

Void Policy

Author:	Housing Assets Manager
Owner:	Assistant Director Housing Management
Version No:	1.0
Date:	February 2025
Review date:	February 2028

Contents:

Paragraph	Heading	Page
1.0	Policy purpose and aims	3
2.0	Key principles and service standards	3
3.0	Policy detail	4
4.0	Associated Legislation, National Standards Regulation and links to other policies	12
5.0	Consultation and communication	13
6.0	Delivering value for money	13
7.0	Monitoring, evaluation and review	14

1. Policy purpose and aims

- 1.1 The Void Management Policy sets out the council's commitment to how it will effectively manage empty homes within its stock in order to achieve value for money and make best use of its homes.
- 1.2 The purpose of this policy is to:
- Set out the principles and service standards of the void management service.
 - Help to meet local housing need by maximising availability of social housing.
- 1.3 The aims of the Policy are to:
- Minimise the length of time that a property is empty, the amount of rental income lost, and costs incurred.
 - Let the property in a clean and safe condition that meets the MBC Void Standard.
 - Meet customers' needs and maximises their satisfaction.
 - Provide a value for money service.
 - Make best use of the void period to meet the council's investment requirements in line with the HRA Asset Management Plan.
 - Meet the council's statutory, regulatory and compliance requirements.
- 1.4 Void management includes the following activities:
- Tenancy termination
 - Inspections
 - Advertising, viewings and offers
 - Work to void properties
 - Creating tenancies
 - Management of long-term voids
 - Management of low demand properties.

2. Key principles and service standards

- 2.1 This policy aims to ensure that a property is properly managed when it becomes vacant, is brought up to the council's void standard before a new tenant moves in, and that the rent loss is minimised within the whole process. This policy will, at all times, be aligned to the council's Allocations Policy to ensure the most effective use of the housing stock in order to help meet

housing need in the Borough.

- 2.2 The policy will ensure that a forward thinking and strategic approach is adopted to void management by:
- Ensuring that outgoing tenants are aware of their responsibilities prior to leaving the property in order to keep repair costs to a minimum.
 - Ensuring that tenants who are found to have damaged property, left tenant responsible repairs or left contents are recharged for repairs (via the Recharge Policy).
 - Reducing rent loss by minimising the length of time during which properties are being repaired.
 - Ensuring properties are available as quickly as possible for people in housing need.
 - Managing tenant expectations, explain our void standard and the customer journey for sign ups.
 - Undertaking works to voids which are appropriate to the customer needs.
 - Minimising tenant transfers and any costs associated with them.

3. Policy detail

3.1 Tenancy Termination

Full details about ending a tenancy can be found in the Tenancy Agreement, including the requirement for a tenant to provide 4 weeks written notice. Tenants who are transferring to another social tenancy (either council or another Registered Provider) may be permitted a varied notice period. All decisions in this respect will need to be agreed with the council in advance.

Where the outgoing tenant has given notice and fails to leave the property after the end of the notice period legal action may be taken to remove them from the property.

The council will, wherever possible, inspect properties becoming vacant, both prior to and following the termination of a tenancy.

3.2 Pre-Termination Stage

Once written notice ending the tenancy has been received, a pre-termination conversation by the Housing Officer will be undertaken as soon as practicable. This conversation will seek to establish the reason why the tenant/s is/are leaving and identify whether any support/solutions are available to help them to remain (if applicable). They will explain the acceptable condition the council expects the property to be returned and highlight the type of repairs that the tenant will be required to undertake before leaving the property. Where applicable, the council will explain that it reserves the right to recharge the outgoing tenant for any

damages to the property caused by neglect or arising out of unauthorised alterations to the property.

If the tenant wishes to continue with their termination a visit to the property will be arranged. At this stage if the tenant has undertaken their own improvements, where permission has not been authorised, the inspecting officer will look for damage to the property. If the outgoing tenant is advised that they need to remove the improvement works, they are liable for all costs associated with returning the property to the original state. A further explanation of the expectations for the condition and state of the property will be provided at this visit.

The visit to the home may be accompanied by the Council's principal contractor, in order to survey the works that will be required in order to re-let the property to the required standard. A key safe may be installed externally in preparation for trade access into the property. Any access during the notice period will be with prior agreement with the out-going tenant. The officers will gather information to enable the property to be advertised, including external photographs.

If deemed appropriate, the officers will seek permission from the out-going tenant to undertake viewings during the final weeks of the notice period.

If the tenant is on the housing register and is transferring to another council property a pre-transfer may be carried out. If the works are not completed during this visit the council may withdraw alternative offers of accommodation or they may be charged for the works to be undertaken on their behalf.

Where improvement work has been carried out to the property the outgoing tenant may request compensation to cover part of the costs. Full details may be found in the Compensation and Reimbursement Policy.

3.3 Post-Termination Inspection

A post-termination inspection will be undertaken on all void properties as soon as practicable after the tenant leaves.

The purpose of this inspection will be to:

- Ensure the property is empty, and to remove any items that pose a risk to the health and safety of prospective tenant(s) or contractors.
- Determine whether prospective tenants can be allowed to view the property &/or identify if the property requires a pre-clean or other works before the prospective tenants can view.
- Ensure the property is secure and change the front and back door locks.

- Identify any outstanding disrepair which may be the responsibility of the previous tenant.
- Arrange for compliance safety checks to be undertaken. If there is a live gas supply, this will capped by our approved contractor.
- Identify works needed to comply with health and safety requirements.
- Identify necessary repairs which are required to enable a property to be re-let as soon as possible.
- Apply a risk based approach to determining the appropriate level of security (if required).

3.4 Terminations Following the Death of the Tenant

Where the tenant dies, the tenancy still needs to be terminated by the giving of 4 weeks written notice. The council will offer support to the next of kin and may agree to accept a varied notice period.

In the instances where the tenancy has been ended due to the death of the sole tenant the person who has been properly authorised to deal with the late tenant's estate is responsible for the removal of all goods from the property. Where there is no person properly authorised to deal with the deceased tenant's estate, then the council will commence the formal legal process to end the tenancy by the service of a Notice to Quit on the Public Trustee. Once this Notice has expired, any goods remaining in the property will be disposed of following the procedure set out in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 which is discussed below in this policy.

The property will still be subject to a pre and post termination visit. In the event that damage to the property has occurred owing to the wilful neglect of the now deceased tenant or the carrying out of unauthorised alterations by the deceased tenant, then the council may consider pursuing the estate for the costs of making good any damages caused by the deceased tenant during the tenancy.

3.5 Evictions and Abandonments

The outgoing tenant is responsible for removing all personal possessions from the property by the end of the written notice period. However, there may be some instances where the tenant fails to give notice (either as a result of eviction or abandonment) and belongings are left in the property or where notice has been given but belongings are still left within the property. Once the notice period has expired and the tenant has left the property, the council accepts no responsibility for any items left within the property or the land forming part of the tenancy. In such circumstances the council reserves the right to issue a formal Notice in accordance with section 41 of the Local Government (Miscellaneous Provisions)

Act 1982 advising there are personal belongings within the property and that upon expiry of the notice any belongings remaining will become the property of the council and will be dealt with in accordance with section 41.

3.6 Recharges

The council will seek to recover from the outgoing tenant any compensatory damages to the property arising as a result of neglect on the part of the tenant and/or any other compensatory damages to the property occurring as a result of any unauthorised alterations the property.

In default of the outgoing tenant complying with their tenancy obligations to vacate the property and leave it in a satisfactory condition with vacant possession and/or in default of the outgoing tenant returning all keys and fobs the council will seek to recover from the outgoing tenant, by way of compensatory damages, the cost of cleaning the property, and/or any costs in removing left items at the property and/or the cost of any replacement keys.

At the end of the tenancy, the council reserves the right to recover from the outgoing tenant any compensatory damages that have occurred during the period of the tenancy as a result of the tenant being in breach of the tenancy agreement.

The council will make every reasonable effort to contact the outgoing tenant to inform them of any outstanding items for which they may be liable in order to offer the tenant the opportunity to settle the matter and thereby avoiding the need for formal legal proceedings via the civil courts. The amount claimed by way of compensatory damages will be raised by way of a recharge notification to the outgoing tenant. Any recharges may affect any future application for re-housing if they are not cleared.

Further information on charges and recovery of rechargeable repairs are contained in the Recharge Policy.

3.7 Letting a Void Property

The council aims to ensure that allocations are made giving full consideration of the customer needs, the property and any issues in the local area.

3.8 Selection of New Tenant(s)

To ensure that void rent loss is kept to a minimum, the process of selecting a new tenant for a property will begin as soon as possible after notice is received from the outgoing tenant or the council is made aware that the property will be available for re-letting. Prospective tenants will be selected in accordance with the council's Allocations Policy and the outcome of the Pre-Tenancy Interview.

Where possible, a viewing for a prospective tenant will be undertaken prior to the outgoing tenant leaving the property in order to minimise any delay in allocating the property.

3.9 Viewings and Offers

Once a suitable applicant has been identified they will be invited to attend a viewing at the property. The viewing is intended to ensure that the property is suitable and to discuss any requests for additional reasonable adjustments. Requests for reasonable adjustments to the property will be considered in line with the council's Void Standard.

Prospective tenants may be given the choice to keep some items that have been left in the property by the former tenant, such as floor finishings. If the outgoing tenant has left gas or electric appliances in the property, the council cannot take responsibility for maintaining these and they will therefore be removed.

The applicant will also be provided with the most recent copy of the Energy Performance Certificate for the property (where available) to help them to understand its potential running costs.

Once the works have been agreed and the prospective tenant has accepted the property, a new tenancy start date will be agreed. In setting the completion date, due regard will be taken of the amount of work required and any customer requirements. Prospective tenants will be advised of the date and informed in advance if this date is unlikely to be achieved, for example if additional works are identified during the course of completing the repairs.

3.10 Creating New Tenancies

As soon as all essential repairs are completed satisfactorily, the prospective tenant will be invited to sign the Tenancy Agreement. The terms of the Tenancy Agreement will be explained to ensure that the tenant(s) is fully aware of the landlord and tenant responsibilities, and the consequences if conditions are breached.

The new tenant will also be provided with appropriate advice about:

- Paying their rent.
- Applying for benefits, if required.
- Setting up utilities.
- Reporting any repairs.
- Referrals to other agencies.
- Property information in the form of the sign up pack.

All new tenants will be given the opportunity to provide feedback relating to the void management and allocations process by completing a New Tenancy Survey at sign up. Feedback and satisfaction will be monitored and reported in accordance with the council's performance management framework.

3.11 Works to Void Properties

All properties will meet the Void Standard. Prior to any works being undertaken the council will ensure that there is an up-to-date asbestos survey for the property.

Prospective tenants will not be given access to the property once the contractor has begun works without the contractors express permission.

In some instances, works to the property may be undertaken after the tenant has signed up, specifically where the works can be completed without significant disruption for the tenant. The works will not pose a significant health and safety risk to the tenant or any member of their household and the tenant agrees to the works being undertaken in tenancy. External works to the garden may be undertaken after the new tenancy has started.

Where certain elements of the property (i.e. kitchen) are in good condition but included on a planned programme in the near future, the property will be let in its current state and the planned work will be completed later. If the element is in poor condition and falls below the void standard, the upgrade will be completed whilst void.

Where a property requires an element of decoration, the incoming tenant will be provided with decoration vouchers which enable the work to be completed by the tenant without a financial cost for materials to the tenant.

The amount provided per room will be £50, & the applicable rooms are bathroom, Kitchen, Lounge, Dining Room, WC (where separate), Halls (flats/bungalow), Hall/Stairs/Landing (houses) & Bedrooms.

Internal decorating may be undertaken by the council in exceptional circumstances. Exceptional circumstances may include a tenant moving into the property that is elderly, vulnerable and/or the property being in a particularly poor state of decoration.

Some adaptations will be completed before the tenancy commences, but these will be dependent on the individual needs.

3.12 Utilities and Services

All properties will be inspected and be issued with both electrical and gas safety certification ensuring that the property is compliant with the current gas and electrical regulations. All properties will have a valid Energy Performance Certificate (EPC) in place prior to the letting with a minimum rating of between A to E to mirror the council's commitment to sustainability and compliance with minimum energy efficiency standards (MEES).

When a property has become void the council will cap gas supplies where installed in order to reduce any health and safety risks.

Wherever possible the utility supplies will also be transferred to a preferred supplier in order to reduce any delays in managing the void process.

During the health and safety checks the electric and gas meters at the property will be checked. Any evidence of tampering will be recorded. Tampering with meters is a criminal offence and the council will provide tenancy details to utilities companies and the Police if there is evidence that a meter has been damaged

The gas supply will not be uncapped until the tenant confirms that they have moved into the property, to ensure that any risks of gas build up are minimised. The council aims to ensure that the gas is uncapped as soon as possible following the request of the customer. When the gas is uncapped the tenant will also be provided with the annual Gas Safety Certificate.

The council will ensure the water supply/system within each property is maintained in accordance with the Water Hygiene Management Plan.

Smoke and Carbon Monoxide alarms will be fully tested and installed where required and the Smoke and Carbon Monoxide Alarm Regulations 2022.

3.13 Major Voids

Where a void property requires major works, and therefore a high level of investment is needed in order to bring it up to an appropriate standard, then an options appraisal may be undertaken in order to assess whether the works should be completed, or if the property should be taken out of use. Consideration will be given to:

- Level of rent loss if the property is not tenanted and the impact on the Housing Revenue Account
- The level of demand for the property type and area
- The overall cost of the works required.

If the assessment finds that the works are financially viable they will be completed. For properties where the assessment finds that it is not financially viable to undertake the works and there is little demand for the property type

and/or area the property may be disposed of in line with the HRA Disposals Policy.

Major voids will be advertised when a completion date for the void work is known.

3.14 Low Demand Properties

The priority for the council is to ensure that all homes are let as soon as possible to tenants who are able to sustain the tenancy. A property will be considered to be low demand if there are no suitable applicants on the Housing Register for the property.

Additional action(s) may be taken when a low demand property is identified in order to attract a suitable tenant. A combination of the following may be agreed and implemented:

- Additional internal works beyond the needs of the customer
- Internal decoration
- Improved security
- Fencing and landscaping improvements
- Support for tenants moving in.
- Carpets.

Low demand properties are monitored at the monthly Void Management meeting.

3.15 Out of Management Properties

Some properties will need significant investment to re-let them. This may be due to the level of capital investment required for them to meet with Decent Homes standard. This may also be applicable due to major incidents, such as house fires or floods, when insurance claims maybe required.

If a property is to be taken out of management, this decision must be proposed via agreement of the Tenancy Services & Housing Asset Managers respectively. They must in turn seek agreement from the Assistant Director of Housing Management.

Out of management properties will still be subject to performance monitoring, but reported separately to differentiate between more standard re-let times and costs. Out of management properties are monitored at the monthly Void Management meeting.

3.16 Adapted Properties

Properties which are already adapted when they become void will be considered in line with the council's Aids and Adaptations Policy with the priority being to ensure best use of the adaptations. In some instances, where a property has

major adaptations, the council may choose to leave the property void for a longer period until a suitable tenant, who requires the adaptations, can be identified. Decisions to remove major adaptations from properties will be made by a service manager based on all available information on the demand for the property and compliance with the Aids and Adaptations Policy.

4. Associated Legislation, National Standards Regulation and links to other policies

- 4.1 This Policy, and the way in which the council's void management service is delivered is underpinned by Tenancy Agreements which are granted by the council and comply with the requirements of the following standards and legislation:
- Localism Act 2011
 - The Housing Act 1985
 - Local Government (Miscellaneous Provisions) Act 1982
 - Housing Act 1996 (Part 6)
 - Gas Safety (Installation and Use) Regulations 1998 (GSIUR) as amended 2018. Approved Code of Practice and guidance
 - Health and Safety Legislation including Health and Safety at Work Act 1974
 - Housing Health and Safety Rating System (England) Regulations 2005
 - Control of Substances Hazardous to Health Regulations 2002 (COSHH)
 - Environmental Protection Act 1990
 - Building Safety Act 2022
 - Smoke and Carbon Monoxide Regulations 2015 and Smoke and Carbon Monoxide Alarm (Amendments) Regulations 2022
 - Homes (Fitness for Human Habitation) Act 2018
 - Gas Safety (Installation and Use) Regulations 2018
 - Electrical Safety, Quality and Continuity Regulations 2002/2665

- Control of Asbestos Regulations 2012
- Regulatory Reform (Fire Safety) Order 2005
- Data Protection Act 2018 and GDPR
- Equalities Act 2010
- Disability Discrimination Act 1995.

- 4.2 In order to respond to best practice, the policy also seeks to have strong reference to the existing Regulatory Framework for Social Housing in England, and relevant themes within the Social Housing Regulation Bill 2022, by:
- Minimising the time that a property is empty between lettings – taking account of the circumstances of the new tenant.
 - Meeting all applicable statutory requirements that provide for the health and safety of new occupants.
 - Demonstrating an appropriate balance of planned and responsive repairs, and value for money. The approach should include responsive and cyclical repairs, planned and capital work, work on empty properties, and adaptations.
 - Ensuring that tenants' homes meet the standard set out in the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard.
- 4.3 This policy is strongly aligned with the council's Housing Revenue Account (HRA) Asset Management Plan and HRA Business Plan and has links with the council's Tenancy Management and Housing Allocations Policies.

5. Consultation and communication

- 5.1 The development of this policy has included views from a range of relevant stakeholders including tenants, internal teams, our contractor and the Portfolio Holder for Housing, Leisure and Landlord Services. The wider scope of the policy also allowed reflection of best practice elsewhere and incorporated the relevant statutory requirements.

6. Delivering value for money

- 6.1 The council is committed to ensuring its Void Management Services offer excellent value for money and will therefore ensure that a range of mechanisms are in place to demonstrate value.
- 6.2 The mechanisms used will include:
- Benchmarking against peers
 - Market testing against other providers
 - Reviewing internal cost and performance data

- Internal business reviews.
- 6.3 Performance in relation to the void management service will be monitored through the Performance Framework. Key measures in relation to void management are:
 - Number of void properties
 - Average re-let time for a short-term void
 - Average re-let time for a long-term void
 - Average re-let time for voids 'Out of Management'
 - Amount of void loss
 - Average void costs.

The contracts used to procure void services alluded to different types of voids which vary from how we monitor performance. The current arrangements with Axis Europe allude to voids on a V1-V5 scale, based on duration of works and monetary costs. This is monitored by Officers on each void.

7. Monitoring, Evaluation and Review

- 7.1 The council is committed to ensuring that its repairs and maintenance services are delivered to a high standard and provide high levels of customer satisfaction. In order to help it do this, it will monitor and manage performance through a range of methods.
- 7.2 The council will measure and evaluate performance against a range of appropriate and relevant performance indicators and will benchmark itself against other social housing providers. The council will audit the quality of repair works and investigate complaints in relation to the standard of works and will actively collect and analyse tenants' views on the repairs service provided, with feedback collected by staff acting independently of the delivery of the service.
- 7.3 Performance information and benchmarking data will be reported to the council, through the Annual Report to tenants.
- 7.4 The Assistant Director of Housing Management is responsible for monitoring the implementation of this policy.
- 7.5 This policy will be reviewed every three years. In addition, it will be reviewed:
 - Following learning as a result of experience in dealing with cases.
 - To reflect any service enhancements; and/ or,

- Following the introduction of any new legislation, regulations, or guidelines.