



Report to Policy Committee

Author/Lead Officer of Report: Janet Sharpe,
Director of Housing Services

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Report of: *Ajman Ali (Executive Director, Neighbourhood Services)*

Report to: *Housing Policy Committee*

Date of Decision: *21 March 2024*

Subject: *Response to DLUHC Consultation on Awaab's Law*

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

Purpose of Report:

This report provides the Housing Policy Committee with details of the consultation response submitted to the Department of Levelling Up Housing & Communities (DLUHC) in respect of *Awaab's Law: Consultation on timescales for repairs in the social rented sector*.

The consultation sought views on the specific requirements to be set and how these obligations will impact on residents and landlords. In particular, views were sought on the proposals for:

- timescales for initial investigations of potential hazards
- requirements to be placed upon landlords to provide written summaries of investigation findings
- timescales for beginning repair works, timescales for completing repair works
- timescales for emergency repairs
- the circumstances under which properties should be temporarily decanted to protect residents' health and safety
- requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.

Recommendations:

That the Housing Policy Committee:

1. *Note the contents of this report.*
2. *Notes and endorses the response submitted to Department of Levelling Up Housing & Communities (DLUHC) in respect of Awaab's Law: Consultation on timescales for repairs in the social rented sector.*

Background Papers:

Appendix A – *response submitted to Department of Levelling Up Housing & Communities (DLUHC) in respect of Awaab's Law: Consultation on timescales for repairs in the social rented sector.*

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: <i>Helen Damon</i>
		Legal: <i>Rebecca Lambert</i>
		Equalities & Consultation: <i>N/A</i>
		Climate: <i>N/A</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	<i>Ajman Ali</i>
3	Committee Chair consulted:	<i>Cllr Douglas Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Janet Sharpe	Job Title: Director of Housing Services
	Date: 8th March 2024	

1. PROPOSAL

- 1.1 On 20 July 2023, Awaab's Law entered the statute book through section 42 of the Social Housing (Regulation) Act 2023. Awaab's Law came into force on 20 September 2023. Section 42 of the Social Housing (Regulation) Act 2023 amends section 10 of the Landlord and Tenant Act 1985 by introducing new sections 10A and 10B to this Act. Awaab's Law effectively inserts into social housing tenancy agreements a term (called an implied term) that will require landlords to comply with new requirements, to be set in detail through secondary legislation. This means all registered providers of social housing (also referred to as 'social landlords') will have to meet these requirements and, if they fail to do so, tenants will be able to hold their landlords to account by taking legal action through the courts for a breach of contract.
- 1.2 Awaab's Law requires landlords to investigate and fix reported health hazards within specified timeframes. The primary purpose of the consultation was to set out those timeframes and seek views from across the sector.

The consultation sought views on the specific requirements to be set and how these obligations will impact on residents and landlords. In particular, views were sought on the proposals for:

- timescales for initial investigations of potential hazards
- requirements to be placed upon landlords to provide written summaries of investigation findings
- timescales for beginning repair works, timescales for completing repair works
- timescales for emergency repairs
- the circumstances under which properties should be temporarily decanted to protect residents' health and safety
- requirements to be placed upon landlords to maintain adequate record keeping throughout repair works

- 1.3 The consultation, which closed on 6 March 2024, set out the proposed approach to defining hazards within scope of Awaab's Law as well as that of timescales. It proposed that Awaab's Law should take into account the 29 health and safety hazards set out by the Housing Health and Safety Rating System (HHSRS). It is proposed that defining hazards in scope of Awaab's Law as those that pose a significant risk to the health or safety of the actual resident of the dwelling. This means that a hazard does not have to be at category 1 level in order to be in scope of Awaab's Law. This is because there may be instances where a particular resident is at a greater risk from hazardous conditions, for example a resident with asthma may be at greater risk from a home affected by damp and mould.
- 1.4 The consultation set out the following Proposals:

Proposal 1. Initial investigations of potential hazards

If a registered provider is made aware of a potential hazard in a social home, they must investigate within 14 calendar days to ascertain if there is a hazard.

Proposal 2. Written summaries of investigation findings

Within 14 calendar days of being made aware that there is a potential hazard in a social home, the registered provider must provide a written summary of findings to the resident that includes details of any hazard identified and (if applicable) next steps, including an anticipated timeline for repair and a schedule of works.

Proposal 3. Beginning repair works

If the investigation indicates that a reported hazard poses a significant risk to the health or safety of the resident, the registered provider must begin repair works within 7 calendar days of the written summary being issued.

Proposal 4. Completing repair works

The registered provider must satisfactorily complete repair works within a reasonable time period. The resident should be informed of this time period and their needs should be considered.

Proposal 5. Timescales for emergency repairs

The registered provider must action emergency repairs as soon as practicable and, in any event, within 24 hours.

Proposal 6. Decanting if the property cannot be made safe immediately

In the event that the investigation finds a hazard that poses a significant, or a significant and imminent, risk of harm or danger, and the property cannot be made safe within the specified timescales for Awaab's Law, the registered provider must offer to arrange for the occupant(s) to stay in suitable alternative accommodation until it is safe to return.

Proposal 7. Record-keeping

The registered provider will be expected to keep clear records of all attempts to comply with the proposals, including records of all correspondence with the resident(s) and any contractors. If the registered provider makes all reasonable attempts to comply with the timescales but is unable to for reasons genuinely beyond their control, they will be expected to provide a record of the reasons that prevented them from doing so.

In addition, an impact assessment to estimate the costs and benefits of the proposals for Awaab's Law including familiarisation costs and costs associated with meeting the requirements of each of the 7 Proposals is considered within the consultation. Full detail of these proposals can be

found at [Awaab's Law: Consultation on timescales for repairs in the social rented sector - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/awaab-law-consultation-on-timescales-for-repairs-in-the-social-rented-sector)

- 1.5 We know that once any new legal requirement is enacted, any set timescales will be implied into tenancy agreements, so it is important that we take steps to prepare.

In preparation we will:

- continue to assess our teams capacity to meet the timescales proposed, and make plans to meet these timescales if they are not currently achievable.
- consider any gaps in skills, expertise and familiarisation of HHSRS. We will ensure that staff members are sufficiently skilled and experienced and where we identify gaps will build this into our workforce planning.
- review our approach to record keeping and take advantage of new and emerging technologies to support this.

- 1.6 Everyone deserves to live in a home that is decent, safe and secure and the proposed legislation will take steps to ensuring this. Our response welcomes the proposals and provides answers to each question. It provides additional context and views around our approach and challenges we face such as our ability to consistently secure specialist contractors. In addition, it provides views on potential risks and unintended consequences of introducing these proposals.

Appendix A provides the full consultation response submitted to DLUHC for members of this Committee to note. Due to short length of the consultation period and the committee meeting schedule it was not possible for approval of this consultation response to be agreed by the Housing Policy Committee before it's submission.

2. HOW DOES THIS DECISION CONTRIBUTE?

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

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

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 Consultation has taken place internally within the Council to develop our response to the proposals. The government in developing its proposals has consulted widely with tenants and social landlords across the country.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 There are no direct equality implications arising from responding to this consultation.

4.2 Financial and Commercial Implications

- 4.2.1 There are no direct financial implications arising from responding to this consultation. However, if the proposals are taken forward then the cost of meeting our obligations will need to be costed and delivered within the Housing Revenue Account Business Plan.

4.3 Legal Implications

- 4.3.1 On the 16th November 2022, following the conclusion of the inquest into the death of Awaab Ishak in Rochdale, the Senior Coroner of the Coroner Area of Manchester North issued a Regulation 28 Report to Prevent Future Deaths under paragraph 7, Schedule 5, of the Coroner's and Justice Act 2009 and Regulation 28 and 29 of the Coroner's (Investigations) Regulations 2013. This Regulation 28 Report was sent to the Secretary of State for the Department for Levelling Up, Housing and Communities (DLUHC) and the Secretary of State for Health stating that they each have the power to prevent future deaths and asking for their response and a plan of action. Following the conclusion of the inquest Manchester Evening News and Shelter led a campaign with the support of the Ishak family for 'Awaab's Law'. The Secretary of State for DLUHC gave his backing to the campaigners' call for the introduction of 'Awaab's Law.'
- 4.3.2 Section 42 of the Social Housing (Regulation) Act 2023 is the statutory provision which introduces 'Awaab's Law'. This statutory provision came into force on 20 September 2023. Section 42 of the Social Housing (Regulation) Act 2023 amends Section 10 of the Landlord and Tenant Act 1985 to introduce new sections 10A and 10B which create a new implied term as to remedying hazards. Section 10A deals with the Remedying of hazards occurring in dwellings let on relevant social housing leases.

Section 10A (2) states that:

'There is implied in the lease a covenant by the lessor that the lessor will comply with all prescribed requirements that are applicable to that lease.'

Section 10A (3) goes on to state that:

'The Secretary of State must make regulations which require the lessor under a lease to which this section applies to take action, in relation to prescribed hazards which affect or may affect the leased dwelling, within the period or periods specified in the regulations.'

These Section 10A provisions require social landlords to comply with new requirements which will be set out in detail through regulations and other secondary legislation. This consultation sought views on the specific requirements and timescales to be included in secondary legislation when implementing 'Awaab's Law' and how these will impact on residents and landlords.

4.4 Climate Implications

4.4.1 There are no direct climate implications arising from this consultation.

4.5 Other Implications

4.5.1 There are no other implications arising from this consultation.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The alternative option is not to provide a response to the consultation. However, on this occasion, given that there are implications for the Council, the recommendation is that a response is submitted.

6. REASONS FOR RECOMMENDATIONS

6.1 There are several implications arising from the proposed implementation of timescales for repairs in the social rented sector through Awaab's Law. It is important for the Council to highlight these implications to government as part of this consultation.

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