Housing Statutory Maintenance & Compliance Policy

This policy sets out Dartford Borough Council's management arrangements for property compliance and how we will meet our responsibilities and duties as a responsible landlord.

December 2025

DARTFORD BOROUGH COUNCIL

housing@dartford.gov.uk

Contents

Number	Section	Page
1	INTRODUCTION	2
2	PURPOSE	2
3	SCOPE	2
4	LEGISLATION AND GUIDANCE	2
5	POLICY	3
6	ROLES, RESPONSIBILITIES AND AUTHORITY	4
7	COMPLAINTS	6
8	DATA PROTECTION	6
9	EQUALITY AND DIVERSITY	7
10	MONITORING, REVIEW AND EVALUATION	7

1. INTRODUCTION

1.1. The aim of this policy is to provide guidance on the way in which Dartford Borough Council's ('the Council's') Housing Service will manage its responsibilities and legal obligations as required by the Health and Safety at Work Act 1974, and associated legislation, regulations, and guidance documents, with the aim of managing associated risks to all relevant persons utilising our assets and services.

2. PURPOSE

2.1. The purpose of this policy is to set out Housing Services position on delivering our statutory compliance in line with the over-arching Housing Revenue Account (HRA) Housing Services Business Plan and the Housing Repairs and Maintenance Policy.

2.2. The Council has a statutory duty to undertake certain areas of statutory maintenance in accordance with section 11 of the Landlord and Tenant Act 1985. The Council also has a duty to ensure properties are fit for purpose in accordance with the Homes (Fitness for Human Habitation) Act 2018.

2.3. The specific objectives of the Housing Statutory Maintenance & Compliance Policy are:

- To comply with applicable statutory requirements and health and safety regulations relating to repairs and maintenance;
- To ensure that where applicable, statutory maintenance and improvements are completed right first time and in accordance with regulatory and government prescribed timescales;
- To ensure a cost effective, planned approach to statutory maintenance that demonstrates an appropriate balance of planned and responsive works.

3. SCOPE

3.1. This policy applies to all HRA housing tenure and occupancy types and Council staff involved in statutory maintenance duties including contractors and sub-contractors used on the Council's behalf.

3.2. Under this policy are those carried out at a single property or communal area at the request of an individual customer or staff member of the Council.

4. LEGISLATION AND GUIDANCE

4.1. **External**

4.1.1. The Health and Safety at Work Act 1974
4.1.2. Landlord and Tenant Act 1985
4.1.3. Homes (Fitness for Human Habitation) Act 2018

4.1.4. Defective Premises Act, S.4 1972
4.1.5. The Building Safety Act 2022
4.1.6. The Fire Safety Act 2021
4.1.7. The Fire Safety (England) Regulations 2022
4.1.8. The Regulatory Reform (Fire Safety) Order 2005
4.1.9. Management of Health and Safety Regulations 1999
4.1.10. Technical Guidance HSG 274 - Legionnaires Disease
4.1.11. Institute of Engineering and Technology BS 7671 Wiring Regulations 18th Edition
4.1.12. Gas Safety (Installation and Use) Regulations 1998
4.1.13. The Smoke and Carbon Monoxide Alarm (amendment) Regulations 2022
4.1.14. The Control of Asbestos Regulations 2012
4.1.15. The Water Supply (Water Fittings) Regulations 1999
4.1.16. Legionnaires disease: The control of legionella bacteria in water systems. Approved code of practice and guidance on regulations L8
4.1.17. The Electricity at Work Regulations 1989
4.1.18. The Electrical Equipment (Safety) Regulations 2016
4.1.19. Control of Substances Hazardous to Health (COSHH) Regulations 2002
4.1.20. The Lifting Operations and Lifting Equipment Regulations 1998
4.1.21. Regulator of Social Housing Safety and Quality Standard (April 2024)
4.1.22. Decent Homes Standard 2006
4.1.23. Housing Health and Safety Rating System 2006
4.1.24. Social Housing (Regulation) Act 2023
4.1.25. Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (Awaab's Law)

4.2. **Internal**

4.2.1. Corporate Plan 2024-2027
4.2.2. HRA Business Plan
4.2.3. Housing Repairs and Maintenance Policy 2025
4.2.4. Corporate Health & Safety Policy Statement
4.2.5. Damp, Mould and Condensation Policy for Council Tenanted Properties 2023
4.2.6. Fire Safety Policy 2024
4.2.7. Asbestos Management Policy and Plan 2024
4.2.8. Water Safety Management Plan and Policy 2025

5. POLICY

5.1. The Council will take all reasonable measures to establish effective systems to manage the risks associated with statutory maintenance and in accordance with the requirements of the above legislation and guidance will:

5.2. Appoint a person(s) to take responsibility (the "Responsible Person" and "Deputies") to control and manage the risk. The Responsible Person and their Deputies will have sufficient authority, competence, appropriate training and knowledge of current regulations and guidance to effectively carry out their duties and ensure that all operational procedures are carried out in a timely manner.

5.3. Ensure all persons involved in the management and control of risk, or whose daily activity could impact on risk management controls, receive appropriate training. With regards to external suppliers, the Responsible Person will seek appropriate training and competency records of the suppliers engineers carrying out the required risk management tasks.

5.4. Implement a programme of control of risks through suitable and sufficient Risk Assessments across all HRA housing stock and implement measures to remove, replace, minimise and/or control the associated risks.

5.5. Maintain sufficient records of statutory maintenance and results of any inspections, tests, sampling and other maintenance activities. Records shall be stored for a period of no greater than 5 years unless statutory legislation deems the length to be longer.

5.6. Ensure the design for building services of new, refurbished or modified properties complies with the requirements of this policy.

5.7. To maintain an open information policy and to work with residents, tenants, staff, contractors, consultants, statutory bodies to agree and deliver solutions for statutory maintenance activities.

5.8. To implement this policy by empowering the designated Responsible Person with the appropriate training, specialist support and effective resources needed to safely manage statutory maintenance in HRA Housing Services properties.

5.9. No variation to this policy or accompanying internal HRA Housing Services policies will be allowed except following on from changes to business requirements, best practice, guidance or legislation.

6. ROLES, RESPONSIBILITIES AND AUTHORITY

6.1. The key parties responsible and involved in the successful delivery of this policy are:

- Duty Holder
- Responsible Person
- Deputy Responsible Person

Duty Holder

6.2. The duty holder has overall responsibility for management of statutory maintenance, to provide direction to ensure all other teams within the Council are aware of the necessary requirements of statutory maintenance.

Responsible Person(s) and appointed Deputies

6.3. The Responsible Person and appointed Deputies are responsible for implementation and management of the practical aspects of statutory maintenance in properties owned and managed by the Council, including the competence of all persons involved. Also, to establish and maintain direct lines

of communication with the various operational parts of Council business; specialist contractors and consultants, ensuring an efficient two-way exchange of information and records.

Statutory Maintenance Service Providers

6.4. Statutory Maintenance Service Providers provide practical advice on management and the control of the risks of statutory maintenance; undertake risk assessment(s), surveys and reports; carry out monitoring, maintenance, testing, inspection, audits, trusted advisory and sampling of building services and their systems; and provide any training to Council staff and service providers as required.

Meetings

6.5. The Responsible Person and/or Deputy will hold regular review meetings with both the statutory maintenance contractor and any supporting consultants:

6.5.1. Contractor – Meetings – Details, outcomes, and actions agreed in these meetings are to be recorded in writing and circulated to the various operational functions of the Council. The non-conformances identified in the meeting will be noted and reviewed for the next meeting. If the contractor is failing to fulfil their requirements the Council will follow the escalation procedure for failure to provide.

6.5.2. Specialist Consultant – Meetings – Independent specialist consultants will be appointed to generally support the Council for statutory maintenance management including:

- Providing advice on current legislative requirements and best practice.
- Carrying out third party audits to ensure compliance with delivery of this Policy.
- Review and advise on the design of building services to new build schemes and major refurbishment.
- Carrying out statutory maintenance awareness training and refresher training.

6.6. It is the Council's duty to make reasonable enquiries to ensure that the consultant is competent, experienced, and suitably trained.

Appointment of Management

6.7. The Council understands that all appointed management are competent, trained, and aware of their responsibilities. Responsibilities will be well defined in writing and understood by all appropriate management. The appointed management will be:

- Duty Holder
- Responsible Person
- Deputy Responsible Person

6.8. Duty Holder

Position: Assistant Director of Housing

The Assistant Director of Housing has overall responsibility for statutory maintenance within Council managed residential and non-residential owned, managed, and leased property portfolio including provision of the necessary resources for the successful implementation of the organisation's Housing Statutory Maintenance & Compliance Policy.

6.9. Responsible Person

Position: Housing Maintenance Manager

The Responsible Person has overall responsibility for the day to day management and delivery of the requirements of the Housing Statutory Maintenance & Compliance Policy document.

The Housing Maintenance Manager is appointed as the Health and Safety lead, as per the Social Housing (Regulation) Act 2023. Further information on this can be found at: The Charter for Social Housing Residents – Dartford Borough Council

6.10. Deputy Responsible Person

Position: Senior Planned Maintenance Surveyor

The Deputy Responsible Person is appointed to ensure that legal duties continue to be fulfilled in the absence of the Responsible Person.

7. COMPLAINTS

7.1. If any person is not satisfied with the service they have received regarding he application of this policy, the Council's Corporate Complaints Procedure can be followed. Complaints leaflets are also available from the Council offices.

7.2. The Housing Ombudsman can be contacted if further advice and support is needed on making a complaint to the Council.

8. DATA PROTECTION

8.1. The Data Protection Act 2018 and the UK GDPR regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.

8.2. The Council needs to collect and use certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions.

8.3. The Council's:

- Data Protection Policy sets out how it will protect special category and criminal convictions personal data; and
- The Housing Services (landlord and tenant) Privacy Notice explains that the Council collects personal information to administer these services.

9. EQUALITY AND DIVERSITY

9.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this Policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.

9.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.

9.3. A Customer Access Review has been undertaken to assess the impact this Policy will have on affected persons with protected characteristics.

10. MONITORING, REVIEW AND EVALUATION

10.1. This policy will be reviewed on a biennial basis or in line with legislative or regulatory changes.

10.2. The Council will monitor the implementation of statutory maintenance activities to ensure compliance with all relevant legislation and standards.

10.3. The following tenant satisfaction measures are collected and published on an annual basis, which include measures on performance on maintaining building safety:

- (BS01) Proportion of homes for which all required gas safety checks have been carried out.
- (BS02) Proportion of homes for which all required fire risk assessments have been carried out.
- (BS03) Proportion of homes for which all required asbestos management surveys or re-inspections have been carried out.
- (BS04) Proportion of homes for which all required legionella risk assessments have been carried out.
- (BS05) Proportion of homes for which all required communal passenger lift safety checks have been carried out.
- (TP05) Proportion of respondents who report that they are satisfied that the home is safe.

10.4. Maintenance schedules, inspection reports, and contractor performance will be tracked through the Council's asset management system.

10.5. Compliance reports will be reviewed on a monthly basis by the responsible manager for compliance.

10.6. Key performance indicators will be audited, and the findings be analysed.

10.7. Any significant issues, risks or trends will be reported to senior management.

10.8. Evaluation will consider legal compliance, operational efficiency and cost effectiveness.

10.9. Recommendations for policy updates or process improvements will be documented and implemented as part of the Council's continuous improvement framework.

This version published: December 2025

Next review due: December 2027

If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.







Tel: 01322 343434

Calls are welcome via Relay UK

ਪੰਜਾਬੀ	தமிழ்	Polski	česky	简体中文	Français
Punjabi	Tamil	Polish	Czech	Mandarin	French
01322 343610	01322 343611	01322 343612	01322 343613	01322 343614	01322 343615