

## INTERIM FENCING POLICY 2023-2024

### Responsible Officer

Director of Property & New Business

### Aim of the Policy

The aim of the policy is to set out how we manage the demand for fencing by having a transparent, consistent and fair approach to service delivery.

### Policy Scope

This policy covers how we will address fencing repairs and renewals to boundaries which we own and manage.

### The Policy

We will repair or renew fencing to boundaries bordering public land.

We will repair or renew fencing, gates and side gates in tenants' homes where

- a) the condition of the fencing or its lack presents a health and safety hazard e.g. where a child in a household has a disability which means safe and secure fencing is required for them to use the garden or
- b) the fencing has deteriorated so that it no longer provides a sufficient boundary between properties and all adult residents in the property are aged over 65 or have disabilities which would prevent them from carrying out fencing repairs.
- c) the fencing is required to resolve a serious Anti-Social Behaviour issue

We will not repair or renew fencing belonging to freeholders or leaseholders.

In instances where the responsible party is not clear, we may ask neighbouring property owners to provide evidence of the boundary responsibilities identified in their property title plan.

If fencing has been damaged as a direct result of neglect, wilful damage, misuse or vandalism by a tenant, family member, visitor of a tenant, or animal owned by a tenant, the cost to repair the fence will be recharged to the tenant. This includes any damage caused by trees or shrubs which have become overgrown through lack of maintenance by the tenant

We will repair or renew fencing in line with our fencing specification.

We will not leave a fence in an unsafe condition. Any fence that has potential to cause harm will be made safe, in line with the Responsive Repairs Policy. This may mean the fence is removed as a temporary measure, and renewed at a later date.

Where hedges provide a demarcated boundary to a property, it is the responsibility of the tenant to maintain and keep the hedge in order.

We will not usually replace an existing hedge boundary with a fence unless it has been assessed as a reasonable adjustment following an assessment under the Equality Act.

Tenants will be asked to clear objects and/or vegetation from their garden prior to a fencing repair/renewal taking place if it is obstructing the boundary line and disrupts us from carrying out the works.

#### Boundaries to Estates and Green/Play Areas

We will repair fencing to our estates and green/play areas when the existing boundary is beyond repair, unsafe or has deteriorated and does not provide an acceptable barrier around the area.

Fencing to estates and green/areas may be planned into a renewal programme rather than addressed on a responsive basis, depending on the condition of the existing boundary and the urgency of the repair.

#### Void Fencing Works

We will assess the condition of fencing at properties when they are void to ensure that it is suitable and sufficient and will renew the fencing if necessary, prior to the property being let.

### **Equality and Diversity**

We are committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will deliver our services with due consideration to the following strands of equality: Age, Disability, Gender, Gender reassignment, Race, Sexual Orientation, Religion and/or Belief, Marriage and Civil Partnership, Pregnancy and Maternity as outlined in our Equality and Diversity Charter.

### **Legislation**

The repairing of fences is not statutorily the landlord's responsibility under Section 11 Landlord and Tenant Act or Defective Premises Act 1972 Sections 1-4.

Whilst Phoenix has no legal responsibility to do so, Phoenix chooses to repair and renew the fencing to the boundaries that Phoenix owns, where possible and affordable.

Other related legislation includes:

- Landlord and Tenant Act (1985)
- Defective Premises Act (1972)
- Control of Pesticides Regulations (1986)
- Consumer Protection Act (1987)
- Children Act (1989)
- Environmental Protection Act (1990)
- Workplace (Health, Safety and Welfare) Regulations (1992)
- Personal Protective Equipment at Work Regulations (1992)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (1995)
- Provision and Use of Work Equipment Regulations (1998)
- The Management of Health & Safety at Work Regulations (1999)
- Control of Substances Hazardous to Health Regulations (2002)
- Equality Act (2010)

- The Anti-Social Behaviour Crime & Policing Act (2014)
- Homes (Fitness for Human Habitation) Act (2018)
- Data Protection Act (2018)
- Coronavirus Act (2020)

## Monitoring and Review

This policy will be reviewed in nine months.

## Reference to Other Documents and Associated Policies and Procedures

Including:

- Phoenix Standards
- Asset Management Strategy
- Anti-Social Behaviour Strategy
- Contractors, Suppliers and Service Providers Charter
- Complaints, Comments and Compliments Policy
- Enhanced Repairs Policy
- Equality and Diversity Charter
- Fencing Procedure and Specification
- Garden Scheme Policy
- Group Health & Safety Policy
- Leaseholders Major Works Policy
- Mutual Exchange Policy
- Responsive Repairs Policy
- Procurement Policy, Strategy and Toolkit
- Recharge to Residents Policy and Procedure
- Supporting Residents 'At Risk' Policy
- Tenancy and Lease Agreements
- Tenants' Handbook
- Translation & Interpretation Policy
- Voids Policy

## Definitions

Term/acronym	Description
Phoenix, We, Us	Phoenix Community Housing
Tenant	A person who occupies land or property rented from a landlord.
Responsively	reacting quickly to a request (for a repair)

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