



Monday, 25 January 2021

Dear Sir/Madam

A meeting of the Housing Committee will be held on Tuesday, 2 February 2021 via Microsoft Teams, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:	L A Ball BEM	J M Owen
	B C Carr (Vice-Chair)	H E Skinner
	T A Cullen (Chair)	E Williamson
	D Grindell	J C Goold
	E Kerry	J P T Parker
	H G Khaled MBE	S A Bagshaw
	J W McGrath	

AGENDA

1. APOLOGIES

To receive any apologies and notification of substitutes.

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

(Pages 1 - 4)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 18 November 2020.

4. BUSINESS PLANS AND FINANCIAL ESTIMATES 2021/22 - 2023/24 (Pages 5 - 34)
- To consider proposals for business plans, detailed revenue budget estimates for 2021/22; capital programme for 2021/22 to 2023/24; and proposed fees and charges for 2021/22 in respect of the Council's priority areas.
5. PRIVATE SECTOR HOUSING CIVIL PENALTIES POLICY (Pages 35 - 56)
- To seek approval of a proposed policy for the use of civil penalties for specified offences under the Housing Act 2004.
6. REVIEW OF HOUSING ACQUISITIONS POLICY (Pages 57 - 72)
- To seek Committee approval for the proposed amendments to the Housing Acquisitions Policy.
7. TEMPORARY ACCOMMODATION POLICY (Pages 73 - 90)
- To seek Committee approval for a new policy that provides guidance of how the Council will manage temporary accommodation provided to residents, specifically those who are homeless or are at risk of homelessness.
8. QUESTIONS AND COMMENTS ON NOTING REPORTS
- 8.1 Noting Reports
- Lifeline Service Update
 - Housemark Annual Report
 - Housing Delivery Plan Update
9. WORK PROGRAMME (Pages 91 - 92)
- To consider items for inclusion in the Work Programme for future meeting
10. GREAT HOGGETT DRIVE, CHILWELL - RESULTS OF SECTION 105 CONSULTATION UNDERTAKEN IN 2020 AND PROPOSED DEVELOPMENT (Pages 93 - 94)
- To update Members following the section 105 consultation event undertaken in October 2020 at Great Hoggett Drive.

11. EXCLUSION OF PUBLIC AND PRESS

The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

12. GREAT HOGGETT DRIVE, CHILWELL - RESULTS OF SECTION 105 CONSULTATION UNDERTAKEN IN 2020 AND PROPOSED DEVELOPMENT - APPENDIX (Pages 95 - 96)

13. PROPOSED PURCHASE OF AFFORDABLE HOMES ON LAND WEST OF COVENTRY LANE BRAMCOTE (Pages 97 - 104)

14. INDEPENDENT LIVING STOCK OPTIONS (Pages 105 - 112)

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HOUSING COMMITTEE

WEDNESDAY, 18 NOVEMBER 2020

Present: Councillor T A Cullen, Chair

Councillors: S A Bagshaw
B C Carr
D Grindell
J C Goold
E Kerry
H G Khaled MBE
J W McGrath
J M Owen
P J Owen (Substitute)
J P T Parker
H E Skinner
E Williamson

An apology for absence was received from Councillors L A Ball BEM

25 DECLARATIONS OF INTEREST

Councillor E Kerry declared an interest in agenda item 9.1 due to renting a garage, minute number 32 refers.

26 MINUTES

The minutes of the meeting held on 2 September 2020 were approved as a correct record.

27 APPLICATION FOR HOMES ENGLAND INVESTMENT PARTNER STATUS AND AMENDMENT TO THE RENT SETTING POLICY FOR THE ACQUISITION OF AFFORDABLE HOUSING ON SECTION 106 SITES

Members discussed the application to become an investment partner of Home England in order to grant funding and for the Council to charge affordable rents on new homes purchased from house builders through the planning gain/section 106 system. The application would allow the Council to reinstate its investment partner status with Homes England and allow the Council to access grant funding from the Affordable Homes Programme 2021-2026.

RESOLVED to approve the submitting of an application by the Council for Broxtowe to be reinstated as an investment partner of Homes England, and to approve amendments to the 2019 rent setting policy, covering affordable and shared ownership rents as marked in bold of the appendix report.

28 REVIEW OF ALLOCATIONS POLICY

The Committee was updated with the Allocations Policy and the method in which housing applicants on the waiting list are assessed, who is eligible, how they are prioritised and how properties are allocated. The Policy is reviewed annually and any amendments updated accordingly. Officers to ensure the allocations protocol is in line with other Authorities.

RESOLVED that the proposed changes to the Council's allocations policy be approved.

29 VOID MANAGEMENT POLICY

Members were updated with the review of the Void Management Policy. The Policy outlines the processes the Council undertakes to end the previous tenancy, carry out works to let the property and then re letting the property. The Council aims to let its voids properties in the shortest amount of time to minimise waiting times for applicants and to reduce the rent loss that having empty homes incurs.

Members queried the decoration pack and the assistance available if the new tenant was unable to personalise their property due to a disability. Agreed to work with the new tenant to offer assistance and support.

RESOLVED that the Void Management Policy be APPROVED

30 GAS AND ELECTRICAL POLICIES

The Committee was updated with the Gas and Electrical Policies. Both policies set out how the Council will manage its servicing requirements and to ensure compliance within the regulatory framework, annual servicing is met and electrical installations tested to meet statutory requirements.

RESOLVED to APPROVE the Gas and Electrical Policies.

31 NEIGHBOURHOOD STRATEGY UPDATE

Members were updated on the progress of the Neighbourhood Strategy and the year one actions. The Neighbourhood Strategy was discussed highlighting how the Council would engage with its tenants over neighbourhood issues and it's aims to create a series of Priority Neighbourhoods, where resources are concentrated to try to tackle the identified issues within the area. It would be useful to provide a calendar of housing surgeries to publicise when the surgeries will be happening, however currently, due to Covid-19 the housing surgeries have not yet met. Councillors would like an update on how successful the surgeries are and whether there is some cross over with other Committees in relation to anti-social behaviour, waste and recycling and Partnership working with the Police and Community Protection teams. The actions from the Strategy for year two were approved.

NOTED progress on the Neighbourhood Strategy and RESOLVED to approve the year 2 action plan.

32 NOTING REPORTS

The Committee noted the following reports:

- Housing Delivery Plan Update
- Performance Management –review of Business Plan progress –Housing
- Repairs Review Update
- Grenfell Response Update

33 WORK PROGRAMME

Members considered the Work Programme and agreed that an update on Section 106 requirements for affordable homes be submitted to a future meeting.

RESOLVED that the Work Programme, as amended, be approved.

34 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

35 INDEPENDENT LIVING STOCK OPTIONS

The Committee RESOLVED to APPROVE:

- 1. Phase 1 recommendations commencing 1 April 2021**
- 2. Consultation is completed for schemes listed in appendix 2 and undertaken during January 2021.**

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Joint Report of the Chief Executive and the Deputy Chief Executive

BUSINESS PLANS AND FINANCIAL ESTIMATES 2021/22 - 2023/24

1. Purpose of report

To consider proposals for business plans, detailed revenue budget estimates for 2021/22; capital programme for 2021/22 to 2023/24; and proposed fees and charges for 2021/22 in respect of the Council's priority areas.

2. Detail

As part of the Council's performance management framework, the business and financial plans for the five corporate priority areas identified within the Corporate Plan are brought together in one report so that the linkages between service priorities, spending proposals and targets are clear.

Under the Constitution, financial and business planning is reported to the Committee which has primary responsibility for oversight of the relevant corporate priority area and related services, in this case Housing.

An extract of the proposed Housing Business Plan is provided in appendix 1b. The extract includes relevant critical success indicators (CSI), key performance indicators (KPI) and key tasks and priorities for improvement (actions) for approval by Members.

The revenue and capital budget proposals for the corporate priority and relevant service areas, together with the proposed fees and charges, are provided in in appendices 2a to 2c.

Following consideration by the respective Committees, a summary of the estimates, including any changes recommended, will be presented to the Finance and Resources Committee on 11 February 2021 for consideration and recommendation to Full Council on 3 March 2021.

Recommendations

1. **The Committee is asked to RESOLVE that the Housing Business Plan be approved.**
2. **The Committee is asked to RECOMMEND that the Finance and Resources Committee recommends to Council that the following be approved:**
 - a) **The detailed revenue budget estimates for 2021/22 (base) including any revenue development submissions.**
 - b) **The capital programme for 2021/22 to 2023/24**
 - c) **The fees and charges for 2021/22.**

Background papers – Nil

APPENDIX 1**Introduction**

The Council's business and financial planning framework is one of identifying key service and spending pressures and prioritising resources accordingly, taking into account national and local priorities.

The targeted outcomes from these key issues and the anticipated impact on service performance are set out in business plans. These plans are combined with financial information, including proposals for reducing business costs and increasing income, to form the Business Plans for each priority area.

This report considers the detail in respect of the Business Plan covering the priority area of Housing. The financial consequences of the business plan, together with the expenditure and income from maintaining existing services, are set out in the revenue budget proposals, the capital programme and the proposed fees and charges which follow the plan.

Within the Business Plan there are some key tasks which can be met from existing resources or which relate to policy preparation. These are not included in the key spending proposals detailed in the appendices. Any planned activities which will have a financial implication either by increasing costs or reducing income are identified in the budget papers.

There are several key tasks where it is not appropriate to make financial provision at this stage. These include areas that are subject to external funding bids, partnership arrangements or where insufficient information exists at the present time. In addition, there are a number of capital schemes within the programme which are deemed to be 'awaiting funding' pending receipt of the necessary resources to complete them. These schemes will be brought forward for approval once a potential funding source has been identified.

All of these items will be the subject of further reports throughout 2021/22 as further information and resources become available, thus ensuring that the service and financial planning framework is a fluid process.

Business planning

As part of the Council's performance management framework, it is the responsibility of each Committee to consider its business plans prior to recommendations being made to Council. The purpose of the plans is twofold. Firstly, they establish the linkage between the Council's high-level objectives and the strategies and aims of the respective services, and secondly, they outline the services' proposals for meeting those aims and objectives.

This report deals with the Housing Business Plan and associated budgets covering this priority area. The Council's corporate objectives and aims, as included in the Corporate Plan, are shown at appendix 1a to provide the framework for consideration of the plans.

Financial background

The revenue and capital budget proposals for the corporate priority, together with proposed fees and charges, are shown in appendices 2a to 2c.

The revenue budgets show the 2020/21 revised estimate as of December 2020 and the 2021/22 base estimate for the areas encompassed by the relevant business plans. The base estimate figures generally reflect the same level of service as in the current year with a few exceptions.

The following are included in the 2021/22 base figures in this report:

- a) Allowance for certain inflationary pressures including the pay award and cost of utilities. These allowances are guided by the best indications available at the time.
- b) Anticipated additional income within the General Fund and the Housing Revenue Account (HRA) arising from the review of fees and charges.
- c) The revenue effects of the 2021-2024 capital programme including the cost of any new borrowing to support the capital programme.
- d) Any revenue developments.

The classification of expenditure shown in the revenue estimates is based on the CIPFA Standard Accounting Classification. The following shows the type of expenditure charged to each heading:

- Employee Expenses – salaries and wages; employer’s national insurance and pensions contributions
- Premises Related Expenses – repairs, alterations and maintenance of buildings, fixed plant and grounds; energy costs; rents; national non-domestic rates; water charges; fixtures and fittings; cleaning and domestic supplies.
- Transport Related Expenses – direct transport costs; recharge of pooled transport costs; travelling allowances
- Supplies and Services – equipment, furniture and materials; clothing, uniforms and laundry; printing, stationery and general; office expenses; postages; telephones; insurances; grants and subscriptions; miscellaneous expenses
- Third Party Payments – other local authorities; private contractors; charges from trading services
- Transfer Payments – Housing and Council Tax Benefits
- Central, Departmental and Technical Support Services - administrative buildings expenses; central departmental support; departmental administration

- Capital Financing Costs – operating lease charges; asset register charges

FRAMEWORK FOR BUSINESS PLANNING

The Corporate Plan is subject to annual review to ensure that it continues to reflect the aims and objectives of the Council.

Vision

The Council's Vision for Broxtowe is “**greener, safer, healthier Broxtowe, where everyone prospers**”.

Priorities

The Council's updated priorities have been updated have been developed within the context of national, regional and countywide plans and priorities with the aim being to align these with our own aspirations wherever possible.

The Council's priorities are **Housing, Business Growth, Environment, Health** and, **Community Safety**.

Underpinning the above and all of the Council's work is a series of values which the Council has adopted, namely:

Going the extra mile: *a strong, caring focus on the needs of communities*

Ready for change: *innovation and readiness for change*

Employees: *valuing our employees and enabling the active involvement of everyone*

Always improving: *continuous improvement and delivering value for money*

Transparent: *integrity and professional competence.*

Objectives

Each priority area is underpinned by its strategic objectives. Each strategic objective has targeted outcomes against which progress can be monitored.

The priorities and objectives for **Housing** are 'a good quality home for everyone':

- Build more houses, more quickly on under used or derelict land
- Invest to ensure our homes are safe and more energy efficient
- Prevent homelessness and help people to be financially secure and independent.

HOUSING BUSINESS PLAN 2021–2024

Introduction

An extract of the proposed Housing Business Plan is provided below includes the relevant critical success indicators (CSI), key performance indicators (KPI) and the key tasks and priorities for improvement (actions) that are required to be approved by this Committee.

In an attempt to streamline the reporting process, the extract does not include the regular information and data relating to:

- published strategy and policy documents supporting the delivery of priorities and objectives;
- service level objectives;
- contextual baseline service data;
- management performance indicators (MPI); and
- summary of key risks.

This information will be added to the extract below and included in the full Business Plan that will be published on the Council's website in advance of the financial year.

Background

The Business Plan details the projects and activity undertaken in support of the Corporate Plan priority of **Housing**.

The Corporate Plan prioritises local community needs and resources are directed toward the things they think are most important. These needs are aligned with other local, regional and national plans to ensure the ambitions set out in the Corporate Plan are realistic and achievable.

The Business Plan covers a three-year period but will be revised and updated annually. Detailed monitoring of progress against key tasks and outcome measures is undertaken quarterly by this Committee. The Policy and Performance Committee also receives a high level report of progress against Corporate Plan priorities on a quarterly basis.

Business Plan – Performance Indicators and Key Tasks for Improvement

The critical success indicators (CSI), key performance indicators (KPI) and the key tasks and priorities for improvement (actions) are considered in detail below for approval.

MEASURES OF PERFORMANCE AND SERVICE DATA

CRITICAL SUCCESS INDICATORS (CSI)

Priority leaders should work corporately to **define** the **outcome objective** for each priority area and **identify an outcome indicator** or indicators which will be **Critical Success Indicators**. There will be a maximum of two CSI for each corporate priority.

Indicator Description (Pentana Code)	Achieved 2017/18	Achieved 2018/19	Achieved 2019/20	Target 2020/21	Target 2021/22	Future Years	Indicator Owner and Comments (incl. benchmarking)
Net additional homes provided (NI154)	324	302	236	430	430	430	Head of Planning and Economic Development
New Council houses built or acquired (HSLocal_39)	-	-	-	23	23	23	Housing Delivery Manager
Overall satisfaction with the service provided (HSTOP_01)	87%	95%	89%	89%	90%	90%	Head of Housing (Top quartile performance is 90%)
Rent collected as percentage of the rent owed (BV66a)	98.2%	99.9%	99.8%	99%	99%	99%	Income and Housing Manager
Gas safety (HSTOP_02)	100%	99.9%	99.9%	100%	100%	100%	Housing Repairs and Compliance Manager
Homelessness cases successfully intervened or prevented rather than relieved/a main duty being accepted (New)	-	-	-	n/a	70%	70%	Housing Operations Manager

KEY PERFORMANCE INDICATORS (KPI)

Priority leaders should identify two sets of performance indicators namely **Key Performance Indicators (KPI)** for reporting to GMT and Members and **Management Performance Indicators (MPI)** for use in business planning and performance monitoring at a service level.

Indicator Description (Pentana Code)	Achieved 2017/18	Achieved 2018/19	Achieved 2019/20	Target 2020/21	Target 2021/22	Future Years	Indicator Owner and Comments (incl. benchmarking)
Supply of ready to develop housing sites (NI159)	78%	78%	100%	100%	100%	100%	Head of Planning and Economic Development
No. of Residential Planning Commitments (New)	-	-	834	900	950	950	Head of Planning and Economic Development New indicator reporting total number of residential units approved through planning permissions. 2019/20 is baseline year
Homeless households housed outside of the Borough in temporary accommodation (HSLocal_40)	-	-	-	0	0	0	Housing Operations Manager
Affordable homes provided (NI 155)	8	43	16	85	85	85	Head of Planning and Economic Development
Average relet time (days) – General Needs (HSTOP_03)	-	-	27	20	20	20	Housing Operations Manager
Average relet time (days) – Independent Living (HSLocal_03a)	-	-	57	42	40	40	Housing Operations Manager
Reactive repairs - appointments kept (HSLocal_BM05)	93%	97%	96%	98%	98%	98%	Housing Repairs and Compliance Manager
Electrical compliancy (HSLocal_29)	-	-	99%	100%	100%	100%	Housing Repairs and Compliance Manager

Indicator Description (Pentana Code)	Achieved 2017/18	Achieved 2018/19	Achieved 2019/20	Target 2020/21	Target 2021/22	Future Years	Indicator Owner and Comments (incl. benchmarking)
Private dwellings that are returned into occupation or demolished (HSLocal_11)	54	34	33	35	25	25	Head of Public Protection

KEY TASKS AND PRIORITIES FOR IMPROVEMENT 2021/22 – 2023/24 INCLUDING COMMERCIAL ACTIVITIES

Pentana Code	Description	Targeted Outcome	Partnership/ Procurement Arrangement	Officers Responsible/ Target Date	Budget Implications/ Efficiencies/Other comments
HS1922_02	Implement 10 year housing new build delivery plan	Add to the social housing stock Produce affordable homes to rent	Partnerships with Registered Housing Providers and external consultants	Housing Delivery Manager December 2029	To be achieved through combination of use of capital receipts and commuted sums
HS2023_01	Implement recommendations from Housing Repairs Review	Maximise efficiency of the repairs service Consider commercial opportunities if available	Current external contractors	Housing Repairs and Compliance Manager March 2022	Recommendations from review could lead to potential efficiency savings. Additional budget may be required to implement new Schedule of Rates and Datastox improvements, once further work has been completed
HS2023_02	Implement Housing Strategy	Improve housing services	All partners and stakeholders	Head of Housing March 2023	
HS2023_03	Implement Engagement Strategy	Increase understanding of the needs of our tenants and leaseholders Provide skills and employment support for tenants and leaseholders	Tenants and leaseholders EMTPF/Housing and Employment Forum	Housing Services and Strategy Manager March 2023	Actions to be achieved within existing engagement budget

Pentana Code	Description	Targeted Outcome	Partnership/ Procurement Arrangement	Officers Responsible/ Target Date	Budget Implications/ Efficiencies/Other comments
HS2023_04	Implement Neighbourhood Strategy	Improve our neighbourhoods	Tenants and leaseholders	Housing Operations Manager March 2022	Actions to be achieved within existing budgets
HS2023_05	Increase availability of general needs accommodation by de-designating and/or redeveloping unsuitable Independent Living accommodation	Most effective use of property owned by the Council to meet the needs of the borough	Tenants Applicants on the waiting list	Head of Housing Services and Strategy Manager Income and Housing Manager March 2023	Reduction in void rent loss expected. Budget required for financial support for tenants who move schemes. Phase 3 schemes may require additional capital expenditure to make them suitable for alternative use, not be completed until 2021/22
HS2124_01 (New)	Increase the number of Council owned temporary accommodation units	Reduce the use of Bed and Breakfast accommodation	Homeless applicants	Housing Operations Manager March 2023	Loss in rental income for the unit will be offset by the reduction in B&B costs
HS2124_02 (New)	Implement Asset Management Strategy	Plan to fully utilise assets held within the Housing Revenue Account	Current external contractors	Head of Asset Management and Development September 2021	Based on information from recent stock condition survey
HS2124_03 (New)	Plan implementation of Customer Portal	Improve how tenants can report repairs and review their rent account	External supplier of portal software ICT	Head of Housing Services and Strategy Manager March 2022	Initial cost of portal could be offset by reduction in printing and postage costs, especially rent statements

Pentana Code	Description	Targeted Outcome	Partnership/ Procurement Arrangement	Officers Responsible/ Target Date	Budget Implications/ Efficiencies/Other comments
HS2124_04 <i>(New)</i>	Introduce cleaning programme at General Needs schemes, and a service charge to fully recover costs	Improve condition of our estates	In-house cleaning team	Housing Operations Manager Income and Housing Manager March 2022	To implement in April 2022, so new service charges are set at the same time as annual rent increase
HS2124_05 <i>(New)</i>	Complete review of all housing car park, including condition and the use of parking orders	Improve condition of our estates	Parking Services	Head of Housing Housing Services and Strategy Manager December 2021	Works likely to be identified for inclusion in 2022/23 Capital programme.

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APPENDIX 2 A

<u>Housing Portfolio - GF Revenue Budgets by Cost Centre</u>		
	2020/21 Revised Budget (as at December 2020) £	2021/22 Base Budget (as at December 2020) £
Hostel Accommodation	(10,280)	(25,389)
Hostel Management	0	0
Homelessness (GF)	442,060	472,476
Housing Strategy	73,680	84,740
Registered Social Landlords	0	0
Housing Advice	0	0
Lifeline and Miscellaneous Housing (GF)	(74,040)	(66,532)
Handyperson Scheme – NHS Funded	0	0
	431,420	465,295
<u>Housing Portfolio - GF Revenue Budgets by Detail Code</u>		
	2020/21 Revised Budget (as at December 2020) £	2021/22 Base Budget (as at December 2020) £
Employees	301,330	273,558
Premises	71,860	72,420
Transport	400	400
Supplies & Services	521,814	536,555
Central Support Recharges	52,120	48,998
Income	(516,104)	(466,636)
	431,420	465,295

The change in the 2021/22 base budget for the total net expenditure when compared with the 2020/21 revised estimate is primarily a consequence of the following items

	Change (£)
Hostel Accommodation <ul style="list-style-type: none"> Increase in rent receivable assuming full occupancy 	(15,635)
Homelessness <ul style="list-style-type: none"> Employee costs have reduced due to the removal of a temporary budget for Homelessness Manager. (27,772) This represents an increase in recharge from the HRA for supervision of the Homelessness function plus other recharge adjustments 10,620 There is a reduction in budget for B&B invoices due to an expectation of lower levels of B&B occupancy due to utilising Void properties. (15,000) The Homelessness Manager has been seconded to the Government. As this post is not budgeted for the income recharge has been removed. 60,820 	
Housing Strategy <ul style="list-style-type: none"> The HRA cost centre Housing Strategy & Performance charges 15% of budget directly to this GF Housing Strategy Cost centre for services provided, an increase in the base budget for Housing Strategy has led to an increase in this recharge. 11,000 	
Lifeline and Miscellaneous Housing (GF) <ul style="list-style-type: none"> A greater emphasis upon recycling existing equipment where possible rather than the purchase of new items. (10,000) Anticipated charges from Lifeline plus have been delayed due to Covid-19, Budget reductions also in place due to customer numbers reducing in 2021. 18,305 	

APPENDIX 2a

HOUSING REVENUE ACCOUNT

	<u>2020/21</u> <u>Revised</u> <u>Budget</u> <u>(at</u> <u>September</u> <u>2020)</u> <u>£</u>	<u>2021/22</u> <u>Base</u> <u>Budget</u> <u>£</u>	<u>Variance</u> <u>£</u>
Repairs & Maintenance	3,473,725	3,414,590	
Supervision & Management	2,764,710	2,870,889	
Special Services	2,033,876	2,068,479	
Rents, Rates, Taxes & Other Charges	109,490	120,930	
Depreciation & Impairment of Fixed Assets	4,166,200	4,211,000	
Increased/Decrease in Impairment of Debtors	110,000	110,000	
Contingency	30,000	30,000	
Total Expenditure	12,688,001	12,825,888	137,887
Dwelling Rents (Gross)	(15,226,170)	(15,268,290)	
Non-dwelling Rents (Gross)	(301,810)	(272,260)	
Tenants' Charges for Services & Facilities	(741,640)	(794,300)	
Leaseholders' Charges for Services & Facilities	(79,980)	(65,510)	
Other Charges for Services & Facilities	(85,690)	(15,500)	
Contributions Towards Expenditure	0	0	
Total Income	(16,435,290)	(16,415,860)	19,430
Net Cost of Services	(3,747,289)	(3,594,972)	157,317
HRA services' share of Corporate and Democratic Core	391,620	406,840	
HRA share of interest payable and similar charges including amortisation of premiums and discounts	2,488,690	2,394,890	
HRA Investment Income	(171,650)	(125,720)	
(Surplus)/Deficit for the Year on the HRA Income and Expenditure Statement	(1,038,629)	(913,962)	124,667
Capital expenditure funded by the HRA	2,087,550	2,158,300	
(Increase)/Decrease in the HRA Balance	1,048,921	1,244,338	195,417
HRA Opening Balance	(4,625,557)	(3,576,636)	
HRA Closing Balance	(3,576,636)	(2,332,298)	

The change in the 2021/22 base budget for the decrease in the HRA balance when compared with the 2020/21 revised estimate is primarily a consequence of the following items:

Description	Change £
Changes in employees costs including:-	
<ul style="list-style-type: none"> · Impact of pay award of those earning less than £25k in accordance with the Government's announcement relating to public sector pay. 	36,760
<ul style="list-style-type: none"> · Impact of increments and full year impact of restructures occurring in 20/21 <ul style="list-style-type: none"> · Independent Cleaning to be offset in part by a reduction in contractor cleaning costs · Housing Allocations & Options and Housing Strategy & Performance · Restructure of Housing Repairs Management (further to New Head of Service post. 	64,595
<ul style="list-style-type: none"> · Other minor reductions including of Recruitment Advertising budget (£4.5k) put in place for 20/21 only 	(6,570)
Reduction in Premises Related Expenditure:-	
<ul style="list-style-type: none"> · Independent Living refurbishment reduction 	(35,000)
<ul style="list-style-type: none"> · Fire safety risk assessment work further to completion of some works. Remainder of budget (£25k) moved back to Repairs & Maintenance. 	(29,930)
<ul style="list-style-type: none"> · Legionella Testing budget further to work being completed. 	(10,000)
<ul style="list-style-type: none"> · Reduction in cleaning costs by external contractor 	(12,000)
<ul style="list-style-type: none"> · Other net variances 	(4,030)
Reduced in costs associated with providing Transport to Housing	(5,870)
Changes in supplies & services costs:-	
<ul style="list-style-type: none"> · Net increase in repairs & maintenance (Direct Stores, Materials and Sub-contractors) 	(23,340)
<ul style="list-style-type: none"> · Reduction in direct software charges (will be offset by an increase in ICT recharges for corporate software. 	(36,340)
<ul style="list-style-type: none"> · Reduction in Waste Disposal. 	(17,990)
<ul style="list-style-type: none"> · Reduction in Contributions to Local Authorities due to ending of Choice Based Letting Partnership (will be offset by a reduction in income collected from housing associations which was distributed within the partnership). 	(37,050)
<ul style="list-style-type: none"> · Telephones and Mobiles no longer a direct charge. Now form part of ICT recharge 	(57,210)
<ul style="list-style-type: none"> · Additional Insurance Premium 	10,620
<ul style="list-style-type: none"> · Leaseholder costs associated with rolling out the next phase 	7,000
<ul style="list-style-type: none"> · Other net variances 	30,771
Third party payments - Increase in Grounds Maintenance charges. These charges include amounts for maintaining HRA non-residential	

land, land at Independent Living Accommodation sites and maintaining elderly residents gardens.	40,025
Reassessment of charges from the HRA to the General Fund. Increase in income to the HRA	(22,730)
An increase from the General Fund to the HRA primarily relating to ICT charge (£26k - offset from lower direct charges) Legal Services (£38k) Property Administration (£16k), and Governance Services (£68k) New Head of Assets (£15k) Mechanics recharge (£34k). Internal Audit £7k, HR reduction (-£16k)	189,916
Total increase in Service Expenditure (Repairs and Maintenance, Supervision and Management and Special Services)	81,627

Rent, Rates, Taxes and Other charges	
<ul style="list-style-type: none"> · Increase in Council Tax charges. These are incurred by the Council when properties are void. · Reduction in business rates charges 	<p>16,500</p> <p>(5,060)</p>
Total increase in Rent, Rates, Taxes and Other Charges	11,440

A increased estimate for Depreciation and Impairment of Fixed Assets.	44,800
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<p>An increase in Housing Rent (Dwelling) income based upon:-</p> <ul style="list-style-type: none"> · Projected Opening Stock of 4410 properties plus 10 purchased properties, less 15 estimated Right to Buy sales = Projected Closing Stock 4405 properties · Impact of rent increase based upon CPI (0.5%) +1% = 1.5% · Less projected void loss of £329,920 · Less income relating to properties owned by the General Fund. 	(42,120)
<p>See narrative after this table for further information</p> <p>An increase in Support Charges (Tenants Charges for Services):-</p> <ul style="list-style-type: none"> · 4 new level of charges increasing the total amount chargeable. · Housing Committee 18th November 2020 outlined re-designation of some Independent Living Properties to General Needs therefore some support charges will be no longer chargeable. It is difficult to assess but of those highlighted in 	(52,660)

<p>the report 25% are considered to move to General Need properties.</p> <ul style="list-style-type: none"> Less projected void loss of £23,990 	
<p>A reduction in garage rent income (Non-dwelling rents) based upon:-</p> <ul style="list-style-type: none"> Projected Opening Stock 827 garages less 72 demolitions = Projected Closing Stock 755 Increase of charges of 1.5% from April 2021 based on the September 2020 CPI (0.5%) + 1% = 1.5%. Overall reduction of garage rent income. <p>See narrative after this table for further information</p>	29,550
Decrease in Leaseholder Charges based upon number the provided figures.	14,470
<p>Reduction in other Charges for Services & Facilities</p> <ul style="list-style-type: none"> Reduction in take-up of tenants insurance provided through the Council Reduction in recharge income for Void Repairs. Reduction in Guest Room income (longer term impact of COVID) Choice Based Letting partnership resulting in income being collected for Broxtowe BC rather than 3 partners 	<p>8,000</p> <p>25,000</p> <p>4,500</p> <p>32,690</p>
Total reduction in Income	(19,430)
Increase in Democratic Core and Corporate Administration Costs	15,220
Reduction in HRA share of interest payable and similar charges including amortisation of premiums and discounts	(93,800)
A decrease in HRA share of investment income received by the Council	45,930
An increase in HRA capital expenditure to be financed by direct revenue contributions from the HRA.	70,750
Overall increase in net expenditure compared to 20/21	195,417

Supplementary Comments to the Housing Revenue Account Budget

- 1) Special Services includes all costs associated with providing Independent Living Accommodation. These services are shared with tenants within Independent Living sites. Special Services also includes the costs of providing Grounds Maintenance service to Elderly Tenants within the general housing stock..
- 2) There have been movements within the Council with some support functions combining and new services being established separately. A further review of allocation of costs is required once the changes have embedded. This may change the allocation of recharges at the out-turn position.
- 3) A further review of the allocation of costs between the three main headings will be undertaken against the Service Expenditure Reporting Code of Practice (SERCOP) as part of refining the process in preparation for the 2022/23 budget process. This has not been possible during 2020/21 due to extra pressures working on COVID matters.

Housing Rents and Associated Income

- 4) The 2020/21 housing rents were charged over a 49 week period. For 2021/22, rents revert back to being charged for 48 week period. Due to the current economic conditions the CPI rate (rent policy is for charges to increase by September CPI plus 1%) the rate has fallen to 0.5%. The amount of lost rent due to properties being empty has been increased in line with current performance.

Non dwelling (Garage Rents) Income

- 5) Some garage sites are currently being considered as sites for new build housing development. The process involved is complex and an effective date is difficult to determine for when garages would be demolished and new properties available for let. As this project develops, a re-assessment of garage income will need to be undertaken as part of financial project assessment.

Housing Revenue Account Business Plan

- 6) The HRA Business Plan is currently being updated. The projected balance as at the end of 2021/22 is £2,332,298. The Council has set its minimum balance as £1,000,000. A review of current housing delivery and financing of the capital programme is being undertaken in order that the housing function can operate without breaching the minimum balance requirement.

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HOUSING CAPITAL PROGRAMME

No.	Scheme	Start	Finish	Estimated Total Cost				Net Revenue Costs in 2021/22	Full Years Revenue Effect of (6)	Net Effect of (5)
					2021/22	2022/23	2023/24			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	<u>GENERAL FUND HOUSING</u>			£	£	£		£	£	£
1.	Disabled Facilities Grants	Ongoing								
	Grants			2,195,550	731,850	731,850	731,850	0	0	0
	Capital Salaries			198,000	66,000	66,000	66,000			
				2,393,550	797,850	797,850	797,850	0	0	0
	TOTAL - GENERAL FUND HOUSING			2,393,550	797,850	797,850	797,850	0	0	0
	<u>HOUSING REVENUE ACCOUNT</u>									
2.	Heating Replacements/Energy Efficiency Works	Ongoing								
	Works			3,000,000	1,000,000	1,000,000	1,000,000	0	0	0
	Capital Salaries			180,000	60,000	60,000	60,000	0	0	0
				3,180,000	1,060,000	1,060,000	1,060,000	0	0	0
	Aids and adaptations - Disabled Persons	Ongoing								
	Works			1,155,000	385,000	385,000	385,000	0	0	0
	Capital Salaries			120,000	40,000	40,000	40,000	0	0	0
				1,275,000	425,000	425,000	425,000	0	0	0
4.	Housing Modernisation Programme	Ongoing								
	Works			6,000,000	2,000,000	2,000,000	2,000,000	0	0	0
	Capital Salaries			360,000	120,000	120,000	120,000	0	0	0
				6,360,000	2,120,000	2,120,000	2,120,000	0	0	0
5.	Major Relets	Ongoing								
	Works			420,000	140,000	140,000	140,000	0	0	0
	Capital Salaries Provision			30,000	10,000	10,000	10,000	0	0	0
				450,000	150,000	150,000	150,000	0	0	0
6.	Window and Door Replacement	Ongoing								
	Works			1,055,000	455,000	300,000	300,000	0	0	0
	Capital Salaries Provision			58,000	22,000	18,000	18,000	0	0	0
				1,113,000	477,000	318,000	318,000	0	0	0
	Housing Revenue Account Carried Forward			12,378,000	4,232,000	4,073,000	4,073,000	0	0	0

No.	Scheme	Start	Finish	Estimated Total Cost				Net Revenue Costs in 2021/22	Full Years Revenue Effect of (6)	Net Effect of (5)
					2021/22	2022/23	2023/24			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
				£	£	£		£	£	£
	Housing Revenue Account Brought Forward			12,378,000	4,232,000	4,073,000	4,073,000	0	0	0
7.	External Pre-Paint Repairs, Soffit and Fascia Renewal and Redecoration Programme	Ongoing								
	Works Provision			1,215,000	455,000	405,000	355,000	0	0	0
	Capital Salaries Provision			57,000	22,000	19,000	16,000	0	0	0
				1,272,000	477,000	424,000	371,000	0	0	0
	Electrical Periodic Improvement Works	Ongoing								
	Works Provision			1,215,900	405,300	405,300	405,300	0	0	0
	Capital Salaries Provision			56,100	18,700	18,700	18,700	0	0	0
				1,272,000	424,000	424,000	424,000	0	0	0
	External Works-Paths, Pavings & Hard Standings	Ongoing								
	Works Provision			540,000	210,000	180,000	150,000	0	0	0
	Capital Salaries Provision			32,400	12,600	10,800	9,000	0	0	0
				572,400	222,600	190,800	159,000	0	0	0
10.	Fire Safety Assessment and Remedial Work	Ongoing								
	Works Provision			1,050,000	350,000	350,000	350,000	0	0	0
	Capital Salaries Provision			63,000	21,000	21,000	21,000	0	0	0
				1,113,000	371,000	371,000	371,000	0	0	0
	Housing Revenue Account Carried Forward			16,607,400	5,726,600	5,482,800	5,398,000	0	0	0

								Net	Full	
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No.	Scheme	Start	Finish	Estimated Total Cost				Revenue Costs in 2021/22	Years Revenue Effect of (6)	Net Effect of (5)
					2021/22	2022/23	2023/24			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
				£	£	£		£	£	£
	Housing Revenue Account Brought Forward			16,607,400	5,726,600	5,482,800	5,398,000	0	0	0
11.	Structural Remedial Repairs Works Provision	Ongoing		400,000	250,000	100,000	50,000	0	0	0
	Capital Salaries Provision			23,750	15,000	5,000	3,750	0	0	0
				423,750	265,000	105,000	53,750	0	0	0
12.	Asbestos Surveys and Remedial Works Works Provision	Ongoing		300,000	100,000	100,000	100,000	0	0	0
	Capital Salaries Provision			18,000	6,000	6,000	6,000	0	0	0
				318,000	106,000	106,000	106,000	0	0	0
	Garage Refurbishment Works	Ongoing		690,000	230,000	230,000	230,000	0	0	0
	Capital Salaries			41,400	13,800	13,800	13,800	0	0	0
				731,400	243,800	243,800	243,800	0	0	0
14.	Acquisition of Properties	Ongoing		4,200,000	1,400,000	1,400,000	1,400,000	0	0	0
	Acquisition of Land and Buildings			4,200,000	1,400,000	1,400,000	1,400,000	0	0	0
15.	New Build – Feasibility Costs	Ongoing		600,000	200,000	200,000	200,000	0	0	0
	Fees			600,000	200,000	200,000	200,000	0	0	0
	Housing Revenue Account Carried Forward			22,880,550	7,941,400	7,537,600	7,401,550	0	0	0

								Net	Full	
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No.	Scheme	Start	Finish	Estimated Total Cost				Revenue Costs in 2021/22	Years Revenue Effect of (6)	Net Effect of (5)
					2021/22	2022/23	2023/24			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
				£	£	£		£	£	£
	Housing Revenue Account Brought Forward			22,880,550	7,941,400	7,537,600	7,401,550	0	0	0
16.	New Build – Oakfield Road Works Fees	Apr 21	Dec 21	578,000 102,000 680,000	578,000 102,000 680,000	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
17.	New Build – Fishpond Cottage Works Fees	Sep 21	Aug 22	765,000 135,000 900,000	467,500 82,500 550,000	297,500 52,500 350,000	0 0 0	0 0 0	0 0 0	0 0 0
	New Build – Chilwell/Watnall Garage Sites Works Fees	Nov 21	Nov 22	2,890,000 510,000 3,400,000	510,000 90,000 600,000	2,380,000 420,000 2,800,000	0 0 0	0 0 0	0 0 0	0 0 0
19.	Housing Delivery Plan Officer Posts Capital Salaries	Ongoing		564,000 564,000	188,000 188,000	188,000 188,000	188,000 188,000	0 0	0 0	0 0
20.	<u>Contingency Sum</u> Works Capital Salaries	Ongoing		81,000 2,700 83,700	27,000 900 27,900	27,000 900 27,900	27,000 900 27,900	0 0 0	0 0 0	0 0 0
	TOTAL HOUSING REVENUE ACCOUNT			28,508,250	9,987,300	10,903,500	7,617,450	0	0	0
	HOUSING TOTAL			30,901,800	10,785,150	11,701,350	8,415,300	0	0	0

HOUSING CAPITAL PROGRAMME 2021/22

Scheme
Number

GENERAL FUND HOUSING

1. Disabled Facilities Grants (£797,850)

This budget is to provide grants to improve facilities for disabled people living in private sector dwellings. The budget provided by Nottinghamshire County Council through the Better Care Fund.

HOUSING REVENUE ACCOUNT

2. Heating Replacement and Energy Efficiency Works (£1,060,000)

This budget will continue the programme of replacing obsolete and older gas and electric central heating systems with new and more energy efficient systems providing whole house heating. It will also improve insulation to dwellings including solid walls, micro cavities and lofts. It is anticipated that the new systems and insulation will significantly lower CO2 emissions and result in lower energy bills.

3. Aids and Adaptations – Disabled Persons (£425,000)

This budget is to enable the continuation of the Council's programme to adapt Council dwellings to meet the needs of people with disabilities.

4. Housing Modernisation Programme (£2,120,000)

This project will continue the essential programme of work to ensure our housing stock meets the Governments Decent Homes Standard and our own housing standards. It is important to protect our assets and provide good quality homes in line with corporate priorities. The work includes kitchens, bathrooms, electrical upgrades, roof replacements, safety improvements, communal work, and associated internal/external finishes. The data from the recently completed stock condition survey will be incorporated with existing data and used in the development of a new asset management plan.

5. Major Relets (£150,000)

This budget is for extensive work to void properties that are in a serious state of disrepair in order to bring them to a suitable standard to be re-let as quickly as possible. The work can comprise of door replacements, bathroom and kitchen replacements, extensive plastering and other repairs.

6. Window and Door Replacement (£477,000)

The expenditure forms part of a programme targeting old external doors and any failing double-glazed windows. This will allow the Council to continue fitting high security composite doors and frames as well as new double glazed windows. Both items were high on the residents' list of priorities and will help with the commitment to community safety. New installations will also help improve the energy efficiency of properties. Fire doors will be fitted where required.

7. External Pre-Paint Repairs, Soffit and Fascia Renewal and Redecoration Programme (£477,000)

This budget will enable the programme of external painting and pre-paint repairs to the housing stock to continue on a rolling basis. The programme will target external components including soffits (including asbestos removal), fascia, fencing, gates, rain water goods, outhouses etc. that have deteriorated and are in need of repair or replacement. Existing retained painted surfaces will be redecorated including shared communal areas.

8. Electrical Periodic Improvement Works (£424,000)

This budget will assist with compliance with the Institute of Electrical Engineers (IEE) Wiring Regulations (18th Edition). This includes the regular testing of all fixed installations within the Council's housing stock (including communal areas). This will incorporate the replacement of consumer units in accordance with amendment 3 of the IIE's Wiring Regulations concerning fire safety. The opportunity will be taken to ensure that smoke detection meets the latest best practice including monitored systems.

9. External Works – Paths, Paving and Hard Standings (£222,600)

As well as owning its own housing stock, the Council also owns paths, paving and hard standings that service some of the stock. These areas have fixed useful lives beyond which they require either replacement or refurbishment. Surveys are periodically carried out of the condition of these areas and this budget will enable the resulting required work to be undertaken.

10. Fire Safety Assessment and Remedial Work (£371,000)

The introduction of the Regulatory Reform (Fire Safety) Order 2005 included a mandatory requirement for housing providers to carry out a fire risk assessment on the communal areas of flats within the housing stock and rectify any deficiencies. Fire risk assessments of the Council's general housing stock are reviewed every two years. Fire risk assessments of the independent living stock are reviewed annually.

The risk assessments are carried out in accordance with the LACoRS guidance and they are currently under review with the Councils Health and Safety Officer. As part of the ongoing review the Council uses an accredited company to check communal areas to both general housing and independent living schemes on an ongoing basis. The focus of this being on compartmentalisation of the structures, a key to fire safety of properties which include multiple dwellings and shared communal areas. The work also covers wider aspects of fire safety such as access and egress.

This budget will enable fire safety assessment work to continue and resulting remedial work to be undertaken.

11. Structural Remedial Repairs (£265,000)

Work undertaken to survey and maintain the Council's housing stock has identified some specific issues causing structural decay that require remediation in advance of additional improvement work. For example, issues relating to rising damp in some properties have been highlighted that require attention to prevent further deterioration

and structural problems. We have also identified some preventative work required to some of our non-traditional housing stock.

This budget will help to address such structural issues and ensure that the Council's housing stock continues to meet the Decent Homes Standard.

12. Asbestos Surveys and Remedial Works (£106,000)

Legislation now places a greater responsibility upon property owners for the management, detection and removal of asbestos. This is intended to promote safety for both the occupiers of properties and any staff, contractors or other stakeholders that may be affected by this.

This budget will enable ongoing asbestos surveys to be undertaken in the Council's housing stock along with any accompanying work that may be considered necessary to support other project work. As well as seeking to ensure the safety of employees, contractors working on behalf of the Council, and tenants, this work may help to mitigate against possible future issues.

13. Garage Refurbishment (£243,800)

The Council owns over 800 garages that are rented out to Council tenants and private residents. Garage rents have increased in recent years. During a consultation with garage tenants a commitment was given to use some of the extra revenue generated to improve the condition of the garages. Whilst some garages have been improved recently and some are highlighted for possible redevelopment as part of the garage strategy, it is estimated that approximately 600 garages require improvement or replacement. This budget will enable the garage refurbishment and replacement programme to continue.

14. Acquisition of Properties (£1,400,000)

One of the work streams within the Housing Delivery Plan approved by the Housing Committee on 5 June 2019 is the acquisition of existing properties, particularly in the north of the borough, in accordance with identified need. This can include former right to buy properties where the Council has "first right of refusal" if a property comes onto the market. This budget is intended to meet the cost of such acquisitions throughout the year.

15. New Build – Feasibility Costs (£200,000)

This budget is for feasibility costs in respect of new build housing schemes as set out in the Housing Delivery Plan.

Opportunities are now emerging to work with local house builders to develop a significant number of additional Council homes. Once suitable schemes have been identified and the required preparatory work has been completed, these schemes will be presented to the Finance and Resources Committee for consideration of their formal incorporation within the capital programme. In addition, a number of schemes to develop former garage schemes now need to progress to planning application stage. These require the commissioning of further work with construction consultants and solicitors in order to be progressed and this budget is intended to meet such costs.

16. New Build – Oakfield Road (£680,000)

This budget (in association with £85,000 in the 2020/21 capital programme) is in respect of the second year of a scheme totalling £765,000 to provide five one-bedroom flats for former service personnel on a former garage site at Oakfield Road in Stapleford.

17. New Build – Fishpond Cottage, Bramcote (£550,000)

This scheme would see the construction of five homes on the site (plus the retention of the cottage). This will be a major scheme covering two financial years with additional expenditure of £350,000 anticipated in 2022/23.

A consultation event on proposed developments on this site has been undertaken and a planning application for the construction of five homes on the site has been prepared.

18. New Build – Chilwell/Watnall Garage Sites (£600,000)

This scheme relates to one of the work streams in the Housing Delivery Plan and would see a number of garages in Chilwell and Watnall demolished and replaced with new homes. Architects have produced options for five sites and a virtual consultation exercise has been undertaken. This is a major scheme and it is anticipated further expenditure of £2,800,000 will be incurred in 2022/23.

19. Housing Delivery Plan Officer Posts

This budget is to cover the costs of officers working directly on the Housing Delivery Plan. These include the interim Housing Delivery Manager, a Housing Acquisitions Officer, a post in Legal Services and part of the cost of the Head of Asset Management and Development.

20. Contingency Sum (£27,900)

This budget is intended to meet the cost of Housing Revenue Account unforeseen capital items that need to be addressed during the financial year.

HOUSING – REVIEW OF FEES, CHARGES AND ALLOWANCES		
	Present 2020/21 £	Proposed 2021/22 £
Lifeline		
Charge per week	3.72	3.78
		CPI plus 1% (= 1.5%)
Lifeline Plus		
Charge per week	5.67	5.76
		CPI plus 1% (= 1.5%)
Guest Room		
Room per night	20.00	24.00
Temporary Accommodation (Daily Charge)		
50 Nether Street	17.50	17.50
52/54/56 Nether Street	17.50	17.50
Knapp Avenue	17.50	17.50
Plowmans Court	17.50	17.50
Right to Buy Administration		
Provision of Historical Information	25.75	25.75
Management Charge		
<i>These figures are based on actual charges to tenants (48 weeks).</i>		
Sheltered Housing Scheme – Type A (Level 4)	11.11	11.11
Sheltered Housing Scheme – Type A (Level 3)		12.78
Sheltered Housing Scheme – Type A (Level 2)		12.28
Sheltered Housing Scheme – Type B (Level 1)	9.47	10.61
Decorating Allowances		
<i>Up to a maximum as indicated.</i>		
Electrical Rewire 1/2 Bed Flat	125.00	125.00
Electrical Rewire 2 Bed House	150.00	150.00
Electrical Rewire 3 Bed House	180.00	180.00
Electrical Rewire 4 Bed House	210.00	210.00
Partial Rewire/Decoration 1/2 Bed Flat	up to 100.00	up to 100.00
Partial Rewire/Decoration 2 Bed House	up to 120.00	up to 120.00
Partial Rewire/Decoration 3 Bed House	up to 150.00	up to 150.00
Partial Rewire/Decoration 4 Bed House	up to 170.00	up to 170.00
Heating Installation where back boiler removed	up to 40.00	up to 40.00
Plastering Repairs (per room depending upon extent of damage)	between 15.00-40.00	between 15.00-40.00

Resident Involvement Grants and Allowances		
Maximum start up grant for local tenant/leaseholder groups	159.75	159.75
Maximum training grant for tenants to attend approved courses	106.50	106.50
Maximum one off grant to local tenant/leaseholder groups for purchase of equipment	159.75	159.75
Maximum on-going grants for local tenant/leaseholder groups to match local fund raising £ for £ approved items	266.26	266.26
Travelling allowance rates for attendance at meetings, training sessions, seminars and conferences	Applicable Casual car user allowances	Applicable Casual car user allowances
Garages		CPI plus 1% (= 1.5%)
Garage tenant and leaseholder (per month)	38.66	39.24
Garage non tenant (per month)	46.39	47.09

Report of the Chief Executive

PRIVATE SECTOR HOUSING CIVIL PENALTIES POLICY1. Purpose of report

To seek approval of a proposed policy for the use of civil penalties for specified offences under the Housing Act 2004.

2. Detail

Civil penalties have been introduced by the government as a discretionary enforcement measure. They are designed to enable local housing authorities to impose a financial penalty as an alternative to prosecution for specified offences contained within the Housing Act 2004.

In the majority of cases, the Council has no need to take formal action in relation to housing conditions in the private rented sector and matters are resolved informally. However, in a minority of cases, the intervention is more formal. Adopting a Private Sector Housing Civil Penalties Policy will mean additional enforcement options are available to the Council to help protect occupants and help ensure residents can live in safe homes.

The proposed introduction of the use of civil penalties is not intended to increase the level of enforcement activity but to allow a greater range of enforcement tools that can be considered and applied to the worst offenders when informal and formal actions have failed to achieve compliance. It also provides an alternative to prosecution. There will be no negative impact on compliant landlords.

The use of civil penalties is also the sanction which a local authority can impose for a breach by a landlord of the recently introduced Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

The proposed policy (appendix 1) details the factors which have to be taken into account and the methodology proposed in order to arrive at a fixed penalty figure in various cases. Consultation on the policy has been undertaken and appendix 2 contains the two responses received.

3. Financial impact

Currently, any issues with landlords are dealt with before a civil penalty would be issued, and so it is not expected that income would increase significantly under this policy.

4. Equality Impact Assessment

As this is a change to policy / a new policy an equality impact assessment is included at appendix 3 to this report.

Recommendation

The Committee is asked to APPROVE the Private Sector Housing Civil Penalties Policy.

Background papers

Nil

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Broxtowe Borough Council
Private Sector Housing Civil Penalties Policy

Housing Committee
2nd February 2021

1. Introduction

1.1. Broxtowe Borough Council (“the Council”) is committed to improving the housing standards within its borough and ensuring that dwellings within the private rented sector are well managed, free from hazards and safe for those that occupy them.

1.2. The Council recognises that the majority of landlords operate in a legal and professional manner and work to ensure that their properties meet the required standards.

1.3. However, alongside this, there are some landlords who poorly manage and maintain property and in some cases knowingly flout the regulations and laws that they are due to abide by.

1.4. The Government is continuing in its efforts to crack down on rogue landlords and the measures within the Housing and Planning Act 2016 (“the Act”) have been put in place to enable local authorities to enhance their abilities to deal with them. Within the Act the following provisions have been made:

- Civil penalties of up to £30,000 as an alternative to prosecution for certain offences
- Extension of rent repayment orders to cover illegal eviction, breach of a banning order, failure to comply with an improvement notice and certain other specified offences
- Database of rogue landlords and property agents who have been convicted of certain offences or received multiple civil penalties
- Banning orders for the most serious and prolific offenders

1.5. In order for the Council to issue civil penalties it must have a policy in place. This policy sets out our approach to issuing penalties and provides guidance on how the level of fine will be set.

1.6. On the 1st June 2020, the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (“the Regulations”) also came into force, allowing local authorities to issue financial penalties up to a maximum of £30,000 in respect of a breach of those Regulations. This policy and associated scoring matrices also apply to financial penalties issued in respect of breaches of the Regulations, unless otherwise specified.

2. Purpose

The purpose of this policy is to set out the Council’s approach to using the powers relating to civil penalties detailed in the Act, including how the level of any penalty will be set.

3. Expectations

3.1. Guidance issued by Government makes clear that it expects local housing authorities to use their new powers robustly in order to clamp down on rogue landlords.

3.2. The maximum penalty of £30,000 has been set at a level to ensure that it is significant enough for those landlords who flout the law to think seriously about their behaviours in relation to property standards and management. The guidance is also clear that the maximum penalty of £30,000 should only be reserved for the very worst offenders.

3.3. In determining whether to prosecute or issue a civil penalty the Council will need to ensure that the same criminal standard of proof is obtained. Also, it will need to be satisfied that the public interest is properly served by imposing a civil penalty on the landlord in respect of the offence. The Council will satisfy itself that if the case were to be prosecuted in the magistrates' court that there would be a realistic prospect of conviction. In order to do so the Council would take into consideration its Corporate Enforcement Policy, alongside seeking advice from the Council's solicitors and other guidance. If either of these sanctions are not appropriate, then in line with the Corporate Enforcement Policy other measures may be considered.

3.4. Government guidance suggests that prosecution, in respect of offences committed under the Housing Act 2004 ("the 2004 Act"), should be the appropriate option for the most severe cases or for those that are repeat offenders. The Council will generally look to issue a civil penalty except in these aforementioned circumstances and each case will be determined on its own merits.

3.5. It should be noted that for certain offences within the 2004 Act, letting agents, property agents and managing agents can also be prosecuted and therefore, under this policy, can be issued with a civil penalty. The term "landlord" within this policy refers to all of these groups. The level of civil penalty issued can be different for each party in regards to the same offence and will consider the circumstances specific to the individual party.

3.6. The Regulations do not enable the Council to prosecute as an alternative to issuing a financial penalty in respect of a breach of those Regulations.

4. Offences

4.1. There are only certain offences, relating to certain sections of the 2004 Act, where the use of a civil penalties will be permitted. These are as follows:

- Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72 of the Housing Act 2004)
- Offences in relation to licensing of houses under Part 3 of the Act (section 95 of the Housing Act 2004)
- Offences of contravention of an overcrowding notice (section 139 of the Housing Act 2004)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the Housing Act 2004)
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)

4.2. Financial penalties can also be issued where there has been a breach of the Regulations.

5. Considerations

5.1. The Government recommends that a local authority consider the following to ensure that the level of civil penalty given is appropriate:

- **The severity of the offence:** the more serious the offence the higher the penalty should be
- **The culpability and track record of the offender:** a history of non-compliance or deliberate action should increase the penalty amount
- **The harm caused to the tenant:** the greater the harm or potential for harm, the higher the penalty should be
- **The punishment of the offender:** the penalty should be set at a level to reflect that the offence could be dealt with in a court of law and should have an impact upon the recipient
- **Whether it will deter the offender from repeating the offence:** the level of the penalty should be set as to help ensure that the offender does not offend again
- **Whether it will deter others from committing the offence:** the civil penalty will not be in the public domain. However, there is a likelihood that there will be an awareness of penalties issued through informal channels. The level of the penalty should seek to demonstrate the impact that non-compliance can have.
- **Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence:** the offender should not benefit as a result of committing an offence i.e. it should not be cheaper to offend, than to properly manage and maintain a property.

6. Level of Civil Penalty to be Issued

6.1. Any penalty issued must consider the above factors in the determination of its level. If it is determined that a civil penalty should be issued, then the Council will determine the level of the penalty based on:

- the cumulative sum of penalties for each offence (Table 1)
- plus a level of penalty determined by an impact scoring matrix (Table 2)

The information is then added together in Table 3 to give the level of civil penalty.

6.2. All three tables referred to are shown below. The final penalty amount is calculated using table 3, once consideration has been given to tables 1 and 2.

6.3. Table 1 gives offence specific penalties, which would be the minimum penalty amount for that offence (column A). Columns B and C enable additional penalties to be added depending on the specific offence.

6.4. Table 2 adds an additional penalty for impact in regards to the offence, based on the factors set out by the Government in considering the level of fine to be issued. The additional amount attributed to this score is shown in Table 3, column 3. Where the circumstances of a case fall between the factors outlined in Table 1, the Council will make a determination as to which set of factors best reflects the overall nature of the offence.

6.5. The maximum penalty that can be issued will not exceed £30,000.

6.6. Only one civil penalty can be imposed on a landlord in respect of an offence, but where a landlord has committed multiple offences, and a civil penalty could be imposed for each one, consideration should be given to whether it is just and proportionate to impose a penalty for each offence.

6.7 When calculating the penalty amounts for multiple offences, there will inevitably be a cumulative effect and care should be taken to ensure that the total amount being imposed is just and proportionate to the offences involved.

6.8 The landlord may also have committed multiple similar offences, or offences which arose from the same incident. In these cases, consideration should be given to whether it would be more appropriate to only impose penalties for the more serious offences being considered and to prevent any double-counting.

6.9 Having regard to the above considerations, a decision should be made about whether a civil penalty should be imposed for each offence and, if not, which offences should be pursued. Where a single more serious offence can be considered to encompass several other less serious offences, this is the offence that will normally be considered for the civil penalty. Deciding not to impose a civil penalty for some of the offences does not mean that other enforcement options, such as issuing a simple caution, cannot be pursued for those offences.

Table 1: Offence Specific penalty and other penalties

1 A high scoring hazard is defined as a hazard achieving a score rating of E or higher using the Housing Health and Safety Rating System (HHSRS)

2 A relevant defect for the purpose of this matrix is defined as a defect which would result in an ‘Unsatisfactory’ grading on an Electrical Installation Condition Report (EICR). Namely, a defect given a C1, C2 or F1 observation code.

Offences		A		B		C	
Housing Act 2004 Offences Page 42	Section 30	Non-compliance with improvement notice	£2,000	There are 2 or more category 1 hazards	£3,000	Where there are 3 or more high scoring hazards. ¹	£1,000
	Section 72	Failure to obtain a property licence	£2,500				
		Breaches of conditions – The HMO is licensed under this section and there is a breach of licence conditions (penalty per breach)	£1,000				
	Section 95	Failure to obtain a property licence	£2,500				
		Breach of conditions – the property is licensed under this section and there is a breach of licence conditions (penalty per breach)	£1,000				
	Section 139	Non-compliance with an overcrowding notice	£500	Penalty per additional person	£200		
Section 234	Failure to comply with management regulations in respect of HMOs (penalty per breach)	£500					
Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 – Regulations 3		Breach of a duty of private landlords in relation to electrical installations (penalty per breach)	£1,000	There is one identified Code 1 defect or three or more identified ‘relevant defects’ ²	£3,500	There is one or more identified relevant defect(s).	£2,500

Table 2: Impacts scoring matrix

Answer each of the questions 1 – 5 below and apply the score shown in the column header.

Score	0	20	30	40	
1	<p>Severity of harm or potential harm caused x 2</p> <p>(the relevant column score is double)</p>	<p>Low No identified risk Previous/current occupant not in vulnerable category. No impact assessed.</p>	<p>Moderate Moderate level risk(s) to relevant persons. Previous/current occupant not in vulnerable category. Low impact assessed.</p>	<p>High High level risk(s) to relevant persons. Previous/current occupant in vulnerable category. Occupants affected by frequently or by occasional high impact occurrences.</p>	<p>Severe High level of risk(s) to relevant persons. Previous/current occupant in vulnerable category. Multiple individuals at risk. Occupants are severely and/or continually effected.</p>
2	<p>Number of properties owned/managed</p>	1	2-3	4-7	8+
3	<p>Culpability and track record</p>	<p>No previous enforcement history. Minimal prior contact. Failings were minor and an isolated incident. Clear evidence of action not being deliberate.</p>	<p>1 or more previous enforcement notice served. Systems were in place to comply with legal duties but these were not sufficiently adhered to or implemented. Clear evidence of action not being deliberate.</p>	<p>1 or more enforcement notice served. Serious and/or systemic failure to comply with legal duties. Offender ought to have known that their actions were in breach of their legal responsibilities.</p>	<p>Significant evidence of historical non-compliance. Actions were deliberate or with flagrant disregard for the law. Offender ought to have known that their actions were in breach of their legal responsibilities.</p>
4	<p>Removal of financial incentive</p>	Little or no income received	Low income received	Moderate income received	High income received
5	<p>Deterrence and prevention</p>	High confidence that penalty will deter repeat offence	Medium confidence that penalty will deter repeat offence	Low confidence that penalty will deter repeat offence.	No confidence that penalty will deter repeat offence.

**Table 3: civil penalty level for relevant offences
(Column 1 + Column 2 + Column 3 = Column 4)**

- 1	2	3		4
Offence specific penalties	Further penalties (if any)	Table 2 impact matrix score	Level of penalty	Cumulative total
Total for each penalty shown in Table 1 Column A	Total for each penalty shown in Table 1, columns B and/or C	20 – 30	£500	Level of civil penalty to be applied (maximum £30,000)
		40 – 80	£1,000	
		90 – 120	£2,500	
		130 - 170	£5,000	
		180 230	£10,000	
		240	£20,000	

7. The process for civil penalties

Schedule 9 of the Act sets out the process which must be followed when imposing a civil penalty. The decision to impose a civil penalty will be taken by either the Head of Public Protection or the Chief Environmental Health Officer, in consultation with the Head of Legal Services.

7.1 Notice of Intent

Before imposing a civil penalty on a landlord, the Council must serve a notice of intent on the landlord in question. This notice must be served within 6 months of the last day on which the Council has evidence of the offence occurring. This notice must contain the following information:

- The amount of the proposed civil penalty;
- The reasons for proposing to impose a civil penalty, and;
- Information about the landlord's right to make representations to the Council.

7.2 Representations

Any landlord who is in receipt of a notice of intent has the right to make representations against that notice within 28 days of the date on which the notice was given. Representations can be against any part of the proposed course of action. All representations from landlords will be considered by an officer in the Council at Head of Service level or above, with guidance from an officer of the Legal Section.

Where a landlord challenges the amount of the civil penalty, it will be for the landlord to provide documentary evidence (e.g. tenancy agreements etc.) to show that the calculation of the penalty amount is incorrect. Where no such supporting evidence is provided, the representation against the amount will not be accepted.

Written responses will be provided to all representations made by the recipients of a notice of intent. No other parties have an automatic right to make representations but if any are received, they will be considered on a case by case basis and responded to where the Council considers it necessary.

7.3 Final Notice

Once the representation period has ended, the Council must decide, taking into consideration any representations that were made, whether to impose a civil penalty and the final amount of the civil penalty. The final amount of a civil penalty can be a lower amount than was proposed in the notice of intent but it cannot be a greater amount.

The imposing of a civil penalty involves serving a final notice and this notice must contain the following information:

- The amount of the financial penalty;
- The reasons for imposing the penalty;
- Information about how to pay the penalty;
- The period for payment of the penalty;
- Information about rights of appeal, and;
- The consequences of failure to comply with the notice.

The period of payment for the civil penalty must be 28 days beginning with the day after that on which the notice was given.

7.4 Withdrawing or amending notices

At any time, the Council may withdraw a notice of intent or a final notice or reduce the amount of a civil penalty. This is done by giving notice in writing to the person on whom the notice was served.

Where a civil penalty has been withdrawn, and there is a public interest in doing so, the Council can still pursue a prosecution against the landlord for the conduct for which the penalty was originally imposed. Each case will be considered on its merits.

7.5 Appeals to the Tribunal

If a civil penalty is imposed on a landlord, that landlord can appeal to the First-tier Tribunal (“the Tribunal”) against the decision to impose a penalty or the amount of the penalty. The Tribunal has the power to confirm, vary (increase or reduce) the size of the civil penalty imposed by the Council, or to cancel the civil penalty. Where an appeal has been made, this suspends the civil penalty until the appeal is determined or withdrawn.

7.6 Payment of a civil penalty

A civil penalty must be paid within 28 days, beginning with the day after that on which the final notice was given, unless that notice is suspended due to an appeal. Details of how to pay the penalty will be provided on the final notice.

7.7 Other consequences of having a civil penalty imposed

Where a civil penalty has been imposed on a landlord, this will form a part of our consideration when reviewing licence applications for properties in which they have some involvement. This includes licences under Part 2 or Part 3 of the 2004 Act.

Whilst a civil penalty will not automatically preclude us from granting a licence where such persons are involved, the reasons for imposing the penalty and the extent of the person’s involvement in the property will be considered.

Where a landlord has two civil penalties imposed on them in a 12 month period, each for a Banning order offence, the Council will include their details on the Database of Rogue Landlords and Property Agents.

“Banning order offence” means an offence of a description specified in regulations made by the Secretary of State under Section 14(3) of the Housing and Planning Act 2016.

7.8 Recovering an unpaid civil penalty

The Council will consider all legal options available for the collection of unpaid civil penalties. Some of the options available to the Council through the County Courts are as follows:

- A Warrant of Control for amounts up to £5000;
- A Third Party Debt Order;
- A Charging Order, and;
- Bankruptcy or insolvency.

A certificate, signed by the Chief Finance Officer for the Council and stating that the amount due has not been received by the date of the certificate, will be accepted by the courts as conclusive evidence of the payment due.

Where a Charging Order has been made, and the amount of the Order is over £1000, the Council can consider applying for an Order for Sale against the property or asset in question. When considering which properties to apply for a Charging Order against, the Council can consider all properties owned by the landlord and not just the property to which the offence relates.

Where the civil penalty was appealed and the Council has a tribunal decision, confirming or varying the penalty, the decision will be automatically registered on the Register of Judgments, Orders and Fines, once accepted by the County Court. Inclusion on this Register may make it more difficult for the landlord to get financial credit.

7.9 Income from civil penalties

Any income from civil penalties is retained by the Council. The Council must spend any income from civil penalties on its enforcement functions in relation to the private rented sector pursuant to the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017, as amended or substituted from time to time.

Worked Examples:

Example A – A landlord has failed to licence a property in a selective licensing area. The property is in good condition. The landlord was notified at the start of the scheme but there has not been significant contact with them since. The landlord only has the one private rented property, and receives little income. A licence application was made promptly when they were reminded of the scheme.

	Penalty Amount	Cumulative Amount (£)
Failure to obtain a property licence	£2,500 (Table 2, column A)	£2,500
Impact score = 0 Severity = Low No of properties managed = 1 Culpability and track record – none Financial incentive – little or no income Deterrence and prevention – High confidence	NA	£2,500
Total Penalty		£2,500

Example B – A landlord is non-compliant with an improvement notice which seeks to address 3 Category 1 Hazards. The landlord owns 5 properties and has had previous enforcement action taken against them. The tenant is elderly and vulnerable

	Penalty Amount	Cumulative Amount (£)
Non-compliance with an improvement notice	£2,000 (Table 2, column A)	£2,000
2 or more Category 1 Hazards	£3,000 (Table 2, column B)	£5,000
Impact score = 170 Severity = High No of properties managed = 4-7 Culpability and track record – 1 previous notice Financial incentive – moderate income received Deterrence and prevention – Medium confidence	£5,000	£10,000
Total Penalty		£10,000

Example C – a landlord commences a tenancy on a property after 1st July 2020 which has an ‘Unsatisfactory’ graded electrical report, due to three Code 2 observations recorded. He has not carried out the required remedial works within the specified timeframe. The landlord owns no other properties, but has previously had enforcement action taken against them at this address. The tenant is vulnerable.

	Penalty Amount	Cumulative Amount (£)
Breach of Electrical Safety Standards Regulations	£1,000 (Table 2, column A)	£1,000
Three or more Code 2 defects	£3,500 (Table 2, column B)	£4,500
Impact score = 150 Severity = High No of properties managed = 1 Culpability and track record – 1 previous notice Financial incentive – moderate income received Deterrence and prevention – Low confidence	£5,000	£10,000
Total Penalty		£9,500

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Private Sector Housing Civil Penalties Policy

Responses to consultation

Only two responses were received in response to the consultation exercise on the proposed introduction of a Private Sector Housing Civil Penalties Policy. One was supportive while the other was wholly against such schemes, but felt if it was introduced, steps should be taken to ensure no pressure is put on landlords to avoid the disabled and multiple households.

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Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive's	Lead officer responsible for EIA	David Gell
Name of the policy or function to be assessed:			
Names of the officers undertaking the assessment:		David Gell	
Is this a new or an existing policy or function?		Private Sector Housing Civil Penalties Policy	
<p>1. What are the aims and objectives of the policy or function? The overall aim of the policy is to set out the Council's approach to the issuing of civil penalties in respect of private sector housing issues in accordance with the provisions of the Housing and Planning Act 2016.</p>			
<p>2. What outcomes do you want to achieve from the policy or function? A standardised approach to the issuing of civil penalties for relevant private sector housing offences.</p>			
<p>3. Who is intended to benefit from the policy or function? Private sector tenants in the borough</p>			
<p>4. Who are the main stakeholders in relation to the policy or function? Private sector tenants, landlords of private sector dwellings, letting agents, Broxtowe BC officers.</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands? In England generally, landlords are, on average, older and less ethnically diverse than the general population. Over half (59%) of landlords are aged 55 years or older. Not surprisingly, given the older age profile, a third (33%) of landlords are retired. The majority (89%) of landlords are White. (<i>English Private Landlord Survey 2018. Ministry of Housing Communities and Local Govt</i>)</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands? None.</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact? Only two responses received to the consultation exercise. One was supportive of the introduction of the policy. The other was against it but felt if it was introduced, steps should be taken to ensure no pressure is put on landlords to avoid the disabled and multiple households. No pressure is ever put on landlords in this way from a housing perspective.</p>			
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p>			

<p>The policy does not adversely affect any particular group.</p> <ul style="list-style-type: none"> • Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified? No
<ul style="list-style-type: none"> • Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified? Yes
<ul style="list-style-type: none"> • Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function? Potentially, yes. Those affected by local authority enforcement who do not have English as a first language. However, where this is the case, arrangements will be put in place to ensure translation and interpreter facilities are made available.
<ul style="list-style-type: none"> • Could the policy or function promote or contribute to equality and good relations between different groups? If so, how? No
<ul style="list-style-type: none"> • What further evidence is needed to understand the impact on equality? None

<p>9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?</p>
<p>Age: No further action required</p>
<p>Disability: No further action required</p>
<p>Gender: No further action required</p>
<p>Gender Reassignment: No further action required</p>
<p>Marriage and Civil Partnership: No further action required</p>
<p>Pregnancy and Maternity: No further action required</p>
<p>Race: No further action required</p>
<p>Religion and Belief: No further action required</p>
<p>Sexual Orientation: No further action required</p>

<p>Head of Service: I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.</p> <p>Signature of Head of Service:</p>
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Report of the Chief Executive

REVIEW OF HOUSING ACQUISITIONS POLICY1. Purpose of report

To seek Committee approval for the proposed amendments to the Housing Acquisitions Policy.

2. Background

On 5 June 2019 Housing Committee approved a Housing Delivery Plan, which included the use of property acquisitions within phase 1 of the plan. The Housing Committee approved the first version of the Acquisitions Policy on the 18 September 2019.

Since this time the programme of housing acquisitions has accelerated with the appointment of a Housing Acquisitions Officer in August 2020 (2 year fixed term) which in turn has led to changes/additions being recommended to support the acquisition process.

The policy sets out the Council's approach to acquiring property and land. It will ensure that the Council fulfils its objectives set out in the Housing Delivery Plan to increase Council owned social housing in Broxtowe.

Through implementation of the policy the Council will ensure that all acquisitions are considered fairly and consistently and that the budget is spent in the most effective way to meet the housing need identified in the Social and Affordable Housing Needs Report commissioned in 2018.

3. Detail

The Housing Acquisitions Policy with the proposed changes in bold is included at appendix 1.

The proposed changes to the Housing Acquisitions Policy are summarised in appendix 2.

The Equalities Impact Assessment is included as Appendix 3.

Recommendation

The Committee is asked to RESOLVE that the proposed changes to the Councils Housing Acquisitions Policy be APPROVED.

Background papers

Nil

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HOUSING ACQUISITIONS POLICY

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1.0 Scope

This policy sets out the Council's approach to acquiring property and land. It applies to both freehold and leasehold properties, where the Council is the freeholder in the lease for less than seven years.

The policy does not cover purchase of properties under Right of First Refusal, which is set out in the Right to Buy – Right of First Refusal and Discount Repayment Policy. The policy also does not cover the use of compulsory purchase orders.

The internal process for progressing the sale and the timescales involved are set out in the Housing Acquisitions Procedure.

2.0 Purpose

The policy will ensure that the Council fulfils its objectives set out in the Housing Delivery Plan to increase Council owned social housing in Broxtowe. Through implementation of the policy, the Council will ensure that all acquisitions are considered fairly and consistently.

3.0 Aims and Objectives

The aims and objectives of the policy are to:

- Provide a framework to assess the viability and value for money of acquiring property and land
- Confirm the Council's approach to valuation
- Identify the funds available to acquire property and land
- Outline responsibilities of each of the teams involved

4.0 Regulatory Code and Legal Framework

The relevant legislation is:

- s120 Local Government Act
- Housing (Right to Buy) (Limit on Discount) (England) Order 2012
- Local Government Act 2000

5.1 Identification of opportunity

An opportunity may be identified in a variety of ways. This will include direct approaches from individuals wishing to sell their property and properties identified by officers and members. The Council will consider an acquisition opportunity from any owner, including staff members and members. All properties will be assessed using the same process and methodology irrespective of how the property was identified or who it is currently owned by. If a property is brought to the Council's attention by an external agency, such as an estate agent, no payment will be made in return for the information.

5.2 Assessment Criteria

Each potential property acquisition will be assessed on an individual basis, in line with the criteria set out in this policy and considering the financial implications of the acquisition and the relative merits in terms of value for money. The property must meet a need identified in the Council's Social and Affordable Housing Need Study. It is unlikely that the Council will seek to purchase a property not within the area of its current housing stock.

The following property acquisitions will be prioritised:

- A former Council owned property, or a similar property within the Council's management areas – these properties will be the most efficient to manage and maintain
- Leasehold flats where the Council is the freeholder – particularly where it results in the Council having direct control over an entire block of flats
- A property that is causing concerns in the locality – in addition to adding to the housing stock, this would also improve the area

Occasionally properties may be acquired outside of the priority acquisitions, including:

- A property which has had adaptations or is suitable for adaptations, which would meet the needs of an individual identified on the housing register – in this circumstance approval for a direct let of the property, as defined in the Allocations Policy, this will be approved by the Head of Housing.
- An existing market unit on a new build development site where this could increase or introduce affordable housing on the site to create a balanced community
- A property in a specific location that could free up land or access to land or otherwise facilitate affordable housing development

Land may be acquired where it can be demonstrated that the purchase of the land will help achieve the outcomes identified in the Housing Delivery Plan.

Priority will be given to land that will supplement the development of Council owned land, for example an area of land next to land already owned by the Council.

5.3 Marketing

A marketing campaign will be undertaken to encourage sellers to directly approach the Council with offers of properties and land to sell. This will include promotion in a variety of formats, including social media.

In some circumstances a seller may wish to sell their property and move into one of our Independent Living schemes. This is acceptable in accordance with the Allocations Policy. The Council will market this as an opportunity for sellers.

Depending on the level of interest, the Council may promote particular campaigns to encourage sellers to sell their property. This could include paying for removal costs if they were to move into one of the Council's Independent Living Schemes. The Council will not pay any legal costs or estate agent fees for the seller. These remain the responsibility of the seller.

The Council may approach Estate Agents with their requirements for them to source properties in accordance with the Council's specification.

5.4 Property Inspection

On initial enquiry the Housing Acquisitions Officer will undertake an assessment of suitability with the seller over the telephone, if at this point it is identified that the property has major non-standard fixtures and fittings such as a conservatory which are unsuitable for the council to maintain a decision will be made by the Head of Housing as whether to proceed or not with the purchase enquiry.

A full property inspection will be undertaken by Council Officers. This will identify the work that is required for the property to meet the Council's Lettable Standard, and the relevant costs of this.

As a guide, the Council will not consider a property if they are required to spend more than 10% of the property value on additional works to bring the property up to the Council's Lettable Standard.

5.5 Management Opinion

- **Housing Operations Manager** – to consider any housing management issues in the area, including anti-social behaviour.
- **Repairs and Compliancy Manager** – to assess the ongoing maintenance liability, compliancy issues and to confirm whether items can be disclaimed.
- **Income and Housing Manager** – to calculate the target rent.
- **Housing Services and Strategy Manager** – to ensure that the property meets the housing need identified in the Social and Affordable Housing Needs Study and current demand from the Housing Register. To identify any development potential.

If any concerns are raised the information will be provided to the Head of Housing to make a decision regarding if a valuation should be completed.

5.6 Property Valuation

The price will be agreed between the seller and the Council. The Council will obtain an independent valuation of the property by a RICS valuer. Only in exceptional circumstances will the Council pay more for a property than it has been valued. The Council will pay the cost of the valuation.

The Council may enter negotiations with the seller if they do not agree to the valuation. This can be up to 5% and only in exceptional circumstances.

If the property value exceeds £200,000, then it will be automatically rejected.

Relevant stamp duty will be paid where applicable, and these costs will be considered by the Head of Housing when the final decision is being made.

5.7 Funding (Checking)

The budget for property acquisitions will form part of the annual budget setting process and be approved by Housing Committee and Finance and Resources Committee.

The financing arrangements for the property and land acquisitions will be the responsibility of the Deputy Chief Executive and Section 151 Officer. Potential sources of funding can include revenue contributions from the Housing Revenue Account, grants from external organisations, receipts from Right to Buy sales and borrowing. Right to Buy receipts cannot be used in conjunction with Homes England Grant or Planning Subsidy such as Commuted Sums.

The Council entered into an agreement with the Government in 2012 to allow it to retain a proportion of the receipts from the sale of Council homes. Under this agreement the Council is required to spend these receipts within three years on replacement units, with these receipts forming no more than 30% of the cost of the replacement units. If these receipts are not spent on replacement properties within three years then they have to be returned to MHCLG together with interest of 4% above base rate. The effective use of this policy should reduce the likelihood of this.

Whilst the debt cap limiting the amount of borrowing that the Council can incur on capital expenditure on its housing stock has been abolished, there remains a requirement to ensure that all such borrowing is prudent, affordable and sustainable.

The Housing (Right to Buy) (Limit on Discount) (England) Order 2012 extended the Cost Floor Rule from 10 years to 15 years in relation to dwellings built or acquired by the Council. The Cost Floor Rule as amended is significant in relation to this policy as it protects the Council's investment for a period of 15 years. It means that a tenant's discount under the Right to Buy would be nil if the cost floor value is higher than the value of the property

5.8 Decision

The final decision whether to acquire property or land will be made by the Head of Housing.

5.9 Appeals

Under legislation there is no onus on the Council to purchase a property or land following initial enquiries. Therefore, the seller does not have the right to appeal the decision of the Council. No compensation will be offered to a seller if the Council chooses not to progress with a purchase.

5.10 Rent Setting

The properties will be let at target rent. The rent will be set in accordance with the Rent Setting Policy.

5.11 Allocation of property

The property will be allocated via HomeSearch, the Council's choice based lettings scheme in accordance with the Council's Allocations Policy. In exceptional circumstances, a property may be acquired to meet the need of an applicant on the waiting list for whom the Council does not currently own a suitable property. In this circumstance approval for a direct let of the property, as defined in the Allocations Policy, will be approved by the Head of Housing.

The property will be purchased with vacant possession.

An exception to this will be where the current tenant of the seller has been accepted as homeless and is not under occupying the property, in this circumstance approval for a direct let of the property, as defined in the Allocations Policy and this will be approved by the Head of Housing.

A further exception will be where the seller is unable to clear the property due to illness or disability, in such cases the Council will arrange clearance and re-charge the seller for the cost of this.

5.12 Performance Monitoring

Property and land acquisitions will be reported to Housing Performance Group twice a year. The report will highlight the details of the property and land purchased and the impact. For example, an overview of the applicant who has moved into a property or how the land has facilitated development.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Acquisitions Procedure
- Allocations Policy
- Anti-Money Laundering Policy
- Lettable Standard
- Right to Buy – Right of First Refusal and Discount Repayment Policy
- Rent Setting Policy

7.0 Review

The policy will be reviewed every three years, or sooner if there is a change in legislation

8.0 Document History and Approval

Date	Version	Committee Name
2 Feb 21	2.0	Housing

Housing Acquisition Policy

Acquisitions Policy Section	Suggested Change or addition	Reason for Change or addition
General 1.	To rename as the Housing Acquisitions Policy rather than Acquisitions Policy.	A change to make it clear the policy is in relation to the housing department acquisitions only.
General 2.	Approval by the Head of Housing.	Any reference has been changed to Head of Housing for approval given through delegated authority by the Chief Executive / Chair of Housing Committee.
5.3 Marketing	The Council may approach Estate Agents with their requirements for them to source properties in accordance with the Council's specification, for which fees may be incurred.	It may be appropriate dependent on the level of interest and or suitability of property being available, for the council to approach Estate Agents directly with our requirements.
5.4 Property Inspection	On initial enquiry the Housing Acquisitions Officer will undertake an assessment of suitability with the seller over the telephone, if at this point it is identified that the property has major non-standard fixtures and fittings such as a conservatory which are unsuitable for the council to maintain a decision will be made by the Head of Housing as whether to proceed or not with the purchase enquiry.	This is an addition to support the early assessment of suitability of the property. It will shorten the decision making process both for the council in terms of officer time, cost of survey and for the seller.
5.6 Property Valuation	The Council may enter negotiations with the seller if they do not agree to the valuation. This can be up to 5% and only in exceptional circumstances.	This is an addition and only in exceptional circumstances but will allow the council some flexibility when entering into negotiations with the seller.

Housing Acquisition Policy

	<p>If the property value exceeds £200,000, then it will be automatically rejected.</p>	<p>An example would be a property evaluation of £150,000 plus negotiation of up to 5% = £157,500 purchase price.</p> <p>This is an addition to cap the value of property acquisition to enable enquiries to be automatically rejected if they exceed this value.</p>
5.11 Allocations	<p>An exception to this will be where the current tenant of the seller has been accepted as homeless and is not under occupying the property, in this circumstance approval for a direct let of the property, as defined in the Allocations Policy, and this will be approved by the Head of Housing.</p>	<p>A number of queries have been raised regarding this option and within the current policy this is not a possible. As this option both enables a suitable addition of property to the councils housing stock and prevents homelessness it has been recommended for approval.</p>

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate: **Chief Executives**

Lead officer responsible for EIA: **Jackie Westwood**

Name of the policy or function to be assessed: **Acquisitions Policy**

Names of the officers undertaking the assessment: **Jackie Westwood**

Is this a new or an existing policy or function? **Review of an existing policy**

1. What are the aims and objectives of the policy or function?

The policy sets out the Council's approach to acquiring property and land. Through implementation of the policy the Council will ensure that all acquisitions are considered fairly and consistently.

2. What outcomes do you want to achieve from the policy or function?

To ensure that the Council fulfils its objectives set out in the Housing Delivery Plan to increase Council owned social housing in Broxtowe.

3. Who is intended to benefit from the policy or function?

Applicants on the Council's housing register.

4. Who are the main stakeholders in relation to the policy or function?

Residents who wish to sell a property to the Council

Applicants on the Council's housing register

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

Housing Register applications contain information regarding equality strands so can monitor who is benefiting from property acquisitions.

Limited information can be recorded regarding whom the property has been purchased from

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

None

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

No consultation has been completed.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

Does the policy or function target or exclude a specific equality group or community?

Those under 18 are excluded on the basis of not being able to own a property or hold a tenancy – this can be justified

Does it affect some equality groups or communities differently? If yes, can this be justified?

All groups will have the same access

Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?

Assessment regarding if a property will be purchased will be based on criteria in the policy, and can be equally accessed by all equality groups

The policy allows for properties to be acquired to meet the requirements of an individual on the housing register for whom we do not have a suitable property, this is likely to benefit people with a disability – this can be justified

Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?

No

Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?

The policy will provide more social housing in areas of need.

What further evidence is needed to understand the impact on equality?

Monitoring of households benefitting from the acquisition will be monitored, both in terms of those selling the property and those who are allocated the property

9. On the basis of the analysis above, what actions, if any, will you need to take in respect of each of the equality strands?

Age: Applicants over 60 could be supported to move into our Independent Living accommodation if we acquire their property

Disability: Review whether there are particular properties that need to be sought to meet the needs of applicants for whom we do not have properties to meet their needs

Gender: It is not anticipated that the Council will need to take any further action to enable access for this group

Gender Reassignment: It is not anticipated that the Council will need to take any further action to enable access for this group

Marriage and Civil Partnership: It is not anticipated that the Council will need to take any further action to enable access for this group

Pregnancy and Maternity: It is not anticipated that the Council will need to take any further action to enable access for this group

Race: It is not anticipated that the Council will need to take any further action to enable access for this group

Religion and Belief: It is not anticipated that the Council will need to take any further action to enable access for this group

Sexual Orientation: It is not anticipated that the Council will need to take any further action to enable access for this group

10. Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment:

Signature of Head of Service:

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Report of the Chief Executive

TEMPORARY ACCOMMODATION POLICY1. Purpose of report

To seek Committee approval for a new policy that provides guidance of how the Council will manage temporary accommodation provided to residents, specifically those who are homeless or are at risk of homelessness.

2. Background

The Housing Act, the Homelessness Reduction Act and the Code of Guidance outline the legal duties that the Council has to accommodate those clients that are eligible, homeless, at risk of homelessness and in priority need.

The policy outlines the different accommodation that is provided by the Council and how it is managed and maintained as well as some of the factors that are taken into account and the decisions that are made in respect of those within the scope of the Policy.

3. Detail

This policy outlines;

- The types of accommodation provided
- The factors involved in assessing the suitability of a placement
- The management of temporary accommodation
- The usage of licences
- The support that is provided to those within the accommodation
- How offers and refusals are managed
- How the discharge of duty and eviction processes are managed

An Equalities Impact Assessment is included as appendix 1 of the Report. The Temporary Accommodation Policy is included as appendix 2.

Recommendation

The Committee is asked to RESOLVE that the Temporary Accommodation Policy be approved.

Background papers

Nil

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Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Richard Smith
Name of the policy or function to be assessed:		Temporary Accommodation Policy	
Names of the officers undertaking the assessment:		Richard Smith	
Is this a new or an existing policy or function?		New policy for existing function	
<p>1. What are the aims and objectives of the policy or function?</p> <ul style="list-style-type: none"> • The types of accommodation provided • The factors involved in assessing the suitability of a placement • The management of temporary accommodation • The usage of licences • The support that is provided to those within the accommodation • How offers and refusals are managed • How the discharge of duty and eviction processes are managed 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The purpose of the policy is to outline the approach taken to providing temporary accommodation in different circumstances and how the Council ensures that accommodation is suitable, safe and complies with our statutory duties.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Anyone that is eligible, homeless, at risk of homelessness and in priority need</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • Members of the public • Housing staff • Hotel staff 			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>When a person applies for housing, as homeless or otherwise, these are recorded and monitored</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>Information provided on Council records</p>			

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

None. This is a statutory function provided and carried out by the local authority

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

Applicants must be over the age of 18 to make an application as homeless. 16/17 year old applicants are handled in consultation with social care, younger applicants cannot apply, but they can be part of the household. This can be justified.

Applicants that are ineligible due to immigration status or other similar reason can also not apply

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

Homelessness can occur to any person in any strand

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

The only barriers that may occur or be there are outlined in government policy making.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The policy should not contribute positively or negatively in this area.

- **What further evidence is needed to understand the impact on equality?**

None

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Disability: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Gender: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Gender Reassignment: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Marriage and Civil Partnership: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Pregnancy and Maternity: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Race: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Religion and Belief: It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Sexual Orientation: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

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Temporary Accommodation Policy

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1.0 Scope

The Temporary Accommodation Policy sets out the approach that Broxtowe Borough Council takes to accommodating residents who are threatened with homelessness or are homeless.

The policy applies to both Council owned temporary accommodation, any accommodation used in partnership and also the usage of hotel accommodation.

Placements that are made through refuge accommodation for reasons of domestic abuse are not covered by the Policy.

2.0 Purpose

The purpose of the policy is to outline the approach taken to providing temporary accommodation in different circumstances and how the Council ensures that accommodation is suitable, safe and complies with our statutory duties.

3.0 Aims and Objectives

The aims and objectives of the policy are

- To clarify the approach to accommodating those eligible, homeless or threatened with homelessness and in priority need
- To ensure the effective management of temporary accommodation units
- To outline the support provided to enable residents to move on to more secure housing options where possible
- To outline the approach that temporary accommodation can have in cases of decant or other emergencies
- To ensure accommodation meets the guidance defined in legislation and within the Homelessness Code of Guidance.

4.0 Regulatory Code and Legal Framework

Housing Act 1996 Part 7, as amended by the Homelessness Act 2002

Homelessness Reduction Act 2017

Homelessness Code of Guidance

5.0 Policy Outline

5.1 Direct Access Accommodation

In circumstances where accommodation is immediately required as a client is eligible, threatened with homelessness, is homeless and in priority need, the Council can arrange and provide accommodation placements

These placements will either be

- By placement in units of the Council's own temporary accommodation. This could be either by using an existing unit of General Funded short stay accommodation or by using a unit of Housing Revenue Account funded accommodation that is transferred for usage as temporary accommodation.
- By purchase of a hotel room or rooms on a nightly basis
- By referral into accommodation that is offered by the Council to assist with rough sleeping and homelessness, such as a Night Shelter, where available and operable
- Supported accommodation available to the Council that is provided in partnership with other Council's and RSL's or support providers

The Council is committed to its statutory obligation not to use hotel accommodation for 16/17 year olds in any circumstances and for families with children only in emergencies. Government guidance outlines these placements should be no more than six weeks.

For families with children, the Council will endeavour to provide temporary accommodation within its own stock or an appropriate hostel within the Broxtowe Borough Council area. Hotel accommodation will only be used in an emergency whilst we secure a suitable placement for the households needs.

The Council will assess on a case by case basis the location of the temporary accommodation and will take into account where appropriate the risks that may be posed to the client or from the client in any placement that is made. The Council does not own any housing stock or temporary accommodation stock outside of the Broxtowe Borough, however, the Council does have access to accommodation units to assist certain client groups, such as those with support needs, outside of the Broxtowe Borough.

There are circumstances where the Council will need to place clients in hotel accommodation outside of the Broxtowe Borough, such as in cases where accommodation is required in an emergency and there is no available accommodation located in Broxtowe with whom the Council has an agreement in place with. When a placement is made out of the Broxtowe Borough, attempts will be made to identify suitable alternative accommodation within the Broxtowe Borough as soon as possible. In some circumstances, it may be more appropriate for a placement to be made outside of the area, for example, when an applicant may be at risk within Broxtowe. In such cases where accommodation placements are made outside of the Broxtowe Borough, a Section 208 Notice will be issued to the Local Authority where the applicant is placed.

Interim placements are made in accordance with Section 188 of the Housing Act 1996, whilst the Council undertakes enquiries into the circumstances that surround a

client's homelessness and Section 193 of the Housing Act 1996, where an applicant receives a positive homeless decision and is awaiting a permanent offer of accommodation. The Council follows Government guidance in attempting to ensure that families with children are not placed in hotel accommodation for a period that exceeds 6 weeks.

In certain circumstances, the Council will assist clients outside its statutory duties regarding homelessness. Such as when the Council has to make a placement in accordance with its Decant Policy or in accordance with best practice guidance regarding Severe Weather Emergency Provisions, or other similar Government guidance. Any such placements are agreed by the Housing Operations Manager, Housing Repairs Manager, Head of Asset Management or the Head of Housing.

5.2 Suitability

When deciding if a temporary accommodation placement is suitable, the Council gives consideration to Chapter 17 of the Homelessness Code of Guidance. The Council must take into account;

Needs, requirements and circumstance of each household member

This includes any identified health and mobility issues, any care or support that is provided routinely by agencies and the need to access specialist medical services routinely.

A key factor in a determination on medical issues is whether the condition itself would make the accommodation unsuitable. Such as inability to access upper floors because of stairs or to be able to access bathing/washing facilities.

The Council will also give consideration to whether the charges associated with the offer of temporary accommodation are affordable for the applicant and their household.

The location of the accommodation

The Council will consider the ability to access the workplace if in paid employment and will consider trying to avoid disruption to education, particularly at critical points such as examinations.

Where possible, the Council will avoid placing clients in isolated accommodation, far from public transport and other facilities to maintain links with schools, doctors and other key services to clients and their families to ensure the continued wellbeing of the household.

The size and facilities of the accommodation

The accommodation provided should have adequate space for the household, at least on a temporary basis, and this would be assessed by taking into account the needs, requirement and circumstances of the household.

Placements will often have fewer bed spaces than a household would be entitled to through a permanent allocation in accordance with the Allocations Policy. Refusals

by the applicant on the basis of decoration, gardens, parking or any layout or other characteristics of the property which the client has concerns are unlikely to be classed as a valid reason for refusal by the Council.

Assessments regarding suitability will be completed on a case by case basis. These assessments are made within the context of the accommodation offered and what is available to the Council at the time. The Council will take into account any potential risks that an applicant may pose to existing residents or members of the public.

5.3 Management of Temporary Accommodation

The Council's temporary accommodation units are managed by the Temporary Accommodation Officer within the Housing Options Team.

The officer is responsible for managing placements that are made by the team but also for carrying out monitoring of the accommodation to ensure it is a safe and secure environment, coordinating with other teams and contractors as appropriate.

This monitoring may include but is not limited to;

- Inspections of the internal and external environment
- Room and property inspections
- Health and Safety checks, such as the fire alarm
- Ensuring that electrical equipment is maintained and serviced
- Ensuring that inventories of rooms are kept and fixtures and fittings provided are replaced or removed when they are unsafe, beyond economical repair or beyond their notional life.

The Asset Management Service will ensure that the building is safe and is compliant with all relevant building and health and safety regulations and ensure that appliances such as gas, electric and legionella are maintained in accordance with Council policy and in accordance with statutory guidance.

5.4 Usage of Licences

Occupants of temporary accommodation sign up to a licence agreement. The licence agreement underpins the contractual relationship between the occupant and the Council in respect of the accommodation. The licence agreement includes paying the charges associated with the accommodation, appropriately maintaining the accommodation and not engaging in anti-social behaviour or criminal activity.

Should the licence agreement be breached, the Council will consider terminating the accommodation provided. If the licence breach is minor, the Council will use verbal and written warnings to try and ensure compliance with the licence agreement. If breaches are serious or repeated, a Notice to Quit will be served on the occupants. The Council is not required to attend Court to seek possession.

Pets are not permitted in any unit of temporary accommodation. Applicants that have an assistance dog will be eligible, as long as the accommodation is suitable in accordance with the guidelines in Section 5.2.

5.5 Support Provided for Residents

A risk assessment will be completed for all occupants of temporary accommodation to ensure that they receive the support they need, are referred on to support agencies or statutory agencies and so that the Council can manage any risks that are known.

Part of the role of the Temporary Accommodation Officer is to provide support to residents whilst they are in the accommodation. This support could take the form of assistance in claiming benefit, housing benefit, signposting and referring to other agencies or providing advice on the local area, which may be unfamiliar to the occupant.

The Temporary Accommodation Officer will make appropriate referrals for further support if they feel that further support is necessary and is not currently being accessed by the occupant. Where occupants are going to be housed on a permanent basis by the Council, the officer will liaise with the Neighbourhood Coordinator, Tenancy Sustainment Officer or Financial Inclusion Officer where appropriate to share information about the occupant from their time within the accommodation.

When clients are housed in accommodation with hospitality facilities, the Council will pay to ensure breakfast is included in the rate. The Council will not routinely provide any other support, either financially or in terms of food supply whilst the client is accommodated. However, this can be varied at the discretion of the Head of Housing.

5.6 Offers and Refusals

For interim placements made under Section 188 of the Housing Act 1996 whilst homelessness enquiries are undertaken, applicants do not have the right to request a review of the Council's decision regarding suitability of accommodation offered. However, applicants do have the right of review of temporary accommodation placements once accepted in accordance with Section 193 of the Housing Act 1996.

If applicants refuse offers, they will be asked to provide reasons for refusals. If the accommodation is considered suitable following a review of these reasons, the Council will not and is under no obligation to make a further offer of temporary accommodation. The applicant would need to decide whether to accept the offer or to source alternative provisions themselves. If reasons are considered valid by the Council, the offer will be withdrawn and an alternative will be considered.

Where the Council determines that homeless applicants housed under Section 188 are not owed the main homelessness duty, they will be asked to leave their interim accommodation placement following a reasonable notice period and once they have been informed of the Council's decision.

5.7 Discharge of Duty and Eviction

In cases where a positive homeless decision is made, the applicant will be made an offer of suitable permanent accommodation. When the accommodation is available and signed for, the temporary accommodation will cease.

In cases where a negative decision has been made, the duty to provide temporary accommodation will also end. Once the Council notifies the occupant of the negative decision, the Council will serve the occupant with a Notice to Quit. The occupant will be given 28 days notice in these circumstances. Should the occupant submit a review within 21 days of the decision letter, the Council will make a decision on whether to accommodate pending the outcome of the review. Accommodation is routinely provided to those that were accommodated by the Council before the decision was made. Should circumstances arise that are of concern, the Council can review this decision as it is within its discretion. The Housing Operations Manager as the reviewing officer will make this decision.

If a positive decision is made but the occupant subsequently breaches their licence agreement, the Council will take action. Depending on the severity of the breach, the Council may discharge its duty and make an alternative determination on the occupants homelessness depending on the circumstances. This could lead to an "Intentionally Homeless" determination being made.

If an occupant is found not to be occupying their temporary accommodation as their main residence following enquiries, the accommodation offer will end.

In cases where temporary accommodation has been provided that do not involve statutory homelessness, the accommodation will cease at the discretion of the Housing Operations Manager or the Head of Housing.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Allocations Policy
- Decant Policy
- Repairs Policy
- Repairs procedures
- South Nottinghamshire Homelessness Strategy
- Discharge of Duty to the Private Sector Policy

7.0 Review

This Policy will be reviewed every 3 years unless there are significant changes in legislation.

8.0 Document History and Approval

Date	Version	Committee Name
6/1/21	1.0	Housing Committee

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Report of the Strategic Director

WORK PROGRAMME

1. Purpose of report

To consider items for inclusion in the Work Programme for future meetings.

2. Background

Items which have already been suggested for inclusion in the Work Programme of future meetings are given below. Members are asked to consider any additional items that they may wish to see in the Programme.

26 May 2021	<ul style="list-style-type: none"> • Performance Management – Review of Business Plan Outturn • Housing Delivery update • Stock Options • Asset Management Strategy • Engagement Strategy Year 3 action plan • Customers with Additional Needs Policy • Leasehold Management Policy • Tenancy Management Policy
8 September 2021	<ul style="list-style-type: none"> • Performance Management-Review of Business Plan Outturn • Housing Delivery update • Service Charges for General Needs • Repairs Review update • Repairs Policy • Tenure Policy • Discharge of Homeless duty into Private Rented Sector Policy
17 November 2021	<ul style="list-style-type: none"> • Performance Management – Review of Business Plan Progress • Housing Delivery update • Review of housing car parks • Gas and Electrical Policies • Allocations Policy • Housing Recharge Policy • Decant Policy
09 February 2022	<ul style="list-style-type: none"> • Housing Delivery Update • Garage Management Policy • Right to Buy Policies • Alterations and Improvement Policy

Recommendation

The Committee is asked to consider the Work Programme and RESOLVE accordingly.

Background papers: Nil

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Report of the Deputy Chief Executive

<p>GREAT HOGGETT DRIVE, CHILWELL – RESULTS OF SECTION 105 CONSULTATION UNDERTAKEN IN 2020 AND PROPOSED DEVELOPMENT</p>

1. Purpose of report

To update members following the section 105 consultation event undertaken in October 2020 at Great Hoggett Drive and to seek approval to reduce the garden sizes of 17a/b/c/d and 15 a/b Great Hoggett Drive, Chilwell as part of the proposed garage redevelopment. This will be subject to a wider consultation event with local residents and the six directly affected tenants before a planning application is submitted.

2. Background

Phase 1 of the Housing Delivery Plan identified several HRA owned garage sites to be developed with new housing in the Borough between 2020/21 and 2021/22. The development potential of one of these sites for family housing, (the 16 garages located to the rear of Barn Croft, Chilwell), can only be achieved by the incorporation of part of the gardens of the six Council owned flats at 17a/b/c/d and 15 a/b Great Hoggett Drive, Chilwell. Without the garden space the garage site is difficult to develop due to the location of existing drains and the limited depth of the site. The provision of family housing remains the priority housing need for the Council.

3. Consultation process undertaken:

In October 2020 a consultation exercise was undertaken with the 6 affected tenants as required under Section 105 of the 1985 Housing Act. A letter was sent to each tenant, setting out the Council's proposal to reduce the rear gardens of the flats by 11 metres (which will half the length of the existing gardens). One response has been received from the six tenants that were consulted. This response is listed in Appendix 1. Appendix 1 is confidential because it contains personal information.

4. Considerations for Housing Committee:

The main objection as set out by one of the tenant's relates to their current use and enjoyment of the garden (see Appendix 1). Whilst it is understandable that the tenant does not wish to have the garden reduced the proposals do not seek to remove the garden in its entirety but seek to reduce the space. The remaining garden size is still substantial (at least 10 metres long by between 10-16 metres wide) and therefore would allow the tenants to continue to use the gardens. In regards to the privacy issue we have had no objections from any other tenant to substantiate this. It is suggested that 11 metres is the maximum that should be taken from these gardens and if the design allows the architect will aim to reduce this.

5. Financial implications

The proposed Housing Capital Programme 2021/22 – 2023/24 as set out in another report on this agenda includes £600,000 in 2021/22 and £2,800,000 in 2022/23 for new build initiatives on former garage sites in Chilwell and Watnall.

<p><u>Recommendation</u></p>

<p>Following the section 105 consultation exercise Committee is asked RESOLVE to APPROVE the reduction in garden sizes to the rear of 17a/b/c/d and 15 a/b Great Hoggett Drive, Chilwell by up to 11 metres.</p>

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