

### Policy Control

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### Contents

- 1.0** Policy Statement
- 2.0** Scope
- 3.0** Definitions
- 4.0** Our responsibilities
- 5.0** Your responsibilities as a tenant
- 6.0** Reports and Treatment
- 7.0** Exclusions
- 8.0** Treatment to Communal Areas
- 9.0** Property and Asset Management
- 10.0** Recharges and Enforcement Action
- 11.0** Support for Vulnerable Customers

## 12.0 Legislation

## 13.0 Review

### 1.0 Policy Statement

- 1.1 As a responsible landlord, Derby Homes has a legal duty to ensure that our homes are safe places for customers to live under the Homes (Fitness for Human Habitation Act) 2018.
- 1.2 The Homes (Fitness for Human Habitation Act) 2018 states that we must ensure that our homes do not put customers at risk of physical harm or injury, do not seriously affect a customers' health and ensure that customers can make full use of their home. We recognise that the presence of pests may increase these risks and so we will work with customers to ensure that these risks are managed appropriately.
- 1.3 The Housing Health and Safety Rating System also details domestic hazards that relate to domestic hygiene, pests, and refuse. In particular, that poor housing design, layout or construction may present difficulties for customers to keep their home in a clean and hygienic condition or may attract pests.
- 1.4 Derby Homes will adopt a proactive method to identify and manage risks relating to pest issues.
- 1.5 This policy will ensure that our obligations are performed consistently, while considering the impact that a customer's behaviour may have on their own home and living environment (including communal areas).

### 2.0 Scope

- 2.1 This policy applies to all Derby Homes Employees and should be followed in line with Derby Homes' Pest and Infestation Risk Assessment and Procedure to ensure safe working practices.
- 2.2 This policy will be applied to all properties that Derby Homes own or manage in line with the relevant tenancy agreement or lease agreement.

### 3.0 Definitions

- 3.1 Pest – for the purposes of this policy, we will class the following as pests.
  - Mice
  - Rats
  - Cockroaches
  - Wasps
  - Pigeons
  - Squirrels

This list is not exhaustive, and we may consider the treatment of other species of pest where they present a serious risk of harm to our customers or their homes.

#### **4.0 Our responsibilities**

*We are responsible for:*

- 4.1 Communal areas and block treatments – Treatment for mice, rats, cockroaches, wasps, pigeons, and squirrels within communal areas. On occasion, we may need to treat a whole block, including communal areas and all flats. Where a lessee's property is part of a block being treated, we will recharge the lessee for a proportion of the cost.
- 4.2 Tenanted flats/ Maisonettes – Treatment for mice, rats, cockroaches, wasps, pigeons, and squirrels within tenants' flats **if** the infestation is a communal issue. We will instruct specialist contractors to carry out necessary treatment and make recommendations for any remedial repairs to prevent re-infestation. If the infestation is not a communal area issue, the treatment of pests will be the responsibility of the tenant/ leaseholder of the flat where the infestation has occurred.
- 4.3 Tenanted houses/ bungalows – Remedial repairs, such as blocking holes in tenants' homes, which could allow pigeons or squirrels to access the loft or mice to access the house. The treatment of pests within the home is the responsibility of the tenant.
- 4.4 Void Properties - When a property is empty, we will inspect it and deal with any pest issues before re-letting the property, in accordance with Derby Homes' Lettable Standard.

#### **5.0 Your responsibilities as a tenant**

*You are responsible for:*

- 5.1 Maintaining your property and garden so that they do not harbour pests that may be the primary cause of repeat infestations affecting your own property or neighbouring ones.
- 5.2 Taking actions to help prevent and manage infestations.
- 5.3 Allowing us and our contractors access to carry out pest control treatments that we are responsible for.
- 5.4 Reporting and treatment of any pests for which we are not responsible.
- 5.5 Local authorities may offer low-cost or free pest control services to their residents. You can enquire about services and charges directly through your local authority.

5.6 Should customers fail to maintain their responsibilities as set out above, then we will consider enforcement action (including recharging customers for the costs of work) as set out in section 10.0 below.

## **6.0 Reports and Treatment**

6.1 We will risk assess all reports of pest activity on an individual basis and will respond in line with our Service Level Agreement with the Local Authority Pest Control Service.

6.2 Where a pest issue is identified and the risk of harm is considered to be high, we will instruct specialist contractors to inspect and resolve the issue. The cost of treatment may be recharged back to the tenant if the infestation is deemed to be tenant responsibility.

6.3 Where the risk of harm is considered to be low and/ or the infestations is the responsibility of the customer, we may offer advice as an alternative to taking action.

6.4 Following and in conjunction with the above works, Derby Homes will raise repair orders as required in line with our existing job priority matrix.

## **7.0 Exclusions**

7.1 We will not treat the following types of pests:

- Foxes - Foxes are not regarded as pests and cannot be trapped or killed. Nuisance relating to foxes can be eased by not leaving food out to encourage them and maintaining a tidy garden.
- Badgers - Badgers and their setts are protected under The Protection of Badgers Act (1992). It is illegal to kill, injure or interfere with a badger or their setts.
- Bats - Bats are protected by The Wildlife and Country Act (1981). It is illegal to kill or injure bats and it is also unlawful to disturb roosting bats, or to damage or destroy any place used by bats for roosting.
- Masonry Bees - These insects are incapable of stinging or harming humans so we will not destroy them.
- Bumble Bees - Although capable of stinging humans, Bumble bees are the least aggressive of the stinging insects.
- Honeybees - We will provide details of the British Beekeeping Association and the customer will be responsible for contacting them or a registered beekeeper so they can arrange removal.
- Bedbugs - Bedbugs are primarily brought into a property via used furniture, luggage, backpacks etc and therefore not the landlords' responsibility. We may choose to deal with a bed bug issue if it begins to affect multiple properties and seek to recharge where the cause of an infestation is found.
- Fleas – Fleas are typically brought into a property via pets or can be transported on people and are therefore not the landlord's responsibility.

## **8.0 Treatment to Communal Areas**

- 8.1 Where we find that a pest infestation is in a communal space then we may need to treat an entire block, including all flats and communal areas.
- 8.2 If a leasehold property is part of a block that needs treatment, we will consult with them/ apply charges in accordance with our Leasehold Policy

## **9.0 Property and Asset Management**

- 9.1 We will ensure that any areas that may provide an access point for pests are secured by our repairs team. We may undertake further works as recommended by specialist contractors in line with Derby Homes' existing job priority matrix.
- 9.2 We will ensure that open spaces that are managed by Derby Homes are kept in good order, and in line with our ground's maintenance standards so as not to allow access for pests or allow pests to thrive unchecked. Open spaces and our buildings are inspected on an annual basis and any required works are acted on in line with Derby Homes existing job priority matrix.

## **10.0 Recharges and Enforcement Action**

- 10.1 Where we determine that a pest infestation is a result of a customer's action, or inaction (such as keeping their home or garden in an unacceptable condition, failing to allow access for treatment, or failing to report pest issues in a timely manner) we may recharge the full cost of the current (and any future) treatments and / or property repairs to remedy the problem.
- 10.2 We may consider enforcement action (including possession or injunctive action) where customers fail to adhere to their tenancy or lease agreement. This may include situations where customers do not allow access for pest control treatment, or where the property is kept in an unacceptable condition.
- 10.3 We will liaise with the local authority as they undertake their statutory duties under Section 4 of the Prevention of Damage by Pests Act (1949) to resolve issues caused by pests. This may include detailing the action we have undertaken to resolve the issue, alongside the actions or omissions of the customer.

## **11.0 Support for Vulnerable Customers**

- 11.1 We recognise that some customers with additional needs, such as those suffering with Hoarding disorder, may be more prone to pest infestations because of their condition and may be less able to manage their home and garden.

- 11.2 We will ensure that all decisions to recharge, or to take court action in the event of failure to pay a rechargeable debt or failure to maintain an obligation towards the customers tenancy agreement is taken on a case-by-case basis. Where vulnerable customers are concerned, we will ensure that any formal action is subject to an Equality Act Assessment.
- 11.3 Where recharges are applied, and to combat issues of affordability, we will offer repayment options for rechargeable work to ensure any debt is manageable.

## **12.0 Legislation**

- 12.1
- Health and Safety at Work Act 1972
  - Landlord and Tenant Act 1985
  - Housing Act 1988
  - Commonhold and Leasehold Reform Act 2002
  - Environmental Protection Act 1990
  - Workplace (Health, Safety and Welfare) Regulations 1992
  - Provision and Use of Work Equipment Regulations 1998
  - The Management of Health & Safety at Work Regulations 1999
  - Control of Substances Hazardous to Health (COSHH) 2002
  - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

## **13.0 Review**

- 13.1 We will carry out a review of this policy every three years or sooner subject to legal, regulatory changes or if internal changes require.