a tenancy is made. All such decisions should be clearly documented, made known to bidders, and be subject to an internal management review at the bidder's request.

## 11. Rent affordability and sustainable tenancies

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In setting rents for its homes Torbay Council follows the Rent Standard Guidance issued by the Social Housing Regulator for both the Social Rent and Affordable Rent regimes. In doing so Torbay Council believes that its homes should generally be affordable by households in low paid employment.

Following the introduction of the Welfare Reform and Work Act 2016 (WRWA) Torbay Council recognizes that some prospective tenants might be prevented from claiming Housing Benefit or Universal Credit housing element on the full amount of their rent because of the Bedroom Tax or the Benefits Cap. Some of the households affected would be able to make up the shortfall only by using money from benefits paid for non-housing costs leaving them with less income to live on than the state defined minimum. Torbay Council believes that it is unlikely that such tenancies would be sustainable in the long term.

Torbay Council will consider whether individual prospective tenants could afford to sustain proposed tenancies by completing an Affordability Assessment.

All applicants will undergo an affordability assessment to ensure they do not have a deficit in income after all essential outgoings have been taken into consideration. Exceptions should be made only where it can be shown that the tenant's benefit eligibility circumstances will change within a reasonable period in such a way that the tenancy becomes affordable to them.

## 12. Verification

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- If an applicant is successful with their bid on DHC, a verification check of their housing application will be completed. This ensures the applicants housing circumstances reflect that stated in their application, and that their banding and bedroom need is correct.
- Torbay Council will check all information provided by the applicant that is relevant to their eligibility and qualification for an offer of a Torbay Council home. This may include inviting the applicant for an interview or completing a home visit, which will be required prior to the applicant being offered a property.
- Torbay Council may check information with other sources as allowed by law.
- Applicants may be required to provide documentary evidence that all persons included on the application are resident at the address supplied at the point of application. Applicants will also be required to provide any additional proof considered appropriate to confirm their circumstances at any point during their application.

The information that we request is as follows:

- Proof of ID (for all household members)
- 5 years address history
- Bank statements for all accounts held

- Proof of benefits or income
- Tenancy reference
- No formal offer of accommodation will be made until the verification process has been completed.
- Extensive delays in supplying reasonable requested information could lead the application being withdrawn.

When an applicant has been provisionally offered a property, their application will be set to 'bid shortlisted' and they will not be able to bid on any other properties, until they have accepted or refused that offer of accommodation. Once all information has been received and verified, a formal offer will be sent to the applicant. If an applicant accepts an offer of accommodation, their DHC application will be set to housed and closed. Should the applicant refuse the property, a refusal reason will be added to the shortlist and the property will be reoffered to the next eligible applicant. Please see the DHC Policy for more information on refusals.

## 13. References

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We will ask for references from all applicants' previous landlords or other relevant person. In addition, where there are concerns about risk, risk to self or risk to others, enquiries will be made with any relevant organizations.

## 14. Rent in advance

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All incoming tenants are required to pay one month's rent in advance.

## 15. Rent Arrears

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The DHC policy stipulates that applicants who owe rent or a tenancy related debt, accrued within the last 2 years will not normally be offered a property and their application placed into the E Band – no housing need.

There may be exceptional circumstances in which rent arrears can be waived in order to allocate a property. Torbay Council will only do this where it is viewed as an exceptional circumstance and where it is fair and just to do so.

Torbay Council reserves the right to exercise discretion (on a case-by-case basis) in relation to levels of rent arrears that would otherwise prevent an offer of accommodation from being made, if it is in the interest of the Council to do so (for example, to reduce void periods of empty properties or to minimise the use of temporary accommodation).

## 16. Matching homes to appropriate households

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Torbay Council should offer its homes only to households appropriate to the property types and sizes. The principles set out below should be applied as the normal criteria for matching properties to households:

- Single people aged 16 or over may be offered a studio apartment, bedsit or one bedroom property.
- Two single people aged 16 or over living together as a couple without children should be offered a one-bedroom property.
- Single or joint parents shall be offered a bedroom separate from any children.
- Two children of the same sex should be expected to share a double bedroom except where one has reached the age of 16.
- Children of different sexes may be expected to share a double bedroom except where one has reached the age of 10 years.
- A pregnant woman should be treated as having had her child once she is more than 12 weeks pregnant.
- A person with a disability who needs non-resident overnight carer may be allowed an additional bedroom.
- Additional bedrooms should not normally be given to applicants who have children living separately, but who visit and stay on occasions.

Torbay Council accepts that property sizes can vary, and the Housing Manager will have the final decision on the appropriate family size for each property. For example, some 3 bedroomed houses are only big enough for a family of 2 adults and 2 children, whereas others may be able to accommodate 2 adults and 4 children. Torbay Council will make it clear in all adverts what the expected family size would be for each property.

Where properties have adaptations for a person with a disability preference should be given to bidders with household members who require the adaptation. Properties with substantial adaptations including those with level access showers, ramps, stair-lifts, ground-floor bathroom extensions or lowered kitchen surfaces will normally be let only to bidders who require the adaptation, or there is a member of the household who requires the adaptation.

Torbay Council procedures will set out clear guidelines for the consideration of exceptions to these principles, whether to permit under-occupation, minimise under-occupation, make best use of properties with adaptations, or because the special circumstances of an individual household warrant a flexible approach.

When disabled applicants apply for a Torbay Council property that has not been previously adapted, Torbay Council will consider whether the property is still suitable to meet the needs of the applicant. Torbay Council will provide some minor adaptations at the expense of the department managing the social housing. When more major adaptations are required, this will usually be done via a Disabled Facilities Grant (DFG) provided by Adult Services at Torbay Council who will work with Occupational Therapists to ensure the correct, most appropriate adaptations are carried out.

It is not always possible to adapt a property for disabled applicants and on occasions Torbay Council will refuse the offer of accommodation on this basis. This decision will be made by the Housing Manager and relevant member of Senior Management.

## 17. Monitoring, Consulting & Reviewing

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Torbay Council will monitor the outcomes of lettings to ensure that the best use is made of its housing, and that it is contributing to sustainable communities. It will monitor the satisfaction of incoming tenants with both the letting service offered and the condition of their new homes.

It will also record all its lettings in the Continuous Recording of Lettings (CORE) system and will develop a framework of performance indicators for lettings and wider void management. Torbay Council will take prompt action to identify reasons for any underperformance and will tackle barriers to delivery.

## 18. Equality & Diversity

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Torbay Council is committed to promoting equality and inclusion and to ensuring that our communities thrive. We complete equality impact assessments (EIAs) to help us understand the possible impacts that our decision may have on different groups. This toolkit guides you through the different stages of the equality impact assessment process to help ensure that your EIA is meaningful and robust.

The Equality Act 2010 provides legal protection from discrimination across nine 'protected characteristics' which are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and marriage and civil partnerships.

Under the Act, the Council is subject to the Public Sector Equality Duty (PSED) which means that we must take steps to actively promote equality. The PSED requires public authorities to have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not, and

Foster good relations between people who share a protected characteristic and those who do not.

The PSED requires us to give 'due regard' to equality when making decisions and delivering services. This is to ensure our actions actively promote equality and do not directly or indirectly adversely affect people with protected characteristics.



# Equality Impact Assessment

The Council has a public sector duty under the Equality Act 2010 to have 'due regard' to equality and to advancing equality of opportunity between those persons who share a relevant protected characteristic and persons who do not share it. The Act also seeks to eliminate discrimination, harassment and victimisation and promote cohesion. It is important that you carefully and thoroughly consider the different potential impacts that the decision being taken may have on people who share protected characteristics.

It is not enough to state that a proposal will affect everyone equally. There should be thorough consideration as to whether particular groups or individuals are more likely to be affected than others by the proposals and decision. Please complete the table below. If you consider there to be no positive or negative impacts state 'there is no differential impact'.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Safe, secure and affordable accommodation is vital to ensure wellbeing. This is key as people tend to experience increased fragility as they age.</p> <p>It is recognised that paying fees and charges may be difficult for some pensioners due to high levels of poverty within this demographic. Furthermore, some pensioners may difficulty accessing financial wellbeing information due to the societal shift to 'digital first' models of service delivery.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>We will also signpost service users to partner agencies where additional support is required.</p>	Pride in Place

		Safe, secure and affordable accommodation is also important for children and young people to ensure that they can reach their potential.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	<p>Safe, secure and affordable accommodation is vital to ensure wellbeing.</p> <p>It is recognised that paying rent may be difficult for some carers due to higher levels of poverty within this demographic.</p> <p>However it is recognised that people with caring responsibilities are more likely to experience financial hardship.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>Information about rent will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council.</p> <p><u><a href="#">Help with the cost of living - Torbay Council</a></u></p>	Pride in Place

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Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>Safe, secure and affordable accommodation is vital to ensure wellbeing.</p> <p>It is recognised that people with disabilities and in particular learning disabilities face increased vulnerabilities when compared to the wider population.</p> <p>It is also recognised that those with some mental health conditions may find applying for financial support daunting.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>Information about housing will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p>	Pride in Place
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact anticipated.	Not applicable	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.	Not applicable	Not applicable



Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.	Not applicable	Not applicable
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	It is recognised that people who are from black, Asian or minority ethnic backgrounds are more likely to experience financial hardship.	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council, this includes links for benefit and finance advice,</p>	

			housing and homelessness.  <u>Help with the cost of living - Torbay Council</u>	
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.	Not applicable	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	It is recognised that families and households headed by females are more likely to experience financial hardship and be on lower income and thus, experience homelessness.	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>Information about housing will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis</p>	Pride in Place

			<p>which is provided by Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></p>	
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact		Not applicable
Armed Forces Community  Page 91	<p>In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces. This number is higher in the Brixham area (between 6.8% and 7.2%).</p> <p>The Armed Forces Act places a legal duty on LAs to give due regard to members of the Armed Forces Community specifically housing, education and healthcare. It applies to serving and former serving regular and reservist Service personnel and their relevant family members</p>	<p>Veterans often suffer complex physical and/or mental medical conditions resulting from their service experiences.</p> <p>Torbay Council is committed to working with Veterans under the Localism Act.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council. Help</p>	Pride in Place

	(spouses, partners and children). A veteran is someone who has served a minimum of a day in basic training, therefore it is possible to have veterans as young as 16.		with the cost of living - Torbay Council.  <u>Help with the cost of living - Torbay Council</u>  We will also signpost to appropriate organisations providing support to the armed forces community.  !	
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Torbay Council set rents under the Rent Standard set by the Government. Rents are capped at the Local Housing Allowance rate.	That we take steps under this policy to support this.	Pride in Place
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact anticipated	Not applicable	Not applicable
Human Rights impacts		There is no differential impact	Not applicable	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have	There is no differential impact	Not applicable	Not applicable

	a responsibility towards cared for and care experienced children and young people.			
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# Tenant Involvement & Empowerment Policy

August 2024

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## 1. Version control

Date	Details	Updated by
January 2024	V1	Kelly Kinnair
September 2024	V2	Kelly Kinnair

## 2. Introduction

Torbay Council recognises the benefits of having tenants who are involved in decisions about how services are provided and how the organisation is run. This policy sets out how we will involve our tenants in our service provision and gather their views.

Through this policy, Torbay Council aims to ensure that tenants feel that they are provided with sufficient opportunities to influence how Torbay Council Social Housing is run, and that we have

appropriate structures and processes in place to gather tenants' views to continuously improve its service. Torbay Council is committed to making the voices of its tenants heard.

### 3. Approach

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This policy covers all tenants of Torbay Council's social housing properties.

The Regulator of Social Housing's Transparency, Influence and Accountability Standard requires Registered Providers to ensure that customers are given a wide range of opportunities to influence and be involved in:

- the formulation of their landlord's housing-related policies and strategic priorities.
- the making of decisions about how housing-related services are delivered, including the setting of service standards.
- the scrutiny of the landlord's performance and the making of recommendations to their landlord about how performance might be improved.
- the management of their homes, where applicable.
- the management of repairs and maintenance services.
- agreeing local offers for service delivery.

### 4. Supporting Tenant Involvement

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To support the involvement and empowerment of tenants, Torbay Council will:

- seek to consult tenants when making decisions.
- provide timely and relevant performance information to tenants to support effective scrutiny of Torbay Council's performance. This will include the production of an annual report detailing our performance against various key metrics, and any upcoming changes to services.
- provide tenants with a variety of channels through which they can provide feedback, including via telephone and email or face to face.
- areas where Torbay Council may seek to gather the views of tenants include (but are not limited to):
  - rent levels.
  - housing management services and service standards (e.g. Tenancy Agreements).
  - property management services and service standards (e.g. standard of repairs, response times).
  - governance issues.
  - non-housing issues (e.g. security, social inclusion).
  - the content and implementation of this policy.

### 5. Formal Feedback Gathering

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In addition to establishing and maintaining a range of channels through which tenants can provide ad-hoc feedback to Torbay Council, the association will establish formal regular processes for gathering tenant feedback through:



Tenant satisfaction surveys: Torbay Council will undertake an annual tenant satisfaction survey. This survey will invite tenants to provide their views on a range of service provisions and will provide tenants with an opportunity to give suggestions to the us. The outputs of this survey will be analysed, and a report produced by the Housing Manager for presentation to the Council's Overview & Scrutiny Board.

Meetings with tenants: Torbay Council will arrange and facilitate a meeting with our tenants at least once per year. These meetings will be open to all Torbay Council tenants and will be attended by the Housing Manager.

## 6. Other Forms of Tenant Involvement

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Torbay Council is mindful that, in addition to providing feedback, some tenants may wish to become more closely involved. Should there be an opportunity for a tenant to apply to be part of a tenant participation group we will ensure that all tenants are made aware of the opportunity and supported in applying, should they so wish.

## 7. Equality & Diversity

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Torbay Council is committed to promoting equality and inclusion and to ensuring that our communities thrive. We complete equality impact assessments (EIAs) to help us understand the possible impacts that our decision may have on different groups. This toolkit guides you through the different stages of the equality impact assessment process to help ensure that your EIA is meaningful and robust.

The Equality Act 2010 provides legal protection from discrimination across nine 'protected characteristics' which are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and marriage and civil partnerships.

Under the Act, the Council is subject to the Public Sector Equality Duty (PSED) which means that we must take steps to actively promote equality. The PSED requires public authorities to have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not, and

Foster good relations between people who share a protected characteristic and those who do not.

The PSED requires us to give 'due regard' to equality when making decisions and delivering services. This is to ensure our actions actively promote equality and do not directly or indirectly adversely affect people with protected characteristics.

## 8. Appeals & Complaints

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Any tenant who feels that they have not been treated in accordance with this policy can use the complaints procedure.

## 9. Monitoring & Compliance

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All feedback provided by tenants will be analysed by the Housing Manager quarterly.

In observing this Policy, Torbay Council will comply with all legal and regulatory expectations outlined in the Regulator of Social Housing's Transparency, Influence and Accountability Standard 2024, which replace the Tenant Involvement & Empowerment Standard 2017.

## 10. Review

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This policy will be reviewed every 3 years by the Housing Manager in consultation with the appropriate Cabinet Member.



## Equality Impact Assessment – Tenant Involvement and Empowerment

The Council has a public sector duty under the Equality Act 2010 to have ‘due regard’ to equality and to advancing equality of opportunity between those persons who share a relevant protected characteristic and persons who do not share it. The Act also seeks to eliminate discrimination, harassment and victimisation and promote cohesion. It is important that you carefully and thoroughly consider the different potential impacts that the decision being taken may have on people who share protected characteristics.

It is not enough to state that a proposal will affect everyone equally. There should be thorough consideration as to whether particular groups or individuals are more likely to be affected than others by the proposals and decision. Please complete the table below. If you consider there to be no positive or negative impacts state ‘there is no differential impact’.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Torbay Council should ensure that involving customers in the Tenant Involvement and Empowerment Standard is extended to all age brackets, also factoring in all technical abilities.</p> <p>Opportunities for all ages must remain accessible. Various platforms such as the Torbay Council website and social media outlets will cater to a younger demographic, or links to Tenant Satisfaction Measures via email or</p>	<p>The Housing Management team will continue to ensure visits are carried out in line with applicable policies (Access, Repairs and Maintenance etc.)</p> <p>Torbay Council will strive to understand the diverse needs of our tenants (at the point of pre tenancy</p>	<p>Pride in Place</p> <p>Communications Team</p>

smartphone links encourages them to follow the link and give their views.

Torbay Council should clearly advise customers that Tenant Satisfaction Measures Surveys, or applications to sit on a Tenant Participation Panel at Torbay Council can be completed via email, in person with a staff member, in writing and over the telephone (in addition to online via our website and social media outlets as outlined above) to ensure they capture the needs of our older or more technology restricted demographic of customers.

application, throughout the tenancy) and apply this knowledge to our Tenant Involvement and Empowerment Strategy.

Torbay Councils Housing management team will liaise with the Communications team regularly to ensure we are optimising online presence and contact methods for customers in our social housing. This may also include the implementation of interpretation where necessary.

Torbay Council will seek to identify barriers to tenant involvement at all stages of tenancy and any identified barriers will be regularly reviewed and communicated to other

			relevant departments of Torbay Council.	
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	Torbay Council social housing residents whose household includes unpaid carers will be given access to our Tenant Involvement and Empowerment strategy via their elected means of communication. On a case-by-case basis, further investigation should be undertaken to enquire if the household would like to take part in Tenant Involvement and Empowerment activities.	<p>Torbay Council will have a flexible approach in our working, particularly for our households that have caring obligations. The Housing Management team will have an empathetic approach and will assess household needs on a case-by-case basis.</p> <p>Torbay Council will seek to identify barriers to tenant involvement at all stages of tenancy and any identified barriers will be regularly reviewed and communicated to other relevant departments of Torbay Council.</p>	

Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>Some customers with learning difficulties, hearing or sight impairments or mental health issues may not understand the importance of our Tenant Involvement and Empowerment strategy, or the obligations placed on us as a registered Provider of social housing. Torbay Council must ensure guidance and inclusion is offered in all aspects of tenancy support. Similarly, Torbay Council should let customers know that they have a choice on whether they take part in Tenant Involvement and Empowerment activities.</p> <p>Torbay Council will work with Support Workers or appointed persons on behalf of the customers if applicable. This ensures accessibility of the service as well as making any other reasonable adjustments where required (such as letters in alternate formats or specified methods of contact).</p>	<p>Torbay Councils Housing management team will liaise with the Communications team regularly to ensure we are optimising online presence and contact methods for customers in our social housing. This may also include the implementation of interpretation where necessary.</p> <p>Torbay Council will seek to identify barriers to tenant involvement at all stages of tenancy and any identified barriers will be regularly reviewed and communicated to other relevant departments of Torbay Council.</p>	
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Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact anticipated.	Not Applicable	
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact anticipated.	Not Applicable	
Pregnancy and Maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact anticipated.	Not Applicable	
Race	In the 2021 Census, 96.1% of Torbay residents described	Although it is expected there would be little or no impact (Torbay Council would	Torbay Councils Housing management team will	



	<p>their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p>	<p>be aware of any language barriers upon the point of a tenancy being offered), it should be advised that assistance by way of an interpreter can be organised by prior arrangement and will continue to be offered throughout and Tenant Involvement and Empowerment activities.</p>	<p>liaise with the Communications team regularly to ensure we are optimising online presence and contact methods for customers in our social housing. This may also include the implementation of interpretation where necessary.</p> <p>Torbay Council will seek to identify barriers to tenant involvement at all stages of tenancy and any identified barriers will be regularly reviewed and communicated to other relevant departments of Torbay Council.</p>	
Religion and belief	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>There is no differential impact anticipated.</p>	<p>Not Applicable</p>	

Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact anticipated.	Not Applicable	
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact anticipated.	Not Applicable	
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact anticipated.	Not Applicable.	
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Torbay Council understands that many unpaid carers also have work commitments. Dedicating time to activities outside of the workplace or household could contribute to loss of income.	Torbay Council will ensure we have opportunities for all tenants to become involved and have influence over the	

management of their home, although we understand that tenants can, and do decline such opportunities for their own reasons.

Torbay Councils Housing Management team will keep up to date with welfare benefits and Council led financial schemes (e.g., Household Support Fund, Welfare Support Fund) and take the opportunity to signpost unpaid carers to these schemes, and if required, support in making applications.

Torbay Council Housing Management team will keep up to date with all Safeguarding training, ensuring they are well versed to make

			Safeguarding referrals when applicable.	
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact anticipated.	Not Applicable	
Human Rights impacts		There is no differential impact anticipated.	Not Applicable	
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact anticipated.	Not Applicable	

# Rent Arrears & Debt Recovery Policy

August 2024

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## 1. Version control

Date	Details	Updated by
November 2022	V1	Anita Merritt
August 2024	V2	Kelly Kinnair

## 2. Policy Statement

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Torbay Council's objective is to prevent rent arrears and maximise our income collection, whilst enabling residents to sustain their tenancies and remain in their homes. We also aim to recover former resident debt when possible.

This policy covers the ways in which we aim to prevent rent arrears and our approach to arrears recovery for current residents, including legal action. It also details our approach to recovery of former resident debts. The policy is supported by detailed procedures in the appendices.

## 3. Scope

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The collection of rent and service charges is a key priority for Torbay Council and this Policy seeks to:

- Promote a positive payment culture of tenants paying their rent in advance to prevent households from falling into arrears.
- Ensure early intervention and make contact when the initial arrears occur.
- Building a culture of residents contacting us if they have concerns about maintaining their rent payments.
- Recover rent arrears as efficiently as possible whilst maintaining the aim of eviction being an action of last resort.
- Sustain tenancies in as many cases as possible and referring tenants for budgeting and debt advice.
- Ensure that Torbay Council is compliant with the pre-action protocol for rent arrears possession claims.

## 4. Policy Aims

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We understand that in the current economic climate the challenges for some of our residents around finances can be challenging and stressful.

The aim is the prevention of debts owed to Torbay Council by balancing the support offered to residents by protecting the income into the business. This is achieved by having key elements:

- Early intervention
- Working with residents by informing and engaging with them as well as offering support and encouraging two-way communication.
- To regularly monitor all debts owed to the business.
- Provide a signposting service to the relevant agency or partner depending on individual issues.
- To create a payment and support plan for each individual resident who experiences difficulty in meeting their rent payment obligations.

## 5. Positive Payment Culture

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Torbay Council promotes a positive rent payment culture to support the minimisation of arrears. Payment is expected in full by the date it is due, or in advance, and always in line with the tenancy agreement. Any payments beyond this date will place the account into arrears.

The rent payment requirements are made clear throughout the letting process and a payment in advance is required prior to letting. Non-payment of the rent in advance may result in the refusal or withdrawal of an offer.

Rent activity is discussed at the New Resident Visit within the first six weeks of the commencement of their tenancy. Any issues can be identified and resolved as quickly as possible, underlining the payment culture that rent is a priority.

By using Starter Tenancies, we can explain to a new resident that rent arrears are a ground for extending the Starter Tenancy or ending it.

To support the requirement of regular and timely payments by Direct Debit is the preferred payment option. For those residents who find Direct Debit a difficult option, efficient and simple payment options are available ensuring that all residents have an opportunity to manage their rent account effectively.

A payment and support plan will be provided to any customer who falls into difficulty in paying their rent. This plan will provide the customer with information on when and how payments should be paid as well as any support Torbay Council or other departments, as well as what external agencies may be able to offer.

## 6. Prevention and Early Intervention

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Prevention is the key factor in minimising the accrual of arrears.

Whilst it is acknowledged that ultimately payment is the responsibility of the resident, Torbay Council seeks to support prevention of arrears for residents in the following ways:

1. Prior to letting a financial assessment is carried out
2. At the point of the financial assessment any opportunity to maximise the resident's income through welfare benefits or other means will be identified to the resident.
3. If a refusal of housing or withdrawal of offer is to be made a resident may be signposted to other agencies for support to improve their financial situation.
4. Arrears are identified at the earliest opportunity and communicated to the resident so that together we can manage the issue as soon as possible.
5. If a resident is receiving or applying for Universal Credit and they meet the DWP tier 1 or tier 2 factors, an Alternative Payment Arrangement (APA) and/or direct deductions may be applied for.
6. Torbay Councils housing team will work with our residents who are transitioning onto Universal Credit to support them during and immediately after the application process. However, those residents who fall under the Next Steps Allocation Programme (NSAP) will receive support from their assigned Meaningful Occupational Co-ordinators.

7. This is to ensure that the resident is fully advised of their responsibilities during the transition and that their account can be monitored effectively and only appropriate action taken. It also allows for the opportunity to further signpost residents if needed for additional support.
8. Supporting residents to be digitally included so that they can access benefits and job searches online.
9. Helping residents with their benefit claims including Housing Benefit and Universal Credit to ensure they get payments for housing costs, where applicable.
10. Notifying residents promptly where Housing Benefit is paid direct to us and there has been an over-payment.
11. Promoting good financial health through articles in the Resident Newsletter, on the website and in social media.

If arrears do arise, we will engage with the resident to identify and tackle the causes. We are aware that one missed payment, no matter how small, could place low-income residents in a financial position that it is difficult to recover from.

## 7. Recovery

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Once an account falls into arrears Torbay Council follows its arrears collection procedure. This ensures consistency across all accounts. Whilst legal action and eviction action are the last resort, they are necessary tools to ensure that arrears are recovered where appropriate. Legal action will only be taken where numerous and timely attempts to come to an agreement have not been successful.

We will follow the Ministry of Justice Pre-Action Protocol for Possession claims by Social Landlords. The Protocol aims to encourage more contact between us and our residents, to avoid legal action if possible and make more effective use of Court time.

Our process is: -

1. Preventative work at pre-tenancy sign up. E.g., Verification around their income, their support/dependency needs, their family and friend support network, and the key procedures which they need to be aware of.
2. If an account goes into arrears, the resident is made aware of this in the first instance. We are transparent with residents about their accounts, our expectations and their options.
3. Depending on the reason for arrears and or support needs, a more robust stance may be taken. Accounts will be checked weekly.
4. Early action in each case is the key to ensure the resident does not fall further into arrears.
5. Providing residents with support by signposting them for money advice and providing information.
6. Requesting residents to make reasonable and affordable re-payment arrangements.
7. Making personal contact, including the use of texts and telephone calls, post, email, home visits, and office interviews.
8. Acting regularly through phone calls, texts, emails and standard letters



9. Taking legal action where appropriate; the aim being to recover the arrears, not to evict the resident, which is always a last resort. However, we may need to seek outright possession in certain circumstances.
10. Keeping accurate records of communication with residents and other parties, actions taken, and documents associated with the case within the case management system.

Torbay Council considers joint residents to be jointly and severally liable for any rent arrears accrued, and will pursue both joint residents for all rent arrears accruing under the tenancy.

Torbay Council is also mindful that residents experiencing domestic abuse are more likely to have arrears and may be subject to economic abuse. All decisions made on future enforcement action will consider reports received of domestic abuse and where economic abuse is identified, we will work with the residents affected to find a positive way forward.

Attempts will be made to identify any resident vulnerabilities at the pre tenancy stage or at any contact stage, to ensure that communication is appropriate and relevant referrals for support can be made at the earliest possible stage.

Torbay Council will utilise the most appropriate grounds for possession when applying for a case to go to court. This includes Grounds 8, 10, 11 and 12. All requests for court action, and particularly in the case of outright possession, will require the approval of the Senior Management Team.

During a starter tenancy Torbay Council will consider if an extension to the starter tenancy period is appropriate for arrears, or if a Section 21 may be served. Please refer to the Starter Tenancy Policy for full details.

If all attempts to recover the arrears are unsuccessful and legal action (e.g. a court hearing is necessary) the Torbay Council Housing Options department will be notified that there is a possibility of a person becoming homeless. We will tell the resident that they may be considered to be intentionally homeless by Housing Options, and they may not be entitled to help with future housing assistance.

We will continue to try and contact tenants up to the Court hearing date to reach a re-payment agreement with them. If an agreement is reached at this stage a Suspended Possession Order or Adjournment will be sought on the terms of the agreement.

Repayment terms will be agreed based on a reasonable repayment timetable, usually no more than two years, but never more than six years, and considering affordability and sustainability for the tenant.

If the tenant fails to comply with the terms of the Court Order, a Warrant for Possession can be sought, and the tenant evicted. This action will only be taken as a last resort, where other attempts to recover the arrears have been unsuccessful. A review of the individual circumstances of the case will be completed and Senior Management approval will be required.

If an eviction is the next step, an officer will prepare an eviction request report detailing the current position of the account, what action has been taken to recover the arrears and why eviction is the only appropriate option left. This report needs to be approved by Senior Management, before any application for eviction is made. All evictions are reported to the board annually.

Torbay Council believes that repossession of a property should only be carried out as a last resort but will not hesitate to take this action in appropriate cases.

Costs incurred in taking possession action will be added to the outstanding debt and the tenant will be required to repay these once the arrears have been repaid.

Court hearings will not be cancelled unless the tenant has paid all the arrears and the court issue fee. However, where arrears have been significantly reduced an adjournment with costs may be requested by the tenant and considered. Money judgements will be sought that can be enforced by an attachment of earnings order.

See Appendix 1 for the full rent arrears recovery procedure.

## 8. Former Resident Debt

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Former resident debt includes rent arrears, service charges, court costs and other sundry debts such as rechargeable repairs.

We will pursue all former tenant debts when doing so represents value for money. The cost of pursuing the debt should not outweigh the debt itself.

We will write-off debts where the tenant has died, and the executor or family representatives can evidence that there is no money in the estate to settle the debt.

The Housing Manager may agree not to pursue a debt where there is genuine financial hardship or where there are other exceptional circumstances.

Torbay Council seeks to minimise the loss of income from residents who move on. This is done through the implementation of the Former Resident Arrears Recovery Process.

Where a debt is identified a resident will be notified as soon as possible and the implications of leaving with a debt will be made clear, including the potential impact on being re-housed in social housing.

Third parties may be used to trace former tenants to pursue the debt and legal action may be taken via the Small Claims Court to recover monies owed.

Please see detailed procedure at Appendix 3.

## 9. Write Offs

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Former resident arrears or sundry debts will only be written off if:

1. They are considered uneconomical to pursue
2. The debtor cannot be traced
3. Recovery procedures have been exhausted

Should circumstances change and the debt becomes possible to recover in future, further recovery action will be taken.

## 10. Small Claims Court

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Debtors who fail to make re-payment arrangements can be referred to the small claims court should it be considered appropriate.

## 11. Debt Relief Orders and Individual Voluntary Arrangements

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If at any stage a customer should seek to enter a debt relief arrangement or insolvency such as a Debt Relief Order (DRO) or Individual Voluntary Arrangement, (IVA), Torbay Council will follow the legal required steps related to the debt.

For a DRO Torbay Council will freeze the debt until it can be written off, (usually after 12 months). However, if there is a Suspended Possession Order in place before the DRO is complete then Torbay Council will consider if eviction action may be required. Any eviction action will require approval from Senior Management through an eviction request report.

In the case of an IVA, Torbay Council will consider all applications to include the rent, but these are likely to be refused as it would put the tenancy at risk.

## 12. Compliance & Confidentiality

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Torbay Council treats all information taken during the management of arrears cases as confidential. The information is handled under the Data Protection Act 1998 and the General Data Protection Regulation 2018

## 13. Equality & Diversity

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Torbay Council is committed to promoting equality and inclusion and to ensuring that our communities thrive. We complete equality impact assessments (EIAs) to help us understand the possible impacts that our decision may have on different groups. This toolkit guides you through

the different stages of the equality impact assessment process to help ensure that your EIA is meaningful and robust.

The Equality Act 2010 provides legal protection from discrimination across nine 'protected characteristics' which are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and marriage and civil partnerships.

Under the Act, the Council is subject to the Public Sector Equality Duty (PSED) which means that we must take steps to actively promote equality. The PSED requires public authorities to have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not, and

Foster good relations between people who share a protected characteristic and those who do not.

The PSED requires us to give 'due regard' to equality when making decisions and delivering services. This is to ensure our actions actively promote equality and do not directly or indirectly adversely affect people with protected characteristics.

# Right to Buy Policy

March 2025

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## 1. Version control

Date	Details	Updated by
07/11/2024	V1	Kelly Kinnair
19/03/2025	V2	Jordan Davies

## 2. Eligibility

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### 2.1 Eligibility Criteria

If you are renting your home from Torbay Council, Right to Buy gives you the opportunity to purchase your home at a discounted price, subject to the following criteria:

- It must be your only or main home
- It must be self-contained
- You need to be a Secure Tenant
- You have had a public sector landlord (council, housing association or NHS trust) for 3 years or more (the 3 years do not have to be in a row or at the same property, or even with the same landlord)

You can make a joint application to buy with someone who shares your secure tenancy (e.g., spouse or partner).

You can also make a joint application with up to 3 family members who have lived with you at the property for the past 12 months and are over 18 years old. The family members do not have to be named on the tenancy agreement; however, it must be their main home.

If the council previously owned your home, and sold your home on to another landlord, such as a housing association whilst you were living in the home, you may still have the Right to Buy. This is known as Preserved Right to Buy, you should ask your landlord whether this applies.

### 2.2 Properties you do not have the Right to Buy:

- A property that is designed for people with a disability
- A property that is particularly suitable for the elderly, and was let to be lived in by someone aged 60 or older
- You work for Torbay Council and your home is part of your conditions of service (this only applies in some cases)
- You are on an introductory tenancy or demoted tenancy
- A final demolition notice is in place
- A property is held by the landlord on tenancy from the Crown
- Tenancies for homeless people secured under section 193 of the Housing Act 1996
- Torbay Council does not own the freehold and the remaining lease:

(a) Has less than 21 years remaining (house or bungalow)

(b) Has less than 50 years remaining (flat/maisonette)

In either instance above, the date relates to when the tenant serves the RTB1 form.

You can find a full list of the exceptions to the Right to Buy in Schedule 5 of the Housing Act 1985: <https://www.legislation.gov.uk/ukpga/1985/68/schedule/5>.

### 2.3 Ineligibility

Reasons you may not be eligible for Right to Buy:

- You or someone buying with you is subject to a bankruptcy order, has a bankruptcy petition pending or are an undischarged bankrupt
- You or someone buying with you have unfulfilled terms with creditors
- You or someone buying with you have had a tenancy fraud

- You or someone buying with you benefits from a moratorium period under a debt relief order
- You or someone buying with you is subject to a suspension period under an order made under section 121A of the Housing Act 1985 due to anti-social behaviour

You can find more information on Right to Buy here: [Your Right To Buy Your Home A Guide](#)

## 3. Discount and Discount Repayment

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### 3.1 Discount

Anyone who qualifies for Right to Buy can get a discount on the purchase price of their council home. The maximum discount across England from 21st November 2024 will now be subject to regional variations, as announced in the Budget on 30th October 2024. Torbay Council hold social housing stock in the South West of England, therefore the maximum discount available for tenants with a Right to Buy within our authority will be £30,000.

Your discount will be worked out based upon:

- How many years you have been a tenant with a public sector landlord
- The type of home you are buying (house or flat)
- The value of your home
- If you are buying with others, you can count the years of whoever has been a public sector tenant the longest.
- The money spent by the landlord to repair or maintain the home exceeds the sale price or market value (The 'cost floor')
- If you have previously bought another council property, any discount you got previously will usually be deducted from the discount you would get when you buy again.

### 3.2 Financing your purchase

You are responsible for how obtaining finance to buy your home, you will have access to the same mortgage products available on the market as anyone else.

There is nothing in law that specify how a right to buy purchase should be financed, so long as they are from a legitimate source. A family member, or another source, could provide the funding for the purchase.

Please note that legal ownership of the property can only be in the names of the eligible tenant/s and other eligible applicants.

### 3.3 Resale

If you sell your home within 10 years of buying through Right to Buy, you must first offer the property back to Torbay Council, or another social landlord in the area. The property should be sold at the full market price agreed between you and Torbay Council (or another social landlord). If you cannot agree on a value, a district valuer will say how much your home is worth and set the price. You will not pay for this valuation. If Torbay Council does not agree to buy back your home within 8 weeks, you can sell the property on the open market.

If you sell your home within the first 5 years of ownership you will usually have to repay some, or all of the discount you received. After the initial 5 years of ownership, you can sell without repaying any discount.:

- 100% of the discount in the first year
- 80% of the discount in the second year
- 60% of the discount in the third year
- 40% of the discount in the fourth year
- 20% of the discount in the fifth year

The amount you repay depends on the value of the home when you sell it. If you sign an agreement to transfer your home to someone else before you complete your purchase, or within five years of buying your home you'll have to repay all of the discount.

You may not have to pay back the discount if you transfer ownership of your home to a member of your family. You will need to agree this first with your landlord and then get a solicitor to do this for you.

## 4. Restrictions on Rural Homes

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Your former landlord may limit who you can sell your home to if your home is in:

- a national park
- a designated area of outstanding natural beauty
- an area the government has designated as rural for Right to Buy purposes

When buying a property that is in one of these areas, the sale will be on the condition that you may only resell to someone who has been living or working in the area for at least 3 years. Alternatively, your landlord may require you to offer your home to them if you want to resell within 10 years of buying.

You may wish to consult with your mortgage provider to check they are happy to give you a mortgage on a home with a rural restriction.

Your landlord will tell you if this could apply to your home when you apply for Right to Buy.

You may find the following useful:

[www.ownyourownhome.gov.uk](http://www.ownyourownhome.gov.uk) on this page, there is lots of advice available on Right to Buy including a calculator tool, and access to free advice.

## 5. Things to Consider Before You Buy

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The decision to buy a home is likely to be the biggest financial decision you will ever make, and it is a decision that should not be taken lightly.

There are several crucial factors that you should consider before buying your own home. These include:



Affordability - unlike your rent, your mortgage repayment will not include building insurance and a free repairs service. If you buy your home, you will have to pay these yourself. Other ongoing costs to consider are:

- Contents insurance
- Council Tax
- Water, gas, electricity, broadband and any additional services

Benefit entitlement - as an owner-occupier you will not receive any housing benefit OR Universal Credit to help with your mortgage costs. You may be entitled to income support to help with such costs; however, this is not usually payable for 9 months after you first claim it.

If you are elderly and own your own home, its value may be considered in assessing whether you are eligible for financial help with the cost of residential care.

If you are buying a leasehold flat/maisonette, you will have to pay a service charge/maintenance charge, and contribute to large scale repairs, maintenance or improvement works which could amount to hundreds, or thousands of pounds. Information in respect of these charges will be provided to you as part of your right to buy offer letter, but you should ask the landlord about any long-term plans for repairs, works or improvements to your block or the surrounding area.

## 6. Repairs During the Right to Buy Process

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If you are purchasing the freehold of your home, once we have assessed your application to buy your council property and written to you to say that you are entitled to purchase your property, we will only carry out health and safety repair work to the property. The property will be removed from any of our improvement programmes.

We will, however, carry out routine compliance, repair heating breakdowns and plumbing leaks, and keep the property weather and watertight, until the point the sale completes, at which point, the responsibility for such things will pass to you.

If you buy the leasehold (usually the case with flats and maisonettes in larger blocks), we will continue to carry out repairs to the communal area, after purchasing the leasehold you will have to pay service charges each year and are likely to have to meet the costs of major repairs and refurbishment (as outlined in section 5).

## 7. How to Apply

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Fill in the right to buy application form (RTB1 notice). You can download this online or we can arrange to send you a copy. The form can be found here: [Notice claiming the Right to Buy \(RTB1 form\)](#)

Send it to us via [socialhousing@torbay.gov.uk](mailto:socialhousing@torbay.gov.uk)

You can also get more details from the Right to Buy Agents by emailing [enquiry@righttobuyagent.org.uk](mailto:enquiry@righttobuyagent.org.uk)

We must say yes or no within 4 weeks of getting your application (8 weeks if we have been your landlord for less than 3 years). If we say no, we must say why.

If we agree to sell, we will send you an offer. We must do this within 8 weeks of saying yes if you are buying a freehold property, or 12 weeks if you are buying a leasehold property.

## 8. Valuation

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The price you pay for your home will be based on the market valuation of your property which we will arrange to be carried out free of charge. If you think our valuation of your home is wrong, you can ask the district valuer to give an independent valuation, you do not have to pay for this service. You must make your appeal within 12 weeks from the date of the notice. The district valuer's decision is final, whether it is higher or lower than our valuation.

If you want to buy the property you will need a solicitor or Conveyancer to act for you on the purchase.

## 9. Delays

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If you believe a delay in the buy application is the fault of the landlord, you can send an Initial Notice of Delay (Form RTB6), to the landlord. You must then give your landlord at least one month to take the next step in the sale process. If your landlord does not send you a counter notice within the time allowed, you can send the landlord an operative notice of delay (Form RTB8). If a valid RTB8 is received, the rent you pay while the delay goes on may then be taken off the price of the purchase of your home, but you must continue to pay rent.

However, if you have not responded to the formal offer letter within the 12 week notice period, or have not taken steps to complete the purchase in a reasonable period of time (which cannot be less than 3 months) after the formal offer letter is sent to you the council can end your Right to Buy application.

## 10. Survey

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Before making the decision to buy, you should get an independent survey from a surveyor or structural engineer. When you apply for a mortgage the bank or building society arranges for a survey that will only normally be for the valuation of the property and may not tell you about structural faults in the property. You may wish to consult your lender about conducting a full structural survey, though there may be additional charges for this service from your lender.

## 11. Useful Links

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If you have difficulty getting a copy of the Right to Buy application form or require further information or advice, please contact us.

In addition to this guidance, there are several resources available to support you in delivering Right to Buy including:

- GOV.UK: <https://www.gov.uk/right-to-buy-buying-your-council-home>

Alternatively, you can contact:

Right to Buy Agent Service

Email: [enquiry@righttobuyagent.org.uk](mailto:enquiry@righttobuyagent.org.uk)

Telephone: 0300 123 0913 The Right to Buy Agent service offers free advice on things like:

- Right to Buy and Preserved Right to Buy process
- Eligibility
- Filling out your application form
- Where you can get financial and legal advice
- What to do if your application is delayed If you need further support, please contact: Ministry of Housing, Communities and Local Government Right to Buy Fry Building 2 Marsham Street London, SW1P 4DF

Email: [RTB@communities.gov.uk](mailto:RTB@communities.gov.uk)

Other Help For free, impartial advice about money contact: The Money and Pensions Service

Website: <http://www.moneyandpensionsservice.org.uk>

Telephone: 0800 138 7777

For free, impartial advice on leasehold law and rights (flats and leasehold houses), contact: The Leasehold Advisory Service (LEASE)

Website: <http://www.lease-advice.org>

Email: [info@lease-advice.org](mailto:info@lease-advice.org)

Telephone: 020 7832 2500

For information on mortgage lenders contact: The Financial Conduct Authority (FCA)

Website: <http://www.fca.org.uk>

Telephone: 0800 111 6768 For information on stamp duty and the latest rates go to:

- <https://www.gov.uk/stamp-duty-land-tax>

If you want to know about your rights, you can ask:

- Citizens Advice (<https://www.citizensadvice.org.uk/>) or a solicitor If you disagree with your landlord about buying your home, you can contact Right to Buy Agents or the MHCLG

If you are concerned about whether your Right to Buy application has been dealt with appropriately, you can make a complaint through Torbay Council's complaint procedure.

If you are not satisfied with the outcome of the complaint, you may wish to raise concerns with the Housing Ombudsman. Details of how to do this are available at: <https://www.housing-ombudsman.org.uk>

## 12. Equality and Diversity

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Torbay Council is committed to promoting equality and inclusion and to ensuring that our communities thrive. We complete equality impact assessments (EIAs) to help us understand the possible impacts that our decision may have on different groups. This toolkit guides you through the different stages of the equality impact assessment process to help ensure that your EIA is meaningful and robust.

The Equality Act 2010 provides legal protection from discrimination across nine 'protected characteristics' which are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and marriage and civil partnerships.

Under the Act, the Council is subject to the Public Sector Equality Duty (PSED) which means that we must take steps to actively promote equality. The PSED requires public authorities to have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not.

The PSED requires us to give 'due regard' to equality when making decisions and delivering services. This is to ensure our actions actively promote equality and do not directly or indirectly adversely affect people with protected characteristics.

## Minimum Letting Standard

August 2024

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## Version control

Date	Details	Updated by
July 2023	V1	Anita Merritt
August 2024	V2	Kelly Kinnair

## Minimum Letting Standard

The following minimum standards should be achieved for all new lets:

Works	Minimum Standard
<b>External</b>	<p>All rubbish and litter from gardens, lockups, garages, sheds, outbuildings, and pathways will be cleared.</p> <p>Missing bins to be ordered as part of the void works.</p> <p>All areas should be free of graffiti/vandalism.</p> <p>The property will be wind and watertight.</p> <p>The property will be safe and secure.</p> <p>Paths, stairs, fences, and gate safe to use.</p>

Gardens attached to the property should be cleared of rubbish and grass cut as one -off after tenant moves in (growing season only).

If it is a long-term void, it should be added to the void garden maintenance programme.

## **General Cleanliness**

The house, including attic, basement, garage and outbuildings will be cleared of furniture, white goods, carpets, rubbish and belongings left by the previous tenant (except when agreed to be re-cycled for new tenant during tenanted viewing).

Vermin and insect infestation will be treated.

A full 'sparkle clean' will be carried out incorporating sanitising bathroom fittings and tiles, sinks, kitchen units (inside and out), worktops, sweeping and washing floors, skirting, door frames, windows, window frames, doors etc.

In normal circumstances floor coverings will be removed to facilitate the need to inspect all floor surfaces. If the previous tenant leaves flooring or fittings that are in good condition, then they can be left at the request of Torbay Council for the incoming tenant.

## **Electrics**

An electrical safety check will be carried out and a copy of the certificate provided to the incoming tenant.

Any unsafe wiring and fitments will be removed  
Smoke alarms and carbon monoxide alarms (where applicable) will be tested and in working order.

If no smoke alarm or carbon monoxide alarm (if applicable) is present, a new hard-wired alarm will be fitted.

Controlled entry handsets will be tested and in working order (sometimes the maintenance of this item is beyond our control e.g., management company is responsible for maintaining).

Extractor fans will be tested and in working order.

The electric supply will be turned off at the mains following the completion of void repairs. Check point in place for communal aerials where applicable.

All electrical heating systems will be checked and will be fully operational.

#### **Gas**

A gas safety check will be carried out when the property is void and a gas safety certificate (CP12) will be issued to the incoming tenant. Any existing gas fires will be removed, bricked up and vented during the void period.

#### **Gas/Electric Cooking**

Where the previous tenant has left a gas or electric cooker, this will be removed as we are unable to certify its safety.

#### **Water Supply**

During the months October to April, or during severe cold spells, all stopcocks will be shut off and the water supply drained down.

#### **Windows and Doors**

All windows and associated safety mechanisms will be checked and fully operational with keys supplied for any window locks.

If silicone seals are stained or black they will be resealed.

Broken or cracked glass will be replaced immediately during void works.

All internal doors and handles will be operational and will open and close easily.

	<p>All bathroom doors will have an operational locking system.</p> <p>Glass doors will be removed and replaced. Front and back doors will be secure, wind and watertight, and in good working order with a letterbox fitted on the front door (Flats may have separate letter boxes fixed to the outside of the building or within communal areas - in this case a key is provided to the incoming tenant).</p> <p>2 sets of keys will be provided for each external door.</p> <p>2 key fobs will be provided for controlled entry systems.</p> <p>Peep holes and door security chains will be provided where possible.</p>
<b>Floors, Skirting, Facing and Stairs</b>	<p>Re secure or replace all loose or missing floorboards.</p> <p>Skirting and door facings to be renewed if missing or badly damaged.</p> <p>Floor surfaces will be even to allow carpets or other floor coverings to be laid.</p> <p>Ensure staircase and associated handrails are secure.</p>
<b>Bedroom Cupboards</b>	Should all have a level shelf and a clothes rail below, space permitting.
<b>Hall Cupboards</b>	Should have at least one shelf, space permitting.
<b>Kitchen</b>	Damaged kitchen units or worktops will be repaired or renewed and matched to existing units or worktops (where practical).



Kitchen units or work tops will have doors and drawers that open freely and close properly, and all fittings will be secure.

Taps will be checked to ensure that they are in working order.

Chains and plugs will be fitted where missing. Electric cooker supply points will be present in all properties and in full working order.

Properties will be left with hot/cold washing machine isolation valve fittings, along with provisions for the removal of wastewater from the appliance by way of a waste pipe.

An adequate power supply will be near to the appliance (where practical).

## **Bathroom**

Sanitaryware that is cracked or excessively stained will be replaced.

Where replacement of a part of the suite is required, the available colour match should be investigated. If colour matching is not available, a replacement 3-piece white bathroom suite will be installed (steel bath).

Taps will be checked to ensure that they are in working order.

All sanitaryware will be clean, secure, functional and free from blockages, leaks and adequately sealed.

If silicone seals are stained, these will be resealed.

A new toilet seat will be provided on a like for like basis if required.

Chains and plugs will be fitted where missing.

Thermostatic valves on baths and taps will be checked where applicable.

Showers and shower rails will be checked to ensure that they are working properly, and a new shower curtain will be fitted.

Any instantaneous electric shower should be included in the electrical check.

Shower must have a screen or shower rail.

Tiling should be checked for water resistance and safety.

Wet floor showers - floor covering to be checked.

## **Medical Adaptations**

Adaptions should not be removed unless authorised by the Housing Manager.

Adaptations will be inspected and fully operational to meet the needs of the incoming tenant where possible.

Sanitaryware will be checked, and individual items will be replaced if badly cracked or stained.

Grab/shower rails will be checked to ensure that they are secure.

Showers and shower rails will be checked to ensure that they are working properly, and a new shower curtain will be fitted.

## **Decoration**

Torbay Council is generally not responsible for the condition/level of decoration in a property. However, where the condition of the decoration is deemed to be so bad as to affect the likelihood of anyone accepting the property, then a decoration allowance may be given, or basic decoration done to make habitable.

<b>Dampness/Rot</b>	The home will be treated for any rising/penetrating/condensation damp and timber infestation.
<b>Walls and Ceilings</b>	<p>Remove all glue/fixing residue and renew via plasterboard where required.</p> <p>Where plaster surfaces are in a poor condition these will be repaired as necessary such as cracked or hollow areas (this excludes minor fillings to cracks, which can be made good by the tenant in the normal course of decoration). Remove graffiti.</p> <p>Decoration should be intact and clean. All walls and ceilings will be in good condition.</p>
<b>Tenant Alterations</b>	<p>Nonstandard alterations can remain providing they are verified as safe and comply with current building regulations, are aesthetically acceptable and maintainable.</p> <p>Unsafe alterations will be removed.</p>
<b>Asbestos and Textured Coatings</b>	<p>Where suspected asbestos containing materials are present (for example textured wall coatings) an asbestos survey will be carried out and appropriate remedial action taken.</p> <p>A copy of the survey will be issued to the tenant.</p>
<b>Any other items</b>	Each property is assessed once it becomes void. Additional works will be assessed on a case by case basis.

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