



Tuesday, 31 August 2021

Dear Sir/Madam

A meeting of the Housing Committee will be held on Wednesday, 8 September 2021 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, 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:	T A Cullen (Chair)	H G Khaled MBE
	B C Carr (Vice-Chair)	J W McGrath
	S A Bagshaw	J M Owen
	L A Ball BEM	J P T Parker
	J C Goold	H E Skinner
	D Grindell	E Williamson
	E Kerry	

AGENDA

1. APOLOGIES

To receive apologies and to be notified of the attendance 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 5 - 8)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 26 May 2021
4. DISABLED FACILITIES GRANT (DFG) POLICY (Pages 9 - 34)

To advise Committee of a proposal to amend the DFG policy.
5. FIT AND PROPER PERSON (F&PP) CARAVAN SITE LICENSING POLICY AND ASSOCIATED FEE (Pages 35 - 64)

To advise Committee of a proposal to introduce a fit and proper person policy for Relevant Caravan Sites and the introduction of a fee for processing applications and adding to the register.
6. PET POLICY (Pages 65 - 82)

To seek approval for an updated Pets Policy.
7. GENERAL NEEDS SERVICE CHARGES CONSULTATION (Pages 83 - 86)

To seek approval from Housing Committee to consult with tenants on the implementation of a service charge for General Needs properties.
8. HOUSING REPAIRS POLICY (Pages 87 - 104)

To recommend some minor changes to the Housing Repairs Policy.
9. TENURE POLICY (Pages 105 - 122)

To seek Committee approval for the reviewed and updated Tenure Policy.
10. LEASEHOLDER ENTRANCE DOORS IN HRA-OWNED FLATS (Pages 123 - 124)

To recommend that the Council meets the cost of upgrading leaseholder entrance doors to appropriate post-Grenfell fire standards.

11. DISCHARGE OF HOMELESSNESS DUTY INTO PRIVATE RENTED SECTOR POLICY (Pages 125 - 142)

To seek Committee approval for the reviewed Discharge of Local Authority Homeless Duty into the Private Sector Policy.

12. TENANTS CONTENTS INSURANCE SCHEME UPDATE (Pages 143 - 150)

To inform Members of changes in the administration of the contents insurance scheme offered to the Council's housing tenants.

13. INDEPENDENT LIVING PLAN UPDATE (Pages 151 - 154)

To provide Committee with an update on the Independent Living plan.

14. HOUSING DELIVERY PLAN UPDATE (Pages 155 - 160)

To update committee on the work to deliver the Housing Delivery Plan (HDP).

15. PERFORMANCE MANAGEMENT - REVIEW OF BUSINESS PLAN PROGRESS (Pages 161 - 170)

To report progress against outcome targets identified in the Housing Business Plan, linked to Corporate Plan priorities and objectives, and to provide an update as to the latest key performance indicators therein.

16. WORK PROGRAMME (Pages 171 - 172)

To consider items for inclusion in the Work Programme for future meeting

17. 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.

18. INDEPENDENT LIVING STOCK OPTIONS (Pages 173 - 176)
19. AIDS AND ADAPTATIONS CASE (Pages 177 - 180)
20. PLANNING APPLICATION FOR THE INHAM NOOK PUB SITE, CHILWELL (Pages 181 - 198)

HOUSING COMMITTEE

WEDNESDAY, 26 MAY 2021

Present: Councillor T A Cullen, Chair

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

Apologies for absence were received from Councillors S A Bagshaw, J W McGrath and E Williamson.

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES

The minutes of the meeting held on 2 February 2021 were confirmed and signed as a correct record.

3 MINIMUM STANDARDS OF ENERGY EFFICIENCY IN THE PRIVATE RENTED SECTOR

Members were advised of the requirements for a minimum energy efficiency standard in the private rented housing sector and of a proposed policy for the use of financial penalties for energy efficiency related enforcement.

RESOLVED that the proposed policy in respect of enforcement of energy efficiency requirements in private rented sector dwellings be approved.

4 GREEN HOMES GRANT (LOCAL AUTHORITY DELIVERY PHASE 2)

The Committee noted the Green Homes Grant (Local Authority Delivery Phase 2) and of the proposal which had been submitted to upgrade the energy efficiency of dwellings in the Council owned stock.

The Green Homes Grant scheme aims to raise the energy efficiency of low-income and low EPC rated homes, including the worst quality off-gas grid homes, delivering progress towards reducing fuel poverty, the phasing out of high carbon fossil fuel heating and the UK's commitment to net zero by 2050. This accords with Broxtowe's commitment to become carbon neutral by 2027.

RECOMMENDED that Finance and Resources Committee include an additional £724,850 in the 2021/22 capital programme for heating replacements and other energy efficiency works on the Council's housing stock funded from the Green Homes Grant (LAD Phase 2).

5 TENANCY MANAGEMENT POLICY

The Committee noted the updated Tenancy Management Policy. The purpose of the Policy is to outline the rights that each Broxtowe Borough Council tenant has in accordance with the relevant legislation relating to tenancy management.

RESOLVED that the updated Tenancy Management Policy be approved.

6 CUSTOMERS WITH ADDITIONAL SUPPORT NEEDS POLICY

The Committee noted the updated Customers with Additional Support Needs Policy. The aims of the policy were to provide tailored services to customers who have additional support needs and request and manage up to date data which identifies customers who have additional support needs.

RESOLVED that the Customers with Additional Support Needs be approved.

7 REVIEW OF LEASEHOLD MANAGEMENT POLICY

The Committee noted the proposed amendments to the Leasehold Management Policy.

The purpose of the policy was to provide clarity and consistency by outlining clearly the responsibilities and obligations of leaseholders and Broxtowe Borough Council's approach to delivering our contractual obligations.

RESOLVED that the proposed changes to the Council Leasehold Management Policy be approved.

8 HOUSING ENGAGEMENT STRATEGY 2019 - 2022 YEAR 3 ACTION PLAN

The Committee considered the year 3 action plan of the Housing Engagement Strategy 2019-2022.

The priorities and actions set out in the Housing Engagement Strategy would ensure that customers have a greater voice and can influence positive change.

RESOLVED that the Year 3 Action Plan of the Housing Engagement Strategy 2019 – 2022 be approved.

9 PERFORMANCE MANAGEMENT REVIEW OF BUSINESS PLAN - HOUSING - OUTTURN REPORT 2020/21

The Committee noted the progress against outcome targets identified in the Housing Business Plan, linked to Corporate Plan priorities and objectives.

10 HOUSING DELIVERY PLAN UPDATE

The Committee note the current work to deliver the Housing Delivery Plan.

11 NEW BUILD OAKFIELD ROAD, STAPLEFORD CONTRACT - UPDATE

An update was provided to members on the contract with Vaughandale Construction Limited for the construction of 5 highly energy efficient flats for the Housing Revenue Account at Oakfield Road, Stapleford.

12 WORK PROGRAMME

The Committee considered the Work Programme.

RESOLVED that the work programme, with the inclusion of a report on mobility scooters/disabilities, be approved.

13 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, 2, and 3 of Schedule 12A of the Act.

14 HOUSING DELIVERY PLAN UPDATE APPENDIX 4

RESOLVED that should any part of the green land, of the community centre, become available for use as part of the development, the option should be explored to improve or possibly relocate the centre and facilities contained within it.

15 INDEPENDENT LIVING STOCK OPTIONS

RESOLVED that the proposed changes to the Independent Living schemes be approved.

Report of the Chief Executive

DISABLED FACILITIES GRANT POLICY

1. Purpose of report

To advise Committee of a proposal to amend the Disabled Facilities Grant (DFG) policy.

2. Detail

The Council, in its role as a local housing authority, is under a statutory duty by virtue of the provisions of the Housing Grants Construction and Regeneration Act 1996 (the Act) to provide DFGs for private sector residential adaptations where the appropriate legislative conditions are met.

Although the provision of mandatory DFGs is covered by the Act and the Council must comply with the legislation, the Council has a policy (adopted by Housing Committee on 17 January 2017, and further amended on 3 June 2020) which is applied in the provision of DFGs with regard to matters not covered by the legislation.

The capital allocation for grants is awarded from central government annually. Second tier authorities administer the process but there is considerable input from the Occupational Therapists at Nottinghamshire County Council.

For a considerable period of time, officers from all the authorities in the county have been working to create a “common DFG policy” across the whole of Nottinghamshire in order to try and reduce differences in service due to the different policies which exist. However, it has been accepted that there is always likely to be differences in the policies which authorities adopt for the award of discretionary grants. This can be down to demand for DFGs, local needs, etc. However, it was felt that despite the differences, there was work which could be done to standardise some key areas of DFG policy across the county.

An Equalities Impact Assessment is attached as appendix 1. A table showing the proposed changes which affect Broxtowe’s policy is attached at appendix 2. A copy of the proposed policy, including the revisions, is attached at appendix 3.

Recommendation

Committee is asked to RESOLVE that the revised Disabled Facilities Grant Policy be approved.

Background papers

Nil

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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 Executives/Environmental health	Lead officer responsible for EIA	Suzanne Hickey
Name of the policy or function to be assessed:		Disabled Facilities Grants	
Names of the officers undertaking the assessment:		Suzanne Hickey	
Is this a new or an existing policy or function?		Revised Policy	
<p>1. What are the aims and objectives of the policy or function?</p> <p>This policy sets out the Council's approach to the provision of disabled facilities grants.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To provide the Council with a consistent and clear framework for the delivery of this service.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Directly: Broxtowe Borough Council, Broxtowe Borough Council employees delivering the service, adults social care, eligible recipients of the grants.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>Residents who can benefit from the grants including disabled residents (adults and children) including minor assistance and discharge from hospital which also frees up these facilities for wider users. In addition to enabling these groups to stay in their homes, it also benefits carers and household members involved in the care.</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>Some baseline data available on cases progressed and numbers of people benefitted.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>No specific data is available</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>Work has been undertaken with Nottinghamshire county Council Occupational Therapy and Adult Social Services and district and borough colleagues to tray and align the provision as much as possible across the County.</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?</p> <p>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>			

<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? <p>The policy targets specifically people with a disability or condition which requires support to improve their living conditions.</p>
<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? <p>The policy targets specifically people with a disability or condition which requires support to improve their living conditions but is accessible across all communities within this group.</p>
<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? <p>No. An established pathway exists for referrals and signposting to the service.</p>
<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? <p>No</p>
<ul style="list-style-type: none"> What further evidence is needed to understand the impact on equality? <p>None</p>

<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, this group is specifically targeted.</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>Chief Environmental Health Officer: 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 Chief EHO:  4th August 2021</p>

APPENDIX 2

Grant heading - per the proposed countywide policy	Current Broxtowe DFG policy	DRAFT Countywide DFG Policy
Top up to Mandatory Grant and repayment condition on disposal of property	<p>Up to £10k additional over and above the mandatory limit No repayment on disposal</p> <p>Any top up which is awarded is dependent on funding being available</p>	<p>Section 3.32 and 3.33. Up to £20k above the mandatory limit Given without prejudice and no regard to any agreed Nottinghamshire County Council funding or the ability of the applicant to self-fund Any top-up grant shall be recorded as a charge on the property and will mirror those repayment conditions attached to mandatory DFGs Any top up which is awarded is dependent on funding being available</p>
Relocation Grant	<p>The cost of the relocation grant together with the cost of any adaptations required to the new property must demonstrate value for money, whether the move is within Broxtowe or to another district council in Nottinghamshire. For moves within Broxtowe up to £10,000 may be available towards the cost of any adaptations. Any scheme likely to cost in excess of this figure will be considered on its own merits by the Authority.</p> <p>If on sale of the applicant's existing property, a net equity of more than £10,000 is released, the Relocation Grant will only fund the physical removal costs. (Net equity refers to any equity released when the purchase price of the new property is less than the existing property's selling price).</p>	<p>The cost of the relocation grant together with the cost of any adaptations required to the new property must demonstrate value for money, whether the move is within Broxtowe or to another district council in Nottinghamshire. Any scheme likely to cost in excess of this figure will be considered on its own merits by the Authority.</p> <p>Section 3.44. If on sale of the applicant's existing property, a net equity of more than £20,000 is released, the Relocation Grant will only fund the physical removal costs. (Net equity refers to any equity released when the purchase price of the new property is less than the existing property's selling price)</p> <p>Section 3.48. Any relocation grant shall be recorded as a charge on the property and will</p>

APPENDIX 2

Grant heading - per the proposed countywide policy	Current Broxtowe DFG policy	DRAFT Countywide DFG Policy
	No repayment	mirror those repayment conditions attached to mandatory DFGs
Discretionary DFG - Repayment conditions on disposal	Currently do not reclaim discretionary DFGs.	Section 8. All discretionary grants for top-up, relocation, and in respect of dual residency of a disabled child shall be registered as a charge on the property. In respect of top-up grant, relocation grant, and grant given in respect of dual residency of a disabled child, If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as for repayment of mandatory grants in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10 -year period from the certified date.
Dual residency of a disabled child	Not covered in BBC policy	Section 3.27 – 3.32. In cases where families separate and a court order or mediation agreement provides that the residency of the child is split between parents. The authority may consider discretionary grant to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within those headings applied to mandatory schemes and are

APPENDIX 2

Grant heading - per the proposed countywide policy	Current Broxtowe DFG policy	DRAFT Countywide DFG Policy
		<p>determined to be necessary and appropriate and reasonable and practicable</p> <p>The Authority will consider the details of any court order or mediation agreement and specifically the allocation of time spent with each parent in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be reviewed on its own merits. Factors to be considered include the specific details of any order, likely time to be spent at each property, whether the child will stay overnight at the subject property and for what period etc.</p> <p>I.e. Mandatory DFG on one property (parent in receipt of Child Benefit and discretionary DFG on another irrespective of where property receiving mandatory DFG is located. Maximum discretionary grant of £30k</p> <p>Charge registered against property and repayable as per same criteria for mandatory DFG.</p> <p>Again subject to funding available</p>

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Policy: Disabled Facilities Grants

	Author:	Suzanne Hickey
Division:	Environmental Health/Private Sector Housing	
	Date:	2 August 2021
	Review Date:	2 August 2023

Contents

Policy: Disabled Facilities Grants	1
Contents.....	1
1. Purpose	2
2. Scope	2
3.0 Policy	2
MANDATORY DISABLED FACILITIES GRANTS	2
Amount of Mandatory DFG	3
DISCRETIONARY DISABLED FACILITIES GRANTS	3
Minor Repairs Works	3
Dementia Adaptations.....	4
Hospital Discharge Grant.....	4
Dual residency for a disabled child	5
Grant to top-up mandatory scheme	6
Relocation Grant.....	7
General points in respect of Discretionary DFGs	8
GENERAL REQUIREMENTS AND GRANT CONDITIONS.....	8
Cost of Work	8
Means Tested Contributions	9
Grant Approval.....	10
5.0 PAYMENT OF GRANT	10
Completion of work	10
Changes in circumstances.....	11
Cases in which grant may be recalculated, withheld or repaid	11
General Provisions.....	12
6.0 INSTALLATION OF EQUIPMENT AND MAINTENANCE.....	12
7.0 CHOICE OF CONTRACTORS AND AGENTS	13
Contractual Relationships	13
8.0 REPAYMENT OF GRANT	14
9.0 COMPLAINTS	15
10.Risk.....	15
11.Responsibilities	15
12.Related Policies, Standards and Guidelines	15
13. Review	15
12.Document Information.....	16
Document Approval	16
Document History	16
Distribution.....	16
Coverage	16

1. Purpose

This document describes how Broxtowe Borough Council (the Council) will provide both mandatory and discretionary Disabled Facilities Grants (DFGs) for private sector residential adaptations.

This document contains information on eligibility for grant assistance, conditions relating to applications, approval and payment of grant and other relevant conditions and requirements. It is to be read in conjunction with the relevant sections of the Housing Grants Construction and Regeneration Act 1996 (the Act).

2. Scope

The scope of this policy includes mandatory and discretionary disabled facilities grants.

3.0 Policy

MANDATORY DISABLED FACILITIES GRANTS

- 3.1 The Council, in its role as a local housing authority, is under a statutory duty by virtue of the provisions of the Act to provide Disabled Facilities Grants (DFGs) for private sector residential adaptations where the appropriate legislative conditions are met.
- 3.2 The purpose of a DFG is as follows:
- To remove or help overcome any obstacles which prevent a disabled occupant move freely into and around a dwelling and enjoying the use of the dwelling and the facilities and amenities (including facilitating such access as is required to allow for a disabled occupant to provide care for a person who is normally resident),
 - To make a dwelling safe for a disabled occupant, and
 - To facilitate the use by a disabled occupant of a source of power, light or heat.
- 3.3 In order to approve DFGs, officers will work with the Occupational Therapy (OT) Service at Nottinghamshire County Council in accordance with the requirements of the Act.
- 3.4 The OT service will make referrals to the Council recommending work to be carried out which is necessary and appropriate to meet the needs of their client. The Council will approve grants if, amongst other things, it is satisfied that the work is reasonable and practicable to carry out.

- 3.5 Although the provision of mandatory DFGs is covered by the Act and the Council must comply with the legislation, this document sets out the policy that will be applied by the Council in the provision of DFGs with regard to matters not covered by the legislation.

Amount of Mandatory DFG

- 3.6 The maximum amount of mandatory grant that the Council can pay in respect of any single grant application is set by Order and is currently £30,000. This amount is reduced by any contribution statutorily assessed as payable by the grant applicant. However, the Council may provide an additional maximum amount of £20,000 as a discretionary top-up where circumstances are such that the cost of work exceeds £30,000 (either as a result of unforeseen works or the extent of the original work that is recommended to the Council). See Paragraph 3.33 below.

DISCRETIONARY DISABLED FACILITIES GRANTS

- 3.7 In addition to providing mandatory DFGs, the Council has the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. This section sets out the policy that will be applied by the Council in the provision of discretionary DFGs.

Minor Repairs Works

- 3.8 Where a mandatory DFG is to be given in respect of adaptations to a dwelling, the Council may provide funding to undertake minor works in the same dwelling where it is considered these will have a positive impact on the health and well-being of the disabled person. These works will include the following:
- Works to eliminate Category 1 hazards (Housing Health and Safety Rating System) which could impact on the disabled person.
 - Replacement of single glazed windows, or obsolete double glazed windows, in living rooms, bedrooms, and bathrooms regularly used by the disabled person.
 - Replacement, repair, or upgrade of defective fixed heating systems that will directly impact on the disabled person.
 - Replacement repair, or upgrade of electrical system that will directly impact on the disabled person.
- 3.9 Grant for minor repairs work will not be available in respect of properties where the applicant is a tenant.
- 3.10 The amount of grant given for this purpose will be limited to a maximum of £10,000
- 3.11 The works for which grant is to be made available will be specified by the Private Sector Housing Officer.

- 3.12 No grant will be made available for works already completed.

Dementia Adaptations

- 3.13 These grants are available who has been diagnosed with dementia and is still living in their own home. This can be as an owner occupier or tenant.
- 3.14 The scheme will provide a grant of up to £2,500 for minor adaptations designed to help the individual, and their carers, cope with the challenges of living with the condition. A letter from the GP or specialist confirming that dementia has been diagnosed will be required.
- 3.15 The grant can cover adaptations within the home such as:
- Replacing floor coverings that cause confusion or safety issues
 - Replacing tiling or bathroom fittings (such as toilet seats and rails) to improve visual perception
 - Changing cupboards to glass fronted doors, to enable recognition of where items are in the kitchen
 - Changing lighting schemes to improve visibility around the home
 - Installing noise reduction measures
 - Ensuring gardens and paths are level and free from hazards.
- 3.16 The specification for works will be provided by any one of the GP, specialist dementia care worker, occupational therapist, or other suitably qualified practitioner.
- 3.17 The Dementia Adaptation Grants will not cover items that could be funded through a Disabled Facilities Grant or through Nottinghamshire Social Care, but can be used in addition to them.
- 3.18 The Dementia Adaptation Grants will not be subject to the Test of Resources and the grants will not be repayable.

Hospital Discharge Grant

- 3.19 This grant is for people in hospital awaiting discharge back to their homes and provides up to £10,000 to applicants to carry out urgent adaptations and /or other works to their home which are needed to facilitate their discharge from hospital.
- 3.20 Works can include works to the property itself, including work to heating systems. Grant can also be given to undertake clearance of the property where hoarded goods are preventing hospital discharge.
- 3.21 Applicants must be:
- an owner occupier or a tenant in a privately rented property

-
- in receipt of a means tested benefit*
 - in hospital at the time of referral and awaiting discharge
- 3.22 The application must be accompanied by a referral from a hospital Occupational Therapist advising of the urgent adaptations that are required to the home to enable discharge.
- 3.23 The property to be adapted must normally be occupied on a permanent basis by the applicant and their family.
- 3.24 Works will be ordered to and undertaken by a contractor selected by the Council. Payment of the grant will be made when the works have been completed and evidence of this provided to the Council.
- *Currently: Guaranteed pension credit
Universal credit
Income based job seekers allowance
Income based employment and support allowance
Working tax credit and/or child tax credit where annual income for the purposes of the tax credit assessment was below £15,276
Council tax rebate
- 3.25 Hospital Discharge Grants are not subject to the Test of Resources and will not be repayable.
- 3.26 Hospital Discharge grants will not be given in respect of any matters which would be eligible under the Handy Person Adaptation Service (HPAS)

Dual residency for a disabled child

- 3.27 Mandatory DFG can only be provided to the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it is assumed that one party would apply for mandatory grant on the basis that the child occupies the subject property as their sole or main residence. The main residence will be determined by consideration of the applicant's particular circumstances including which party receives child benefit and the details of any court order or mediation agreement.
- 3.28 The Authority will consider the details of any court order or mediation agreement and specifically the allocation of time spent with each parent in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be reviewed on its own merits. Factors to be considered include the specific details of any order, likely time to be spent at each property, whether the child will stay overnight at the subject property and for what period etc.
- 3.29 Any assistance provided under this heading will be determined and assessed using the mandatory DFG criteria and will be up to a maximum award of £30,000 and will not be subject to any form of means testing as per mandatory

DFG applications for children/young persons. The grant will be recorded as a charge against the property.

- 3.30 The whole of any grant given under this discretion will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's. If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as for mandatory grants in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10-year period from the certified date.
- 3.31 Any discretionary award will only be considered having regard to the amount of resources the Authority has at the time. If the Authority does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance. The Council will however consider the likely demand for discretionary assistance and where practicable build this into its financial planning and bidding process

Grant to top-up mandatory scheme

- 3.32 Although the maximum amount of grant available for a mandatory DFG is currently £30,000, the Authority has agreed through this policy to potentially provide up to an additional £20,000 as a discretionary top-up. Grant will be considered where circumstances are such that the cost of eligible work exceeds £30,000 (either as a result of unforeseen works post approval or the extent of the original work inclusive of an appropriate contingency sum, that is recommended to the Council). This type of assistance will only be offered as a top up for schemes that fall within the mandatory grant headings as previously described.
- 3.33 Any discretionary assistance awarded under this part will be given without prejudice and will have no regard to any agreed Nottinghamshire County Council funding or the ability of the applicant to self-fund the identified additional costs. Subject to this assessment any discretionary award will potentially make up the difference between the maximum grant and the cost of eligible works (up to a maximum of an additional £20,000). Any discretionary top-up may however be repayable on any subsequent disposal of the subject property and will be recorded as a charge against the property.
- 3.34 The whole of any grant given under this discretion will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's. If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as for mandatory grants in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10-year period from the certified date.

- 3.35 The award of any discretionary top-up will only be considered having regard to the amount of resources the Authority has at that time. If it does not have sufficient resources available to deal with other referrals that have been passed to the Authority by the Occupational Therapy Service at the time, the Authority reserves the right not to approve any discretionary top-up. The Council will however consider the likely demand for discretionary assistance and where practicable build this into its financial planning and bidding process.

Relocation Grant

The Relocation Grant is another type of Discretionary DFG.

- 3.36 A relocation grant may be available to an applicant who owns or privately rents their property if adaptations to their current home through DFG are determined not to be feasible or reasonable and they are considering relocation to a property they intend to purchase or rent.
- 3.37 Applicants must be 18 or over on the date of application is made and, in the case of a disabled child, the parent(s) would make the application. Any application must be supported by a recommendation from the Nottinghamshire County Council's OT service or relevant Health or Social Services Care partner in the event of hospital discharge.
- 3.38 The Authority and the OT must be satisfied that the proposed property already meets the needs of the disabled person without further adaptation or are satisfied that it can adapted at a reasonable cost.
- 3.39 Applicants must be relocating within the Authority's boundary. Consideration may be given to a move within Nottinghamshire, but this would require the approval of the relevant district/borough council, whether or not adaptations are required and the scale of any adaptations before a relocation grant can be considered.
- 3.40 A grant of up to £5,000 may be made available towards specific relocation expenses, which includes estate agent fees, legal costs, removal costs and up to a 75% contribution toward cooker and/or fridge if built-in appliances are being left behind and none are, or have been fitted in the new property.
- 3.41 Applications must be submitted prior to the relocation as grants cannot be paid retrospectively. Assistance will not be given toward the purchase price of the new property.
- 3.42 The Authority will require quotations from independent contractors in compliance with the Authority's adopted procurement rules, that realistically reflect the cost of the works/service provided. In some circumstances, one estimate may be accepted if the Authority is satisfied that the cost is reasonable.
- 3.43 All applicants will be required to complete the move within 12 months from the date of approval of their application. Any payments made will be made either

directly to the service/work provider or to the grant applicant. Valid invoices or receipt must be provided prior to payment.

- 3.44 If on sale of the applicant's existing property, a net equity of more than £20,000 is released, the Relocation Grant will only fund the physical removal costs. (Net equity refers to any equity released when the purchase price of the new property is less than the existing property's selling price).
- 3.45 If the move is aborted through the fault of the applicant then costs will not be paid, and any costs already paid will be reclaimed from the applicant. If the reason for the move failing is through no fault of the applicant, then the Authority will not recover the costs.
- 3.46 The new property must be the disabled person's main residence and no applicant will be awarded a Relocation Grant on more than one occasion.
- 3.47 The Relocation Grant scheme will be subject to the same Test of Resources as the mandatory Disabled Facilities Grant scheme unless the relocation is for a disabled child in which case no test will be applied.
- 3.48 The whole of any grant given under this discretion will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's. If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as for mandatory grants in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10-year period from the certified date.

General points in respect of Discretionary DFGs

- 3.49 The decision on any application for discretionary grants shall be made by the Chief Environmental Health Officer.
- 3.50 Any discretionary DFG will only be considered having regard to the amount of resources the Council has available at the time. If the Council does not have sufficient resources to deal with other referrals that have been received from the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary grant. In addition, financial priority will be given to mandatory DFGs referred by the OT Service.

GENERAL REQUIREMENTS AND GRANT CONDITIONS

The following general requirements and conditions will apply to both mandatory DFGs and discretionary DFGs.

Cost of Work

- 4.1 The Council uses public money to fund the provision of both mandatory and discretionary DFGs and as such it must take into account value for money.
- 4.2 When officers schedule the work to be carried out, they will ensure it meets the needs of the applicant but at the same time they will only prepare a basic specification. If grant applicants want to have a higher specification that costs more, they will have to pay the difference themselves.
- 4.3 The applicant will be required to obtain at least two quotes for the cost of work. depending on the anticipated value. The grant will usually be approved on the basis of the lowest quote unless there are extenuating circumstances. Where the applicant wants to use a contractor providing a higher quote than the one that is deemed acceptable by the Council, the applicant will have to pay the difference direct to the contractor. The Council will notify the contractor that the client will have to make a contribution and advise them of its value.
- 4.4 Quotes must be costed on the basis of the individual items in the schedule provided. An overall price will not be accepted.
- 4.5 If the Council considers that the cost of any individual item or work within a schedule is unreasonably high, even if the overall quote was the lowest, it may reduce the cost allowed to what it considers reasonable for that particular item.
- 4.6 If a grant applicant has a preferred scheme of works that meets their assessed need to the same degree as the scheme proposed by the OT, for example the provision of a ground floor extension in lieu of a vertical through-floor lift installation, the Council will part fund the preferred scheme to the same degree as the grant eligible works. Any extra over costs associated with the applicant's preferred scheme, including unforeseen works, architect's fees etc., must be met by the grant applicant. Evidence that the applicant has sufficient funds in place for the extra work must be made available prior to works starting. Nottinghamshire County Council's Occupational Therapy Service will be consulted to ensure that the applicant's preferred scheme meets their assessed need in full. Grant will not be fully paid until the whole scheme has been satisfactorily completed.

Means Tested Contributions

- 4.7 Applicants for DFGs will be required to complete a statutory test of resources form (means test) to determine whether any contribution is to be paid towards the cost of works. This does not apply in the case of an application in respect of a disabled child.
- 4.8 Where the statutory test of resources determines that the applicant has a contribution to make towards a grant, that contribution will be paid to Broxtowe Borough Council prior to the works commencing. The money will be retained by the Council and paid direct to the builder on satisfactory completion of scheduled works.

Grant Approval

- 4.9 The Council is required to approve or refuse the grant within six months of the application being made. An application is deemed to be made when the following documentation is submitted:
- A completed application form
 - The appropriate certification together with proof of ownership or tenancy
 - The appropriate evidence of financial resources in order that the Council can undertake the Test of Resources
 - A minimum of two acceptable quotes
 - Confirmation from the County Council Occupational Therapy Service that the works which are the subject of the application are necessary and appropriate to meet the needs of the disabled occupant
 - Any necessary planning permission
- 4.10 Officers from the Council's Private Sector Housing Team will work with prospective grant applicants to ensure the appropriate documentation is in place to make a valid application.

5.0 PAYMENT OF GRANT

Completion of work

- 5.1 The legislation requires the Council to pay the grant on condition that the work has been carried out to its satisfaction. It also states that the Council is able to pay the contractor direct where it has advised the grant applicant prior to the grant being approved that this would be the method of payment.
- 5.2 The Council's officers will inspect the works once completed and if in their professional opinion the work has been carried out satisfactorily, the Council will pay the value of the grant. Any other payments that the grant applicant is responsible for must be made by the applicant. If the Council is not satisfied with the standard of work it will retain the grant money until such time as any works issues have been resolved.
- 5.3 The grant will not be passed for payment until such time that the applicant signs to say they are satisfied with the work.
- 5.4 If there is a dispute between the grant applicant and the contractor, but the Council is satisfied that the work has been completed to a satisfactory standard, the Council may appoint an independent third party, suitably qualified to assess the standard of such works, to give their opinion. The appointed person or company will be agreed by the Council, applicant, and contractor.

- 5.5 Where a request is received for a grant to be paid in instalments, any contribution which the applicant is required to make based on the Test of Resources must be paid to the contractor before any element of the grant funding is released.

Changes in circumstances

- 5.6 In some cases there is a change in circumstances after the grant has been approved that affects the payment of grant. These circumstances (which are prescribed in the legislation) are;
- where the works cease to be necessary or appropriate to meet the needs of the disabled occupant;
 - the disabled occupant ceases to occupy the dwelling; or
 - the disabled occupant dies.
- 5.7 In such circumstances, the legislation states that the Council can take such action as appears to be appropriate and may decide:
- that no grant shall be paid or as the case may be, no further instalments shall be paid;
 - that the works or some of them should be completed and the grant or an appropriate proportion of it paid; or
 - that the application should be re-determined in the light of the new circumstances.
- 5.8 The Council has the right under the legislation to demand any instalment that has already been paid to be repaid to the Council forthwith together with interest from the date on which it was paid until repayment.
- 5.9 Where the applicant has a contribution to pay, the Council will seek to recover any instalments already paid up to the value of the contribution. If the amount of contribution does not cover the instalments that have been made, the Council will consider each case on its own merits in deciding whether to recover any further payments.
- 5.10 Where the applicant has no contribution to pay (i.e. the grant is for 100% of the costs of works) the Council will consider each case on its own merits in deciding whether to recover any instalments.
- 5.11 Decisions in respect of the Council's action in respect of change of circumstances shall be made by the Head of Public Protection.

Cases in which grant may be recalculated, withheld or repaid

- 5.12 In situations detailed in the legislation where grant may be recalculated, withheld, or repaid, the Council can demand repayment by the applicant in whole or part, of the grant or any instalment of the grant paid together with

interest from the date of payment until repayment. In cases where the applicant has a contribution to pay, the Council will seek to recover any instalments up to the value of the contribution. If the amount of contribution does not cover the instalments that have been made, the Council will consider each case on its own merits in deciding whether to recover any further payments.

- 5.13 Where the applicant has no contribution to pay (i.e. the grant is for 100% of the costs of works) the Council will consider each case on its own merits in deciding whether to recover any instalments.
- 5.14 Where any of the above situations arise, the Council can demand repayment by the applicant in whole or part, of the grant or any instalment of the grant paid together with interest from the date of payment until repayment.
- 5.15 Decisions in respect of the Council's action in respect of grant being re-calculated, withheld, or re-paid shall be made by the Head of Public Protection.

General Provisions

- 5.16 Where work has commenced but grant entitlement has ceased and where the Council has decided that the works or some of them should be completed and the grant, or an appropriate proportion of it, repaid, the Council will arrange to make good the work so that the property is safe, secure and water-tight.
- 5.17 This may not include carrying out such work as finishing internal surfaces and plumbing any new facilities (unless these are the only facilities in the property) for example. Any work over and above making the property safe, secure and water-tight may have to be paid for by the applicant or some other appropriate person.

6.0 INSTALLATION OF EQUIPMENT AND MAINTENANCE

- 6.1 Equipment which can be installed and removed fairly easily with little or no structural modification will not be funded by either a mandatory or discretionary DFG. The cost of supplying such equipment will fall to Nottinghamshire County Council.
- 6.2 Typically the type of equipment that will be covered by a mandatory DFG includes the following (although this is not an exhaustive list):
- Stairlifts
 - Ceiling track hoists (excluding slings)
 - Through floor lifts
 - Rise and fall showering tables that are electrically powered
 - Rise and fall baths that are electrically powered
 - Wash and dry toilets

- 6.3 Discretionary DFGs will not cover the provision of any type of equipment.
- 6.4 Where the provision of equipment is funded by a mandatory DFG it is usually the responsibility of the applicant to take out the necessary insurances and maintenance agreements to ensure the equipment is properly maintained. However, the Council will include within the grant the cost of a supplier's standard maintenance agreement to give cover for up to five years. This will exclude hoists where cover is arranged by Nottinghamshire County Council.
- 6.5 If a grant application is made for new equipment, it will not be approved if it can be shown that the equipment can be repaired at a cheaper cost than renewal. In such cases the costs of the repairs will fall to the householder.

7.0 CHOICE OF CONTRACTORS AND AGENTS

Contractual Relationships

- 7.1 Following the referral from the Occupational Therapy Service at Nottinghamshire County Council, officers from Broxtowe Borough Council will schedule the works that are required. The scheduled works will form the basis upon which contractors quote.
- 7.2 Whilst work is being undertaken, the Private Sector Housing Officers may visit the property to ensure that the work is being undertaken satisfactorily and when the work is completed, the officer will carry out a final inspection to ensure it has been completed satisfactorily.
- 7.3 However, except in respect of Hospital Discharge Grants, the Council is in no way responsible for the work of the contractor and there are no contractual obligations between the contractor and the Council. The purpose of the final inspection is simply to protect the public purse. All contractual relationships with respect to the carrying out of the work are between the grant applicant and the contractor.
- 7.4 If there is a dispute between the grant applicant and the contractor, the Council will not be able to get involved unless by some act or default the Council has caused the issue which has led to the dispute.
- 7.5 Within the parameters of the legislation, the choice of contractor and any agent is that of the grant applicant. The Council will provide a list of contractors and agents who carry out this type of work. However, although contractors will be removed from the list if the Council becomes aware of unacceptable standards or practices, inclusion on the list does not constitute any recommendation by the Council or offer any form of guarantee.

8.0 REPAYMENT OF GRANT

- 8.1 In the case of mandatory grants, If the applicant (the recipient) has a qualifying owner's interest in the premises on which the relevant works are carried out, the Council will register a local land charge against their property, where the grant payment exceeds £5,000.
- The Council will demand the repayment by the recipient of such part of the grant that exceeds £5000 (but may not demand an amount in excess of £10,000) if—
- (a) the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
 - (b) the Council, having considered—
 - (i) the extent to which the recipient of the grant would suffer financial hardship were they be required to repay all or any of the grant;
 - (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
 - (iii) whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises; and
 - (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,
- is satisfied that it is reasonable in all the circumstances to require the repayment.

If a grant recipient is of the opinion that any of the exemptions may be appropriate, they will be required to submit written representations to the Council setting out their case in full. The decision on whether to waive the grant recovery will be made by the Head of HR and Public Protection in consultation with the Chair of Housing.

Where an applicant is dissatisfied with a decision to demand repayment, they can access the Council's formal complaints procedure.

- 8.2 In the case of Top-up Grants, Dual-residency Grants, and Relocation Grants, the whole of any grant given under this discretion will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's. If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as for mandatory grants in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10-year period from the certified date.

9.0 COMPLAINTS

- 9.1 Where an applicant is dissatisfied with the service they have received (including where a grant has been refused), they should contact the Chief Environmental Health Officer in the first instance. If the matter is not resolved to the applicant's satisfaction they can access the Council's formal complaints procedure.

10.Risk

Risk	Mitigation
Risk of policy being unlawfully drafted	Legal section checks the policy before approval
Risk of unreasonable decision-making	Clear criteria spelt out in policy

11.Responsibilities

The Chief Environmental Health Officer has delegated authority to make minor policy amendments which do not affect the broad thrust of policy direction. Other changes must be approved by the Council's Housing Committee.

The Chief Environmental Health Officer will be responsible for ensuring records of applications and decisions are kept in accordance with the Council's document retention scheme

12.Related Policies, Standards and Guidelines

Enforcement Policy

13. Review

This document will be reviewed bi-annually as a minimum or wherever there may be a change of influencing circumstances.

12.Document Information

Information Type	Document Information
Title	Disabled Facilities Grants policy
Identifier	
File Location	
Description	
Keywords	Disabled Facilities Grants
Format	
Author	Suzanne Hickey
Owner	Suzanne Hickey
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Date to Dispose	

Document Approval

Date	Name & Job Title of Approver(s)	Version
		XXXXX

Document History

Date	Summary of Changes	Version
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01.9.2020	Document amended in respect of repayments	
30.7.21		XXXXX

Distribution

Name/Group:

Management team
Heads of Service

Coverage

Name/Group:

All Staff in environmental health section

End of Document

Report of the Chief Executive

FIT AND PROPER PERSON CARAVAN SITE LICENSING POLICY AND ASSOCIATED FEE

1. Purpose of report

To advise Committee of a proposal to introduce a fit and proper person (F&PP) policy for Relevant Caravan Sites and the introduction of a fee for processing applications and adding to the register.

2. Detail

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, require the manager of a relevant site to be a Fit and Proper Person ("the Regulations"). Local authorities are accordingly required to introduce a fit and proper person test for mobile home site owners, or the person appointed to manage the site, unless they are eligible for an exemption under the Regulations (i.e. it is a non-commercial family occupied site under Regulation 3).

The Regulations, made on 23 September 2020, allow local authorities to receive applications from site owners, or the person appointed to manage the site, from 1 July 2021 up to and including 30 September 2021.

Once determined the list of Fit and proper persons will be published on our website.

Where applicants meet the criteria for being a Fit and Proper Person in accordance with the policy, approval will be carried out in accordance with the relevant officer delegations.

Where applicants do not meet the criteria contained within the policy, the application will be referred to the Licensing and Appeals Committee for determination.

An EIA is attached at appendix 1. A summary showing changes to the fees policy for Caravan sites is attached at appendix 2. A copy of the proposed policy, including the revisions, is attached at appendix 3. A copy of the policy on fees showing the additional Fit and Proper Person application process is attached at appendix 4. Subsequent review of the fee will be undertaken annually in accordance with the review of other charges.

Recommendation

Committee is asked to RESOLVE that the Fit and Proper Person Policy for Mobile Home Sites and the associated application fee contained within the revised Fees Policy be approved.

Background papers – Nil

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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.

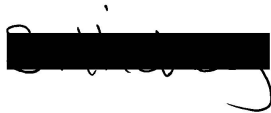
Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration 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 Executives	Lead officer responsible for EIA	Suzanne hickey
Name of the policy or function to be assessed:		Residential Caravan Sites – Fit and Proper Person Policy	
Names of the officers undertaking the assessment:		Suzanne Hickey	
Is this a new or an existing policy or function?		New	
<p>1. What are the aims and objectives of the policy or function? This policy sets out the Council's approach to the requirement to receive fit and proper person applications for the management of Residential Caravan Sites.</p>			
<p>2. What outcomes do you want to achieve from the policy or function? To provide the framework for dealing with fit and proper person applications for running Residential caravan sites.</p>			
<p>3. Who is intended to benefit from the policy or function? Directly: Residential caravan site providers and residents of such sites.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function? Residential caravan site providers and residents of such sites.</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands? Information relating to the residents of our residential caravan sites.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands? Information relating to the residents of our residential caravan sites.</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact? None it is a legal requirement that this process is adopted. Discussions have been carried out with the existing site licence holders to advise them of the requirements to apply for this once the policy is approved.</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> <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? This policy affects the licence holders of the relevant residential caravan sites and the occupiers. It should positively impact on the occupiers who should only have sites managed by those meeting the fit and proper person criteria. 			
<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? Additional protection for occupiers of relevant residential caravan sites as required by legislation to protect this group specifically. 			

<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?
No
<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. Residents of the existing sites are generally older so this group will potentially benefit more.</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>Chief Environmental Health Officer: 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 Chief EHO:  3rd August 2021</p>

APPENDIX 2

Policy Section	Suggested Change	Reason for Change
Throughout document	Updated fees since initial policy was introduced in 2015. That fees will be reviewed annually as part of the fees and charges process. Renumbering of sections	Annual updates to fees have been incorporated into the original fees policy.
Section 2 – fees charged for	Addition of Fit and proper person to the list	New legal requirement to deal with fit and proper person applications
Section 5	Addition of section on fit and proper Person applications	To reflect new requirement to deal with fit and proper person applications
Appendix 1	Addition of elements that can be included in charges including officer training, land registry searches and updating the public register	To reflect additional areas which can be included in charging calculations

Fit and Proper Fees Policy Changes September 2021

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Mobile Homes Fit and Proper Persons Policy

Policy: Mobile Homes: Fit and Proper Persons

Author: Suzanne Hickey
Division: Environmental Health
Date: 30 July 2021
Review Date: 30 July 2023

Contents

1.	Purpose	2.
2.	Scope.....	2.
3.	Policy	2-5
4.	Applications	5.
5.	Decisions	5.
6.	Removal from the Register	6.
7.	Appeals.....	6.
8.	Risk.....	7.
9.	Responsibilities	7.
10.	Related Policies.....	7.
11.	Review	8.
12.	Document Information	9.

1. Purpose

The document describes how Broxtowe Borough Council will assess the requirement for Managers of a mobile homes site to be a “fit and proper person”.

2. Scope

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, require the manager of a site to be a Fit and Proper Person (“the Regulations”). Local authorities are accordingly required to introduce a fit and proper person test for mobile home site owners, or the person appointed to manage the site, unless they are eligible for an exemption under the Regulations (i.e. it is a non-commercial, family occupied site under Regulation 3).

The Regulations, made on 23 September 2020, allow local authorities to receive applications from site owners, or the person appointed to manage the site, from 1 July 2021 up to and including 30 September 2021.

A local authority must be satisfied that the site owner “*is a fit and proper person to manage the site*” or, if the owner does not manage the site, “*that a person appointed*” to do so by the site owner “*is a fit and proper person to do so*” or has, with the site owner’s consent, “*appointed a person to manage the site.*”

Where a site owner or their manager fails the fit and proper person test, and they are unable to identify and appoint a suitable alternative manager, who must pass the fit and proper person assessment, the local authority can instead appoint a person to manage the site, but only with the consent of the site owner.

Principally, the fit and proper person test applies to a “relevant protected site”. A relevant protected site is a site, which requires a licence and which is not solely for holiday purposes or is otherwise not capable of being used all year round. The fit and proper person requirement will ensure that site owners, or their managers, have integrity and good character. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying mobile homes on the site i.e. park home owners.

3. Policy

3.1. When considering whether a person is ‘fit and proper’ Broxtowe Borough Council will have regard to the suitability of the person concerned (‘the relevant person’) with reference to Schedule 3 paragraphs 2 to 4 of the Regulations which detail those matters that **must** be considered by Broxtowe Borough Council as part of any application.

3.2. These include;

Whether the relevant person is able to secure the proper management of the site. This includes, but is not limited to:

- a) compliance with the site licence;

- b) the long term maintenance of the site
- c) whether the relevant person has sufficient level of competence to manage the site;
- d) the management structure and funding arrangements for the site or proposed management structure and funding arrangements. The local authority may want to ensure that the applicant has a robust management plan, this should also be reviewed to ensure it addresses the following issues: the pitch fee payment, proximity of the manager to the site, manager's contact details for residents (including out of office and emergency contact details), the complaints procedure, maintenance, staffing, and refuse removal.

3.3. Other matters which will be considered are whether the relevant person has:

- e) committed any offence involving fraud or other dishonesty, violence, firearms, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
- f) has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
- g) has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
- h) has harassed any person in, or in connection with, the carrying on of any business;
- i) is, or has been within the past 10 years, personally insolvent;
- j) is, or has been within the last 10 years, disqualified from acting as a company director;
- k) whether the relevant person has the right to work within the United Kingdom;
- l) whether any other local authority has rejected an application for the responsible person to be included in a register;
- m) is a member of any redress scheme enabling complaints to be dealt with in connection with the management of the site (if this is in place).

3.4. Broxtowe Borough Council may also have regard to the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) if it appears to the authority that that person's conduct is relevant to the question of whether the relevant person is a fit and proper person to manage the relevant protected site or proposed relevant protected site (as the case may be). A relevant associate could be defined as any individual who may have played a part,

directly or indirectly, in a decision or action, which has had an impact on residents' rights, or the quiet enjoyment of their homes.

3.5. Local authorities have a duty to investigate any conduct which could amount to harassment and any evidence obtained should be reviewed to determine whether it is sufficient to be used to prosecute a site owner. Local authorities may also rely on convictions by the courts as evidence of harassing behaviour which would reduce the risk of the local authority being successfully challenged on any refusal to approve an applicant on this basis.

3.6. Broxtowe Borough Council may have records of previous harassment complaints made against a site owner or their manager. Even if no action was taken on these complaints may take these into considerations in the fit and proper person determination. These complaints may identify further potential risks and can also provide an indication of potential underlying problems with the management of the site or the site owner's lack of experience/skills in dealing with customers. Broxtowe Borough Council may also wish to address any underlying issues by attaching conditions to the individual's entry on the register.

3.7. It is advisable that the site is managed by an applicant based in the UK and a management structure would be unlikely to be suitable if the applicant is an individual, or a company (including its directors), which does not reside or have a permanent UK address. This is because there may complex issues as a result of this, such as needing the court's permission to serve a claim in a foreign country. The applicant's interest in the land will also have an important impact, as would their financial standing, management structures and competence, all of which could contribute to the overall assessment of their suitability to manage the site effectively.

3.8. Broxtowe Borough Council will consider whether the applicant has sufficient funds (or has access to sufficient funds) to manage the site and comply with licence obligations. Evidence of these funds should be readily available.

3.9. Another consideration is if funding is through a third party (including an associated company), Broxtowe Borough Council will seek to know the identity of the source of funding as this will impact on the local authority's ability to deem whether the application is financially viable.

3.10 The Regulations are drafted widely giving the opportunity for local authorities to take into consideration other relevant matters.

3.11. Broxtowe Borough Council will be cognisant that poor management practices do not in themselves affect a person's conduct, unless they are also a breach of the criminal or civil law. A person cannot be deemed unfit due to conduct, simply because of poor management, although that factor is highly relevant to determining any question of suitability or competence. However, all conduct is relevant in relation to the person's fitness to hold a licence and/or manage the particular mobile home site.

4.Applications

4.1. A specific application form will be required.

4.2. Applications must be accompanied by a criminal record check and proof of right to work in the UK. Criminal Records Certificates must be issued under section 113A (1) of the Police Act 1997 and will be required where: (a) the Relevant person is an individual and (b) for each individual in relation to whom the applicant is required to provide information for example, a site manager or individuals A, B, C or D as outlined above. The Criminal record certificate may be either basic or enhanced, at the discretion of the local authority and it is proposed that Broxtowe require an enhanced criminal record check. The certificate must have been issued no more than six months before the date of the application. It is incumbent upon the site owner to ensure that any certificates provided meet this requirement.

Once an application has been received the local authority may:

- a) Grant the licence unconditionally;
- b) Grant the licence subject to conditions;
- c) Reject the application.

4.3. In order to comply with the fit and proper person requirement a site owner must at least two months before the period (e.g. 5 years) comes to an end submit a new application for the person (or alternative) to be included in the register.

5.Decisions

5.1. The fit and proper person test is aimed at ensuring that the person managing the site is competent and any conditions should relate directly to a person's ability to secure the proper management of the site.

5.2. Where a person has contravened legislation, or committed the specific offences listed (e – g) it is not recommended that conditions are set in relation to those matters as any condition cannot be reversed by requiring the person to perform a specific task (e.g. fraud).

5.3. As soon as is reasonably practicable after a full and complete application is received (including the relevant fee) the local authority must make a decision on the application and either;

- a) Where the decision is to grant the licence unconditionally and to include the relevant person on the register for 5 years, serve a final decision notice on the applicant or;
- b) Otherwise serve a preliminary decision notice on the applicant.

5.4. Once a full and completed application has been received by the authority, the nominated case officer will review the information and obtain any further information deemed relevant to the application. A consultation in respect of the applicants will take place with the neighbouring authorities, the Police, the fire authority and any authority where a licence is currently held.

5.5. The nominated officer will then prepare a case file for review by the relevant and authorised senior officer. The authorised senior officer may authorise that an application be granted unconditionally or subject to conditions.

5.6. Where an application is to be rejected a preliminary decision notice will be issued and the matter will be referred to the Licensing and Appeals Committee. Refusal/Rejection will only take place if discussions with the site owner/applicant cannot agree an alternative manager.

6. Removal from the Register

6.1. Broxtowe Borough Council acting through its appropriately designated officer will use judgement when determining whether to review an entry and consider if any subsequent actions are required. Any such decision will usually be related to the person being a fit and proper person rather than, for example, site licensing issues which are governed separately.

6.2 If, after a person is included in the register, and new evidence relevant to the person's inclusion becomes available, the local authority acting through its appropriately designated officer may decide to:

- a) remove the person from the register;
- b) impose a condition on the inclusion of the person in the register (whether or not there are conditions already imposed);
- c) vary a condition; or
- d) remove a condition.

6.3. If Broxtowe Borough Council decides to take any further action above, it must serve a notice of any proposed action on the occupier.

7.Appeals

7.1. Any preliminary decision notice (see 5.6 above) will be in accordance with the Regulations and will provide the applicant with 28 days, beginning with the day after that day on which the notice was served, to make written representations to the authority.

7.2. Once written representations have been received Broxtowe Borough Council may then make a final decision which may include approving an application subject to specific conditions. Broxtowe Borough Council will consider and take any representations it receives into account before making a final decision.

7.3. Where the authority may seek to remove a relevant person from the register or to impose further conditions a notice of proposed action will be issued in accordance with the Regulations. Again, any relevant person may make written representations within 28 days of such a notice being issued.

7.4. Broxtowe Borough Council may withdraw or amend;

- a) A preliminary decision notice before the service of the final decision notice;
- b) A final decision notice before the decision to which it relates takes effect or;
- c) A notice of proposed action before the proposed action is taken

7.5. A person on whom a final decision notice is served may appeal to a First-tier Tribunal (FTT) against;

- a) Any decision to include the relevant person on the register for an effective period of less than 5 years,
- b) Any decision to include the relevant person on the register subject to conditions and;
- c) Any decision to reject the application.

7.6. A person on whom a notice of action is served may appeal to the FTT against;

- a) And decision to remove the relevant person from the register;
- b) Any decision to impose a condition on the inclusion of the relevant person in the register and;
- c) Any decision to vary a condition

7.7. No compensation may be claimed for loss suffered, pending the outcome of the appeal, in consequence of the local authority making a final decision or taking action relevant to regulation 8(1)(a)(b) or (c).

8.Risk

Risk	Mitigation
Risk of policy being unlawfully drafted	Legal section checks the policy before approval
Risk of unreasonable decision-making	Clear criteria spelt out in policy. Appeals process
Risk of improperly managed site in event of an individual being judged not to be a fit and proper person	Housing options advice available through the Housing section

9.Responsibilities

The Chief Environmental Health Officer will be responsible for taking decisions under this policy having taken appropriate legal advice.

The Chief Environmental Health Officer will review the Policy every two years.

The Chief Environmental Health Officer will be responsible for ensuring records of applications and decisions are kept in accordance with the Council's document retention scheme

10. Related Policies, Standards and Guidelines

Mobile Homes Fees Policy
Enforcement Policy

11. Review

This document will be reviewed bi-annually as a minimum or wherever there may be a change of influencing circumstances.

12.Document Information

Information Type	Document Information
Title	Mobile Homes : Fit and Proper Persons Policy
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File Location	
Description	
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Distribution

Name/Group:

Management team
Heads of Service

Coverage

Name/Group:

All Staff in environmental health section

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APPENDIX 4



**Broxtowe
Borough
COUNCIL**

MOBILE HOMES ACT 2013

Mobile Homes Fees Policy

March 2014 Revised July 2021

CONTENTS

Contents.....	Error! Bookmark not defined.
1. Introduction.....	3
2. Fees charged for site licences	3
3. Application for a new site licence.....	4
4. Transfer/amendment of existing site license.....	5
5. Fit and Proper Person – Application to be included in the register	5
6. Annual fees for Exiting Site Licences.....	6
Conditions.....	7
Sites exempted from Annual Licensing fees	7
Charging Arrangements	7
7. Enforcement costs	8
Hourly rate for enforcement costs = £48	8
8. Fees for depositing Site rules	9
9. Publishing and revising the fee policy.....	9
Appendix 1 Elements included in fee setting.....	11

Related documents

The following documents have been consulted when drafting this policy

The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)

Mobile Homes Act 2013 (MHA 2013)

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person)
(England) Regulations 2020

Regulators Compliance Code

RBC Corporate Enforcement Policy

DCLG Guidance on Site Licensing Fee Setting – (link on website)

1. Introduction

Broxtowe Borough Council has granted caravan site licences under the Caravan Sites and Control of Development Act 1960 (CSCDA60) (as amended) for sites that have planning permission for a caravan site. This legislation has now been amended by the Mobile Homes Act 2013. The Mobile Homes Act 2013 was introduced in order to provide greater protection to occupiers and owners of residential park homes as the existing legislation had not been updated for more than 50 years. This Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions. The Council can also now charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site. The fee generated by the Mobile Homes Act 2013 is not designed to include investigation of harassment or matters not related to the site licence – these should be dealt with through Residents Associations or other appropriate channels.

The fees and charges set will aim to achieve the full cost recovery of providing the service. Fees are not set to be an economic deterrent to certain activities or to raise funds. Enforcement costs against unauthorised activities do not form part of these fee costs.

2. Fees charged for site licences

The changes introduced by the Mobile Homes Act 2013 for site licensing come into force on 1 April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”. A *relevant protected*

site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a licence is:

- granted for holiday use only
- in any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks and Gypsy Roma and Traveller sites.

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

Under the new Act a fee can be charged for

- applications to grant a new licence
- applications to transfer or amend the conditions on an existing licence
- annual licence fees for administering and monitoring existing site licences.
- Fit and Proper Person Register Application

This policy details the fees to be charged for all of these licensing functions.

The fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved. (Appendix 1 details what the Council can consider in calculating the fee levels)

The fee rates set out in this policy cover the period 1st April 2021 to 31st March 2022 and will be reviewed annually in line with other Council fees and charges.

3. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the CSCDA60).

Failure to apply for licence is an offence under Section 1(2) of CSCDA60. The

Council may only issue a licence for a site with a valid and correct planning permission for the use. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

The fee for a new site license is currently **£478 fixed cost plus £8 per pitch** to reflect the variation in the cost of processing the application according to the size of the site.

4. Transfer/amendment of existing site license

Where a licence holder wishes to transfer the licence an application must be made to the Council, for which a fee is payable. The fee must accompany the application to transfer the licence.

Similarly, where a site owner requests an amendment to site licence conditions the Council can charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions when the fee is payable at the application stage.

If the Council deems it necessary to alter conditions, there will be no fee payable.

The fee for an application for transfer or amendment of up to two site licence conditions is currently **£166**.

Where significant amendments to the site license conditions are requested, this is likely to involve a site visit so the fee for this licensing activity will increase to **£288**.

5. Fit and Proper Person – Application to be included in the register

From June 2021 an application is required by licensed relevant sites for themselves or their managers to be added to the Fit and proper person Register and for this

Register to be published on the website. Addition/amendment of a manager/site operators will require the full fee as the same amount of work is required to process the application. The fee initially will be £250.

6. Annual fees for Exiting Site Licences

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy). The fee was due on 1st April 2014 and annually thereafter.

The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any outstanding works required. If there is still a breach in any site licence conditions at the point of the revisit, further charges may be payable to cover the cost of any enforcement action which may be taken. (See enforcement costs – section 6.)

The fee is currently **£17** per pitch and is calculated on a price per unit based on the total estimated cost to the Council of carrying out its annual licensing function for all sites in the borough. The unit cost is multiplied by the actual number of plots on each site to provide the annual fee payable.

The Department for Communities and Local Government has produced guidance for fee setting offers a variety of suggested options for local authorities in calculating the annual fee:

Option 1 – fee per pitch (A fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit)

Option 2 – fee based on site size bandings

Option 3 – fee based on a risk rating that takes into account the size of a site, the level of compliance on a site and confidence in management

Option 1 has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners.

Charges for the first year (2014/15) have been based on average estimates. Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

Conditions

The conditions on the existing site license will remain the same until the Council deems that they are out-dated or incorrect, and then a review will take place, or unless an application is made to amend conditions on the license by the site owner. A review of site licence conditions has started and will be completed in 2014/15.

Sites exempted from Annual Licensing fees

- sites that are not relevant protected sites
- sites with 2 units or less

These categories of site are exempt from the annual licensing fee as the Council does not intend to carry out annual inspections of these sites, however any complaints would be dealt with as appropriate.

Charging Arrangements

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year. The fee will be charged to the site owner/license holder and invoices will be sent at the start of the financial year with payment due within 30 days. (Legislation allows the license holder to only pass on the annual fee cost for 2014/15 to the resident's pitch fee)

Where a new site licence is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted for the pro-rata amount.

Where an amended licence is issued part way through the year (which includes either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and any difference in fee would be adjusted against the following year's annual fee.

In the event that an annual fee is not paid within the terms of the invoice the Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

Fees are not refundable if the application is refused.

7. Enforcement costs

Where there has been a breach in a site licence condition which comes to the attention of the Council, it may serve a compliance notice. The CSCDA60 details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred, for example legal costs.

Hourly rate for enforcement costs = £48

Charges for enforcement costs cannot be passed onto the resident's pitch fee.

If any works in the compliance notice are not carried out, the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

If a prosecution was successfully taken, the Council would have the power to carry out the works in default of the licence holder.

8. Fees for depositing Site rules

Site rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site.

The Mobile Homes Act 2013 changes the way site rules must be agreed between both parties. The Council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the Council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

Any site rules deposited with the local authority for the first time, or applications to vary or delete existing site rules, must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

The fee is currently **£128** and reflects the fixed costs for this function.

9. Publishing and revising the fee policy

This fees policy will be published on the Broxtowe Borough Council website at www.broxtowe.gov.uk. (page to be determined). The fees detailed in this policy have been determined based on experience of dealing with site licensing historically with consideration of the changes that the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, at the time of

producing this policy some elements of the licensing regime are still awaiting further regulation by government which may impact on the processes and the time involved and may therefore result in a revision to the proposed charges at a future date.

This policy, including the applicable fees and charges, will be reviewed annually as part of the Council's annual review of fees and charges.

Appendix 1 Elements included in fee setting

The DCLG guidance sets out the activities that the Council can include when calculating its annual and specific fees. These include:

- Officer training
- letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- Land Registry searches
- handling enquiries and complaints;
- updating hard files/ computer systems/ICT and support costs;
- updating websites;
- processing the licensing fee;
- time for reviewing necessary documents and certificates;
 - Conducting background checks
- downloading photographs;
 - Preparing preliminary and final decision notes
- preparing reports on contraventions;
- review by manager or lawyers
- Consultation and review of any consultation responses from third parties;
- carrying out any risk assessment process considered necessary

Updating the Public register

- a pre- programmed full site inspection;
- a follow – up inspection to check compliance following programmed inspection
 - Amending conditions attached to a Register

- Processing appeal paperwork (assumed only 1 in 3 applications will generate an appeal)

Report of the Chief Executive

PETS POLICY

1. Purpose of report

To seek approval for an updated Pets Policy.

2. Background

A Pets Policy was original approved by Housing Committee in March 2019.

3. Detail

The Council allows tenants and leaseholders to keep pets in their properties. For tenants, there are clauses in the tenancy agreement that set out the need for tenants to request permission to keep pets and also how the Council will manage the tenancy in this respect. The policy provides a framework for the types of pets that are permissible by the Council and what additional measures or enquiries that tenants are required to undertake for the request to be approved.

The policy also provides clarification on what measures the Council will take should a pet be kept without permission and what actions that the Council will take should pets become a nuisance and their continued ownership becomes an issue at the property or in the community.

The updates policy includes more information to support officers to consider the companionship and support that pets can offer. It also clarifies the approach in Independent Living schemes.

An equalities impact assessment is attached as appendix 1. A Table showing a summary of the revisions is attached as appendix 2. The policy is attached as appendix 3.

4. Financial implications

The changes to the Pets Policy should have a positive impact on the allocation of Independent Living properties, so should reduce void rent loss.

Recommendation

The Committee is asked to RESOLVE that the updated Pets Policy be approved.

Background papers

Nil

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APPENDIX 1

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:		Pets Policy	
Names of the officers undertaking the assessment:		Richard Smith/Rachel Shaw	
Is this a new or an existing policy or function?		Updated policy outlining existing functions	
1. What are the aims and objectives of the policy or function? <ul style="list-style-type: none"> • How requests to keep a pet are made • The types of tenancy and how they are affect pet requests • How the Council considers request for a pet • How new housing applicants with pets are managed • Pets and the running of a business • How the Council will manage cases where pets are kept without first seeking permission • How the Council will manage instances where pets are left behind in properties • How permission to keep a pet can be withdrawn 			
2. What outcomes do you want to achieve from the policy or function? <p>The purpose of the policy is to provide a framework for tenants and leaseholders wishing to keep a pet and how existing pets are managed</p>			
3. Who is intended to benefit from the policy or function? <p>The policy will apply to all tenants and leaseholders</p>			
4. Who are the main stakeholders in relation to the policy or function? <ul style="list-style-type: none"> • Tenants • Leaseholders • Housing employees 			
5. What baseline quantitative data do you have about the policy or function relating to the different equality strands? <p>Information held on the housing management system.</p>			
6. What baseline qualitative data do you have about the policy or function relating to the different equality strands? <p>Information held on the housing management system.</p>			

<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>No consultation has been completed</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?</p> <p>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>
<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? <p>Applicants must be over the age of 18 to hold a tenancy with the Council, so those younger than that are excluded from holding a tenancy but may be part of the household. This can be justified.</p>
<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? <p>Yes. Some groups, such as those that require assistance animals, could be advantaged</p>
<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? No
<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? <p>The policy should not contribute positively or negatively in this area.</p>
<ul style="list-style-type: none"> What further evidence is needed to understand the impact on equality? <p>Using existing performance monitoring frameworks, the Council will be able to establish whether there has been any negative or positive impact on tenants and leaseholders</p>
<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: It is acknowledged that young people with their first tenancies, including those leaving care and teenage parents, may require more support and guidance in terms of responsible pet ownership</p>

Disability: The Housing Act 1996 identifies ‘people with learning disabilities’ and ‘people with a mental, physical or sensory disability’ as categories where people could be classed as vulnerable. Disability will be taken into account when deciding whether permission is granted.

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: R Shaw

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APPENDIX 2

Policy Section	Suggested Change	Reason for Change
1.0 Scope	Minor amendment to wording: Any animals, such as an assistance dogs, that are kept to assist directly with a disability are excluded from this policy.	For clarity
5.2 Types of Tenancy and Pets	Remove 'and Fixed term'	The Council no longer offers fixed term tenancies
5.3 Considering a request for a pet	Remove: •Whether the property is in an Independent Living Scheme	Applications for General Needs and Independent Living properties will be considered using the same criteria. The property being in an Independent Living scheme is not a reason for refusal alone.
	Add: • Any given reasons, for example to support mental health or for companionship	This is an important consideration when considering the application
	Remove 'in any of its general housing properties'	This applies to both General Needs and Independent Living
	Remove 'Permission for keeping dogs will be prohibited where a property is on an Independent Living Scheme that does not have a secure garden and is part of a scheme that has communal corridor areas. This includes Leasehold properties.'	Applications for General Needs and Independent Living properties will be considered using the same criteria. The property being in an Independent Living scheme is not a reason for refusal alone.
	Replace 'Public Protection' with 'Neighbourhood Wardens'	To be clear which team this refers to
5.6 Pets Kept Without Permission	Minor amendment to wording: If the Council is made aware of pets being kept where prior permission has not been given the Council will investigate to see whether it would be an instance where permission would normally be granted.	For clarity
5.7 Pets Left in Property	Change 'dog' to 'animal'	For clarity
5.9 Council Owned Temporary Accommodation	Section added	To provide information on the approach in Council Owned temporary accommodation

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Pets Policy

Contents

1.0 Scope	3
2.0 Purpose	3
3.0 Aims and Objectives.....	3
4.0 Regulatory Code and Legal Framework.....	4
5.0 Policy Outline	4
5.1 Requests for a Pet.....	4
5.2 Types of Tenancy and Pets.....	4
5.3 Considering the Request for a Pet	4
5.4 Housing Applicants and Pets	6
5.5 Pets and Businesses.....	6
5.6 Pets Kept Without Permission	6
5.7 Pets Left in Properties	7
5.8 Withdrawing Permission	7
5.9 Council Owned Temporary Accommodation	7
6.0 Related Policies, Procedures and Guidelines	7
7.0 Review	8
8.0 Document History and Approval.....	8

1.0 Scope

The Pets Policy sets out the approach that Broxtowe Borough Council takes when it receives a request from a tenant or leaseholder to keep a pet and how it manages pets within its properties.

The policy only applies to Council properties.

For the purpose of the policy, pets that are covered within the scope include;

- Cats
- Dogs
- Livestock
- Rodents
- Rabbits
- Reptiles
- Any other animal that is normally kept outside

Some pets do not require permission from the Council to keep. Below is a list of pets, the list is not exhaustive and the Council will provide guidance on a case by case basis to tenants. Whilst these pets do not require permission, if they are not kept in the correct conditions or they cause nuisance to other residents because of poor husbandry, the policy will apply;

- Tanked goldfish or tropical fish
- Indoor birds such as Budgerigars
- Insects

Any animals, such as an assistance dogs, that are kept to assist directly with a disability are excluded from this policy.

2.0 Purpose

The Council recognises that pets can have a positive impact and effect on the health and wellbeing of tenants. The purpose of the policy is to enable tenants and leaseholders to keep pets but to also ensure the effective management of pets in Council properties.

The Policy provides a framework for how requests will be processed and the steps that the tenant should take when requesting or processing a request for a pet.

3.0 Aims and Objectives

The aims and objectives of the policy are:

- To provide guidance for tenants and staff about the process for requesting pets
- To provide guidance to residents about responsible pet ownership

- To provide a framework for a consistent and enforceable approach to pet ownership
- To provide a balance that ensures pet ownership does not infringe on the right of others to the peaceful enjoyment of their home
- To explain how the processes that the Council will take in enforcing improper pet ownership, including revoking permission.

4.0 Regulatory Code and Legal Framework

- Animal Welfare Act 2006
- Dangerous Dogs Act 1991
- Control of Dogs Order 1992
- Schedule of Dangerous Wild Animals 1976
- Clean Neighbourhoods and Environment Act 2005
- Dog Fouling of the Land Act 1996
- Anti Social Behaviour Crime and Policing Act 2014
- Housing Act 1985
- Housing Act 1996

5.0 Policy Outline

5.1 Requests for a Pet

The Council requires that tenants request pets in writing wherever possible using the Request for a Pet Application Form. The Council will make reasonable adjustments for tenants who are unable to fulfil this request.

5.2 Types of Tenancy and Pets

Secure tenants can request to keep a pet. The Council may withhold permission for Introductory Tenants where the keeping of a pet will require changes to be made to the home and this would require permission under the alterations and improvements policy. Leaseholders must request permission in writing from the Leasehold Officer.

5.3 Considering the Request for a Pet

The Council will consider the type of property and animal when considering a request for a pet.

The following issues will be considered:

- Whether a property has a secure garden
- Whether the property is a flat, house or has communal areas that have to be accessed to access the property
- The number of animals being requested
- Whether pets are suitable to be kept in domestic property
- Whether pets are being kept in accordance with a business
- Any given reasons, for example to support mental health or for companionship

Dogs

The Council will allow tenants and leaseholders to keep a dog in its properties. Tenants will be allowed to keep up to two dogs but must request permission before doing so. A request to keep additional dogs will be at the discretion of the Council and will be based on:

- the suitability of the property,
- the conduct of the tenant and tenancy with regard to current pet ownership

Enquiries will be made with the Neighbourhood Wardens Team as appropriate to understand the reasons and purpose that additional animals are being requested. Any requests to keep a pet that is covered by the Dangerous Dogs Act 1991 (Dogo Argentino, Fila Brasileiro, Japanese Tosa or Pit Bull Terrier) will be prohibited.

Part of the granting of any permission will be a requirement for tenants and leaseholders to take steps to microchip, vaccinate and undertake other relevant treatments as outlined by the Council.

Cats

The Council will allow tenants and leaseholders to keep a cat in its properties. Tenants will be allowed to keep up to two cats but must request permission before doing so. A request to keep additional cats will be at the discretion of the Council and will be based on:

- the suitability of the property,
- the conduct of the tenant and tenancy with regard to current pet ownership

Enquiries will be made with the Neighbourhood Wardens Team as appropriate to understand the reasons and purpose that the additional animals are being requested.

Part of the granting of any permission will be a requirement for tenants and leaseholders to take steps to microchip, neutering, vaccinate and undertake other relevant treatments as outlined by the Council.

Permission for small animals

Permission will be granted for requests to keep small animals that are housed in cages, bowls or tanks inside the home and do not need to go outside of the property.

If the tenant has their own private garden, permission will be granted to keep small pets in hutches such as rabbits or guinea pigs. The tenant should specify the amount they are planning to keep and should request permission for additional animals. If the Council becomes concerned about the amount of animals being kept, permission may be revoked

Livestock or farm animals

Tenants and leaseholders will not be allowed to keep animals of this kind at their properties. Farm birds such as Chickens or Geese will be considered based on the suitability of the property. Cockerels are prohibited.

If an animal's habitat requires hutches, houses or runs, separate permission may be required and the Alterations and Improvements Policy should be referred to. For Leasehold properties, permission would depend on the terms of the lease.

Any pet permission that is granted will be done so on the basis that the pet does not cause nuisance to neighbours.

Upon the death of a pet, permission will be required if the tenant or leaseholder wishes to keep another pet of the same type, or any other type, in the future.

5.4 Housing Applicants and Pets

When a prospective tenant applies for housing, the application requests details of the pets they wish to be rehoused with.

The Council will ensure any offer of accommodation is suitable for the pet. There is no need for the tenant to request permission in this instance.

If the Council is not aware of the pet when the application is made but the pet is permissible in accordance with the policy, then retrospective permission will be granted.

If the Council is not aware of the pet when the application is made and the pet is not permissible by the Council, then the measures outlined in Section 5.8 of this Policy should be referred to.

5.5 Pets and Businesses

Requests from tenants and leaseholders to breed animals will require separate permission and will be classed as the running of a business from the property. This will be covered by clauses within the Tenancy.

5.6 Pets Kept Without Permission

If the Council is made aware of pets being kept where prior permission has not been given the Council will investigate to see whether it would be an instance where permission would normally be granted. If so, the tenant or leaseholder may be granted retrospective permission.

If the request is not able to be granted, the Council will ask for the animal to be rehomed. Any assistance given in rehoming will be recharged to the tenant or leaseholder. The Council will give reasonable timescales for the rehoming of animals. If the Council's timescales are not met, the Council will consider using its powers in the tenancy agreement, lease or within the Anti-Social Behaviour legislation if the animals in question are causing nuisance and annoyance to neighbours.

5.7 Pets Left in Properties

If the Council encounters a circumstance where it believes that an animal has been left in a property and the tenant or leaseholder is no longer in occupation, it will involve the RSPCA and Neighbourhood Wardens Team as appropriate whilst making enquiries into the tenant's or leaseholder whereabouts.

The Council will rehome any animal in appropriate accommodation, such as boarding kennels, until the tenant returns or the property is adopted by a new owner.

Should the tenant return following their animal having to be removed by the Council, the Council will consider withdrawing permission for them to keep the animal and consider whether further action in accordance with the terms of the tenancy agreement is appropriate. The cost of removal of animals and any boarding will be recharged to the tenant where possible.

5.8 Withdrawing Permission

In instances where a pet causes repeated nuisance and annoyance to residents and attempts by the Council to use the anti-social behaviour policy and procedure to bring a positive improvement fail, the Council will consider legal action against the tenant or leaseholder as well as requesting removal of the pet.

The Council will give tenants and leaseholders 28 days' notice in writing of the need to rehome their pet and will provide the reasons why the Council has made its decision and will also give advice about how they may go about rehoming their pets.

If a pet attacks a person or another animal, the Council will consider immediate withdrawal of permission and other action possible under the terms of the tenancy agreement.

5.9 Council Owned Temporary Accommodation

The Council will not allow pets in Council Owned Temporary Accommodation. The Council will arrange for suitable hotel accommodation where pets are allowed, when this is possible. If suitable accommodation where pets are allowed is not possible to arrange, then advice and support will be offered. This includes arranging and paying for boarding of animals if required.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Alterations and Improvements Procedure
- Tenancy Agreement
- Anti-Social Behaviour Policy
- Anti-Social Behaviour Procedure
- People with Additional Support Needs 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
5/3/19	1.0	Housing Committee
8/9/21	2.0	Housing Committee

Report of the Chief Executive

GENERAL NEEDS SERVICE CHARGES CONSULTATION

1. Purpose of report

To seek approval from the Committee to consult with tenants on the implementation of a service charge for General Needs properties.

2. Background

Housing Committee has previously approved changes to service charges for Independent Living properties so that the Council is recouping more of the costs of maintaining our schemes. This proposal will align the approach for General Needs with that already implemented for Independent Living.

3. Detail

Currently General Needs tenants are not charged for services provided, such as grounds maintenance and communal lighting. These are paid from the Housing Revenue Account (HRA).

There are also services which are not currently provided, which many landlords would routinely provide. This includes block cleaning and window cleaning. Currently tenants are jointly responsible for cleaning communal areas on their schemes. This leads to variations on the standard of our blocks and an unfair expectation on our tenants.

All services that are proposed as part of the service charge will be eligible for Housing Benefit and the rent element of Universal Credit. This means that the tenants who claim benefit to pay their rent would also have this additional cost covered. It is not proposed that the Council seeks to recover all of this additional cost immediately, but rather that a similar approach is taken to the changes to the Independent Living service charge, which will gradually increase the amount payable over a number of years.

A further report will be presented to Housing Committee in November, once the consultation has been completed.

4. Financial Implications

The income to the HRA would be increased. Additional resource will be needed for all blocks to be maintained. Further information will be provided in future reports.

Recommendation

The Committee is asked to RESOLVE that consultation is completed with all general needs tenants in regards to introducing service charges from April 2022.

Background papers: Nil

APPENDIX

Consultation

Consultation is required under Section 105 of the 1985 Housing Act as the changes proposed relate to the management of properties by Broxtowe Borough Council. Secure tenants likely to be affected must be informed of proposals, and to be able to make their views known to us within a specified period, which is not defined under the Act.

Tenancy agreement

If committee approved the introduction of service charges for General Needs tenants, then no changes would be required to the Council's tenancy agreement, which was last reviewed in 2018:

The tenancy agreement also sets out that these can be changed at any time:

Rent payments

1.1 Your **Rent** is made up of **Net Rent, Service Charge and Other Charges** added together which at the Start Date are:

Net Rent	£.....;
Benefit Eligible Service Charge	£.....;
Non-Benefit Eligible Service Charge	£.....;
	£.....;
Total Service Charge	
Other Charges	£.....
Total weekly Rent	£

The Rent for the **First Period** will be a proportionate amount of the Rent and is due on the Start Date. Thereafter the Rent is due weekly in advance and is payable on a Monday and preferably by way of direct debit if this method of payment is available to you by us. If we let you pay at a different frequency (e.g. monthly in advance), you must pay on the agreed dates and in advance.

Your Rent is payable for 48 weeks of the year and will be calculated so there are four Rent free weeks when you do not have to pay your Rent. This does not alter the amount you pay over one year. You are not expected to pay Rent during Rent free weeks unless you are in arrears of Rent or you are subject to an agreed payment plan or Court Order.

A copy of our rent setting policy is available on request.

Please note that the above amounts are subject to change in the way set out in this Tenancy.

Rent review

2.1 *Unless you agree a Rent increase with us the Rent may be increased or decreased by us at the **Rent Review**, after we have followed the procedure set out in sections 102 and 103 of the Housing Act 1985. This means that we will:*

- (a) give you at least four weeks' written notice of a Rent Review; and*
- (b) send you a notice of variation setting out the **Reviewed Rent** and stating the date on which the Reviewed Rent will take effect. The Reviewed Rent shall not take effect until at least four weeks after the notice of variation is sent.*

Other Service Charge/Other Charges Review

*The Service Charge and/or Other Charges may also be changed at any time if there is a **Service Charge Review** or an **Other Charges Review**.*

*We will give you at least four weeks' written notice of any Service Charge Review and/or Other Charges Review; and the amount of any **Reviewed Service Charge** and/or **Reviewed Other Charges** you have to pay will be set out in the notice and will become payable on the date set out in the notice.*

The tenancy agreement template includes space for the services to be listed. This would be completed at sign-up so that the new tenant is clear on the services that they are responsible for paying a service charge for. Only service charges that are eligible to be covered by Housing Benefit or the rent element of Universal Credit will be included.

Grounds Maintenance – currently provided

The Council already has detailed information regarding the grounds maintenance completed at our schemes. This includes grass cutting, weed control, shrub beds and hedge cutting. Meetings have been held between the Housing department and Environment department to ensure that charges can be correctly apportioned to each scheme. However, there are no proposed changes to the service currently provided.

Communal Lighting – currently provided

The Housing department currently receives energy bills for each of our schemes and blocks so is aware of the costs of communal lighting for each scheme. This cost is variable, as would be expected. It is not intended to change the amount charged each year, but instead place each scheme within a 'band' for the size of scheme and the amount of communal lighting and have a fixed charge per year for this.

Window Cleaning – not currently provided

This is not currently provided for General Needs schemes, but is provided at our Independent Living schemes. The current contract will be reviewed in line with the increased demand for this service.

Communal Cleaning – not currently provided

The Housing department employs a team of cleaners. Two new Mobile Cleaners, who have Council vans and travel between schemes to clean, were recruited in early 2021. Currently their work focuses on Independent Living schemes and void properties. The Housing department is currently reviewing the work of the Mobile Cleaners and the number of schemes they could clean each day. Additional resource will be needed for all blocks to be maintained.

Report of the Deputy Chief Executive

HOUSING REPAIRS POLICY

1. Purpose of report

To recommend some minor changes to the Housing Repairs Policy.

2. Detail

The current Housing Repairs Policy was approved in March 2018 and is now due for its triennial review. No major changes are proposed but, for completeness and transparency a brief summary of changes is given below, with more detail in appendix 1 and the proposed policy itself in appendix 2.

- Removal or significant rationalisation of sections which duplicate other policies and procedures.
- Two additional tenant repair responsibilities.
- Rewording of how to contact the council for repairs.
- Removal of clause stating that rechargeable repairs must always be fully paid in advance.
- Confirmation that leaseholders are given the same priority as tenants for repairs the Council is obliged to undertake, but removal of a clause stating that additional services are available to leaseholders whereas the reality is that they are not.

3. Financial implications

There are none directly arising from this report.

Recommendation

Housing Committee is asked to RESOLVE that the revised Housing Repairs Policy be approved.

Background papers

Nil

APPENDIX 1

Policy Section	Change to previously approved policy	Reason for Change
All	Correction of any minor typos	Grammatical accuracy
4.0	Removal of reference to the Homes and Communities Home Standards.	These are not referred to in any other Broxtowe Housing policies, so removal is for consistency, not because the standards are unimportant.
5.1	Addition of “Replacing toilet seats” and “Repairing dripping taps (changing washers)” to the list of tenant responsibilities.	This accords with longstanding current practice and national legislation – although discretion is used in rare cases where, for example, a tenant is incapable of such a repair themselves and has no relative / friend etc. able to assist.
5.1	Re-ordering of the means of reporting repairs, and clarification that communication face to face may be less effective in some cases.	If tenants report repairs verbally to a non-housing repairs trained council employee it is possible that not all the required information may be gathered at that time, potentially leading to un-necessary delays or a mis-diagnosis.
5.4	Addition of note regarding Gas Safe and NICEIC accreditation.	To provide additional assurance relating to gas and electrical safety.
5.5	Reference to the mutual exchange policy rather than a summary of it.	To avoid repeating another policy with the potential to contradict that policy if changes are made to it.
5.6	Reference to the alterations and improvements policy rather than a summary of it.	To avoid repeating another policy with the potential to contradict that policy if changes are made to it.
5.7	Reference to the void management policy rather than a summary of it.	To avoid repeating another policy with the potential to contradict that policy if changes are made to it.
5.8	Removal of references stating that tenants must pay in full in advance before any rechargeable repairs are undertaken.	This is rarely achievable in practice and so is not a policy currently being implemented. New procedures on Recharges across housing are currently being prepared.

Policy Section	Change to previously approved policy	Reason for Change
5.11	Minor rewording relating to procurement.	Clarification that full procurement is not always possible in an emergency or urgency situation.
Ex 5.13	Complete removal of section relating to Asset Management.	A new asset management strategy is being prepared and is listed in section 6.
Ex 5.15	Complete removal of section relating to tenants with additional support needs.	This is covered by a separate policy.
5.14	Note added about priority given to leaseholder repairs. Removal of note about additional services offered to leaseholders.	Reassurance that leaseholders have the same priority as tenants when it comes to repairs which must be undertaken by Broxtowe. The Council is currently unable to provide these additional services whilst meeting its statutory obligations.
Ex 5.20	Complete removal of performance monitoring section	This section listed various performance indicators which are subject to change and updating. These are reported to council committees via other mechanisms and need not be repeated here.



REPAIRS POLICY

Contents

1.0 Purpose	
2.0 Scope	
3.0 Aims and Objectives	
4.0 Regulatory Code and Legal Framework	
5.0 Policy Outline	
5.1 Day to Day Repairs	
5.2 Out of Hours	
5.3 Follow on Works	
5.4 Quality Control	
5.5 Mutual Exchanges	
5.6 Improvements and Alterations	
5.7 Voids	
5.8 Rechargeable Repairs	
5.9 Contents Insurance	
5.10 Use of sub-contractors / contractors versus in-house	
5.11 Procurement	
5.12 Value for money	
5.13 Health and Safety	
5.14 Leaseholders	
5.15 Right to Repair ¹	
5.16 Right to Compensation	
5.17 Right to Buy	
6.0 Related Policies, Procedures and Guidelines	
7.0 Review	
8.0 Appendices	
9.0 Document History and Approval	

1.0 Scope

This policy covers the repairs service provided by Broxtowe Borough Council to tenants and leaseholders. It applies to individual properties and communal areas. Gas, Legionella and Electrical Safety are covered by separate policies.

2.0 Purpose

The purpose of this policy is to set out the way in which Broxtowe Borough Council will carry out repairs to Council-owned properties and meet its legal obligations under Section 11 of the Landlord and Tenant Act 1985 and under its Tenancy Agreements and leases.

3.0 Aims and Objectives

The Council is committed to providing an excellent, cost effective housing repairs service which is responsive to the needs of our tenants and leaseholders. The aims of the repairs policy are to:

- Effectively manage the repairing obligations of Broxtowe Borough Council's housing stock for its residents.
- Ensure the Council provides an effective planned maintenance service through the Capital Works Team driven by a comprehensive asset management policy.
- Ensure that the Council complies with all legislative, regulatory and Health and Safety requirements and meets best practice.
- Set out the service standards that will be provided when a repair is reported.
- Ensure that our service is tailored to tenant's individual needs.

4.0 Regulatory Code and Legal Framework

The following legislation sets out our obligations as a landlord. The Council will ensure that the repairs service is delivered with reference to the following:

- Section 11 of the Landlord and Tenant Act 1985
- Housing Act 1985
- Environmental Protection Act 1990
- Secure Tenants of Local Authorities (Right to Repair) Regulation 1994
- Equality Act 2010
- Leasehold Reform, Housing and Urban Development Act 1993
- Common-hold and Leasehold Reform Act 2002
- Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994
- Gas Safety (Installation and use) Regulations 1998
- Regulatory Reform (Fire Safety) Order 2005
- The Control of Asbestos Regulations 2012
- Health and Safety at Work etc Act 1974
- The Management of Health and Safety at Work Regulations 1999

- Control of substances hazardous to health regulations 2002
- Water Supply (Water Fittings) Regulations 1999
- Occupiers Liability Act 1957 and Occupiers Liability Act 1984
- The Construction (Design and Management) Regulations 2015
- Building Regulations Approved Documents
- IET Requirements for Electrical Installations 18th Edition 2018 4th Amendment (BS7671)
- Legionnaires' disease - The Control of Legionella Bacteria in Water Systems, Approved Code of Practice and Guidance L8 2013
- The Control of Legionella Bacteria in Hot and Cold Water Systems HSG274 2014

The Housing Repairs Team has published a "Customer Care and Workmanship Standard" which sets out the standards the Council will meet when delivering our services. The Council is committed to providing the best possible customer experience and will monitor our service delivery in accordance with the above document.

The Council requests that any external contractors working on behalf of the Housing Repairs Service adheres to the "Sub-Contractors Code of Conduct" which ensures our tenants receive a consistently high quality service.

5.0 Policy Outline

5.1 Day to Day Repairs

Repairing Responsibilities

Repairing liability is shared between the landlord and tenant as set out in legislation and within the terms of the Tenancy Agreement. The Council is responsible for repairing and maintaining the following:

- Structure and exterior of the property (including drains and gutters)
- Space and water heating equipment, if they have been installed by the Council
- Installations for the supply of gas, electricity, water and sanitation
- Common areas
- Plastering
- Kitchens and bathrooms
- External decoration

Where the Council receives notice of an actionable item of disrepair, fails to address the repair within a reasonable period of time and the tenant suffers a loss, there could be a case for a disrepair claim against the Council. In such cases, guidance within the "Pre-Action Protocol for Housing Disrepair" will be followed in conjunction with the Council's Legal team.

Tenants are responsible for undertaking and renewing minor repairs including:

- Replacing plugs and chains to sinks, baths and wash basins
- Minor cracks to plaster

- Re-pressurizing a boiler
- Easing doors over carpets
- Resetting fuses if they blow due to an appliance or light bulb fault
- Unblocking waste pipes to a sink, bath, shower or wash basin
- Replacing toilet seats
- Repairing dripping taps (changing washers)

Where access needs to be gained below a floor to undertake a repair and laminate flooring or carpets are fitted, it is the tenant's responsibility to remove and refit these items to enable the repair to be completed.

Repair Priorities

All repairs are given a priority, which allows us to effectively manage the Housing Repairs Service. The Customer Services team will diagnose the repair during the call with the tenant to ensure that the correct category is assigned.

The Council utilises the following 6 repairs categories:

- **Emergency X** – Attend and make safe within 4 hours where possible
- **Emergency A** – Attend and complete within 1 working day
- **Urgent B** – Attend and complete within 3 working days
- **Urgent C** – Attend and complete within 7 working days
- **Routine D** – Attend and complete within 20 working days
- **Planned E** – Repair will be carried out as part of a planned maintenance programme and will be completed within 1 year or as part of a programme of planned works

Some jobs (eg. requests for major works or damp related issues) may require a pre-inspection to establish the extent of the works before the appointment is confirmed. If required, our call answering staff will arrange for a pre-inspection to be carried out within 5 working days of the repair being reported.

The repair priority will be reviewed for Tenants with additional care and support needs and an additional priority can be agreed.

Tenants are responsible for reporting their repairs and the Council offers the following repairs reporting options (in order of preference):

- By telephone on: **0115 9177777**
- By email to: housingrepairs@broxtowe.gov.uk
- Webform:
<https://selfservice.broxtowe.gov.uk/renderform.aspx?t=21&k=3DAC3AC6F63810876D36550B14640A9C918372E0>
- By letter

The following method can also be used, but may be less effective if the Council employee taking the information is not trained in housing repairs:

- In person

All repairs are coordinated by the Customer Services Team who are available between 8.30am and 5.00pm Monday to Thursday and 8.30am to 4.30pm on a Friday.

Call answering staff aim to arrange an appointment for the repair with the tenant during their initial contact with us. The following appointment times are available:

- 8.30am – 12noon
- 12noon – 5pm
- Saturday morning appointments (gas servicing only)

Timed appointments are available for tenants with additional and support needs.

Appointments are agreed with the tenant and confirmed in writing. Operatives will call the tenant in advance of their appointment to confirm their availability. Missed appointments cost money and create inefficiencies so the Council may charge a tenant for missing a second confirmed appointment.

Tenants may be able to claim for compensation if the Council fails to attend an appointment which has been agreed in writing. The Council expects repairs to be completed to the standards within our “Customer Care and Workmanship Standards” document. If the Council fails to achieve these standards, tenants and leaseholders can complain using our complaints policy, if they are not satisfied with the works.

5.2 Out of Hours

Repairs telephone calls received outside of the times stated above will be classed as “out of hours” and are coordinated by a third party. Repairs that cannot wait until the next working day will be defined as an “emergency out of hours’ repair” and the Council will seek to attend this repair in accordance with our listed priorities. Tenants who report a repair out of normal office hours which is not classed as an emergency will be advised why the Council will not be able to attend, how they might be able to assist themselves and how to report the repair the next working day.

If an operative attends an emergency out of hours’ repair and the tenant is not at home the Council may charge an abortive callout charge. This may also be the case if the reported emergency is a routine repair when the Council attend.

5.3 Follow-on Works

The Council aims to complete the vast majority of jobs during the first visit. If the operative or contractor is unable to complete the repairs during the first visit, they will advise the tenant of the reasons why and will arrange a further visit by contacting the Repairs Department from site. Follow-up works will be dealt with if we were unable to complete the originally logged works on the first visit.

5.4 Quality Control

To maintain quality, the Council will complete a minimum of 10% quality control checks across all trades. These will comprise of monitored inspections whilst the works are being carried out and post inspections following completion of the work.

An external company is used to undertake audits of gas, electrical and legionella related works. These checks are carried out as part of the above. A list of jobs is referred to the external auditor on a monthly basis where these checks will be completed. Additional to this, an annual audit will be commissioned to confirm compliancy. The Council's in-house gas and electrical processes are also subject to appropriate governing body approval (currently Gas Safe and NICEIC respectively).

5.5 Mutual Exchanges

The Council's approach to mutual exchanges is outlined in the Tenancy Management Policy.

5.6 Improvements and Alterations

The Council's approach to alterations and improvements is outlined in the Alterations and Improvement Policy.

5.7 Voids

The Council's approach to voids is outlined in the Void Management Policy.

5.8 Rechargeable Repairs

If the Council has to replace or repair items due to the wilful damage or neglect of the Council's property by a tenant, their family or a visitor then the tenant will be charged the full cost of the repair.

Where rechargeable repairs are identified following vacation of a property, the previous tenant will be sent a letter and invoice. Photographic evidence will be provided to substantiate the recharge. This process will be carried out in conjunction with the pre-termination procedure.

For all recharges, there will be an appeals process as documented in the recharges procedure, where tenants / former tenants are provided with the opportunity to query the charge.

5.9 Contents Insurance

The Council are not responsible for tenants' contents and recommends that tenants arrange their own contents insurance. However, if damage is caused to a property, our fixture and fittings, a shared area or a neighbouring property by the tenant, a member of their household or a visitor, including pets, the tenant is responsible for making good the damage. This includes both accidental damage and deliberate damage, for example, flooding caused by a washing machine or deliberate damage caused to an internal door. This is because these items are not covered by the tenants' contents insurance.

5.10 Use of Sub Contractors/Contractors versus in-house

To assist in the completion of repairs, the Council will use a range of external contractors. Regardless of who is allocated the works though, our tenants should receive the same levels of customer care, service delivery and workmanship. If

works are allocated to a contractor or sub-contractor for completion, our call answering staff will make the caller aware of who is visiting them. Contractors undertaking repairs will be expected to adhere to the standards set out in the "Contractor standards" booklet.

However, the majority of repairs will be carried out by our team of multi-skilled and single trade in-house operatives.

5.11 Procurement

Where there is a need for works to be contracted out, these will be procured in accordance with the Council's procurement framework. Where value for money can be demonstrated, the use of procurement frameworks will also be considered. In the case of emergency and urgent works this may not always be possible.

5.12 Approach to value for money

The provision of a service that demonstrates value for money is one of our key objectives. Productivity and performance reports will be generated to demonstrate this objective through the effective use of the Housing Management System, Vehicle tracking solution, one-to-one's Performance Appraisals and individual accountability reports.

5.13 Health and Safety

Another key objective is to ensure the Council adhere to Health and safety legislation and guidance.

Our in-house team of operatives will be issued with risk assessments, method statements, known locations of asbestos, any known risks on site and policies / procedures related to a variety of recognised health and safety risks. We will provide external contractors with pre-construction information including asbestos reports, any residual risks within the curtilage of the property and any information held on the Council's Employee Protection Register.

At tenancy commencement, tenants will be issued with any known locations of asbestos, the gas safety certificate and electrical test certificate.

5.14 Leaseholders

Broxtowe Borough Council has a number of leaseholders and as the freeholder, the Council are responsible for keeping the structure of the building, any common parts of a block and all common external areas in a good state of repair. Repairs undertaken for the benefit of leaseholders are recharged to the leaseholder with the annual service charge. The Council will comply with the requirements of the Commonhold and Leasehold Reform Act 2002, which sets out in detail how leaseholders must be consulted and charged for works.

Repairs for leaseholders will be given the same priority as repairs for tenants.

5.15 Right to Repair

Qualifying repairs, up to the value of £250, are urgent works that can affect health, safety or security. Examples of these repairs are a total loss of power, water or heating, a bad leak which cannot be isolated, an insecure or dangerous property.

The Council will attend to urgent qualifying repairs (See Appendix A) within the timescales set by Secure Tenants of Local Authorities (Right to Repair) Regulations 1994.

Should the Council fail to attend to such a repair within the required timescales, tenants may be entitled to claim compensation.

5.16 Right to Compensation

Section 99A of the Housing Act 1985 and the Secure Tenants of Local Authorities (Compensation for improvements) Regulations 1994 apply to improvements carried out by secure tenants.

Tenants may be able to claim compensation for certain improvements that have been made when the tenancy ends. The compensation is calculated to take into account wear, tear and depreciation. Tenants can claim compensation for the cost of materials (but not appliances such as cookers and fridges) and labour costs.

Sometimes damage will be caused to a tenant's property, fixtures or fittings during the completion of repairs works. Where an operative or contractor acknowledges that damage has been caused the Council will inspect the damage and agree any compensation due. This will be approved by the appropriate Head of Service. If the matter is disputed, then it will be referred to the Council's Insurance Department who will determine if the Council are liable for compensating the tenant.

If a property is damaged following a roof leak, water leak or other unforeseen circumstance, then a tenant will be asked to complete an insurance claim form and any liability will be assessed by the Council's insurers.

5.17 Right to Buy

If a tenant has exercised their right to buy the property, the Council will continue to undertake qualifying repairs only. Routine and planned repairs will not be carried out.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Tenancy Agreement
- Leasehold Agreement
- Asset Management Policy
- Void Management Policy and associated procedures
- Void / empty property lettable standard
- Gas Safety Policy, associated procedures and access process

- Electrical Safety Policy, associated procedures and access process
- Tenancy Management Policy
- Alterations and Improvements Policy
- Corporate Complaints Policy
- Asbestos Code of Practice and associated procedures
- Legionella Code of Practice and associated procedures
- Mutual Exchange policy
- Customer Care and Workmanship Standards
- Contractor standards
- Schedule of costs for recharges
- Pre-termination procedure
- Rechargeable repairs procedure
- Secure Tenants of Local Authorities (Right to Repair) Regulation 1994.
- Pre-Action Protocol for Housing Disrepair
- Customers with additional support needs

7.0 Review

This policy will be reviewed at the following times:

- Every three years unless there are changes in legislation or other supplementary policies are affected

8.0 Appendices

8.1 – Appendix A – Right to repair leaflet

9.0 Document History and Approval

Date	Version	Committee Name
14/03/2018	A	Housing Committee
8/9/2021	B	Housing Committee

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EQUALITY IMPACT ASSESSMENT (EIA)

Directorate: **Deputy Chief Executive**

Lead officer responsible for EIA: **John Delaney**

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

Names of the officers undertaking the assessment: **John Delaney**

Is this a new or an existing policy or function?

Existing Policy (triennial minor review)

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

To set out how the Council will operate and manage its council housing repairs

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

An effective housing repairs service for all our tenants and leaseholders

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

BBC tenants and leaseholders

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

BBC tenants and leaseholders, council employees, contractors and sub-contractors, elected members

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

There is a separate policy "Customers with additional support needs" which cuts across all housing services. Quantitative data about all our tenants is held within the housing management system

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

It is known that not all customers have access to the internet, and some struggle with the phone when reporting repairs. Some customers prefer to have a chaperone or a female operative. Some customers have language, comprehension, mental health and physical health challenges (the latter are often, but not always, linked with increasing age).

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

As this was a minor update and review no specific stakeholder consultation was carried out.

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?

The policy review neither targets nor excludes, but cognisance was taken of differing customer needs when considering all the means of accessing the housing repairs service.

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

No

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

The housing repairs function is intended to be equally accessed by all groups, but it is accepted that this requires service adjustments in some cases (for example, learning difficulties, language barriers, ill-health).

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

The service aims to address any and all barriers that might hinder access.

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

No

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

This is contained in the separate policy "Customers with additional support needs" which cuts across all housing services.

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: Recognise, for example, that increased age may restrict health and capability, and that older people are less likely to have access to the internet.

Disability: Recognise that disability can increase a customer's needs whilst making it harder for them to obtain services and assist themselves. This is recognised, for example, in the section regarding tenant repairs to toilet seats and dripping taps.

Gender: Recognise, for example, that some females –especially victims of DV - may wish to have a chaperone present or a female operative.

Gender Reassignment: None

Marriage and Civil Partnership: None

Pregnancy and Maternity: Recognise that pregnancy and maternity temporarily increases need and priority. For example, access to sanitation, water, heating and bathing may be assigned a higher repair priority.

Race: Recognise that language may be a barrier and use translations / translators.

Religion and Belief: None

Sexual Orientation: None

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: John Delaney, 9 August 2021

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Report of the Chief Executive

TENURE POLICY

1. Purpose of report

To seek Committee approval for the reviewed and updated Tenure Policy.

2. Background

This is a review of an existing policy approved by the Housing Committee in 2018. The Tenure Policy provides detail about how tenancies are administered by the Council.

A main change in the Policy is the removal of all references to Fixed Term Tenancies, which the Housing Committee agreed to repeal in 2019.

3. Detail

The aims of the Policy are to detail when and outline how the Council manages tenants and tenancies in the following circumstances;

- Outline the types of tenancy offered and when and in what circumstances
- The usage of Licenses
- What happens at the end of an introductory tenancy period
- How tenants can review decisions made by the Council in respect of their tenancy
- The usage of demotion powers
- How the Council will assist tenants with support needs
- The advice and assistance given to tenants.

An Equalities Act Assessment is appendix 1 of the report. A summary of the changes made in the policy is appendix 2 of the report. The Tenure Policy is included as appendix 3 of the report.

Recommendation

The Committee is asked to RESOLVE that the reviewed Tenure Policy be approved.

Background papers

Nil

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APPENDIX 1

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:		Tenure Policy	
Names of the officers undertaking the assessment:		Richard Smith	
Is this a new or an existing policy or function?		Existing Policy Function	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Tenure Policy provides the framework for which tenancy agreements the Council offers to whom, when and in what circumstances.</p> <p>The aims and objectives of the policy specifically are to detail</p> <ul style="list-style-type: none"> • The types of tenancies that the Council will grant; • The appeal process for a tenant or prospective tenant to complain about the type of tenancy offered, a decision to extend or end an introductory tenancy • How the needs of households who are vulnerable by reason of age, disability or illness and health, families with children, including the provision of tenancies which provide a reasonable degree of stability will be taken into account; 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The tenure policy will provide clarity for Officers and new tenants on what tenancy types will be offered by the Council and under what circumstances. It also explains what happens and what steps the Council will take and what it will consider when a tenancy is due to end.</p> <p>It will ensure that the Council is compliant with its responsibilities under relevant legislation.</p> <p>The tenure policy will also ensure that all tenants receive a consistent service from the Council in respect of their tenancies.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>The tenure policy will apply to all tenants</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • All new tenants 			

- Those persons living with new tenants
- Family members of new tenants
- All potential tenants of the Council

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

There are around 350 new tenancies granted each year, the majority of which will either be new introductory tenants or tenancies granted on equivalent terms.

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

The tenure policy will ensure that a consistent approach is taken to administering tenancies and will lead to a fair approach being taken for all tenants.

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

The contents of the tenure policy provides guidance about how the Council will administer the tenancies that it offers. The Policy does not prohibit or change any current tenancy rights. As there are no changes affecting current tenants, no stakeholder consultation has taken place.

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?**

All tenants have a tenancy agreement that provides them with the rights outlined in legislation.

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

The policy will apply to all tenants. Many new tenants will have less rights than existing Council tenants. Where tenants have greater security based on their current tenancy circumstances, this will not be infringed on by the Council.

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

It is the responsibility of the Council as a landlord to ensure that we maximise access for all groups. This would include the following actions:

- Arrange to translate the new tenancy agreement for residents whose first language is not English
- Arrange appropriate additional support for residents who may not understand the agreement (e.g. support worker invited to the sign up meeting).

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

The Policy may raise awareness of tenancy rights and the different tenancies offered by the Council amongst officers and residents.

It ensures that a consistent approach will be taken and that the Council will exercise its duties within the current legal and policy framework.

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

Using existing performance monitoring frameworks, the Council will be able to establish whether there has been any negative or positive impact on residents and their ability to access services.

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:

APPENDIX 2

Tenure Policy Section	Suggested Change	Reason for Change
Suggested Change 1 Scope	Remove all mentions of fixed term tenancies and their usage	Fixed term tenancies repealed by the Council
Suggested Change 3 Aims and Objectives	Remove all mentions of fixed term tenancies and their usage	Fixed term tenancies repealed by the Council
Suggested Change 4 Regulatory Code and Framework	Add Domestic Abuse Act 2021	New legislation now has relevant clauses to tenancies
Suggested Change 5.1 Policy Outline Types of Tenancy to be Granted	Remove all mentions of fixed term tenancies and their usage	Fixed term tenancies repealed by the Council
Suggested Change 5.1 Policy Outline Types of Tenancy to be Granted	Proposed adding of a sentence; <i>Following satisfactory completion of an Introductory Tenancy, a Secure Tenancy is granted by the Council</i>	Provides clarity and better flow of the document and process
Suggested Change 5.1 Policy Outline Types of Tenancy to be Granted	Proposed to add following sentence; <i>Survivors of domestic abuse will be granted a secure tenancy when they move into a new property, regardless of their previous tenure arrangements</i>	New Domestic Abuse Act states that survivors of domestic abuse should be offered secure tenancies
Suggested Change 5.2 Usage of Licenses	Chief Officer removed and changed to Head of Service	More consistent use of language within Policies within Housing

Tenure Policy Section	Suggested Change	Reason for Change
Suggested Change 5.3 End of an Introductory Tenancy Period	Remove all mentions of fixed term tenancies and their usage	Fixed term tenancies repealed by the Council The Introductory conversion will now be to a secure and not a fixed term tenancy
Suggested Change 5.4 End of Fixed Term Tenancy	Remove section as refers to Fixed Term Tenancies	Fixed term tenancies repealed by the Council
Suggested Change 5.5 Review Process	Remove reference to Fixed Term Tenancies.	Fixed term tenancies repealed by the Council The Introductory conversion will now be to a secure and not a fixed term tenancy
Suggested Change 5.5 Review Process	Remove the process for Fixed Term Tenancies as no longer relevant and required	Fixed term tenancies repealed by the Council
Suggested Change 5.6 Usage of Demotion Powers	Remove all mentions of fixed term tenancies	Fixed term tenancies repealed by the Council
Suggested Change 5.7 Tenants with support needs	Remove all mentions of fixed term tenancies and support provided with them	Fixed term tenancies repealed by the Council
Suggested Change 5.8 Advice and Assistance in Accessing Alternative Accommodation	Remove all mentions of fixed term tenancies and their usage	Fixed term tenancies repealed by the Council
Suggested Change 6.0 Related Policies, Procedures and Guidelines	Remove Fixed Term Tenancy Procedure	Fixed term tenancies repealed by the Council



TENURE POLICY

Contents

1.0 Scope	3
2.0 Purpose	3
3.0 Aims and Objectives.....	3
4.0 Regulatory Code and Legal Framework.....	3
5.0 Policy Outline	4
5.1 Types of Tenancy To Be Granted	4
5.2 Usage of Licenses.....	4
5.3 End of an Introductory Tenancy Period	5
5.5 Review Process.....	6
5.6 Usage of Demotion Powers.....	7
5.7 Tenants with Support Needs	7
5.8 Advice and Assistance in Accessing Alternative Accommodation.....	8
6.0 Related Policies, Procedures and Guidelines	8
7.0 Review	8
8.0 Document History and Approval.....	8

1.0 Scope

The Tenure Policy provides a framework for outlining which tenancies the Council will grant and in what circumstances the different tenancies will be offered.

It also provides detail on how the Council will administer its different tenancies.

2.0 Purpose

The purpose of the Tenure Policy is to ensure that the Council is acting in accordance with the provisions of the Localism Act 2011, which introduced more flexible tenure arrangements.

A revised Regulatory Framework was introduced by the Homes and Communities Agency now Homes England and requires the Council as part of the Tenancy Standard to:

- Let out homes in a fair, transparent and efficient way, provided we take into account the housing needs and aspirations of tenants and potential tenants;
- Demonstrate how our lettings make the best use of available housing, are compatible with the purpose of the housing and contribute to the local authorities strategic housing function and sustainable communities;
- Have clear applications, decision making and appeals processes;
- Publish clear and accessible policies which outline our approach to tenancy management.

3.0 Aims and Objectives

The Aims and Objectives of the Policy are to detail;

- The types of tenancies that the Council will grant;
- The appeal process for a tenant or prospective tenant to complain about the type of tenancy offered, a decision to extend or end an introductory tenancy.
- How the needs of households who are vulnerable by reason of age, disability or illness and health, families with children, including the provision of tenancies which provide a reasonable degree of stability will be taken into account;

4.0 Regulatory Code and Legal Framework

- Housing Acts 1985 and 1996 as amended
- Localism Act 2011
- Equality Act 2010
- Human Rights Act 1998
- Homelessness Reduction Act 2017

- Housing and Planning Act 2016
- Domestic Abuse Act 2021

The relevant regulatory position is found in the Tenancy Standard of the Regulator of Social Housing Regulatory Framework.

5.0 Policy Outline

5.1 Types of Tenancy To Be Granted

The Council is able to offer and administer three types of tenancies:

- Introductory
- Secure

Introductory Tenancies

All new tenants, unless they are protected by social housing security from their last settled address will be granted an Introductory Tenancy.

An Introductory Tenancy lasts for the first 12 months. An Introductory Tenancy can be extended for a further 6 months as long as a notice has been served on the tenant at least 8 weeks before the original expiry date, with reasons. The tenant can request a review of the decision to extend within 14 days of the notice being served

Secure Tenancy

Following satisfactory completion of an Introductory Tenancy, a Secure Tenancy is granted by the Council.

Existing secure tenants will retain their security of tenure and continue as secure tenants. Tenants who transfer to the Council from another Council or Housing Association will be granted a secure tenancy or a tenancy on equivalent terms, internal transferring tenants will also be granted a secure tenancy.

If a tenant wishes to add or remove a person to or from their existing secure tenancy then a new joint or sole secure tenancy will be granted.

If a secure tenant is required to move temporarily to alternative accommodation due to redevelopment or works taking place at their property they will retain their security of tenure on their return to settled accommodation.

Survivors of domestic abuse will be granted a secure tenancy when they move into a new property, regardless of their previous tenure arrangements.

5.2 Usage of Licenses

The Council uses license agreements in circumstances where the occupancy of a property is anticipated to be temporary.

Licences may be used in other special circumstances approved by the Head of Service.

5.3 End of an Introductory Tenancy Period

The Council will make every effort to assist introductory tenants to make a success of their tenancy through a programme of regular visits, access to the Tenancy Sustainability Service and referrals to specialist support to help sustain the tenancy.

A review will be undertaken to ensure that the introductory period has been conducted successfully. Subject to the satisfactory completion of the introductory tenancy period, the tenant will automatically move to secure tenancy.

No new tenancy is required to be signed by the tenant upon completion of the introductory tenancy period. However tenants will be notified in writing by a tenancy conversion letter.

Extension

The Council may extend the introductory period for a further 6 months when the Council is satisfied that the terms of the tenancy are not being met by the tenant but is not to an extent that the Council believes that the tenancy needs to be ended immediately.

Tenancy breaches which may result in an extension to the introductory period could include:

- Breaches of tenancy which have only recently been identified by the Council and the tenant requires additional time to remedy the breach;
- Breaches which are not serious enough to warrant a notice being served;
- Serious breaches which have occurred but the tenant is engaging with specialist support to address and resolve the tenancy breaches.

The tenancy could be extended if the breach of tenancy occurs after the tenancy is reviewed, or where the behaviour of the tenant is still being monitored following an earlier breach of tenancy.

The extension period provides the tenant with the opportunity to modify their behaviour and remedy any specific breach of tenancy.

The tenant will be notified of the proposed extension and their right to request a review of the Council's decision.

Termination

The Council may apply to the Court to end the introductory tenancy, if an extension is not considered appropriate or the breach has not been remedied during the extended period.

The Council will consider this action when a serious breach of tenancy has occurred and continued occupation by the tenant is having a serious impact on the Council's housing management function.

The Council can apply to the Court to end an introductory tenancy in the following circumstances;

- Serious breaches of tenancy for example; serious anti-social behaviour, criminal activity or persistent failure to pay rent

The tenant will be notified of the proposed extension and their right to request a review of the Council's decision.

5.5 Review Process

Introductory Tenancies

Introductory tenants can request a review of the decision to extend their introductory tenancy or the decision of the Council to terminate their introductory tenancy.

Information on how to appeal the Council's decision will be provided both at the beginning of the tenancy and also with any notices that are served and actions to extend or terminate are thus initiated.

The tenant has the option to attend an oral hearing or request a review without attending a hearing.

The tenant has the right to be accompanied to the hearing and/or be represented by another person. The tenant or representatives can call witnesses, question any witnesses and make written representations.

Reviews must be carried out by an officer who was not involved in the original decision to apply for possession and must be an officer of greater seniority within the Council than the officer who made the original decision.

The tenant and his or her representative must have a proper opportunity to prepare for the hearing. Documents that the Council intends to rely on should be disclosed to the tenant and his or her representative in advance of any hearing.

The review will be conducted by way of a complete reconsideration of the decision and will examine whether the case officer has followed correct procedure and if the correct procedure has not been followed, the reviewing officer will need to determine whether this has caused any detriment to the tenant.

The reviewing officer will decide to either;

- Uphold the decision to terminate
- Uphold the decision to extend the introductory period by a further 6 months

- Decide not to proceed further with the case
- Uphold the decision to evict but agree to enter a suspended arrangement pending immediate rectification and agreements on future behaviour. (Such as the clearance of a rent account or a new agreement to clear arrears that is acceptable to the Council and is not to be broken)
- Uphold the decision to extend the trial period for a further 6 months and enter into a suspended arrangement pending immediate rectification and agreements on future behaviour. (as above)

If after full consideration of the case the officer conducting the review do enter into a suspended arrangement and the suspended agreement is not maintained by the tenant, the Council are not obliged to serve a second notice and offer a further review and may proceed straight to a court hearing for possession.

If the Review Officer decides not to proceed to eviction at the review, and to monitor the tenancy, then a new notice will need to be issued, and further review offered before the case can proceed to court.

Written notification of the outcome of the review will be given to the tenant before the date after which proceedings for possession may be begun. Nevertheless, this will be provided within 14 days of the review hearing. If the original decision is to proceed with possession or extend the trial period for a further 6 months is upheld, the Council will provide reasons why this is the case. If the review is successful, a secure tenancy will take effect at the end of the introductory period.

5.6 Usage of Demotion Powers

In cases of severe anti-social behaviour, as an alternative to seeking possession, the Council can apply to the Court for demotion of a tenancy. This demotion applies to secure tenants and reduces their security to move in line with an introductory tenant. After 12 months, the security of tenure is restored if the behaviour of the tenant has not caused further concern. If the behaviour is still a cause for concern, the Council will consider possession action.

5.7 Tenants with Support Needs

The Council will take into account the specific needs of vulnerable tenants and their families before making any decisions about extending or ending introductory tenancies.

Tenancy sustainment will be the main objective as opposed to enforcement wherever possible.

Officers will be mindful and have regard to at the outset of any tenancy and when making any judgements on whether tenancies should be extended, ended or renewed, whether issues of vulnerability have been identified and whether there are

any unmet support needs. Referrals to support agencies should be made where possible and particularly if there is a threat of losing the home.

A key element of the reviewing officer's decision is to assess and consider the vulnerability of the tenant and decide whether the Council has acknowledged this adequately.

Tenants will have regular visits, particularly in the introductory tenancy period, to ensure any unmet support needs that have not been identified can be met, either by a referral to a health or support agency or by the Council's Tenancy Sustainability Service.

5.8 Advice and Assistance in Accessing Alternative Accommodation

In circumstances where the introductory tenancy is not going to be renewed the Council will provide tenants with appropriate advice, information and assistance to enable them to access alternative accommodation.

The Council will take all reasonable steps to ensure that appropriate advice in relation to alternative housing options is provided in order to prevent homelessness and in accordance with the Council's duties under the Homelessness Reduction Act 2017.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Tenancy Management Policy
- Tenancy Agreement
- Enforcement Policy
- Anti-Social Behaviour Policy
- Anti-Social Behaviour Procedure
- Rent Arrears Policy
- Rent Arrears Procedure
- Introductory Tenancy Procedure

7.0 Review

This Policy should be reviewed every 3 years unless tenancy agreements require to be changed, tenancy types change or because of significant changes in legislation.

8.0 Document History and Approval

Date	Version	Committee Name
06/06/2018	1.0	Housing Committee
08/09/2021	2.0 Review	Housing Committee

Report of the Deputy Chief Executive

LEASEHOLDER ENTRANCE DOORS IN HOUSING REVENUE ACCOUNT OWNED FLATS

1. Purpose of report

To recommend that the Council meets the cost of upgrading leaseholder entrance doors to appropriate post-Grenfell fire standards in Housing Revenue Account (HRA) owned flats.

2. Background

The Fire Safety Act was made law on 29 April 2021 following the Grenfell Tower tragedy in June 2017. It amends the Regulatory Reform (Fire Safety) Order 2005 with the intention of improving fire safety in multi-occupancy domestic premises. Crucially, the external walls of a building and the fire doors to individual flats must now be assessed as part of the requirement for a fire risk assessment.

The Act requires the owners and managers of multi-occupied residential buildings to ensure that the fire risk assessments for such buildings are reviewed and updated to encompass the structure, external walls and flat entrance doors.

A programme of ensuring flat entrance doors meet the required fire standards is underway with respect to HRA-retained properties, but it is considered that the only reasonable way to ensure this happens with leaseholder doors in HRA-owned blocks of flats is for the Council (HRA) to fund these works. The reasons include: -

- Lack of clarity in many leases as to who is responsible for the doors. This is being corrected for new leases to make it clear that the Council will be responsible— in the interests of overall building fire safety.
- Inability / unwillingness of some leaseholders to pay for these works.
- Ability for the Council to more quickly achieve consistent standards and ensure overall building fire safety.

3. Financial implications

There are 189 leaseholder doors that will require replacement, and 18 windows (where they form part of the barrier between the leaseholder flat and the communal areas). The total estimated cost is £255,600 which can be funded from existing approved HRA budgets.

Recommendation

The Committee is asked to RESOLVE that the spending of existing approved HRA budgets on replacing leaseholder entrance doors and, in some cases, windows be approved.

Background papers - Nil

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Report of the Chief Executive

DISCHARGE OF LOCAL AUTHORITY HOMELESS DUTY INTO THE PRIVATE SECTOR POLICY

1. Purpose of report

To seek Committee approval for the reviewed Discharge of Local Authority Homeless Duty into the Private Sector Policy.

2. Background

This is a review of an existing policy approved by the Housing Committee in 2018. The policy enables the Council to discharge its homeless duty to the private sector. This in turn enables the Council to more effectively prevent homelessness and house those people and families that are affected by homelessness as quickly as possible.

The Homeless Reduction Act 2017 requires the Council to support an applicant in accessing accommodation for a period of at least 6 months. To access as much accommodation as possible, accounting for the demand for and supply of certain types of accommodation in the Borough, the Council accesses the private sector to enable the Council to do so. The Council uses a Deposit Guarantee Scheme where appropriate to assist in helping applicants in accessing properties in the private sector.

3. Detail

The Policy details how the Council discharges its homeless duty to the private sector by;

- Outlining how and when the Council will make offers and their location
- The property standards that the private sector tenancy must uphold
- The principles of the Deposit Guarantee Scheme
- The advice, assistance and support that the Council will provide to tenants and landlords

An Equalities Impact Assessment is included as appendix 1 for the report. A summary of the changes made to the policy is within appendix 2 of the report. The Discharge of Local Authority Homeless Duty into the Private Sector is included as appendix 3 of the report.

Recommendation

The Committee is asked to RESOLVE that the updated Discharge of Local Authority Homeless Duty into the Private Sector Policy be approved.

Background papers – Nil

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APPENDIX 1

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:		Discharge of Local Authority Homeless Duty to the Private Sector Policy	
Names of the officers undertaking the assessment:		Richard Smith	
Is this a new or an existing policy or function?		Existing Policy function	
<p>• What are the aims and objectives of the policy or function?</p> <p>The discharge of homeless duty to the private sector policy provides the framework for the Council being able to offer applicants that approach the Council that are threatened with or are homeless with a private sector tenancy. This enables the Council to prevent and relieve applicant's homelessness as quickly as possible.</p> <p>The aims and objectives of the policy specifically are to detail</p> <ul style="list-style-type: none"> • Outlining how and when the Council will make offers • The locations of those offers • The property standards that the private sector tenancy must uphold • The principles of the Deposit Guarantee Scheme • The advice, assistance and support that the Council will provide to tenants and landlords 			
<p>1. What outcomes do you want to achieve from the policy or function?</p> <p>The discharge of homeless duty to the private sector policy will enable the Council to more effectively prevent and relieve homelessness in the private sector</p>			
<p>2. Who is intended to benefit from the policy or function?</p> <p>All applicants that are threatened with homelessness or are homeless.</p>			
<p>3. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • All prospective homeless applicants • All homeless applicants • Those persons living with homeless applicants • Family members of homeless applicants • Private landlords that are participating in the scheme • Private landlords that are interested or may be participating in the scheme 			
<p>4. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p>			

There are around 300 homeless preventions each year, each of these cases would be considered if they were eligible for the scheme if there was a suitable property provided by a landlord that was available.

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

It is hoped that more landlords will become part of the scheme and more applicants will therefore be housed in this way. Therefore, over time more individuals and stakeholders will become subject to the policy. The Policy will ensure that a consistent approach is taken to administering the private sector offers and will lead to a fair approach being taken for all these applicants.

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

The contents of the discharge of duty to the private sector policy provides guidance about how the Council will administer the private sector offers that it makes. The Policy does not prohibit or change any person's rights so no stakeholder consultation has taken place.

7. 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?**

The policy only applies to those applicants that are homeless or are threatened with homelessness and the landlords offering their accommodation. No groups are targeted or excluded, circumstances of individuals will dictate whether they are in the scope of the policy.

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

The policy will apply to all applicants threatened with homelessness and access to a private sector offer will be dependent on certain factors outlined in the policy. This is to ensure that these applicants with certain circumstances that may be more disadvantaged by a private sector offer are not disadvantaged unduly. Particular consideration is given to the location and the affordability of offers.

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

It is the responsibility of the Council to ensure that we maximise access for all groups. The policy and its scope will mean that it will apply to all those threatened with or that are homeless. Homelessness could happen to any equality group or community. The policy will ensure that additional consideration is given to certain groups and their circumstances where they could be unduly disadvantaged by the policy.

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

It ensures that a consistent approach will be taken and that the Council will exercise its duties within the current legal and policy framework.

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

Using existing performance monitoring frameworks, either locally or through statutory returns, the Council will be able to establish whether there has been any negative or positive impact and the ability to access services.

8. 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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APPENDIX 2

Policy Section	Suggested Change	Reason for Change
Suggested Change 1 Purpose	Addition of "Main Accommodation" duty	So Policy reflects legislation correctly
Suggested Change 5.2 Location of Private Sector Offers	Removed phrase advised; <i>"at least 16/24 hours a week"</i>	Clarified to now read; <i>"at least 16 hours"</i>
Suggested Change 5.5 Support, Advice and Assistance	Job title change to new role created Now reads <i>"Domestic Abuse and Private Sector Coordinator"</i>	Now job role
Suggested Change 5.5 Support, Advice and Assistance	Added section <i>"To ensure that the offers made in the private sector are successful, particularly when applicants may have limited financial means, the Council will consider using the Homelessness Prevention Fund to assist with financial barriers such as rent in advance."</i>	Updates Policy to reflect the usage of the Homeless Prevention Fund.
Suggested Change 6.0 Related Policies, Procedures and Guidelines	Change of wording of associated reading to <i>"South Nottinghamshire Homelessness and Rough Sleeping Strategy"</i>	Updated to reflect new Policy title.

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APPENDIX 3



**DISCHARGE OF LOCAL
AUTHORITY HOMELESS
DUTY INTO THE PRIVATE
SECTOR
POLICY**

Contents

1.0 Scope	3
2.0 Purpose	3
3.0 Aims and Objectives.....	3
4.0 Regulatory Code and Legal Framework.....	3
5.0 Policy Outline	3
5.1 Making a Private Sector Offer	3
5.2 Location of Private Sector Offers.....	4
5.3 Property Standards of Private Sector Offers	5
5.4 The Deposit Guarantee Scheme	6
5.5 Support, Advice and Assistance.....	7
6.0 Related Policies, Procedures and Guidelines	7
7.0 Review	8
8.0 Document History and Approval.....	8

1.0 Scope

This policy applies to customers that are homeless or threatened with homelessness and provides a framework so the Council can assist them to access properties in the private rented sector.

2.0 Purpose

The purpose of this policy is to set out the way in which the Council will control and manage private sector offers to applicants that the Council has accepted a “Prevention”, “Relief” or “Main Accommodation” duty under the Housing Act Part VII as amended by the Homeless Reduction Act 2017.

3.0 Aims and Objectives

- To make the best use of good quality private sector accommodation in the Borough.
- To build positive relations with private landlords.
- To widen the choice and housing options available to customers.
- To enable customers to find appropriate housing solutions more quickly by providing a more varied offer.
- To reduce reliance and pressure on temporary accommodation.
- To ensure movement and relieve pressure on the housing register.

4.0 Regulatory Code and Legal Framework

The Housing Act 1996 Part VII as amended by the Homeless Reduction Act 2017 details the Council’s statutory responsibilities to those that are homeless or threatened with homelessness.

The Homeless Reduction Act 2017 brings a new “Relief Duty”, under this duty a local authority must take reasonable steps to help all homeless eligible applicants to secure accommodation for at least 6 months. This approach gives local authorities greater opportunity to use the private rented sector to satisfy a households housing needs. This should reduce the local authority’s reliance on its own housing register and the demand for temporary accommodation.

5.0 Policy Outline

5.1 Making a Private Sector Offer

Broxtowe Borough Council will consider a “private sector offer” to prevent or relieve homelessness in all cases.

If the Council considers that a private sector offer is appropriate to the needs of the applicant and if suitable accommodation can be secured, then such an offer will routinely be considered. This will usually be made as a direct offer to the applicant

as the properties available in the private rented sector are not part of the Choice Based Lettings system.

The Council will advise those that are homeless or threatened with homelessness that they will be considered for properties that are either in social housing or as part of a private sector offer. This supports the need to prevent and relieve homelessness.

The Council will consider the individual circumstances of each household when deciding whether to make a private sector offer. The Council will consider primarily whether the accommodation is affordable. The affordability assessment will give due considerations to the Housing Benefit and Local Housing Allowance rates and the Benefit Cap that could be applied to the household.

The Council will attempt to secure at least 6 month placements with landlords for private sector offers.

The private sector offer can be made in discharge of the Council's accepted homeless duty. The Council will consider all of the applicants' circumstances and the offer made will be reasonable and suitable to the applicants needs and therefore the offer will be made to discharge any accepted homeless duty. Applicants will have the right of review on the grounds of suitability of any offer made.

5.2 Location of Private Sector Offers

Broxtowe Borough Council will always seek to offer private sector accommodation within the Borough, except in the following circumstances:

- When it considers it beneficial to move the applicant out of area, for example, to reduce the risk of domestic violence, other violence, or harassment; or to assist persons in breaking away from detrimental situations, such as drug or alcohol abuse, or
- When the applicant wishes to move away from Broxtowe, or
- When a person has limited local connection to Broxtowe (for example, they may have approached having fled violence from another area).

If the suitable accommodation is not available within Broxtowe Borough, private sector offers will be made other areas which have reasonable facilities and transport links. In determining whether a location is suitable, Broxtowe Borough Council will consider:

- If the applicant (or their partner) are in employment (usually taken to be at least 16 hours per week). If they are, then the location must be within a reasonable travel to work area of that employment, and have transport links frequent enough to enable this.
- If the applicant is verified as the carer for another person, who cannot readily withdraw this care without serious detriment to the well-being of the other

party, then the location will need to be of sufficient proximity to enable this, although this may require public transport.

- If any members of the household are undertaking GCSEs at school (Years 10 & 11 - children aged 14 to 16), or other proven vital examination, then they should not be required to change schools.
- If the applicant or any member of the household requires specialist medical treatment or support, which can only be provided in Broxtowe, then the location will need to be of sufficient proximity to enable this, although this may require public transport. The Council will also have regard to other medical treatment or support required by the applicant or any member of the household, and where health professionals consider that it will be disruptive or detrimental to change provider or location.

5.3 Property Standards of Private Sector Offers

The Council will inspect all properties it is considering offering as part of a private sector offer before an offer is considered.

If the property is out of the Broxtowe Borough, the Council will request another local authority or agent undertakes an inspection on its behalf.

Inspections will be documented to record condition using the Housing Health and Safety Rating System to ensure consistent quality. All identified Category 1 hazards are considered essential and work must be carried out prior to any let. The Council will make recommendations to landlords on works if they are required.

Any moveable electrical items in the property will require a Portable Appliance Test (PAT), or proof that one has taken place within the last year from the landlord.

A property will not be offered until a valid electrical safety certificate has been provided by the landlord.

The inspection of the property will check that it meets fire safety regulations. Should additional fire safety provisions be expected, for example, where a building has common parts, then a copy of the Fire Risk Assessment will be required from the landlord.

All furniture and furnishings supplied by the Landlord must also be shown to comply with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended).

If the property has a gas supply, then all landlords will be asked to supply a current gas safety certificate. A property will not be offered until a valid gas safety certificate has been provided by the landlord.

If the property has an active gas supply (for heating or cooking) or the gas central heating boiler is located in a bedroom, a working carbon monoxide detector should be provided by landlord. There must be a working detector in each room where there is a solid fuel appliance and should be one if a gas appliance is present.

All properties will require a valid Energy Performance Certificate (EPC) to be provided by the landlord.

Should it be requested by the landlord, the Council can carry out works on a landlord's behalf to ensure that a property is safe to be used as part of a private sector offer. Any works carried out by the Council are at a charge to the landlord.

If a private sector offer is a house in multiple occupancy, the Council will ensure that property is properly licensed, if required, and compliant with current regulations.

All landlords will be asked to supply a valid Assured Shorthold Tenancy (AST) agreement. The Council will ensure that an acceptable, written AST is used, clearly setting out the tenants and landlords obligations, rent and charges, and is free from any unfair or unreasonable terms.

The Council will offer advice and assistance to landlords to ensure that their AST's contain appropriate terms.

Landlords will also be informed of the requirements to use Tenancy Deposit Schemes by the Council prior to any letting if the landlord is not utilising the Council's Deposit Guarantee Scheme.

If a landlord employs a managing agent then they must ensure the agent complies with The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 and is a member of one of three Government approved redress schemes.

5.4 The Deposit Guarantee Scheme

The Deposit Guarantee Scheme assists households who are homeless or threatened with homelessness to access private rented accommodation. It provides a written guarantee by Broxtowe Borough Council to the landlord that can be used to cover damage to the property or its contents, up to maximum value of one month's rent.

The purpose of the scheme is to assist the Council in discharging its duties in accordance with homeless legislation by securing private sector offers for applicants by providing some further security for landlords.

A person is eligible for the Deposit Guarantee Scheme in the following circumstances;

- The applicant is homeless or threatened with homelessness and the local authority is satisfied that the applicant is owed a duty by the Council in accordance with homeless legislation.
- The applicant has no savings or access to savings

- The applicant is of a low income
- The applicant has a local connection with Broxtowe Borough Council in accordance with statutory guidance
- The applicant is willing to pay back any sum paid by the Council
- The applicant is not an existing tenant of the Council or another Registered Social Landlord.

The length of the Deposit Guarantee Scheme is 1 year. The commitment will be renewed when the landlord confirms that the tenant has abided by their tenancy agreement. The tenant will be encouraged to pay their deposit to their landlord if they are in a position to do so.

If the landlord wishes to make a claim against the Deposit Guarantee Scheme for arrears or loss or damage to property, they will need to submit evidence to support the claim. The Council will consider claims when they are submitted within 14 days of the tenant ceasing to occupy. For any claims that are settled, the applicant will be liable to repay the Council in full.

5.5 Support, Advice and Assistance

Throughout the process of accessing a private sector offer, the Housing Options Team at Broxtowe Borough Council will provide the necessary support, advice and assistance to the applicant.

This will primarily be carried out through the Domestic Abuse and Private Sector Coordinator. The Council's Private Sector Housing Team will assist with ensuring the properties used by the Council in making a private sector offer are safe to occupy and meet the relevant legislative requirements.

To ensure that the offers made in the private sector are successful, particularly when applicants may have limited financial means, the Council will consider using the Homelessness Prevention Fund to assist with financial barriers such as rent in advance.

The Domestic Abuse and Private Sector Coordinator will also provide on-going advice and assistance and support where necessary for applicants that have been made a private sector offer and also in dealing with any issues from the landlord that may arise.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- South Nottinghamshire Homelessness and Rough Sleeping Strategy
- Homelessness Code of Guidance
- Homelessness (Suitability of Accommodation) (England) Order 2012

7.0 Review

This policy will be reviewed every two years. It is not expected that there will be changes to regulation or legislation which will have an impact on the need to review this policy sooner.

8.0 Document History and Approval

Date	Version	Committee Name
8/9/21	1	Housing Committee

Report of the Chief Executive

TENANTS CONTENTS INSURANCE SCHEME UPDATE

1. Purpose of report

To inform Members of changes in the administration of the contents insurance scheme offered to the Council's housing tenants.

2. Background and detail

The Council has administered a fully delegated tenant's contents insurance (TCI) scheme on behalf of Marsh (the insurance broker) and the RSA Insurance Group ('RSA', the insurer) for many years. The scheme is available to all tenants with variety of cover option available and premiums payable on a weekly basis.

The Council has recently been put on notice regarding a change to the scheme from the next renewal in April 2022. RSA has decided that it will no longer offer a fully delegated scheme due to a significant number of Financial Conduct Authority (FCA) breaches that have occurred as a result of the landlord's administration of TCI schemes. Further information about why the scheme is changing is provided at Appendix 1.

Although the scheme being offered to tenants will not significantly change, officers will no longer be involved in its administration. The Council currently receives an administration fee of 20% of gross written premiums collected, net of Insurance Premium Tax for the fully delegated scheme. As a result of the change the commission earned by the Council will be reduced, although as a gesture of goodwill the commission level is being retained at around 5% from 2022/23.

An equality impact assessment is included at appendix 2

3. Financial Implications

The tenant's contents insurance scheme has previously earned the Council annual commission of up to £10,000, although the net income earned in 2020/21 was around £5,000. This loss of this income to the Housing Revenue Account (HRA), which will be reflected in the budget for 2022/23, will be offset by freeing up officer time in administering the scheme and nominal savings on printing and postage costs at renewal time.

Recommendation

The Committee is asked to NOTE the changes being made to the tenant's contents insurance scheme with effect from 1 April 2022.

Background papers

Nil

TENANTS CONTENTS INSURANCE SCHEME UPDATEBackground

The Council has administered a fully delegated tenant's contents insurance (TCI) scheme on behalf of Marsh (the insurance broker) and the RSA Insurance Group ('RSA', the insurer) for many years.

The scheme was launched and developed to overcome the financial exclusion that some tenants faced, which generally included:

- No bank account
- Lack of required security on properties
- Inability by tenant to fund a policy excess
- High premiums due to high risk areas
- No cover for the building sections that the tenants were responsible for under the tenancy agreements.

The scheme is available to all tenants with variety of cover option available and premiums payable on a weekly basis. Currently, 517 tenants are benefitting from the features that the scheme offers. In addition to being an added value service to the tenants, the scheme is also considered to assist the Council in being identified as a responsible landlord.

Update – Changes to Scheme Administration

In May 2021, the Council was put on notice that the tenant's contents insurance scheme, provided by RSA and managed by Marsh would not be offering a fully delegated scheme from the next renewal in April 2022.

The decision has been taken by RSA due to a significant number of FCA breaches as a result of landlord administered fully delegated schemes.

RSA are not the only insurance provider no longer offering a fully delegated tenant's contents insurance scheme. This change is happening across the insurance industry due to the high risk of FCA breaches and penalties with this type of scheme. These breaches have included (albeit not by this Council):

- Letter attached to the wrong policy schedule, data breach – reportable to the Information Commissioners Office (ICO)
- Renewal letter not sent at all – reportable to Financial Conduct Authority (FCA)
- Wrong renewal letter used which was not compliant – reportable to FCA

RSA did investigate the option of establishing a contract between individual landlords (i.e. the Council) and the insurer but this would in effect make the landlord as broker of the scheme responsible for errors and omissions which could incur under the scheme administration. Therefore, due to the volume and complexity of the contracts involved RSA Insurance have decided they would be unable to negotiate a suitable contract with individual landlords.

Marsh, the brokers, have also advised they would not recommend the option an individual contract, even if this option was available, as it would leave the Council open to FCA fines should a breach occur. The duties placed on the landlord would be onerous and be a cause of significant concern if a mistake were made.

The fact that RSA are no longer offering a fully delegated scheme does not mean that tenants will no longer have the opportunity to access low cost tenant's contents insurance. It simply means that tenants will no longer be able to pay their premiums through their rent account. Instead, tenants will have the opportunity to take out a low cost insurance policy directly with Uris Group, affiliated with Marsh, and this process will be fully managed later in the year.

Uris Group will provide a variety of premium payment options and frequencies. RSA will continue to provide a full claims reports annually at renewal and the Council will be advised of multiple claimants and/or if a tenant cancels a policy.

Timeline to Changeover

The process for managing the change is detailed below:

- Six weeks prior to renewal, the Council will send a notice letter to all tenants (using wording provided by Marsh) that will advise of the changes and that the Uris Group will be contacting them directly about the new options available.
- At the same time, the Council will provide Marsh with a list of all tenants on the tenant's contents insurance scheme including their respective levels of cover.
- Four weeks prior to renewal, the Uris Group will issue renewal letters to all tenants on the current scheme.
- On the renewal date, the Uris Group will provide the Council with a list of tenants who have not renewed so we can contact them to confirm if they have purchased insurance elsewhere as they will no longer be covered through the TCI scheme administered by BBC.
- Two weeks after renewal, the Uris Group will send another letter out to the tenants who have not renewed advising if they do not hear from them the cover will be cancelled.

APPENDIX 2

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	Clare Brooker
Name of the policy or function to be assessed:	Insurance Update		
Names of the officers undertaking the assessment:	Clare Brooker		
Is this a new or an existing policy or function?	New approach for an existing function		
1. What are the aims and objectives of the policy or function? To assist tenants to obtain reasonably priced contents insurance. Previously this could be paid with the rent payment, payments will now need to be made separately.			
2. What outcomes do you want to achieve from the policy or function? To ensure that tenants can still access contents insurance when the changes to the scheme are made.			
3. Who is intended to benefit from the policy or function? All tenants, particularly those that currently have insurance via the Council.			

<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • Applicants • Tenants • Housing employees
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>Information held in the housing management system and other records</p>
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>Information held in the housing management system and other records</p>
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>None completed. The Council does not have a choice in regards to whether to make these changes.</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?</p> <p>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> <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? <p>It primary affects tenants who pay their TCI direct to Broxtowe Borough Council. This can be justified.</p>
<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? <p>Only available to tenants of Broxtowe Borough Council. Residents who are not tenants are not affected. This can be justified.</p>
<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? <p>None. Steps have been put in place to ensure that tenants are contacted if they do not respond to communication about this matter.</p>
<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? <p>The change should not contribute positively or negatively in this area.</p>

- 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: Younger tenants, who are more likely to moving into their own home for the first time may need support to understand the importance of contents insurance and their options for arranging it.

Disability: Any requirements for written correspondence will be met, including sending letters and information in large print.

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: Any requirement for written correspondence will be met, including sending letters and information in languages other than English if needed.

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: R Shaw

Report of the Chief Executive

INDEPENDENT LIVING IPLAN UPDATE

1. Purpose of report

To provide Committee with an update on the Independent Living Iplan.

2. Background

The Independent Living Service was launched in December 2018 which is when the Iplan was introduced.

3. Detail

The Retirement Living Team became the Independent Living Team in December 2018. The aim of the new service was to focus on being a flexible personalised service based on an assessment of an individual's needs through the use of an Iplan. The Iplan has been reviewed and edited a number of times during the last three years.

The information in the appendix provides further information about the Iplan and some positive outcomes to residents following an Iplan assessment or review.

Recommendation

The Committee is asked to NOTE the Independent Living Iplan Update.

APPENDIXIndependent Living Iplan Update

The Independent Living Service was launched in 2018 and this is when the Retirement Living Officers became Independent Living Coordinators (ILC). The Independent Living Service was created to help residents maintain their independence for as long as possible in their own homes. The ILC's are able to offer support to customers through the development of the Iplan which is an assessment of their individual needs.

The ILC's work across the Borough as a team as required but they also have individual patches covering specific schemes on a day to day basis. They are also part of a duty rota to ensure tenants can contact a member of the Independent Living Service from 9am to 5pm Monday to Friday.

The ILC's have a great understanding of what support services are available in their local patch area and they undertake regular Health and Safety checks on schemes. The ILC's like our Housing Officers are also responsible for tenancy sign ups, tenancy termination checks, dealing with neighbour disputes, reports of antisocial behaviour and Health and Safety breaches. They also closely monitor Introductory Tenancies and complete mandatory visits to ensure rent accounts are up to date which all helps to assist new tenants sustain a tenancy.

The Iplan replaced the old contact sheets in 2018 and is completed at least every six months with each resident or more frequently if a resident's circumstances change. The Iplan is completed in person with the resident although they have been completed over the phone during the pandemic. The outcome of the Iplan assessment helps form the basis of the work required for the individual resident. The Iplans are completed on a computer and stored electronically for ease of reference.

The level of contact required with each resident is identified through completing the Iplan and is based on individual needs. The Iplan sets out how the ILC maintains contact and that can be in person, over the phone or via the Tunstall speech call system. The frequency of contact is established by a residents need and can range from daily to monthly contact but contact should be made on a quarterly basis as a minimum. Many of our tenants are contacted on a fortnightly basis.

The Independent Living Service does not require ILC's to visit residents on a daily basis but a visit will be carried out every four months to test the Tunstall pull cord to ensure the system is working.

Case Study 1 – positive outcome from an Iplan review

The ILC referred a tenant to Hope Nottingham befriending scheme in February as they were concerned that he had no family or friends and had spent a lot of time in the pub prior to lockdown. The ILC noticed that this tenant was getting more and more withdrawn so they offered to refer him to a befriending service and it has (in his words) "transformed his life and given him a purpose". He has a phone call every week from a befriender and they get on extremely well. He says he has set himself challenges to go into Nottingham and find out things about the Railway Station (which is one of the tenant's passions) so he has learnt a lot about something he

was already interested in but didn't think about looking into it in another way until his befriender put it forward. He also said he is not interested in going to the pub anymore as he has found a new lease of life with travelling into Nottingham and visiting places he would never normally have visited.

He was very anxious about travelling into Nottingham at first but now he loves it and after the ILC's weekly check in conversations he knows how to stay safe. Along with the ILC's weekly calls to him he has come such a long way in his confidence and his mental health has improved. He's delighted with the service he has been provided with.

Case Study 2 – positive outcome from an Iplan review

A new tenant moved into a scheme in November 2019 on an Introductory Tenancy. Prior to moving into his new property the tenant had been living in his car and his income was through Universal Credit. The gentleman has a number of health conditions which requires regular nursing visits and hospital trips.

Due to his limited income the flat was partially furnished with a few items donated from Broxtowe including a refrigerator, curtains, items of crockery and cutlery along with a kettle and other items donated thanks the goodwill of some of his neighbours.

The ILC has supported the tenant with referrals to CAB who have supported him with an on-going PIP application, assistance with a Magistrates Court appearance due to an unpaid historical fine and assisted with court appointed bailiffs who were collecting unpaid debts.

The ILC has supported the tenant to submit his fit notes to the DWP to ensure his Universal Credit remained in payment and assisted with other tasks which required the internet as this resident does not have enough income to have an internet connection and he has no one else to assist him.

The ILC has formal weekly catch ups with this tenant but as he lives in a flat close to the scheme office he often has a catch up as he is passing. As this tenant is assessed as having high needs and has no other support network the ILC arranges for another ILC to complete the weekly visit when he is on annual leave to ensure the support available remains consistent.

In November 2020 this tenants Introductory Tenancy was converted to a Secure Tenancy which gives this tenant security of tenure. The ILC has assisted this tenant to stay on top of things, get assistance to manage his debts and ultimately keep a roof over his head.

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Report of the Deputy Chief Executive

HOUSING DELIVERY PLAN UPDATE

1. Purpose of report

To update the Committee on work to deliver the Housing Delivery Plan (HDP).

2. Background and detail

The Housing Delivery Plan was approved by Housing Committee and the Finance and Resources Committee in June and July 2019 respectively. The following workstreams have commenced to deliver Phase 1 of the Housing Delivery Plan;

Acquisition of former right to buy (RTB) properties - nine properties were purchased in 2020/21 with at least ten more in the programme for 2021/22.

New Build Development on Council owned land – 3 sites were identified for the 2019 - 20 HRA development programme and work has progressed to deliver them in 2019/20 and 2020/21. An update on these 3 sites (Bungalows, Beeston, Oakfield Road, Stapleford and Fishpond Cottage, Bramcote) is shown in appendix 1.

New Build Development on Council owned land – garage sites up to 19 homes – Phase 1 of the Housing Delivery Plan identified several other HRA owned sites to be developed in the Borough between 2020/21 and 2021/22. Work is being undertaken to produce viable schemes for these sites with the aim of submitting planning applications later this year.

New Build Development on privately owned sites – The Council is working with a local house builder to build up to 51 new rented homes and shared ownership units on an allocated housing site west of Coventry Lane, Bramcote. An outline planning application has been approved subject to the signing of a section 106 agreement. The proposed land acquisition and building contract for the affordable housing will be subject to the approval of Policy and Performance Committee and full Council in September and October 2021.

Other New Build Opportunities – The Council is looking to purchase a private site for residential development in the south of the district. The site will be acquired by the Council using delegated powers granted to the Chief Executive in consultation with the relevant chairs. The Council will subsequently apply for planning permission to develop the site.

3. Financial implications

These are set out in detail in appendix 2.

Recommendation

The Committee is asked to NOTE the report.

Background papers:

Nil

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APPENDIX 1

Housing Delivery Plan Update Phase 1 New Build Sites (2019 - 2021)**New Build Delivery 2019 - 2021**

The following sites were identified for initial development between 2019 and 2021;

1. Bungalows, Beeston,
2. Oakfield Road Garage site, Stapleford,
3. 51 Ilkeston Road, Bramcote,

1. Beeston

A development of two bungalows for rent was completed in January 2021. The two bungalows will form part of the Council's stock.

2. Oakfield Road, Stapleford

In 2020 the Council secured planning permission to build 5 one bedroom flats on the site for rent to ex-service personnel. The building contractor was selected via a competitive tender process and construction began in March 2021.

Projected Development Programme

Construction starts	March 2021
Completion	November/December 2021

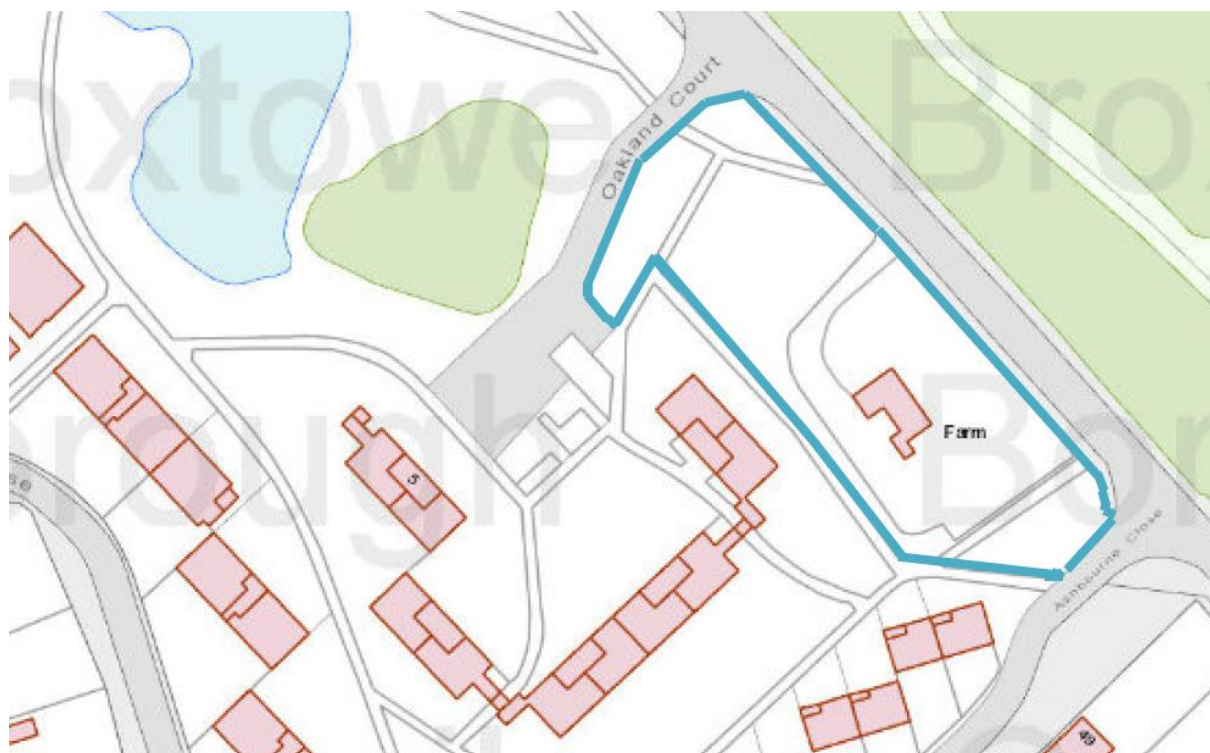
3. 51 Ilkeston Road, Bramcote (known as Fishpond/Farm Cottage)

51 Ilkeston Road is a Council owned 19th century detached property with a large garden that is currently vacant. It is situated next to a piece of open land that is not allocated as open space in the local plan.

Planning approval was secured in June 2021 which retains the cottage and proposes the construction of 5 new homes for rent (2x1 bed flats, 2x3 bed houses and a 3-bedroom wheelchair adapted bungalow).

A report will be brought to November's Housing Committee to consider the next steps.

Plan 3 - 51 Ilkeston Road



APPENDIX 2

Financial Implications

The capital programme for 2021/22 includes the following Housing Delivery Plan related schemes:

	Budget 2020/21 £	Actual 2020/21 £	Budget 2021/22 £
Purchase of Completed Housing/Former Right to Buy Properties	2,090,100	1,289,147	2,200,950*
Bungalows (Willoughby Street, Beeston)	265,250	278,632	-
New Build – Housing Feasibility Costs	120,000	103,288	216,700*
New Build – Oakfield Road	85,000	74,168	690,850*
New Build – Fishpond Cottage	-	-	550,000
New Build – Chilwell/Watnall Garage Sites	-	-	600,000
Housing New Build Delivery Activity	-	-	400,000
Housing Delivery Plan Officer Posts	56,400	32,005	188,000

* Budgets include carry forward from 2020/21.

Details of the 2020/21 capital outturn was presented to Finance and Resources Committee on 8 July 2021 and approvals made to carry forward unspent 2020/21 budgets into 2021/22 to allow the schemes to be concluded.

Details of 2021/22 capital expenditure incurred to 31 August 2021 (including the schemes above) will be presented to Finance and Resources Committee on 7 October 2021.

The Purchase of Completed Housing/Former Right to Buy (RTB) Properties and New Build Housing Feasibility Costs schemes were financed by capital receipts from the sale of council houses under the RTB initiative. The Dementia Friendly Bungalows at Willoughby Street scheme was financed by a grant from the Better Care Fund. Expenditure on the other schemes in the 2020/21 capital programme were financed by capital receipts from the sale of council houses under the RTB initiative.

The £188,000 for Housing Delivery Plan Officer posts in the 2021/22 capital programme includes the cost of the Interim Housing Delivery Manager, a Housing Acquisitions Officer, a Legal Officer and a share of the cost of the Head of Asset Management post.

It is presently anticipated that the budget for the purchase of Purchase of Completed Housing/Former Right to Buy Properties will be financed by borrowing in the 2021/22 capital programme with the other five schemes financed by capital receipts from the sale of Council Houses under the RTB initiative.

The Finance and Resources Committee approved capital budget variations as part of the Capital Programme 2021/22 Update report on 8 July 2021. This included a £400,000 capital budget for Housing New Build Delivery Activity financed from HRA Direct Capital Funding. This scheme is for the increased fees associated with additional activity to further increase Council Housing Stock. Dedicated schemes are being examined to

mitigate abortive costs. The costs associated with any scheme that does not proceed will be charged to the HRA revenue budget.

Any further schemes that require incorporating in the capital programme such as the proposed new build development on land west of Coventry Lane in Bramcote will be presented to the Finance and Resources Committee along with details of their intended financing for approval in due course.

Report of the Chief Executive

PERFORMANCE MANAGEMENT – REVIEW OF BUSINESS PLAN PROGRESS – HOUSING

1. Purpose of report

To report progress against outcome targets identified in the Housing Business Plan, linked to Corporate Plan priorities and objectives, and to provide an update as to the latest key performance indicators therein.

2. Background

The Corporate Plan 2020-2024 was approved by Council on 4 March 2020. Business Plans linked to the five corporate priority areas of Housing, Business Growth, Environment, Health and Community Safety are subsequently approved by the respective Committees each year.

3. Performance management

As part of the Council's performance management framework, each Committee receives regular reports during the year which review progress against their respective Business Plans. This will include a detailed annual report where performance management is considered following the year-end.

This report is intended to provide this Committee with an overview of progress towards Corporate Plan priorities from the perspective of the Housing Business Plan. It provides a summary of the progress made to date on key tasks and priorities for improvement in 2021/22 and the latest data relating to Critical Success Indicators (CSI) and Key Performance Indicators (KPI). This summary is detailed in the appendix.

Recommendation

The Committee is asked to NOTE the performance and progress made in achieving the actions in the Housing Business Plan 2021-2024.

Background papers

Nil

APPENDIX

PERFORMANCE MANAGEMENT

1. Background - Corporate Plan

The Corporate Plan for 2020-2024 was approved by Council on 4 March 2020. This plan sets out the Council's priorities to achieve its vision to make "A Greener, Safer and Healthier Broxtowe where everyone prospers." Over the period, the Council will focus on the priorities of Housing, Business Growth, Community Safety, Health and Environment.

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 our Corporate Plan are realistic and achievable.

2. Business Plans

Business Plans linked to the five corporate priority areas, including Housing, were approved by the Council on 3 March 2021, following recommendations from the respective Committees in January/February 2021.

The Council's priority for Housing is "A good quality home for everyone". Its objectives are to:

- Build more houses, more quickly on under used or derelict land (Ho1)
- Invest to ensure our homes are safe and more energy efficient (Ho2)
- Prevent homelessness and help people to be financially secure and independent (Ho3).

The Business Plans detail the projects and activities undertaken in support of the Corporate Plan for each priority area. These cover a three-year period and are revised and updated annually. Detailed monitoring of progress against key tasks and outcome measures in the Business Plans is undertaken regularly by the relevant Committee. This will include a detailed annual report where performance management and financial outturns are considered together following the year-end as part of the Council's commitment to closely align financial and performance management.






3. Performance Management

As part of the Council's performance management framework, this Committee receives regular reports of progress against the Housing Business Plan. This report provides a summary of the progress made to date on key tasks and priorities for improvement in 2021/22 (as extracted from the Pentana Risk performance management system). It also provides the latest data relating to Critical Success Indicators (CSI) and Key Performance Indicators (KPI).






The Council monitors its performance using the Pentana Risk performance management system. Members have been provided with access to the system via a generic user name and password, enabling them to interrogate the system on a 'view only' basis. Members will be aware of the red, amber and green traffic light symbols that are utilised to provide an indication of performance at a particular point in time.

The key to the symbols used in the Pentana Performance reports is as follows:





Action Status Key






Icon	Status	Description
Completed 	Completed	Action/task has been completed
In Progress 	In Progress	Action/task is in progress and is currently expected to meet the due date
Warning 	Warning	Action/task is approaching its due date (and/or one or more milestones is approaching or has passed its due date)
Overdue 	Overdue	Action/task has passed its due date
Cancelled / Postponed 	Cancelled / Postponed	Action/task has been cancelled or postponed



Performance Indicator Key

Icon	Performance Indicator Status
Red 	Alert
Amber 	Warning
Green 	Satisfactory
Unknown 	Unknown
Data Only 	Data Only



Housing Key Tasks and Priorities for Improvement 2021/22



Status	Action	Action Description	Progress	Due Date	Comments
In Progress 	HS1922_02 Implement housing new build delivery plan	Add to the social housing stock Produce affordable homes to rent	83%	Dec-2029	15 properties have been acquired back into the social housing stock since 2019. Work has begun to build 5 new 1-bed flats on Oakfield Road, Stapleford for ex-Service personnel. A planning application has been approved to build 5 properties on the site of Fishpond Cottage, Bramcote. The Council has the opportunity to work with a local house builder to build 30 new rented homes and 16 shared ownership properties on an allocated housing site west of Coventry Lane, Bramcote that includes land owned by the Council.
In Progress 	HS2023_01 Implement recommendations from Housing Repairs Review	Maximise efficiency of the repairs service Consider commercial opportunities if available	50%	Mar-2022	The Housing Repairs and Compliance team joined the newly formed Asset Management department, bringing together Repairs, Capital Works and Development under the Head of Asset Management. Small changes have been made to the service since the review, including closer working with Capital Works. Some actions have been delayed due to COVID-19 and the impact this has had on the service.
In Progress 	HS2023_02 Implement Housing Strategy	Improve housing services	37%	Mar-2023	The strategy was approved in September 2020, and work is progressing on Year 1 of the strategy.
Completed 	HS2023_03 Implement Engagement Strategy	Increase understanding of the needs of our tenants and leaseholders Provide skills and employment support for tenants and leaseholders	100%	Mar-2021	Some actions were delayed due to COVID-19 restrictions. The Engagement Plan for Year 2 has been completed.

Status	Action	Action Description	Progress	Due Date	Comments
In Progress 	HS2023_04 Implement Neighbourhood Strategy	Improve our neighbourhoods	40%	Mar-2022	COVID-19 has had an effect on the action plan and delivery of the strategy. Work has progressed in terms of methodology and identifying priority neighbourhoods. A restructure is in progress which will ensure that the team is sufficiently resourced for implementing the strategy.
In Progress 	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. Additional temporary staffing resource will be required to provide support to tenants Work to properties will be required Reduction in void rent loss expected	91%	Mar-2023	Work is progressing on this following approval of the Stock Options Report by Housing Committee on 3 June 2020. Phase 1 and 2 have been agreed and implemented, and a further report will be presented to Housing Committee in September 2021 for permission to proceed with Phase 3 consultation.
Completed 	HS2124_01 Increase the number of Council owned temporary accommodation units	Reduce the use of Bed and Breakfast accommodation	100%	Mar-2023	Two properties have been taken out of General Needs housing and transferred to temporary accommodation. Further properties have been identified for temporary accommodation and will be converted once they have been vacated.
In Progress 	HS2124_02 Implement Asset Management Strategy	Plan to fully utilise assets held within the Housing Revenue Account	5%	Sep-2021	Tenders have been received for an overall HRA/General Fund AMS, after award the interim report should be received by December 2021, with implementation to follow with a revised due date of December 2023 .
In Progress 	HS2124_03 Consider implementation of Customer Portal	Improve how tenants can report repairs and review their rent account	20%	Mar-2022	A demonstration of appropriate software has been given, and options are currently being considered before a report is presented to Housing Committee. Initial cost of portal could be offset by reduction in printing and postage costs, especially rent statements.

Status	Action	Action Description	Progress	Due Date	Comments
In Progress 	HS2124_04 Introduce cleaning programme at General Needs schemes, and a service charge to fully recover costs	Improve condition of our estates	0%	Mar-2022	To implement in April 2022, so new service charges are set at the same time as annual rent increase. An Officer working group is in the process of being set up to discuss what would be included in the service charge. Quotes are being obtained to deep clean communal blocks on a one-off basis before regular cleaning commences.
In Progress 	HS2124_05 Complete review of all housing car park, including condition and the use of parking orders	Improve condition of our estates	25%	Dec-2021	A physical inspection has been completed and quotes obtained. Works likely to be identified for addition to the 2022/23 Capital Programme, subject to a Committee Report scheduled for the revised due date of February 2022.

Housing Critical Success Indicators 2021/22





Status	Code & Short Name	Frequency	2019/20 Achieved	2020/21 Achieved	Q1 2021/21 Achieved	2021/22 Target	Notes
Green 	HSTOP10_01 Overall Satisfaction	Monthly	88.98%	80.04%	91.96%	90%	During Quarter 1, 203 surveys were completed via post and online. These consisted of: <ul style="list-style-type: none"> • 159 for Repairs • 21 for Modernisations • 20 for Income • 2 for Right to Buy • 1 for Allocations
Green 	HSTOP10_02 Gas Safety	Monthly	99.9%	99.18%	100%	100%	During the first quarter compliancy was maintained. However, none access rates have started to increase as the COVID restrictions are released and more tenants are attending their place of work.



Status	Code & Short Name	Frequency	2019/20 Achieved	2020/21 Achieved	Q1 2021/21 Achieved	2021/22 Target	Notes
Amber 	BV66a Rent Collection: Rent collected as a proportion of the rent owed	Monthly	99.81%	102.82%	94.56%	99.00%	<p>We have seen a decrease in rent arrears which has resulted in a higher collection rate.</p> <p>The team have worked extremely hard in achieving high level of completions on RentSense and are working towards a first call resolution message to ensure engagement is not missed. Work is now focussed on targeting those that are not engaging and may need a visit or some financial inclusion support. Other services provided by the Financial Inclusion Officers can be promoted through engagement.</p> <p>The team are now prioritising the former tenant arrears so that we can continue to see an overall team arrears reduction.</p> <p>Housing Services continue to liaise with the DWP and CAB to offer residents welfare reform support. Changes coming into effect from September 2021 have been discussed with the team as there may be an increase in universal credit cases due to the Furlough Scheme scheduled to end.</p>
Green 	HSLocal_42 Homelessness cases successfully intervened or prevented rather than relieved/a main duty being accepted	Monthly	-	NEW 2021/22	76%	70%	During Quarter 1, the team intervened or prevented an average of 76% of cases. This comprises of 82% in April; 79% in May and 67% in June.

Data for the following PIs is collected annually and at this stage no information is available.

- **HSLocal_39** Number of New Council houses built or acquired
- **NI 154 Net** Additional Home provided

Housing Key Performance Indicators 2021/22

Status	Code & Short Name	Frequency	2019/20 Achieved	2020/21 Achieved	Q1 2021/22 Achieved	2021/22 Target	Notes
Red 	HSLocal_11_BV64 No of private sector vacant dwellings that are returned into occupation or demolished	Quarterly	33	28	6	25 (2021/22)	Whilst the number returned to use this quarter is lower than in previous Q1 it is not something that gives concern as numbers and case progression can fluctuate throughout each quarter.
Red 	HSLocal_40 Numbers of homeless households housed outside of the Borough in temporary accommodation	Monthly	-	64	31	0	By the end of Quarter 1, the Housing Team had a total of 23 homeless households placed in temporary accommodation. 4 of those households were placed in Broxtowe Borough Council's own temporary accommodation units within borough. 19 households were accommodated in B&B outside of the borough in neighbouring Local Authorities.
Red 	HSLocal_29 Electrical compliancy	Monthly	98.6%	98.2%	81.3%	100%	Following the COVID-19 restrictions placed on both Programmed Works and day to day repairs over the last period, the number of properties which were not tested has increased, reducing the compliancy figure from previous reporting. As restrictions are now mainly lifted the programming of electrical testing will have a greater focus during the year.
Green 	HSLocal_BM05 Reactive appointments made and kept	Years	95.5%	97.8%	98.1%	98.0%	During Quarter 1 2,746 reactive appointments were kept out of 2,798 appointments made.

Status	Code & Short Name	Frequency	2019/20 Achieved	2020/21 Achieved	Q1 2021/22 Achieved	2021/22 Target	Notes
Red 	HSTOP10_03a Average Relet Time - Independent Living	Years	57 days	114 days	97 days	40 days	There have been 48 properties let during Quarter 1. The number of Lets have increased in comparison with 2020/21 Quarter 1 figure. This figures needs to be higher to achieve the overall relet figure at year end. It is hoped that the designation change of some properties may help with some of the numbers of Voids on schemes.
Red 	HSTOP10_03b Average Relet Time - General Needs	Years	26.7 days	37 days	34 days	20 days	There has been 49 Lets for General Needs during Quarter 1. There are still a significant number of void properties within the service, some of which have experienced significant delays whilst with the Repairs or Capital Works teams. There have been a number of void properties that have had to have large clearances and redecoration before they can be let, which has had a significant impact on the void times. Although we are able to make deductions for any major works that are carried out, we are not able to deduct for redecoration or clearances.

Data for the following PIs is collected annually and at this stage no information is available.

- **NI 155** Number of affordable homes delivered (gross)
- **NI 159** Supply of ready to develop housing sites
- **DSDData_20** Number of Residential Planning Commitments – introduced in 2021/22.

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Report of the Executive 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.

17 November 2021	<ul style="list-style-type: none"> • Performance Management – Review of Business Plan Progress • Housing Delivery update • Gas and Electrical Policies • Allocations Policy • Housing Recharge Policy • Decant Policy • Housing Repairs Progress Review
9 February 2022	<ul style="list-style-type: none"> • Business Plans and Financial Estimates 2022/23 – 2024/25 – Housing • Housing Delivery update • Garage Management Policy • Right to Buy Policies • Review of Housing Car Parks • Alterations and Improvement Policy • Aids and Adaptations Policy Review

Recommendation

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

Background papers

Nil

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