

Voids policy

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1. Scope

This policy outlines Ealing Council's approach and commitment to manage our empty homes quickly and efficiently.

A property is classed as void or empty property when there is no current or 'live' tenancy running against the address. The void period is the time between one live tenancy ending and a new tenancy commencing.

This policy covers our re-lets of general needs, sheltered, and hostel accommodation.

This policy includes all homes Ealing Council owns and manages including Broadway Living. Buy-backs are excluded from this policy.

Properties that have been earmarked for disposal or regeneration are excluded from this policy.

2. Aims

The aims of this policy are to provide clarity on Ealing Council's approach to managing and letting empty homes as quickly and efficiently as possible. This policy outlines:

- how we end tenancies
- the tenant's responsibilities leading up to and including their tenancy ending
- what to expect and why we carry out 'before tenancy end visits' namely pre void inspections
- our approach to void inspections
- the work we carry out to prepare the homes we own and manage to be re-let
- our attitude towards internal decoration

- how we maximise and monitor customer satisfaction with LBE homes and gather refusal data to analyse and inform process, budgets, and future actions

3. Policy statement

Ealing Council is committed to ensuring that the turnover of its homes are effectively managed to maximise safety and rental income, meeting housing needs that contribute to positive neighbourhoods. The policy will ensure a forward looking and strategic approach to void management that will help to:

- minimise rent loss through reducing the length of the void period.
- minimise the repair void costs by asking the outgoing tenant to complete work during the notice period.
- set out Ealing Council's housing service lettable standard ensuring that all staff, contractors and tenants are aware of exactly what condition the council expects of its empty homes.
- put in place systems for monitoring the standards of void properties and customer satisfaction with their new home.

The Housing Revenue Account (HRA) is funded from the income generated by the rental of our homes, this policy focuses on the requirement to reduce the length of time a home is empty.

With approximately 10,000 applicants on the housing register, and demand far greater than supply, it is imperative Ealing Council let our empty homes quickly and efficiently.

4. Ending tenancies

All tenants are required to give 4 week's (28 days) written notice terminating their tenancy. Full details about ending a tenancy can be found in the tenancy agreement. On receipt of the notice to quit, Ealing Council will confirm with the tenant the vacant possession date and remind them of their end of tenancy responsibilities.

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. In the event of the death of a tenant, where there is no successor, Ealing Council will accept the notice to quit from the late tenant's next of kin, personal representative, or executor of the late tenant's estate. The requirement for 4 weeks' notice applies in these cases. In the instances where the tenancy has been ended due to the death of the sole tenant the executor of the estate is responsible for the removal of all goods from the property. If there is no executor, the council will end the tenancy by service of a notice to quit on the public trustee. On expiry of this notice, any goods remaining in the property that are not required will be disposed of.

Tenancies always finish on a Sunday and keys must be returned to us at one of our hub offices. If a key-safe has been fitted by the council or our contractors after the 'before moving out visit', keys can be placed in there once the resident has moved out.

Where the keys are not returned at all, the cost of changing the locks will be recharged to the outgoing tenant.

As part of the end of tenancy process, the tenant will allow Ealing Council to carry out a 'before moving out visit'. This reminds tenants of their legal obligations and gives advice on what if any work they should do before they hand the keys back to us.

Ealing Council actively encourages tenants to leave the property and external areas in a clean and tidy condition as laid out in the tenancy agreement. When a valid notice of termination is received, all outgoing tenants will be reminded of their rights and responsibilities in relation to ending the tenancy. Ealing Council will then arrange inspection of the property before the tenant moves out. This will enable the housing service to:

- identify any required repairs and to determine if the cost of repairing should be recharged to the tenant
- identify and notify maintenance contractors of expected volumes of work to assist with forecasting and capacity planning
- identify any factors which will be considered as part of offering the property for re-let such as disabled adaptations

The outgoing tenant will be responsible for the full costs for clearing out the property and any other rechargeable repairs identified.

The tenant will be made aware of any rechargeable repairs identified where possible during the pre-void inspection, namely the 'Before moving out visit'. The outgoing tenant will be asked to sign the list of rechargeable repairs, and this will be used as a checklist to ensure that their responsibilities have been met. Ealing Council reserves the right to recharge the outgoing tenant for any rechargeable works that occurred after or that were not visible during, the 'before moving out visit'.

The tenant will also be informed about the status of their rent account and any sub accounts and will be required to make payments to clear any outstanding debt before the end of the tenancy.

If the tenant is in arrears but is unable to clear them in full before the end of the tenancy, they will be required to make an affordable payment agreement to clear the debt. Failure to do so will mean that the tenant will be pursued for any monies owing in accordance with Ealing Council's income management policy. The outgoing tenant will be required to provide a forwarding address.

Where it is suspected that a property is abandoned, the statutory procedures will be followed as detailed in our tenancy management procedures.

5. Responsibilities of the vacating tenants

The vacating tenants are required to fulfil the following conditions when they wish to end their tenancy:

General conditions:

- provide a minimum of 4 weeks' notice of intention to move out
- allow staff access to pre-inspect the property following an appointment
- allow staff to show prospective tenants to view the property before it becomes empty
- have a clear rent account
- return all the keys to the property as stated above
- have all utility meters read before moving out. If key meters are fitted, leave the keys in the meters with no debts. If a debt is discovered, Ealing Council will forward your contact details to the utility companies
- provide a forwarding address

- allow access to carry out minor repairs if reported or identified in the pre-void inspection before you vacate the property
- to put in place a postal redirection service

Cleaning and clearing:

- make sure that the garden is tidy and free of rubbish
- remove all furniture, belongings and any rubbish from the property including the loft, the garden, and sheds
- leave the property in a clean condition – windows, floors, cupboards, worktops and all sanitary ware

Decorations, fixtures, and fittings:

- make sure the property is in good decorative order
- repair any damage caused by moving fittings and fixtures
- repair everything that has been damaged
- agree with staff and clearly mark any items they wish to leave behind for the next incoming tenant

6. Pre-void inspection 'before moving out visit'

The pre-void inspection is a fundamental stage in helping us let our homes quickly and efficiently. At the pre-void inspection, the condition of the property and the assets will be noted details about the kitchen, bathroom, boiler, any asbestos present and anything else that we might want to start planning to remove or replace so that the void period is kept to an absolute minimum.

Any adaptations to the property, such as a flush-floor shower, wheelchair height kitchen cupboards and handrails etc. will be noted at this time.

This information will be shared with both the housing allocations team and the adaptations officer, so that they are able to offer the property to an appropriate prospective tenant.

At the pre-void inspection the tenant will be advised what work they need to do before they hand back the keys to bring the property back to a 'reasonable condition' as per the tenancy agreement. This has the benefit of getting the work identified at the pre-void inspection carried out by the outgoing tenant and speeds up the time it takes for Ealing Council to relet the property.

7. Void inspection

A full survey will be carried out as soon as the property is vacant which will cover areas that cannot be accessed during occupation. The inspecting officer will identify any repairs that may have been missed or hidden by furniture during the pre-void inspection that need to be recharged. The inspecting officer will compile a list of works that need to be carried out to the empty home to bring it up to the lettable standard.

At this inspection we will confirm if the former tenant has complied with all of their end of tenancy obligations.

The outgoing tenant is responsible for removing all personal possessions from the property. If Ealing Council has to remove rubbish and belongings the tenant will be charged for the costs. Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 requires local authorities to keep property left in their premises only for one month after having given notice to its owner. It then gives Ealing Council the power to dispose of property left in a council home.

Ealing Council will recharge any outgoing tenant for the costs of making good or renewing any damage caused to the property (outside normal wear and tear), undertaking repairs to poorly fitted tenant improvement works and for clearing any rubbish and/or belongings that have been left at the property. Recharges may also be applied for the cost of cleaning and/or de-infesting the property. Photographs will be taken, of anything that results in a re-charge to the former tenant. It is imperative that where a recharge to the tenant is identified, this is properly documented on the void inspection report and supported with photographic evidence obtained before the void works are carried out to formally record and prove the need for a recharge. This needs to be evidence that can be relied upon in court.

An assessment for asbestos removal will take place once the scope of works has been determined and in conjunction with the void's removal guidelines.

8. Preparing the empty home ready to let

Ealing Council aims to identify and complete all necessary repairs to enable a property to be re-let as soon as possible. All works undertaken in the property will be completed to the lettable standard.

Ealing Council will carry out a post-inspection of the empty homes before they are let to make sure the contractor has carried out the work to a satisfactory standard and the property meets the lettable standard.

All void properties must have had a gas and electrical check and have the necessary certificates in place before they are ready to let. Copies of these are given to the new tenant as part of the sign-up process and stored electronically.

Ealing Council will flush all water supplies in empty properties during the void period so that the risk of legionella is mitigated.

In exceptional circumstances, minor or non-essential repairs will be undertaken once the tenancy has commenced. These repairs and the timescales for their completion will be agreed with the new tenant.

All properties will have a valid Energy Performance Certificate (EPC) a copy of this will be issued to the incoming tenant as per the legal requirements.

Ealing Council will undertake an asbestos survey in the void property and advise all incoming tenants if there is any asbestos present when they sign up for their new home.

Ealing Council will ensure that properties are checked against the planned works programme to make the most cost-effective use of resources. If a property falls into a geographical area where planned maintenance work is being undertaken, the property will be moved to the top of the planned maintenance list for these works to be completed as soon as possible.

Major repairs and any necessary works to meet the required safety standards that would cause a high level of disruption to tenants or put their safety at risk, such as the removal of asbestos, and any damp or rot treatments will be completed prior to the start of the new tenancy.

9. Internal decoration

Ealing Council will undertake basic redecoration where required before the property is let. Ealing Council will ensure that all sheltered properties are in good internal decorative order throughout, including woodwork, walls, and ceilings.

General needs properties will be left in a suitable condition so that the property can be decorated by the incoming tenant.

Where the vacating tenant has left significant smoke staining, or dark colours, consideration will be given to the need to apply a mist coat of emulsion prior to re-letting.

10. Managing risk

Ealing Council need to manage the risk of loss of income to the Housing Revenue Account

Ealing Council need to manage the reputational risk of leaving homes vacant for longer than necessary.

Ealing Council need to comply with our regulatory code of making the best use of our housing stock.

Ealing Council need to reduce the amount of time a home is empty as this could attract attention from theft, potential squatters, or vandals.

Ealing Council need to manage the risk of people running up large arrears and then leaving without giving us their forwarding address.

Ealing Council need to manage the risk of tenants leaving their home in a poor condition and us incurring large void losses and void costs for bringing the home back to our lettable standard.

We will monitor contractors to ensure the lettable standard is met and work is completed safely.

11. Resident engagement

Satisfaction with the service provided will be monitored through 'new tenancy' visits and repairs satisfaction forms. Feedback received from these surveys may be used to inform amendments to the policy and thus improve the service provided to new tenants.

Residents will be involved in the review of our lettable standard.

12. Contractor engagement

Ealing Council will share information from the pre-void inspection with the voids contractor so they can plan and schedule work efficiently to reduce the time our homes are empty.

Ealing Council will require our contractor to work in an efficient manner having regard to the neighbourhood and those residents living nearby. No rubbish will be left outside of the vacant home overnight, which may attract other fly-tipping and draw attention to the empty home.

Ealing Council require our contractors to follow all health and safety practices, and not to tamper with any gas supplies that may have been capped for safety purposes.

Ealing Council will meet with our voids contractor regularly to discuss performance, that work is completed within an acceptable timescale. We will make sure we effectively manage the contract.

13. Equality and diversity

An equality impact assessment 'initial screening' has been carried out which identified the need to work with occupational therapy for people who need a home that is a purpose-built disabled persons unit or adapted to meet their needs.

Ealing Council provides housing for communities which include wide social diversity and is committed to providing a fair and equal service to its residents. Through the management of our empty properties, the council aims to treat all customers fairly, with dignity, and with respect and professionalism. In accordance with the duty placed on Ealing Council under the Equality Act 2010, specific consideration of the impact of this policy has been given to people with protected characteristics, including gender, race, age, disability, religion, sexual orientation and marital status or other protected characteristic. Ealing Council will ensure that its services are accessible, responsive, and sensitive to the diverse needs of individuals.

In addition, to support the needs of customers whose first language is not English, Ealing Council will provide translation and interpretation services when needed. Ealing Council will provide information that is accessible and available in other formats such as large print, audio and braille, as needed.

14. Monitoring and review

How will we measure success – we will develop a suite of key performance information KPIs using our housing system that measures:

- average re-let times for all voids including breakdown into sheltered and general needs housing.
- percentage of void loss for general needs homes
- percentage of void loss for sheltered housing homes
- percentage of empty homes where “before you move out visit” is carried out
- average cost of bringing a void property to the lettable standard
- actual numbers of voids (terminated and re-let)
- offer refusal rates and reasons
- number of void properties

This information will be shared with our involved residents, who will also monitor performance.

This policy will be reviewed every 3 years, unless new legislation or good practice means it needs to be reviewed sooner.

15. Governance

The home standard sets out our regulatory requirements to provide tenants with quality accommodation and a cost-effective repairs and maintenance service.

The tenancy standard requires us to let our homes in a fair, transparent and efficient way.

We are required to record all lettings as required by the Continuous Recordings of Lettings (CORE) system.

16. Legal framework

- Health and Safety at Work Act 1974
- Landlord and Tenant Act 1985
- Electricity at Work Regulations 1989
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended)
- Gas Safety (Management) Regulations 1996
- Gas Safety (Installation and Use) Regulations 1998 amended 2018
- The Human Rights Act 1998
- Management of Health & Safety at Work Regulations 1999
- Water Supply (Water Fittings) Regulations 1999
- Building Regulations 2000 (amended)
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- Housing Act 2004
- Regulatory reform Fire Safety Order 2005 England and Wales
- Equality Act 2010
- British Standard (BS8580) Water Quality-Risk Assessments for Legionella Control-Code of Practice 2010
- The Control of Asbestos Regulations 2012
- Construction Design and Management Regulations (CDM 2015)
- Electrical Equipment (Safety) Regulations 2016
- The Homes Fitness for Human Habitation Act 2018
- Building Safety Act 2022
- Regulator for Social Housing: Homes Standard

- Approved code of practice and guidance on regulations L8 Legionnaires' disease: the control of Legionella bacteria in water systems
- HSG 274 part 2 "The control of legionella bacteria in hot and cold-water systems"
- HSG 274 part 3 "The control of legionella bacteria in other risk systems"
- "Guide to the design installation, testing and maintenance of services supplying water for domestic use within buildings and their curtilages" - Complementary guidance to BS EN 806
- Any subsequent legislation in force at the time

17. Associated policies and procedures

Housing allocations policy 2023

Lettings policy

Repairs policy

Tenancy management policy

Recharges policy

Income management policy

Water safety (legionella) policy

Gas safety policy

Electrical safety policy

18. Appendix

Equality impact assessment

Lettable Standard