

**To: Deputy Leader and Members of the Resources Board
Councillors D Wright, Chambers, Davey, Davis,
N Dirveiks, Henney, Lea, Moss, Simpson and Waters**

For the information of other Members of the Council

For general enquiries please contact Emma Humphreys/Amanda Tonks on 01827 719221 or via email – emmahumphreys@northwarks.gov.uk or amandatonks@northwarks.gov.uk.

For enquiries about specific reports please contact the Officer named in the reports.

This document can be made available in large print and electronic accessible formats if requested.

RESOURCES BOARD AGENDA

22 May 2017

The Resources Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday, 22 May 2017 at 6.30pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests.**

4 **Minutes of the Resources Board held on 30 January 2017** – copy herewith, to be approved as a correct record and signed by the Chairman.

5 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members. Questions should be submitted by 9.30am two working days prior to the meeting. Participants are restricted to five minutes each. If you wish to put a question to the meeting please contact Amanda Tonks or Emma Humphreys on 01827 719222 or email democraticservices@northwarks.gov.uk.

A question has been received from Mr D Pickard of Atherstone relating to The Arcade, Atherstone. Details of the question and a response will be given at the meeting.

**PART A – ITEMS FOR DISCUSSION AND DECISION
(WHITE PAPERS)**

6 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2016 - March 2017** – Report of the Chief Executive and Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Resources Board for April 2016 to March 2017.

The Contact Officer for this report is Robert Beggs (719238).

7 **Internal Audit – Plan of Work for 2017-18** – Report of the Deputy Chief Executive

Summary

The report explains the basis upon which the Audit Plan for 2017-18 has been developed, using a variety of sources of information to ensure that all appropriate aspects of service activity continue to be embraced as part of the approved three year review programme.

The Contact Officer for this report is Barbara Haswell (719416).

8 **Homelessness Service Update** – Report of the Assistant Director (Housing)

Summary

To provide an update on the current homelessness service and current trends and information about the Homelessness Reduction Bill and implications for the Council.

The Contact Officer for this report is Angela Coates (719369).

9 **Tenant Partnership Agreement 2017/18** – Report of the Assistant Director (Housing)

Summary

This report presents the Council's Tenant Partnership Agreement to the Resources Board for their consideration and provides background information about the regulatory framework for social housing landlords.

The Contact Officer for this report is Helen Hughes (719494).

10 **Payroll System** – Report of the Assistant Director (Finance and Human Resources)

Summary

The report details a requirement for a supplementary estimate in 2017/18.

The Contact Officer for this report is Sue Garner (719374).

11 **Risk Management Annual Report 2016/17** – Report of the Assistant Director (Finance and Human Resources)

Summary

This report is to inform Members of risk management actions undertaken during 2016/17 and the risks identified for 2017/18.

The Contact Officer for this report is Sue Garner (719374).

12 **Annual Treasury Report for 2016/17**

Summary

This report shows the out-turn for 2016/17 and highlights any areas of significance. The report also seeks to clarify a potential area of confusion in the 2017/18 Investment Strategy.

The Contact Office for this report is Sue Garner (719374).

13 **Rent Collection** – Report of the Assistant Director (Housing)

Summary

This report presents an updated rent collection policy and outlines how the Council will manage the collection of rent from tenants living in its housing stock.

The Contact Officer is Helen Hughes (719494).

14 **Members' Allowances Out-turn for 2016/17** – Report of the Assistant Director (Finance and Human Resources)

Summary

The purpose of this report is to advise Members of the allowances paid for 2016/17 and a revised appendix for allowances paid in 2015/16. The Council also has a duty to publish the amounts paid to Members under the Members' Allowance Scheme.

The Contact Officer for this report is Nigel Lane (719371)

15 **Flexible Tenancy Policy** – Report of the Assistant Director (Housing)

Summary

This report proposes a policy approach to the management of Flexible Tenancy types in the Council's stock.

The Contact Officer for this report is Helen Hughes (719494)

16 **Exclusion of the Public and Press**

Recommendation:

That under Section 110A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

**PART C – EXEMPT INFORMATION
(GOLD PAPERS)**

- 17 **Sale of Land** – Report of the Assistant Director (Housing)
The Contact Officer for this report is Angela Coates (719369)
- 18 **Council Garage Site** – Report of the Assistant Director (Housing)
The Contact Officer for this report is Angela Coates (719369)
- 19 **Irrecoverable Local Taxation Debts** – Report of the Assistant Chief Executive (Community Services)
The Contact Officer for this report is Bob Trahern (719378)
- 20 **Request to Purchase Land** – Report of the Assistant Director (Housing)
The Contact Officer for this report is Angela Coates (719369)
- 21 **Housing Maintenance Service** – Report of the Assistant Director (Housing)
The Contact Officer for this report is Angela Coates (719369)
- 22 **Complaint Following Stage 2 Response** – Report of the Assistant Director (Housing)
The Contact Officer for this report is Angela Coates (719369)
- 23 **Land Issues** – Report of the Assistant Director (Streetscape) and the Assistant Chief Executive & Solicitor to the Council
The Contact Officer for this report is Richard Dobbs (719440)

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE RESOURCES BOARD

30 January 2017

Present: Councillor D Wright in the Chair

Councillors Chambers, Davey, N Dirveiks, Henney, Lea, Moss, Simpson Smitten and Waters

An apology for absence was received from Councillor Davis (Substitute Councillor Smitten)

Councillor Humphreys was also in attendance.

45 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

46 **Minutes of the Resources Board held on 14 November 2016**

The minutes of the meeting of the Board held on 14 November 2016, copies having previously been circulated, were approved as a correct record and signed by the Chairman.

47 **Corporate Plan 2017-18**

The Chief Executive sought the Board's approval for the Corporate Plan Targets for which it was responsible and the 2017-18 Service Plans for the Housing, Finance & Human Resources, Community Services and Corporate Services Divisions and the Internal Audit Service.

Recommendation to the Executive Board:

- a That those Corporate Plan Targets as set out in Appendix A to the report of the Chief Executive, for which the Board is responsible be agreed; and**

Resolved:

- b That those elements of the Service Plans that are the responsibility of this Board, as set out in Appendix B to the report of the Chief Executive, be agreed.**

48 **General Fund Fees and Charges 2017/18**

The Assistant Chief Executive and Solicitor to the Council, Assistant Director (Streetscape), Assistant Chief Executive (Community Services) and Assistant Director (Housing) reported on the fees and charges for 2016/17 and the proposed fees and charges for 2017/18.

Resolved:

That the schedule of fees and charges for 2017/18, as set out in the report of the Assistant Chief Executive and Solicitor to the Council, Assistant Director (Streetscape), Assistant Chief Executive (Community Services) and Assistant Director (Housing) be approved.

49 **General Fund Revenue Estimates 2017/18 – Services Recharged Across All Boards**

The Deputy Chief Executive reported on the revised budget for 2016/17 and an estimate of expenditure for 2017/18, together with forward commitments for 2018/19, 2019/20 and 2020/21.

Resolved:

a That the revised budget for 2016/17 be accepted; and

Recommendation to the Executive Board:

b That the Estimates of Expenditure for 2017/18, as submitted in the report of the Deputy Chief Executive, be included in the budget to be brought before the meeting of the Executive Board on 7 February 2017.

50 **General Fund Revenue Estimates 2017/18 – Services Remaining within the Board**

The Deputy Chief Executive reported on the revised budget for 2016/17 and gave an estimate of expenditure for 2017/2018, together with forward commitments for 2018/19, 2019/20 and 2020/21.

Resolved:

a That the revised budget for 2016/17 be accepted; and

Recommendation to Executive Board:

b That the Estimates of Expenditure for 2017/18, as submitted in the report of the Deputy Chief Executive, be

included in the budget to be brought before the meeting of the Executive Board on 7 February 2017.

51 General Fund Revenue Estimates 2017/2018 – Summary

Summary

The Deputy Chief Executive reported on the revised budget for 2016/17 and gave an estimate of expenditure for 2017/18, together with forward commitments for 2018/19, 2019/20 and 2020/2021.

Recommendation to Executive Board:

That the following items be recommended to the Executive Board for consideration in setting the Council Tax of the Borough Council:

- a The revised budget for 2016/17; and**
- b The schedule of expenditure requirements totalling £8,364,770 for 2017/2018.**

52 Housing Revenue Account Estimates 2017/18 and Rent Review

The Deputy Chief Executive reported on the revised budget for 2016/17 and gave an estimate of expenditure for 2017/18, together with forward commitments for 2018/19, 2019/20 and 2020/21.

Resolved:

- a That the revised estimates for 2016/17 be accepted;**
- b That rent decreases of minus 1%, as required by the Government, be adopted;**
- c That the proposed fees and charges for 2017/18, as set out in Appendix D to the report of the Deputy Chief Executive, be approved;**
- d That the service charges for the cleaning of communal areas, as detailed in Appendix E to the report of the Deputy Chief Executive, be approved from April 2017;**
- e That the service charges for window cleaning, as detailed in Appendix F to the report of the Deputy Chief Executive, be approved from April 2017; and**
- f That the Estimates of Expenditure for 2017/18, as submitted, be approved.**

53 Capital Programme Bids 2016/17 to 2019/20

The Assistant Director (Finance and Human Resources) identified changes to the Council's 2016/17 capital programme and proposals for schemes to be included within the Council's capital programme over the next three years.

Recommendation to the Executive Board:

- a That the changes to the 2016/17 revised capital programme be approved;**
- b That the schemes shown in Appendix A to the report of the Assistant Director (Finance and Human Resources), previously approved within the Council's three-year capital programme, including any 2019/20 additions relating to previously approved schemes be approved;**
- c That the growth bids included within the capital programme be approved;**
- d That the schemes which will not be included within the capital programme, as shown in Appendix B to the report of the Assistant Director (Finance and Human Resources), be noted; and**
- e That the proposed vehicle replacement schedule, as shown in Appendix C to the report of the Assistant Director (Finance and Human Resources), be approved.**

54 Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy for 2017/18

The Deputy Chief Executive outlined the Treasury Management Strategy, Minimum Revenue Provision Policy Statement and Investment Strategy for 2017/18.

Resolved:

That the proposed strategies for 2017/18 be approved.

55 Procurement and Commissioning Strategy 2017-2021

The Assistant Director (Corporate Services) presented the draft Procurement and Commissioning Strategy 2017 – 2021 to Members for their consideration, comment and approval.

Resolved:

That the draft Strategy attached at Appendix A to the report of the Assistant Director (Corporate Services) be approved.

56 Recovery of Council Tax and Non-Domestic Rates – Court Authorisation

The Assistant Chief Executive (Community Services) sought authorisation for David Sims to prosecute or defend on the Council's behalf or appear in proceedings before a Magistrate Court in relation to the recovery of Council Tax and Non-Domestic Rates in accordance with Section 223 of the Local Government Act 1972.

Resolved:

That David Sims be authorised to appear on the Council's behalf in relation to the recovery of Council Tax and Non Domestic Rates.

57 Information and Communications Technology Strategy 2015-2019 – Progress Report

The Assistant Director (Corporate Services) provided an update on the progress made during 2016/17 towards implementing the approved Information and Communications Technology (ICT) Strategy for 2015 – 2019.

Resolved:

That the contents of the report be noted.

58 Internal Audit – Performance for Third Quarter 2016-17

The Deputy Chief Executive updated the Board on the progress of the Council's Internal Audit function against the agreed plan of work for the year.

Resolved:

That the report be noted.

59 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2016**

The Chief Executive and the Deputy Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Board for April to December 2016.

Resolved:

That the report be noted.

60 **Borough Care Service**

The Assistant Director (Housing) provided information for the Board about the implementation of the Council's charging policy for the Borough Care service.

Resolved:

a That the progress made to implement the charging policy for the Borough Care service be noted; and

b That the Borough Care Task and Finish Group continues to meet to provide oversight with regard to the promotion of the service and to consider any service improvements which would benefit customers and support the Council's health and well-being objectives.

61 **Amenity Standards for Houses in Multiple Occupation**

The Assistant Director (Housing) provided information on the Council's responsibility with regard to Houses in Multiple Occupation in the Borough and proposed that standards were agreed which provided a guide for landlords about how they should act when they own such premises.

Resolved:

That the additions proposed at the meeting in respect of insurance, legionnaires disease and smoking be incorporated into the amenity standards for Houses in Multiple Occupation and they be brought back to the next meeting of the Board to be approved and adopted.

62 **Lettings Policy**

The Assistant Director (Housing) provided the Board with information about the pressures on the Council's Lettings Policy, proposed some changes to how properties in one of its sheltered schemes were let and set out future options.

Resolved:

- a That the current context for the Lettings Scheme be noted; and**
- b That the flats in Stewart Court, Arley, be let as general purpose and not sheltered, as they are now.**

63 **Civil Parking Enforcement - Update**

The Assistant Director (Streetscape) updated Members on progress to date with the implementation of Civil Parking Enforcement within North Warwickshire and outlined the next stages in the process.

Resolved:

- a That the contents of the report be noted; and**
- b That the wording set out in paragraph 4.2 of the report of the Assistant Director (Streetscape) in respect of the Financial Statement, be agreed for formal submission to the Department for Transport.**

64 **Government Consultation – Funding for Supported Housing**

The Assistant Director (Housing) informed the Board about a Government consultation which set out its intention to provide a fund for supported housing which would be directed to through the County Council.

Resolved:

That the response to the consultation as detailed in Appendix B to the report of the Assistant Director (Housing) be agreed.

65 **Notes of the Scrutiny Board – Communications Task and Finish Group Meeting held on 30 November 2016**

The notes of the Scrutiny Board – Communications Task and Finish Group meeting held on 30 November 2016 were received.

Resolved:

- a That the notes of the Scrutiny Board – Communications Task and Finish Group Meeting held on 30 November 2016, be noted; and**
- b That the Scrutiny Board - Communications Task and Finish Group be reconvened to discuss the report received following the LGA's Communications Health Check.**

66 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) 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 by Schedule 12A to the Act.

67 Land at Trinity Close, Warton

The Assistant Director (Housing) asked the Board to consider options for the development of its land off Trinity Close, Warton.

Recommended:

That Officers explore the option to sell the land at Trinity Close, Warton on the open market.

68 Irrecoverable Local Taxation Debts

The Assistant Chief Executive (Community Services) detailed the amounts recommended for write off in accordance with the write off policy agreed by the Resources Board on 23 May 2016.

Resolved:

- a That the write off of balances over £5,350 totalling £20,808.40 in respect of unpaid Non Domestic Rates and £15,827.46 in respect of one debtor owing a number of different debt types as outlined in Appendix A to the report of the Assistant Chief Executive (Community Services) be authorised; and**

- b That the total amount of write offs in the year to date and over the last 5 years, which include those written off by the Assistant Chief Executive (Community Services) under delegated powers, as detailed in Appendix B to his report be noted.**

D Wright
CHAIRMAN

Agenda Item No 6

Resources Board

22 May 2017

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2016 - March 2017

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Resources Board for April 2016 to March 2017.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 This report shows the year end position with the achievement of the Corporate Plan and Performance Indicator targets for 2016/17. This is the fourth report showing the progress achieved so far during 2016/17.

4 Progress achieved during 2016/17

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the performance with our local performance indicators during April to March 2016/17 for the Resources Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not achieved (shown as a red triangle)

Green – target achieved (shown as a green star)

5 Performance Indicators

- 5.1 The year end returns are subject to review by Internal Audit and therefore may be subject to changes. Any amendments to the returns will be reported to a future meeting of the board.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 70% of the performance indicator targets have been achieved. The report shows that individual targets that have been classified as red or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:
- 6.2 The indicators where the target has not been achieved include the payment of invoices, response repairs right first time, rent arrears, relets of tenancies, answering calls within 20 seconds and processing of new benefit claims and changes.

Corporate Plan

| Status | Number | Percentage |
|--------|--------|------------|
| Green | 11 | 100% |
| Red | 0 | 0% |
| Total | 11 | 100% |

Performance Indicators

| Status | Number | Percentage |
|--------|--------|------------|
| Green | 14 | 70% |
| Red | 6 | 30% |
| Total | 20 | 100% |

7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

- 8.1.1 There are community safety performance indicators which are reported to Executive Board.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They have now been ended and replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. There are a number of actions and indicators which contribute towards the priorities of the sustainable community strategy including customer access strategy, outreach services, financial inclusion, health and well being services and decent and affordable housing.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equality Implications

8.5.1 There are a number of equality related actions and indicators highlighted in the report including improving broadband access, the borough care review and procurement strategy and practices.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators contributing towards the priorities of responsible financial and resource management, supporting employment and business, creating safer communities and promoting sustainable and vibrant communities.

The Contact Officer for this report is Robert Beggs (719238).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|--|---|----------------------------|---------------|
| National Indicators for Local Authorities and Local Authority Partnerships | Department for Communities and Local Government | Statutory Guidance | February 2008 |



















NWCP Resources Board 16/17

| | Action | Priority | Reporting Officer | Year End | Status | Direction |
|-------------|---|---|-------------------|--|------------|-----------|
| NWCP 040 | To continue to contribute to the effective provision of services through implementing the actions and projects which help deliver the ICT Strategy and to report on progress to the Resources Board by March 2017 | Responsible Financial & Resource Management | Linda Bird | A report which provided an update on the progress made during 2016/17 on implementing projects which support the ICT Strategy was approved by Resources Board on 30 January 2017. | ★ Green | ➔ |
| NWCP 050 | To continue to seek opportunities to rationalise the Council's property portfolio including:- a) Working with partners in the public and voluntary sectors to share facilities | Responsible Financial & Resource Management | Richard Dobbs | Discussions with the Police are ongoing. The shared space arrangements with WCC and DWP continue to work well | ★ Green | ➔ |
| | b) Continue to work through a programme of capital and maintenance improvements to key Council buildings, community buildings, shops and industrial units, including seeking ways to reduce, where possible, our carbon footprint. | Responsible Financial & Resource Management | Richard Dobbs | Fire safety improvement works at the depot are now in the process of being commissioned and a review of the future usage of the depot has commenced. An audit of the ongoing maintenance requirements at other key Council properties has also been concluded and PMPs for all buildings are in the process of being updated. | ★ Green | ➔ |
| | c) To complete the review of leisure facilities and to report to relevant Boards by March 2017 | Responsible Financial & Resource Management | Simon Powell | The strategic review of leisure, health and well-being services in North Warwickshire commenced in August 2016. The commission will take external consultants 12 months to complete and will include the production of a Leisure Facilities Strategy. A progress report was presented to the C&E Board in January 2017 | ★ Green | ➔ |
| NWCP 082 | To work to improve broadband access for the people and businesses of North Warwickshire through the work of the Council and specifically the Coventry, Solihull and Warwickshire BDUK Project and report on progress by December 2016 | Supporting Employment & Business | Linda Bird | The annual Broadband update report was approved by Resources Board in May 2016. The CSW Partner Working Group met on 10/12/2017 and 4/4/2017. The Invitation to Tender for Contract 3 was published on 7/2/2017 and it is expected to be awarded before end June 2017. North Warwickshires requirements are included in a Lot with Nuneaton and Bedworth and Rugby. Latest information is available at http://www.cswbroadband.org.uk . | ★ Green | ➔ |
| NWCP 084 | To implement the work directed by the Borough Task and Finish Group and deliver any actions agreed by the Resources Board as part of the review. (Recommendations to be agreed no later than April 2016) | Creating Safer Communities | Angela Coates | There were two main directions from the Board - to implement charging and to review the shape of the service & how it is delivered. The first has been implemented and the Task and Finish Group are directing the second. | ★ Green | ➔ |
| NWCP 037 | To work in partnership with other organisations to provide a shared service to deliver adaptations in the private sector. This will include revising the Business Plan and reporting proposals to the Resources Board by July 2017 | Promoting Sustainable & Vibrant Communities | Angela Coates | The partnership agreement for the shared service has been signed and the Board is now seeking to deliver the objectives set out in the Business Plan. | ★ Green | ➔ |
| NWCP 062(1) | To review and develop a revised Asset Management Plan for the Council's stock (To be done between November 2015 & March 2016) and to report on the delivery of the action plan by March 2017 | Responsible Financial & Resource Management | Angela Coates | The Housing Minister has set out the budget arrangements for the Housing Revenue Account. Pay to Stay will no longer be implemented and the higher cost voids levy will be deferred for 1 year. The Plan can now be revised and timescales are in the new Corporate Plan. | ★ Green | ➔ |

| | Action | Priority | Reporting Officer | Year End | Status | Direction |
|----------|--|---|---------------------------|---|------------|-----------|
| NWCP 098 | To act to ensure that the Council's revenue from housing rent income is collected by reviewing and acting on the action plan to mitigate the impact of welfare reforms and other legislative changes affecting the Housing Revenue Account and to report quarterly on progress | Responsible Financial & Resource Management | Angela Coates/Bob Trahern | The year end performance on rent collection improved on last year's collection rate and remains high. This is an excellent outcome given the context. A revised rent collection policy is submitted to the Resources Board for consideration on 22nd May 2017. | ★ Green | ➡ |
| NWCP 112 | To review the Council's Corporate Debt Framework by November 2016, to ensure that debts due to the Council are recovered in accordance with the framework | Responsible Financial & Resource Management | Bob Trahern | This was reviewed and adopted by the Resources Board in May 2016. The exercise to analyse all arrears using the new framework has progressed well and collection rates of charges due in year and in respect of arrears indicate this is working. However, we do have a hard core of very difficult debt to recover that despite efforts to get payment or engagement to address has failed and this will now be reviewed with an external partner in line with the framework over the next 6 months. This will see new ways of recovery being tried by the Council in pursuing bankruptcy proceedings and charging orders on property to secure payment. | ★ Green | ➡ |
| NWCP 113 | To deliver the actions set out in the Housing Strategy to address housing need in the Borough. To report to the Resources Board annually | Promoting Sustainable & Vibrant Communities | Angela Coates | Funding arrangements for affordable housing were published in January 2017. The Government is introducing new legislation for homelessness and bringing an end to lifetime homes. The implications of the changing landscape will be considered and the provision of a new housing strategy has been included in the Housing Division's Forward Work Plan and will be delivered by September 2017. | ★ Green | ➡ |

NWPI Resources 16/17

| Ref | Description | Section | Priority | Year End Target 2016/17 | Outturn 2015/16 | April - Mar Performance | Traffic Light | Direction of Travel | Comments |
|-----------|---|-----------------------|-------------------------------|-------------------------|-----------------|-------------------------|---|---|---|
| NWLPI 052 | The % of invoices for commercial goods and services which were paid by the authority within 30 days of such invoiced being received by the Authority (former BV8) | Financial Accountancy | Public Services & Council Tax | 98% | 96.11% | 96.14% |  Red |  | Performance continues to improve |
| NWLPI 57 | Percentage of calls answered through the Central Control system within 60 seconds. (TSA national standard 96.5%): | Community Support | Housing | 99% | 99.00% | 99.00% |  Green |  | |
| NWLPI 135 | Percentage of response repairs completed right first time | Housing Maintenance | Housing | 92.00% | 88.70% | 87.87% |  Red |  | There is a slight dip in performance on last year. We continue to work to improve access to materials to improve performance further. |
| NWLPI 068 | Gas certificates completed | Housing Maintenance | Housing | 100.00% | 99.83% | 100.00% |  Green |  | This is a critical indicator given the legal requirements to undertake gas services within 12 months annually. |
| @NW:NI156 | Number of households living in temporary accommodation (snapshot at end of each quarter) | Housing Management | Housing | 6 | 6 | 6 |  Green |  | The team acts to try and prevent the need for households to use temporary accommodation and it is only used in an emergency when no other option is available. However homeless applications continue to increase year on year. |
| NWLPI 136 | Number of tenants with more than 7 weeks rent arrears - as an average over the year | Housing Management | Housing | 2.75% | 2.21% | 2.77% |  Red |  | Overall performance on rent collection remains strong. Procedures are in place to act quickly to ensure arrears are addressed at an early stage. |
| NWLPI 070 | Average time taken to re-let local authority housing (former BV212) | Housing Management | Housing | 25 days | 33.60 days | 50.46 days |  Red |  | The condition in which properties are returned to the Council when tenancies end has been problematic this year. Procedures are being reviewed to improve enforcement of tenancy conditions. Some sheltered scheme properties have been hard to let. The Resources Board has agreed that they can be let as general purpose properties which should improve this issue. Having to deal with asbestos materials has caused some delays in bringing properties back to a lettable standard. |
| NWLPI 039 | The percentage availability of corporate systems available to users Monday to Friday 8.00 am to 5.30 pm : | Computer Services | Public Services & Council Tax | 99.70% | 99.9% | 99.9% |  Green |  | |
| NWLPI 040 | The percentage of initial response to helpdesk calls within four hours of a call being placed : | Computer Services | Public Services & Council Tax | 95% | 97% | 97% |  Green |  | |
| NWLPI 041 | Percentage of Service Desk Calls resolved in target (total of IS3 to IS6) | Computer Services | Public Services & Council Tax | 95% | 97% | 95% |  Green |  | |

| Ref | Description | Section | Priority | Year End Target 2016/17 | Outturn 2015/16 | April - Mar Performance | Traffic Light | Direction of Travel | Comments |
|------------|---|--------------------------------|-------------------------------|-------------------------|-----------------|-------------------------|---|---|---|
| NWLPI 096 | The Percentage of Calls answered in 20 seconds in the contact centre | Revenues & Benefits | Public Services & Council Tax | 75% | 73% | 74% |  Red |  | |
| @NW:NI181 | The average time taken in calendar days to process all new claims and change events in Housing Benefit and Council Tax Benefit | Revenues & Benefits | Public Services & Council Tax | 7.5 | 6.78 | 8.77 |  Red |  | Performance continues to improve now that the benefits section is fully staffed, although some new starters are still training. Performance for new claims (21.3 days) and change in details (7.0 days) are better than DWP averages. |
| NWLPI 106 | The percentage of non-domestic rates due for the financial year which were received by the authority (former BV10) | Revenues & Benefits | Public Services & Council Tax | 98.6 | 99.63 | 99.57 |  Green |  | |
| NWLPI 107 | Proportion of Council Tax collected (former BV9) | Revenues & Benefits | Public Services & Council Tax | 97.8 | 98.39 | 98.57 |  Green |  | |
| NWLPI 161 | Percentage of abandoned calls in the Contact Centre | Contact Centre | Public Services & Council Tax | 5% | 5% | 5% |  Green |  | |
| NW: NI 158 | Non decent homes relating to our stock | Housing Maintenance | Housing | 2.13 | 0 | 0 |  Green |  | Capital programmes are designed to prevent properties falling out of the Decent Homes standard. |
| NWLPI 066 | The average waiting time for adaptations to local authority housing for people with disabilities between, time taken between referral and completion of work | Housing Maintenance | Housing | 5 months | 5 months | 3.56 months |  Green |  | |
| NWLPI 160 | The percentage of all council tenants, or a representative sample of council tenants, stating that they are satisfied with the overall service provided by their landlord when surveyed | Housing Management | Housing | 86 | 83% | 88% |  Green |  | |
| NWLPI 072 | Local authority rent collection and arrears: Rent collected by the local authority as a proportion of rents owed on Housing Revenue Account (HRA) dwellings | Housing Management | Housing | 99.2 | 99.41% | To Follow | | | This indicator will be reported at the Board meeting. |
| NWLPI 137 | The average waiting time for adaptations to private sector housing for people with disabilities: a; time taken between initial request and completion of work | Private Sector & Public Health | Housing | 7 months | 6 months | 4.5 months |  Green |  | This service is now delivered through the HEART shared partnership. The performance is an improvement and there should be further improvements as the partnership develops. |

Appendix B
Performance Indicators

Agenda Item No 7

Resources Board

22 May 2017

Report of the Deputy Chief Executive

Internal Audit – Plan of Work for 2017-18

1 Summary

- 1.1 The report explains the basis upon which the Audit Plan for 2017-18 has been developed, using a variety of sources of information to ensure that all appropriate aspects of service activity continue to be embraced as part of the approved three year review programme.

Recommendation to the Board

That the Audit Plan for 2017-18 be approved.

2 Report

- 2.1 The Public Sector Internal Audit Standards document governs how Internal Audit in the public sector operates, and requires the Council to establish risk-based audit plans to determine the priorities of the internal audit activity consistent with the council's goals. An annual plan is used to enable the Chief Executive to produce an annual internal audit opinion on the assurance framework and to effectively manage the internal audit activity, ensuring that it adds value to the organisation.

- ... 2.2 The Audit Plan for 2017-18, which is attached as Appendix A reflects the assessment of risk, based upon defined criteria and the results of audits completed during recent years. The number of productive audit days has slightly reduced from last year due to an auditor being given permission to study for a professional qualification and hence increase time spent on training and development over the next three years. The focus for each audit remains as an in depth systems review in order to provide the maximum benefit to each service and the organisation as a whole.

- 2.3 As well as risk data, the Annual Plan also takes account of the external auditor's (Ernst and Young) requirement that key controls over fundamental systems are reviewed periodically. Added to this reviews are based upon:

- National Government initiatives or flavours
- Level of budget allocation
- Any incidents of potentially fraudulent or corrupt activity
- Any past history of weaknesses or problems, staffing changes or new/replacement software
- Experience of delivery of the audit programme in previous years.

- Knowledge sharing with other similar authorities, external auditors and IT auditors of potentially weak or newly attractive activities.

The above considerations are also reflected in fundamental system work where the Plan does not call for a full audit.

2.4 This year continues with, as referred to in 2.2, individual audits focus being on reviewing all aspects of any particular service which upon completion will provide a more comprehensive opinion on the level of assurance given by the audit team. Previously there were several corporate audits carried out which resulted in a fragmented outcome for some services. Each major review carried out this year will address all key areas of the service structure at the same time looking in depth at costs, risks, performance, management, counter fraud measures, value for money and identifying any potential for improvement or increased efficiency. This will pull together all audit work completed and enable service managers to form a view of the success of their service from one overarching report.

3 Report Implications

3.1 Risk Management Implications

3.1.1 The Audit Plan for 2017-18 takes specific account of the Council's strategic and operational risks.

3.1.2 Failure to produce and deliver an appropriate and flexible audit plan built on sound evidence may result in criticism from the external auditors.

3.2 Links to Council's Priorities

3.2.1 The Audit Plan for 2017-18 takes into account Council key priorities as outlined in a variety of documents.

The Contact Officer for this report is Barbara Haswell (719416).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

NORTH WARWICKSHIRE BOROUGH COUNCIL
STRATEGIC AUDIT PLAN 2017/18

Estimate of Available Resources

Internal Audit Section has an establishment of 2.4 full-time equivalent auditors. There is also budgetary provision to buy-in any necessary specialist one off support for the audit of IT. Counter Fraud support through TIAA continues to be sourced.

Calculation of Available Days:

| | | |
|-----------------------------|---|------------------------------------|
| 52 weeks x 5 days X 2.4 | = | 624 days |
| less bank holidays 13 X 2.4 | = | 32 days |
| less sickness provision 3% | | 18 days |
| less annual leave | | 74 days |
| Gross days available | | 500 days internal resources |

Allocation of Available Resources

START: 500 days

| | |
|--|-----------------|
| Less | |
| Training & Development, general duties | 30 days |
| Management, planning, corporate | 80 days |
| Counter Fraud and NFI | 10 days |
| | 120 days |

SECTION 151 ACTIVITIES 380 days

Consultancy/Contingency

| | |
|------------------|----------------|
| • Contingency | 15 days |
| • Consultancy | 12 |
| • External Audit | 5 |
| | 32 days |

Special Investigations 10 days

Strategic Audit Plan 338 days
 Cyclical Programme shows 338 days

| | |
|---|---------------------|
| Strategic Audit Plan – Available Days | 338 days |
| Key Financial Systems | |
| • Main Accounting | 5 |
| • Creditors | 5 |
| • Budgetary Control/Budgeting | 3 |
| • Payroll | 5 |
| • Benefits | 40 |
| • Capital Expenditure/Accounting | 3 |
| • Council Tax | 10 |
| • Cash and banking | 3 |
| • NDR | 35 |
| • Debtors | 35 |
| • Asset Management | 5 |
| • Housing Rents | 5 |
| • Treasury Management | <u>3 157</u> |
| Corporate Audits | |
| Performance Indicators and performance management | 5 |
| Risk Management | 5 |
| NFI | 10 |
| Health and Safety | 10 |
| Ordering of goods and services | 10 |
| Partnership Arrangements | 7 |
| Compliance with Policies & Strategies | 10 |
| Energy Management | 5 |
| Fleet management | 10 |
| Flexible working | <u>15 87</u> |
| Deputy CEO | |
| Corporate Services | |
| Procurement and contracts | 10 |
| Printing & Stationery | 5 |
| Communications and telephone | 5 |
| Land Charges | 5 |
| Finance & HR | |
| Recruitment | 5 |
| Housing | |
| Maintenance & Repairs- follow up review | 10 |
| Homelessness | 10 |
| Service Charges | 3 |
| Leisure & Community | |
| Tree Management | 3 |
| Leisure Management System - Gladstone | 3 |
| Streetscape | |
| Office cleaning | 5 |
| Street cleaning | 15 |
| Facilities management inc civic offices | <u>5 84</u> |
| ACEO & StC | |
| Commercial property | <u>5 5</u> |
| ACEO-Community Services | |
| Contact Centre | <u>5 5 338 days</u> |

Agenda Item No 8

Resources Board

22 May 2017

**Report of the
Assistant Director (Housing)**

Homelessness Service Update

1 Summary

- 1.1 To provide an update on the current homelessness service and current trends and information about the Homelessness Reduction Bill and implications for the Council.

Recommendation to the Resources Board:

- a That the current homelessness situation and trends are noted; and**
- b That the implications of the Homelessness Reduction Bill are noted; and**
- c That a designated Homeless Persons Officer is recruited**

2 Consultation

- 2.1 The Chair (Councillor D Wright) of the Resources Board and the Opposition Spokesman (Councillor J Chambers) have been sent a copy of this report.
- 2.2 A draft of this report has been submitted to the Joint Negotiating Forum for consideration.

3 Background

- 3.1 In 2016 the Resources Board received a report which set out the current position with regard to homeless applications in the Borough. In its Homelessness Strategy the Council sets out its intention to:
- Continue to prevent homelessness by early intervention;
 - Ensure that homeless people have access to quality services to assist them when faced with or when facing homelessness;

- Proactively work with all relevant local organisations to provide a co-ordinated approach to tackling and preventing homelessness;
- Meet the Government expectations, aims and outcomes relating to tackling and preventing homelessness.

3.2 The Strategy identified 3 key priorities:

- Financial Inclusion – Good access to specialist services which can work to make debt manageable and provide money management skills.
- Sustaining Tenancies – Providing services to enable people to stay in their existing homes by providing a range of services to support them. Also to ensure that people are given support to sustain new tenancies and work towards eradicating the cycle of repeat homelessness and debt.
- Provision of services for Roofless/Single People – Developing a shared accommodation scheme for single people and giving them a priority category as part of the Lettings Scheme.

4 Current Position

4.1 Homelessness Applications

4.1.1 The homelessness service is a statutory function that is administered within the Housing Options and Lettings Team. The team was re-structured in July 2013 following a review of the service. The Housing Options and Lettings Team Leader is responsible for homelessness decisions. Advice and assistance is given to applicants by 2 Housing Options Officers. The structure is designed to allow for a positive options service to be available for applicants and for the Team Leader to deal with homeless applications where homelessness cannot be prevented and for those that cannot be helped by this service. Unfortunately the increase in the level of homeless applications now means that the whole team is supporting the work to make decisions on homeless applications and the opportunity for early intervention and prevention options has been reduced.

4.1.2 There has been a steady increase over the last 3 years in the number of homelessness applications and a significant increase in the number of acceptances and therefore duty to house. There has also been an increase in the number of non priority homeless decision; this is where the household is homeless but where there is no duty for the Council to re-house them. The demand is set out below:

| | April 12 – March 2013 | April 13 – March 2014 | April 14 – March 2015 | April 15 – Feb 2016 | April 16 – March 17 |
|---|--------------------------|--------------------------|--------------------------|------------------------|------------------------|
| Total Number of homelessness applications received | 77 | 58 | 119 | 133 | 142 |
| Accepted | 36 | 34 | 70 | 75 | 86 |
| Intentional | 8 | 2 | 1 | 2 | 2 |
| Non Priority | 26 | 15 | 45 | 52 | 50 |
| Not Homeless | 7 | 7 | 3 | 4 | 4 |
| Not Eligible | 0 | 0 | 0 | 0 | 0 |

4.2 Homelessness Reduction Bill

4.2.1 The Homelessness Reduction Bill is a Private Members Bill introduced to Parliament on 29 June 2016. It draws on the work of an independent panel of experts established by Crisis and has received cross party support. The panel assessed the strengths and weaknesses of the current legislation for single homeless people in England. The Bill is expected to be enacted later this year. The changes that it makes to homelessness legislation will be the most fundamental since it was first introduced in the seventies.

4.2.2 The Bill sets out new duties for Local Authorities. Currently there are five legal tests when a household makes a homeless application. These are eligibility, homelessness or threatened with homelessness within 28 days, priority need, intentionality and local connection. Only applicants who meet all five tests are provided with a full housing duty in accordance with statutory requirements. The most fundamental change the Bill proposes is to the priority need test. This is because it is this test that many single people do not meet and are not therefore owed a full housing duty. Currently a single person who is not assessed as in priority need is provided with advice and assistance to alleviate their situation but they are not owed a full housing duty.

4.2.3 The Bill sets out a new process for Local Authorities to following in assessing homeless applicants. The main new duties are:

- A duty to assess all eligible applicants and agree a plan. The first step is an assessment and the production of a personalised plan which has to be recorded and reviewed. This provides for a much broader duty to homeless applicants than the decision made around the five 'tests' set out in the current legislation.
- A prevention duty when a household is threatened with homelessness. If the Council is satisfied that the applicant is threatened with homelessness and eligible for assistance we have to

act to help prevent homelessness. This new prevention duty is triggered at 56 days rather than the 28 days in the current legislation.

- A relief duty where an applicant is homeless. This applies to all homeless eligible applicants. (In essence it provides for a legal duty to the applicants that were assessed as none priority in the table at Section 4 above). The Council must take steps to secure or help an applicant to secure accommodation for these households for at least 6 months.
- All Care Leavers under the age of 21 will be considered as having a local connection to an area if they were looked after, accommodated or fostered there for a continuous period of at least two years.

4.2.4 In order to meet these legal duties the Council will need to access vacant accommodation which is affordable for applicants. If an applicant is under the age of 35 and not working affordability means a rent which is a shared room rate.

4.3 Meeting the Demand

4.3.1 It is clear from the statistics shown at section 4.1.2 that the level of homelessness in the Borough is changing. It is critical that applicants that contact the Council for help receive the service they need promptly and that it is effective in addressing their needs.

4.3.2 It is not just the numbers of applicants that are changing. Some applicants have complex problems. To ensure they can sustain their tenancies the Housing Division has to work with applicants to address these problems. This requires support from the in house team as well as partnership work with social care and support services.

4.3.3 In anticipation of the changes that the Homelessness Reduction Bill and forthcoming Act are introducing the Council is working in partnership with the other 4 Districts and Boroughs in Warwickshire to develop a service which finds new ways to prevent homelessness. This is an initiative which bid for and attracted funding following the Government's recent Trailblazer Pilots Round which invited partnerships to set out pilot projects which would anticipate the new homelessness legislation and find innovative ways to meet the requirements.

4.3.4 The Warwickshire Trailblazer Pilot will bring additional resources and capacity to the County for 2 years to build new preventative services. It will seek to attract more customers to the service in advance of the new legislative requirements. There will be the equivalent of one officer for each district managed as part of centralised team in Rugby. However this will not be sufficient to meet the current increase in demand in North Warwickshire and the pressure on the housing options team. In fact, at the moment, the pilot project is causing additional work in the team as the Manager and Team Leader are supporting the development of the new service.

- 4.3.5 It is proposed that the post of full time, designated Homelessness and Advice Officer be re-introduced into the team to ensure the Council can meet its current legal duties to homeless applicants and anticipate the forthcoming changes in legislation.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 The Council receives a homelessness prevention grant from the Government which assists us to deliver our homelessness services. Funding during 2017-2018 is £37,240 and is expected to be in the region of £30K for the next three years. However, in the face of an increasing demand on homelessness services, the Government has recently redirected funding from the Department of Work and Pensions to Local Authorities to help them meet service requirements. North Warwickshire Borough Council will receive just over £60K for the next two years. The funding is ring fenced for homelessness services.

5.1.2 As well as supporting partnership work the homelessness prevention grant is also used to fund the temporary Tenancy Sustainment Officer post which was introduced in 2016. The post is intended to support customers, both applicants and tenants to sustain their tenancies.

5.1.3 The proposal to re-introduce a designated Homeless Persons Officer will be funded from the funds made available by Government to the Council.

5.2 Human Resources Implications

5.2.1 The Homeless Persons and Advice Officer post will be recruited in accordance with the Council's policies and procedures. It is anticipated that it will be recruited for a 3 year period initially.

5.3 Legal and Human Rights Implications

5.3.1 The Council is required to conform to the housing regulator's Regulatory Framework and Standards. Our statutory obligations are set out in the Housing and Homelessness Acts.

5.4 Environment and Sustainability Implications

5.4.1 The Government's focus continues to be on preventing homelessness. Achieving this will have a positive effect on communities.

5.4.2 The Tenancy Sustainment Officer role has given added capacity to the Housing Management Team with the key objective of sustaining existing and new tenancies and preparing applicants for taking on a new tenancy. It will provide support to enable applicants and tenants to remain in their existing homes.

5.5 Safer Communities

5.5.1 An important part of the role of the Housing Management Team is to help create nice neighbourhoods where people choose and like to live. Successful prevention strategies will assist with reducing homelessness and safer communities as a consequence.

5.6 Equalities Implications

5.6.1 An enhanced homelessness service will assist with improved accessibility of the service to our customers. It will also assist with achieving more cohesive communities by focusing on enabling people to stay in their homes.

5.7 Links to Council's Priorities

5.7.1 Working with our tenants to maintain and improve our housing stock and providing affordable housing in the right places.

The Contact Officer for this report is Angela Coates (719369).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

Agenda Item No 9

Resources Board

22 May 2017

**Report of the
Assistant Director (Housing)**

**Tenant Partnership Agreement
2017/18**

1 Summary

- 1.1 This report presents the Council's Tenant Partnership Agreement to the Resources Board for their consideration and provides background information about the regulatory framework for social housing landlords.

Recommendations to the Resources Board

- a That the HCA regulatory requirements are noted;**
- b That the revised Tenant Partnership Agreement be agreed; and**
- c That the tenant participation activities undertaken during 2016-17 highlighted within the Tenant Partnership Agreement are noted.**

2 Consultation

- 2.1 Members of the Borough Wide Tenants Forum have been consulted on the Tenant Partnership Agreement at their meeting on 21 February 2017.

3 Introduction

- 3.1 In 2000 the Office of the Deputy Prime Minister introduced legislation and guidance which set out a duty on Local Authorities to have a Compact with their Tenants which sets out how they can participate in the landlord services provided. North Warwickshire Borough Council published its first Compact in 2001. The underlying principle of the compact is that in general terms Tenants cannot take their custom elsewhere if they are not satisfied with the services they receive from their landlord so there must be a robust and open method for them to influence the services they receive.
- 3.2 Since the Borough Wide Tenants Forum was formed and the first Compact was published Tenant participation has evolved from strength to strength in the Borough. The document that sets out how Tenants will work with the Council is now called the 'Tenant Partnership Agreement' in order to reflect the view that in order to be productive the relationship is one of genuine partnership.

- 3.3 The Homes and Communities Agency (HCA) introduced new regulatory requirements for social housing in England applicable from 1 April 2012 and replaced the regulatory framework that came into effect on 1 April 2010. The framework implemented the amendments to the Housing and Regeneration Act 2008 introduced by the Localism Act 2011 and the Secretary of State's directions on specific standards. A copy of the HCA Regulatory Framework is available on their website www.gov.uk/hca.
- 3.4 The principle underpinning the regulatory framework is co-regulation – a robust and open relationship between the Regulator, Council and its tenants.
- 3.5 The consumer standards are the ones that relate to this report and the 'Tenant Involvement and Empowerment Standard' in particular. Registered providers are expected to support their tenants to develop and implement opportunities for involvement and empowerment by:
- “supporting their tenants to exercise their Right to Manage or otherwise exercise housing management functions, where appropriate
 - Supporting the formation and activities of tenant panels or equivalent groups and responding in a constructive and timely manner to them
 - The provision of timely and relevant performance information to support effective scrutiny by tenants of their landlord's performance in a form which registered providers seek to agree with their tenants. Such provision must include the publication of an annual report which should include information on repair and maintenance budgets and
 - Providing support to tenants to build their capacity to be more effectively involved”
- 3.6 In addition registered providers are expected to consult on the scope of local offers/service standards for service delivery, consult with tenants if they are proposing to make significant changes in their management arrangements and consult them every three years about the best way of involving tenants in governance and scrutiny of the housing service.
- 3.7 How the Council adheres to this standard is set out in its Tenant Partnership Agreement which is complimented by its Annual Report to tenants and newsletters which provide key information. In addition, an impact assessment is undertaken annually which assesses the outcomes of all our tenant involvement activities.

4 Revised Tenant Partnership Agreement

4.1 The Tenant Partnership Agreement is updated annually to reflect any changes in approach; provides an update on key achievements during the year and includes a forward work plan. The Tenant Partnership Agreement has been refreshed following discussion with members of the Borough Wide Tenants Forum at their meeting on 21 February 2017 and is attached at **Appendix 1** for consideration by the Resources Board.

...

4.2 The Tenant Partnership Agreement includes a forward work plan for 2017-18 and identifies the key actions to be worked on during the forthcoming year. A more detailed forward work plan has been developed with the Borough Wide Tenants Forum.

4.3 At the heart of the Agreement there remains an expectation that work can be undertaken to broaden the base of Tenant participation in the Borough. This is a key task for the Housing Services Manager and the Neighbourhood and Tenant Involvement Officer to progress in conjunction with the Housing Tenancy and Neighbourhoods Team.

4.4 There are 9 Community Panels operating across the Borough that are regularly attended by North Warwickshire Borough Council Tenants and Leaseholders. The Community Panels improve and encourage social inclusion, good community spirit and active participation in the work of the housing management and maintenance service. They help identify local issues regarding the service provided by the housing and maintenance service and this feedback is used to inform forward work plans. Representatives from the Community Panels form the membership of the Borough Wide Tenants Forum. However, any tenant is able to attend a Forum meeting. The formal constitutions for the Community Panel's and Borough Wide Tenants Forum have been reviewed this year in conjunction with the Tenant Participation Advisory Service (TPAS) to be adopted at the Forum's Annual General Meeting on 9 May 2017.

5 Tenant Involvement Impact Assessment

5.1 An annual assessment of outcomes or "Impact Assessment" has been undertaken which highlights the achievements as a result of our tenant participation activities. The Impact Assessment compliments the Tenant Partnership Agreement as it measures and evaluates the effect that tenant participation activities have had and the difference it makes to the services provided by the Council. The Impact Assessment also showcases the tenant participation work undertaken across the Borough during the year (2016-17) including the work of the Borough Wide Tenants Forum and the Community Panels.

5.2 It is hoped that the Impact Assessment document will encourage others to get involved by promoting the benefits of involvement and showcasing the results it has helped to achieve. The assessment outcomes have been used to inform the forward work plan for the forthcoming year (2017-18) so that priority can be given to those activities that provide value for money.

5.3 The Tenant Involvement Impact Assessment is available to view on the Council's website www.northwarks.gov.uk/gettinginvolved. It will also be circulated to all tenants with the summer edition of the Tenants Link newsletter that will be sent to all Council tenants in August.

6 Conclusion

6.1 The Council's Tenant Partnership Agreement has promoted positive Tenant participation in the Borough over many years. The revised agreement continues to offer a range of ways in which Tenants can get involved in order to influence the services they receive. The Tenant Partnership Agreement is complimented by the Tenant Involvement Impact Assessment which assesses the impact of tenant participation activities.

6.2 The Homes and Communities Agency oversees how registered providers perform. However their role is light touch and therefore the strong relationship between the Council and its Tenants, including being clear about how they are involved and can scrutinise services, is critical.

7 Report Implications

7.1 Financial and Value for Money Implications

7.1.1 There is a budget of £14,890 (excluding staffing costs) for delivering Tenant participation activities. The Tenant Partnership Agreement will be delivered within that budget provision. The budget covers involvement related training, membership of the Tenant Participation Advisory Service, computer and printer related expenditure for Tenant Led Community Panels, newsletters to all tenants and travel expenses to enable tenants to get to meetings.

7.1.2 Tenant participation helps the Council understand what services are important to Tenants and how they expect them to be delivered. Acting on this information helps the Council to be more efficient by focussing on priorities and to provide services which receive high satisfaction levels.

7.2 Risk Management Implications

7.2.1 The regulatory regime continues to have a very strong focus on a social landlord's relationship with its Tenants. If that relationship is not a positive one which delivers good service outcomes it is likely that a landlord would be criticised. The regulator's role is limited to setting the consumer standards and intervening only where failure of the standard could lead to risk of serious harm to tenants (the 'serious detriment test'). This is described in Section 5 of the Regulatory Framework, if the regulator is satisfied that there could be a serious detriment or that there are reasonable grounds to suspect this, it will fully investigate and will require evidence of harm or potential harm, in particular but not exclusively in relation to:

- Health and safety
- Loss of home
- Unlawful discrimination

- Loss of legal rights
- Financial loss

7.2.2 Ultimately, decisions on serious detriment are a matter of judgement by the regulator, based on evidence available and its published approach. They may also take the view that issues under one consumer standard may result in problems under one or more of the other standards, indicating a systemic failure.

7.2.3 The Tenant Partnership Agreement and Tenant Involvement Impact Assessment demonstrate the Council's commitment to involving tenants in the housing service and provides evidence that we are meeting the tenant involvement and Empowerment standards.

7.3 Equalities Implications

7.3.1 An Equality Impact Assessment has been undertaken on the Tenant Partnership Agreement. The Agreement sets out to engage tenants in a way that suits them and therefore addresses diverse needs. Specifically the Standards set out to promote equal opportunity and respect diversity. If there are any training issues these can be addressed.

7.4 Links to Council's Priorities

7.4.1 One of the Council's priorities is to listen and work with our tenants to maintain and improve our housing stock and provide affordable housing in the right places.

The Contact Officer for this report is Helen Hughes (719494).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|----------------------------|--|------------|
| 1 | Homes & Communities Agency | The document comprises the regulatory framework for social housing in England applicable from 1 April 2012 | March 2012 |



APPENDIX 1



North Warwickshire
Borough Council

North Warwickshire Borough Council Tenant Partnership Agreement 2017/18



**An agreement between
North Warwickshire Borough Council
and it's tenants.**

Tenant and Council Approved



Forward

Dear Tenants

We are pleased to present this updated version of the North Warwickshire Borough Council Tenant Partnership Agreement. It has been reviewed and agreed by all partners and demonstrates our continued commitment to working more closely together.

The ultimate aim of the Agreement is to give you a greater say in the way housing services are delivered through a range of opportunities for involvement. The agreement outlines how you can become more involved and we hope that more tenants will take up this invitation to influence the housing services delivered by the Council.

The key achievements made during 2016/17 were:

- **Contributing to the review of the Borough Wide Tenants Forum constitution and Community Panel constitution**
- **Monitoring the Grounds Maintenance standard and enhanced services**
- **Attending the ARCH and TPAS annual conference**
- **Contributing to the Tenants Link Newsletter**
- **Assisting to develop the gardening competition criteria and helping to choose the winning entries**
- **Tenant Scrutiny work giving consideration to a third scrutiny project**
- **Developing the Tenant Partnership Agreement and Tenants' Forum Forward Work Plan**
- **Reviewing void property standards and rent collection procedures**

We would like to thank all partners for their assistance in making these achievements. We would encourage all our tenants to get more involved in a way that suits them. This could be by completing satisfaction surveys, getting involved in local community groups or joining in our neighbourhood visits.



Councillor
David Humphreys
Leader of the Council



Angela Coates
Assistant Director of
Housing



Pat Cotterill
Chair of the Borough
Wide Tenants' Forum



John Holt
Vice Chair of the Borough
Wide Tenants' Forum

Contents



| Page | | Part |
|------|----------------------------|------|
| 1 | Introduction | 1 |
| 3 | Roles and Responsibilities | 2 |
| 6 | Involvement Options | 3 |
| 12 | Core Standards | 4 |
| 18 | Monitoring | 5 |
| 21 | Action Plan | 6 |
| 22 | Useful Contacts | 7 |
| 23 | Glossary | 8 |

Part 1 Introduction ...

Page 1

The North Warwickshire Tenant Partnership Agreement (from hereon referred to as the Agreement), sets out how Council tenants can participate in housing issues that affect them. It outlines how tenants and the Council will work together in a spirit of equal partnership, co-operation and mutual respect to enable tenants to influence decisions about their homes and the services they receive.

The Agreement sets out how tenants can participate by offering a range of ways for tenants to:

- **Get more involved in decision making**
- **Tell us about their priorities**
- **Give feedback and tell us where services need improving as well as letting us know when we get things right**
- **Influence decisions about their homes and the services they receive**
- **Scrutinise the housing service**

The Agreement is a continuously evolving document that will change with time and work undertaken within the Housing Services Division.

About us

The Housing Service Division is responsible for managing 2684 homes in North Warwickshire. This includes delivering services such as:

- **Responsive repairs**
- **Planned improvements**
- **Letting properties**
- **Rent Collection**
- **Neighbourhood Services**
- **Tenant Participation**

Housing Services is driven by the need to deliver effective customer service and is committed to service improvement. We are committed to working in partnership with the Borough Wide Tenants' Forum to achieve our aims and objectives.



Our Vision

“To give every tenant the opportunity to have a say about how and what services are provided for them in a way that suits them and to use their feedback to make improvements”



Shared Principles

The Agreement is based on the following that the partners will:

- Commit to meaningful tenant involvement and see it as a fundamental part of the Housing Strategy
- Support and encourage tenant involvement at a level and pace decided by the tenants of the Borough
- Empower tenants so that they take an active role in the management of their homes and communities at a level they are happy with
- Provide and increase varied types and levels of involvement, giving more opportunity for all groups and sections of the community to be involved in the decision making process
- Ensure that all tenants have equal and fair access to participate
- Recognise that changes will occur that affect the Agreement and that the Agreement will be regularly reviewed
- Agree that changes will not be made to this Agreement without the agreement of each partner
- Value diversity and inclusiveness and be committed to ensuring that all tenants have the opportunity to influence policies, strategies and the delivery of a customer focussed housing service
- Be open and honest and work together to deliver change and improvement

Equal Opportunities

“North Warwickshire Borough Council will not discriminate on the grounds of nationality, political opinion, race, religious opinion, age, sex, sexuality or disability”

This Agreement is intended to encourage ways that all groups within our community can be involved. It is intended to work with partners and other external bodies to improve the current involvement levels from hard to reach and under-represented groups within our community.




Each partner has a role in ensuring the success of the Agreement**Tenants**

Individual tenants have a key part to play in the success of the Agreement. Tenants will contribute to the success of the Agreement by:

- Reading information provided by the Council about housing services and opportunities for involvement – for example, in newsletters, personal letters, on the Council’s website www.northwarks.gov.uk and on community notice boards
- Deciding how they want to get involved – being positive in responding to surveys and questionnaires, giving views in consultation exercises, attending local groups, Community Panels and focus groups
- Reading the Tenants’ Handbook and making use of the information contained in it to help resolve problems arising in their neighbourhood or in their homes
- Being a good neighbour – taking a positive approach to the community where they live and abiding by their Tenancy Conditions
- Co-operating with and respecting the Council’s staff and contractors
- Ensuring any group’s terms of reference and standing orders are adhered to
- Community Panel members should ensure that they are familiar with the Community Panel bidding process and consult and seek agreement from members of their panel regarding any bids for improvement money from the Council. Requests for any neighbourhood improvements should reflect the views of those tenants living locally.

In addition, every tenant has the right to:

- Access relevant papers or background information (excluding those of a confidential nature), in order to make an informed decision on services provided for them
 - Be involved in decision making processes concerning Housing Services, working in partnership with the Council.
 - Have their views recorded to reflect a true, accurate measure of their needs and to ensure there are no misunderstandings
 - Establish a local Tenants Group
 - Co-operation and respect from council staff contractors
- 

Councillors

Councillors are elected by local people to be responsible and accountable for policy and strategic decisions and ensuring legal requirements are met. Councillors will (either individually or through Council systems):

- Consult, communicate and address the needs of tenants when policies are amended and developed
- Be honest, listen and be non-judgemental when approached by tenants for a change of housing strategy or policy
- Provide feedback and information regarding any issue
- Be supportive, strengthening links with tenants to promote close understanding of local community issues and the implementation of the Agreement
- Support staff in their work to broaden involvement opportunities and customer focussed housing services

Council staff

Staff will work at every level ensuring the success of the Agreement by:

- Adopting a customer focus in the delivery of all aspects of the housing service
- Constructively responding to tenants' needs, views and priorities when they develop and review housing policies and services
- Allowing adequate time to consult tenants when developing or reviewing housing services and policies
- Providing easy to understand, attractive and accurate newsletters, performance information and consultation materials to help tenants get involved in monitoring and developing services
- Listening to and respecting the views of tenants and other service users
- Learning and adapting services based on feedback from tenants and other service users – through meetings, compliments and complaints and customer satisfaction surveys
- Giving feedback to tenants on what has happened as a result of their views being taken into account
- Working in a flexible way to meet the needs of tenants, arranging meetings and events at times and in places to suit tenants
- Arranging training events between tenants and the Council to build skills and a shared understanding of effective tenant involvement

The Borough Wide Tenants' Forum

The Borough Wide Tenants' Forum is our borough wide tenant representative group. They are tenants who come from all areas of the Borough and want to be involved in the decision making process and improving services to all tenants. The members may also be involved in Community Panels in their local areas.

They will:


- Review and monitor the Agreement and action plan
- Participate in the information of new policies and service standards
- Monitor and oversee tenant scrutiny activities
- Participate in service reviews
- Participate in tenant inspection programmes
- Monitor the Tenant Participation Budget





There is a wide range of options available to tenants who wish to get involved in the Housing Service. The involvement options set out below are designed to ensure that all tenants have the opportunity to get involved at a level they choose. All tenants can have their say in a way that they are comfortable with and what fits their lifestyle. You may choose to get involved through just one involvement option or in an area that is of particular interest to you or you may decide to get involved through several options and in several areas. The decision is yours.


All of the options will need some commitment. This ranges from half an hour on an occasional basis, through to several hours a month. To help tenants decide which options might suit them, we have graded them and explained the amount of time commitment required. This has been graded by using a star indicator for low to high involvement.

Grading our options for involvement

 **Low (occasional)** – this can just be a one off commitment, attending a focus group, reading information or coming along to an occasional neighbourhood visit.

 **Low (regular)** – agreeing to give a little of your time from time to time. For example contributing to the Tenants' Newsletter, or completing surveys over the phone as part of "Talking Tenants."

 **Medium Level** – for example becoming a member of a local Community Panel Group, which meet four times a year.

 **High Level** – for example, becoming a member of the Borough Wide Tenants' Forum which meets monthly and has an important role in guiding policy, strategy and service development.

If you would like to get involved in any of the activities please get in touch (see contacts on page 21). Information will be accessible and freely available. Important documents will be provided for all tenants and will be available on our website www.northwarks.gov.uk Key issues will be highlighted in local newspapers, north talk, and "Tenant Link". Information is available in alternative formats e.g. in large print, on audiotape, in another language or through face to face discussion – please just ask

★ Letters, Leaflets and Questionnaires

The Council's Housing Division will write to you throughout the year for a variety of reasons. Some will be confirming repairs you have reported or informing you about your rent account and changes in rent. Others may be informing you of new services and some may be inviting you to special events and meetings. Housing Services may also write to you asking for your views and comments on issues.

Very little time needed but very important information! Some letters you receive are purely to keep you up-to-date and inform you. Others may require a response and we will provide Freepost envelopes.

Leaseholder Questionnaire

If you are a leaseholder then you are invited to complete an annual questionnaire, which will give leaseholders the opportunity to raise issues.

An opportunity to highlight leaseholder issues with no fixed commitment. We will provide Freepost envelopes.

★ Neighbourhood Visits

A regular programme of neighbourhood visits will be led by the Neighbourhood Services Team. The visits are displayed in the communal rooms and on the Council's website. Tenants are encouraged to get involved in these inspections of their local neighbourhood to identify areas for improvement. Details of the Neighbourhood Services Team can be found in the Contacts Section on page 21

An easy way to raise concerns over local neighbourhood issues with minimum time commitment.

★ Focus Groups

These are small gatherings of between six and twelve residents and are usually one off sessions designed to gather information on one or more issues. Meetings usually last between one and two hours and refreshments are provided. Focus Groups form a key part of service improvements and external inspections, which look at improving specific aspects of the housing service.



Suitable for tenants who want to share their views without regular commitment.

★ Planned Maintenance and Improvement

The Housing Division will arrange consultation events for all future improvement works that are undertaken to tenants' and leaseholders' homes. Events will be organised in partnership with the contractor to talk to tenants and leaseholders more directly about future works.

This requires very low commitment but is an excellent opportunity for tenants to discuss any questions about the works or clarify any issues they may have with either Housing



★ Informal Local Meetings

Where Community Panels do not exist, local tenant meetings will be held twice a year to keep tenants informed about the service.

This is a good opportunity for tenants to discuss issues that affect them and their neighbourhoods generally without a regular commitment.



★★ Mystery Shopping

Is a method of testing the quality of services. An individual (for example, an existing customer or an independent person) will ask for information, or test out the process of reporting a repair. They may also visit a neighbourhood to examine caretaking standards to see how well services are being delivered.

An easy way to get involved in testing the quality of housing services and contribute to service improvements with minimum time commitment. Training will be provided.



★ ★ Talking Tenants

A customer panel to enable tenants to have a say by taking part in our surveys and by consultation. Members of the panel can take part in either postal, e-mail or telephone surveys in order to help us review our services, plan new projects and other issues.

New members are welcome and should contact the Tenant Participation Officer on 01827 719402 to join or email: tenantparticipation@northwarks.gov.uk

An easy way to get involved and make an important contribution without leaving home. You will be invited to take part several times a year. This is a good opportunity to guide the Housing Service in the right direction.



★ ★ ★ Tenant Led Community Panels



This is an opportunity to meet with other local residents, your Tenant Participation Officer and other key staff. Local neighbourhood issues will be discussed and you will be able to work together to plan service improvements and community activities. You will receive news and performance information from the Council. Other statutory and voluntary organisations will be encouraged to send representatives to discuss issues of local interest. The Panel meetings are led by tenants and have a constitution. All local residents will be invited to attend and we will promote the meetings by letters, posters and flyers.

★ ★ ★ Tenant Liaison Representatives

An opportunity for individual tenants to take on a liaison role during an improvement works contract – acting as a representative to voice any concerns tenants may have, and maintaining contact with the contractors and council officers.





Borough Wide Tenants' Forum

The Forum is an independent body that acts as one voice to represent all tenants' views to North Warwickshire Borough Council and the Housing Service. The Forum meets monthly and provides support to its members who represent the local areas. The Council is committed to listening and responding to the views of the Forum and provides financial and practical support to the group. Local Councillors will be invited to attend the Forum to discuss partnership working and the services provided by the Housing Division. Individual members of the Forum with an interest in a particular aspect of the Housing Service act as 'Tenant Champions'. This will mean taking an active role in the Tenant Improvement Groups to review policy or develop service improvement plans, or by supporting staff in running a focus group.

Regular commitment required to attend meetings, take part in discussions, reading and commenting on documents also sharing information with Community Panels, Local Tenant Groups and/or local people.



Task and Finish Groups

Task and finish groups will be used for one off pieces of work about a particular aspect of the service. This may involve a specific task that requires completing and has a beginning and an end. Once the task or tasks have been completed the group will not need to meet again unless there are further tasks identified. The group will meet as when it is necessary to do so and will report back and provide updates to the Borough Wide Tenants Forum. Any tenant is able to attend a task and finish group as well as nominated members of the Borough Wide Tenants Forum.

Tenant Scrutiny Panel

The Tenant Scrutiny Panel is a tenant led group that scrutinises different aspects of the housing service. It is an independent group that decides projects based on performance and customer feedback information. It reports its findings and recommendations to the Senior Housing Management Team.



Performance and Customer Service

This group provides close scrutiny about the performance of the housing management and maintenance services. They look at specific performance targets, satisfaction levels and the cost of services.

Part 4 Core Standards

Standards for Resources for Tenant Participation

The Council is committed to providing the resources needed to support the Tenant Partnership Agreement and the involvement activities it describes. There is a full time Tenant Participation Officer, whose role is actively to promote participation and involvement. In addition, the whole Housing Division is committed to a customer focused approach in delivering housing services. This means that other officers will support participation and involvement, and work alongside the Tenant Participation Officer.

It is important that the Council achieves good value for money on behalf of the tenants from the resources it puts into involvement. The Housing Services team will monitor closely the relationship between costs and the benefits which come from involvement activities.

We will regularly review our expenditure on tenant participation activities and provide the Borough Wide Tenants' Forum with an annual budget report detailing all income and expenditure in relation to tenant participation. We will also undertake an annual Tenant Participation Impact Assessment with tenants, which will evaluate the cost and benefits of all involvement activities. These will be ranked using a simple evaluation system scoring the impact of each involvement activity and a value for money assessment. The outcomes of the impact assessment will be used to inform the following year's Tenant Participation Action Plan.

Financial help

All tenants groups will receive, as a minimum, the following support from the Housing Services:

- **Help with invitations, posters etc. for local meetings**
- **Payment of room hire if necessary**
- **Payment for specialist services (e.g. signers for British Sign Language)**
- **Reimbursement of reasonable expenses (e.g. transport, childcare and carers' costs)**
- **Office facilities, including stationary, photocopying, telephone**
- **A small start up grant, if required, for constituted tenants' groups**
- **Provision of office accommodation where facilities are available***
- **Training costs – training needs will be identified and an annual plan agreed by the Council. The Council will pay only for those courses agreed within the annual training plan.**



*These office facilities will be made available for the use of all tenants living within the local area.

The Tenant Participation Officer will organise transport and technical help for people who need it e.g. interpreters, signing for the deaf etc. All reasonable costs incurred for the above, along with any carer expenses, will be met by the Council. Any reasonable out of pocket expenses will also be considered for payment by the Council on completion of an expenses form, which is available from the Tenant Participation Officer.

An annual budget will be made available for locally agreed neighbourhood improvements. Financial systems and local consultation will be put in place to make sure that this budget is spent wisely on projects which tenants want.

Advise, Information and Support

The Tenant Participation Officer will;

- **Offer and coordinate useful sources of advice (including independent advice from organisations like Tenant Participation Advisory Service TPAS)**
- **Work with tenants and colleagues within the Council to develop and encourage support for local tenant networks**
- **Seek out useful sources of training and good practice from regional and national tenant involvement organisations**
- **Send a newsletter to all tenants containing a range of useful information, along with contact numbers for sources of further advice. The newsletter will also give all tenants an update of issues discussed by the Forum and any changes made as a result of feedback from tenants.**

Training and Capacity Building

Resources will be made available to provide training and capacity building for tenant representatives and tenant groups. Grants and other sources of external support will be explored to support the training budget. The quality of training and the benefits it brings will be evaluated as part of the annual Tenant Participation Assessment.

A review of training needs will be undertaken annually. The Tenant Participation Officer will work with the Borough Wide Tenants' Forum, Community Panels and local groups to identify training needs. Where there are training opportunities that would benefit Councillors and staff, arrangements will be made for joint courses. Information about the courses on offer will be given to the Borough Wide Tenants' Forum and other tenant groups.

Standards for Meetings

The Borough Wide Tenants' Forum and Community Panels will each have a written constitution to set out how they will conduct business. A Chairperson will be elected and will chair all meetings. An agenda with clear objectives will be set out and will be co-ordinated by the Chairperson. Provision will be made at the end of the agenda to allow for any other business.

Other informal or occasional meetings will elect a person to lead the meeting and will agree the purpose of the meeting at the outset.

For all meetings, an attendance sheet will be completed to ensure that a copy of minutes, along with any other information requested, is sent to everyone attending. At the Forum and Community Panels, the Secretary (or Tenant Participation Officer) will take minutes of the meeting and distribute these with any other relevant documents to all concerned within an agreed timescale. The Forum's minutes will be distributed within ten days after the monthly meeting has taken place. The minutes will contain a clear action plan to deal with matters arising. Target dates for action points will be agreed at each meeting.

Publicising meetings and making them accessible

The Forum and Community Panel members will be responsible for publicising meetings in good time, with details to be advertised in prominent locations. Other local and occasional meetings will be well publicised to enable as many tenants as possible to attend. The purpose of meetings will be made clear on posters, invitations and agendas.

The venue for any meeting should be accessible, so as to not exclude anyone for any reason (e.g. people who are disabled or partially sighted etc.) Facilities such as hearing loops should be made available, whenever possible. We will plan involvement activities at times and in locations that suit tenants and leaseholders, recognising that they are volunteers and give their time freely.

A standing invitation will be extended to all local Councillors to attend meetings in their areas. Councillors will be invited to attend Forum meetings three times a year. Minutes will also be circulated to local Councillors.

Fair and democratic meetings

It is important that meetings are chaired in line with the agreed Code of Conduct and that everyone has a chance to have their say. Chairs will receive training to enable them to be effective. The Chair will ensure the meeting is run in a democratic way and that everyone's views are given consideration and discussed in a fair manner. Minutes and information will be made available.

Standards for Information

Good quality, comprehensive and easy-to-read information is central to achieve involvement. Information will be widely and freely available. Tenants and the Council are committed to providing accessible information which is clear and which avoids jargon and any form of racist, sexist or other biased language. Information will also be available in large print, on CD, in translation, or through face-to-face discussion. The Council will provide tenants with any information requested, so long as it is available and its disclosure does not breach confidentiality. An 'open government' policy will be adopted by the Council in its provision of information to tenants. Important documents such as the Tenants' Handbook and a summary of this Partnership Agreement will be provided for all tenants. A copy of this Partnership Agreement will be available on request from the Council's offices and will be available on the Council's website. In addition, there is a specific Tenant Web Page on the website. Minutes of the Borough Wide Tenants' Forum and local Community Panels will be placed on the website and will be available on request.

Key issues will be highlighted frequently in local newspapers, north talk and the tenants' newsletter. Policy reports relating to the Housing Service will be available to tenants in advance of Council Board meetings. Housing Services will produce an Induction Pack for the Tenants' Forum and will produce a similar pack for Community Panels.

Information will be timely and adequate – this means that enough time will be allowed and enough information provided for proper consultation and participation to take place. Notices of meetings or other events will be sent out well in advance. During 2017/18 the Council in partnership with the Borough Wide Tenants Forum will explore the feasibility of using social media for engaging with tenants including Facebook and Twitter.

Standards for Tenants Groups**A written Constitution**

The Borough Wide Tenants' Forum and the Community Panels have an agreed written Constitution. This helps ensure that they exercise their decision-making role effectively. The Constitution sets out the aims, powers, membership and procedures for meetings. A Code of Conduct is attached to the Constitution.

Diversity and Equality Policies (including race equality policies)

All members of the Forum, Community Panels and informal Tenant Groups should uphold equal opportunity and respect diversity. Tenants' groups should promote and work towards the elimination of all forms of racism and discrimination, and strive towards good relations amongst all members of the community. Training needs will be identified and offered to enable all those involved to keep up to date with the relevant policies and legislation.

Regular Elections

Committee members and officers of the Forum and Community Panels will be elected at the Annual General Meetings.

- **The Forum will hold their AGM at its first meeting after 1st May. Not less than 28 days notice will be given in writing to all existing Members.**
- **Community Panels will hold their AGM between 1st March and 30th April each year. Not less than 28 days notice of the AGM shall be given in writing to Members, Tenants and Leaseholders, living within the area.**

Open financial records (and annual accounts if appropriate)

A Treasurer will maintain the financial records for the Forum and each Community Panel if necessary. Financial records will be open to audit by a local authority finance officer.

Other tenants' meetings

The Council will support informal Tenants' Groups as well as the Forum and Community Panels. Officers will work with the tenants involved in these informal groups, agreeing the frequency and topics of meetings and assisting them in meeting good standards of conduct.

Membership clearly open to all tenants

Membership of all tenants' groups will be free and open to all tenants and leaseholders regardless of age, gender, nationality, race, sexual orientation, disability or religious opinions. Non-tenant residents will also be invited to attend certain meetings. However, these residents will not be able to vote on matters regarding housing issues.

Being effective – meeting objectives and acquiring skills to work effectively

Where the Forum and Community Panels agree objectives and Action Plans, these will be reviewed from time to time. Tenants involved in decision-making groups agree to develop their skills and understanding by attending the necessary training arranged by the Council.

Standards for Housing Services

Tenants can play an important role in the delivery and improvement of housing services. Tenants will be consulted on an equal and open basis. Where they get involved in developing standards and improving services, they will be seen as equal partners with the Council's officers and members. However, it is recognised that the final decision rests with the Elected Members. The Council values the input of tenants in the decision making processes and will provide feedback where appropriate.

Tenants will be consulted and can be involved in the decision-making process in the following areas:

- **Developing the Council's housing policies, Strategy and Asset Management Plan**
- **Renovation and maintenance improvement programmes**
- **Budget, finance and rent setting**
- **Management of housing services (including repairs, tenancy management and the Council's Letting Scheme, tenant involvement, neighbourhood management services and customer services).**

The Council's service standards set out the standard of service you can expect to receive from the Council as a landlord. It includes the allocation of our properties as well as their management and maintenance. We will revise our customer promises annually in consultation with tenants. A copy of the standards is available from the Council offices and on our website www.northwarks.gov.uk

Comments, Compliments and Complaints

The Council's Complaints Procedure covers all complaints relating to compliance with the Agreement. These may be about the lack of consultation or participation. They could include specific comments (for example, the Council changing heating without consultation), or general (for example, the Council is not supporting Community Panels as set out in the Agreement), or a complaint about any Tenants' Group. Publicity contained within the Tenants' Handbook, and the leaflet 'Complaints and Compliments' will ensure tenants are fully aware of this procedure. A report will be made to the Forum on any complaints received and investigated. Compliments will also be recorded and reviewed as a way of reinforcing good standards of service across the whole Borough.

The Tenant Partnership Agreement and Action Plan

The Agreement and Action Plan sets out the aspirations and targets for Tenant Involvement. It is important that we monitor, evaluate and measure the success of this Agreement. Progress will be monitored against the Action Plan's targets and standards, as well as by using National and Local Performance Indicators. The Action Plan will be monitored and evaluated quarterly by the Borough Wide Tenants' Forum.

Housing Services

The performance of the Council's Housing Services Division will be monitored by the Borough Wide Tenants Forum, with the Tenant Scrutiny Panel scrutinising different aspects of the housing service. The findings and recommendations from the Tenant Scrutiny Panel will be considered by the Housing Senior Management Team and an action plan agreed. The agreed action plan will be reported to the Borough Wide Tenants' Forum. The relevant Tenant Improvement Group will oversee and monitor to ensure the action plan recommendations are implemented. They will provide an update on progress and any concerns to the Borough Wide Tenants' Forum.



National Performance Indicators

- The percentage of tenants satisfied with the overall service provided.
- The percentage of tenants satisfied with the opportunities for participation in management and decision making.

A postal survey will be sent to all tenants and will include the above indicators. A full survey will be carried out every three years in accordance with Government guidelines and a shorter version every year. The results will be fed back to tenants in October in the Annual Report and through our newsletters.

| Local Performance Indicators - topic | National Performance Indicators |
|---|--|
| <p>Tenant satisfaction with Tenant Participation</p> | <ul style="list-style-type: none"> ➤ The percentage of tenants satisfied that views are taken into account. ➤ The percentage of tenants who have heard of tenant participation compacts. ➤ The percentage of tenants who are satisfied with local tenant participation. |
| <p>Tenants Groups</p> | <ul style="list-style-type: none"> ➤ The number of Tenants' Groups recognised by the Council. ➤ The percentage of Tenants/Leaseholders covered by a recognised Tenant Group. ➤ The number of newly formed Tenants' Groups recognised by the Council in any one year. |
| <p>Support to Tenants' Groups</p> | <ul style="list-style-type: none"> ➤ The number of tenants attending training courses or seminars arranged by the Council. ➤ The level of tenant satisfaction with the training courses arranged by the Council. |

| | |
|---------------------------------|---|
| Structures and Processes | <ul style="list-style-type: none"> ➤ The number of Tenant Representatives on the Forum. ➤ The number of tenants getting involved in panels, local groups and “Talking Tenants”. |
| Communication | <ul style="list-style-type: none"> ➤ The number and percentage of Tenants responding to surveys. ➤ The number of editions of the Tenants’ newsletter, issued in a year. |

In addition to the National and Local Performance Indicators listed, there are a number of other ways in which we will monitor tenant involvement including:

- Monitoring and evaluating different approaches to tenant participation and involvement using an impact assessment
- Monitoring and assessing the outcome of consultation and surveys to find out whether or not change has resulted
- Comparing performance with other Housing organisations
- Having a system in place to address dissatisfaction or non-compliance with the Agreement
- Monitoring all complaints relating to housing services
- Monitor Equal Opportunities

Part 6 Action Plan

A detailed Action Plan for tenant involvement will be produced annually. This will be monitored by the Borough Wide Tenants' Forum.

The key actions for 2017/18 are:

- Produce two tenant newsletters focusing on the work of the Borough Wide Tenants' Forum and good news stories
- Organise and promote a Tenants Gardening Competition
- Undertake tenant meetings across the Borough, find out what is important to tenants, review effectiveness and make recommendations
- Undertake an impact assessment to evaluate the effectiveness of tenant participation activities
- Review the arrangements for the Tenant Scrutiny Panel
- Look at ways of encouraging more tenants to get involved; appoint new members to the Borough Wide Tenants' Forum
- Review the effectiveness and outcomes from the Community Panel activities and monitor expenditure
- Monitor the constitutions for the Community Panels and the Borough Wide Tenants Forum following their review to ensure they are working effectively
- Produce an Annual Report to inform tenants of the performance of Housing Services
- Review tenant participation information on the website and ensure it is kept up to date
- Explore the feasibility of using social media to engage with tenants including Facebook and Twitter



Part 7 Useful Contacts

page 21

**North Warwickshire Borough Council Housing Staff****Angela Coates Assistant Director of Housing**Telephone: 01827 719369 Email: angelacoates@northwarks.gov.uk**Helen Hughes Housing Services Manager**Telephone: 01827 719494 Email: helenhughes@northwarks.gov.uk**Martyn Juggins Response Repairs Manager**Telephone: 01827 719308 Email: martynjuggins@northwarks.gov.uk**Geoff Joseph Planned Investment Manager**Telephone: 01827 719281 Email: geoffjoseph@northwarks.gov.uk**Julie Richardson Neighbourhoods & Tenant Involvement Officer**Telephone: 01827 719402 Email: julierichardson@northwarks.gov.uk**Shirley Gilbert Performance & Quality Officer**Telephone: 01827 719211 Email: shirleygilbert@northwarks.gov.uk**Caroline Morris Tenancy & Neighbourhood Services Manager**Telephone: 01827 719351 Email: carolinemorris@northwarks.gov.uk**Mandy Rashid Housing Options & Lettings Team Leader**Telephone: 01827 719313 Email: mandyrashid@northwarks.gov.uk**One Stop Shop – Customer Contact Centre**Telephone: 01827 715341 Email: customerservices@northwarks.gov.uk**Repairs Hotline - Emergency Out of Hours Repairs**Telephone: 01827 719299 Email: housingrepairs@northwarks.gov.uk

Useful Contacts

page 22



Borough Wide Tenants' Forum Members

Mrs Pat Cotterill – Chair

21 Rowland Court, Old Arley, Nr Coventry, CV7 8PF

Tel: 01676 541951 Email: arleytenantsassociation@yahoo.co.uk

Mr John Holt – Vice Chair

48 Priory Walk, Mancetter, Atherstone, CV9 1QB

Tel: 01827 716822 Email: sandraelaineholt@yahoo.co.uk

Mrs Vera Robinson – Treasurer

12 Rowland Court, Old Arley, Nr Coventry, CV7 8PF

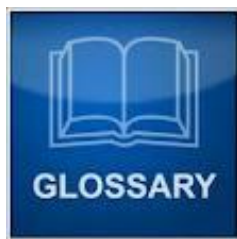
Tel: 01676 541631 Email: arleytenantsassociation@yahoo.co.uk

Mr Gerry Brough – Secretary

19 St Marys Road, Fillongley, Nr Coventry, CV7 8EY

Tel: 01676 542563 Email: gerrybrough@gmail.com

Part 8 Glossary



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|--------------------------------------|--|
| Action Plan | Summary of action to be taken - should be SMART-specific, measurable, action-orientated, realistic and time-bound |
| Allocations | Process of allocating empty properties |
| Audit Commission | An independent public body responsible for ensuring public money is spent wisely on local government services such as housing (also on health, police and other services) |
| Board | A Council Board of Borough Councillors that determines policy for the local authority |
| Borough Wide Tenants Forum | Forum made up of tenant representatives of local groups and individual tenants |
| Community Panel | A local group for tenants and other residents working to improve housing services and other community priorities |
| Customer Involvement Strategy | A strategy setting out the way the Council's Housing Service will meet its objectives to offer customer- focused services and good opportunities for tenant involvement |
| Decent Homes | A standard set out by the government for homes owned by councils and housing associations – includes standards for the outside of buildings (wind and weather proof), for warmth and insulation, and for reasonably modern kitchen and bathrooms |
| Environmental Works | Works carried out to improve the environment or neighbourhood |
| Housing Policy | An agreed method of achieving the objectives of the Council in relation to the provision of its housing service |

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| Housing Strategy | Document produced by the Borough Council outlining the strategy it will undertake to meet housing need in North Warwickshire |
| HRA Business Plan | Document produced by the Borough Council outlining the current status of the Council's service to its tenants, its resources and the condition of its stock. HRA stands for 'housing revenue account' |
| Impact Assessment | Evaluations of the outcomes from tenant participation activities undertaken |
| Improvement Programme | Works carried out to council homes to bring them up to modern standards (e.g. bathroom or kitchen replacement) |
| Leaseholder | An individual'(s) who has purchased the lease of a former council dwelling (usually a flat) |
| Lettings | See "Allocations" |
| Local Tenant Group | Informal group of tenants |
| Local Strategic Partnership | The Local Strategic Partnership is a body which ensures that organisations(voluntary and statutory) work together to provide services for North Warwickshire |
| Mystery Shopping | A method of testing the quality of services whereby an individual (for example, an existing customer, or an independent person) will ask for information, or test out the process of reporting a repair or visit neighbourhoods to examine caretaking standards – to see how well services are being delivered |
| Neighbourhood Services or Wardens | A new service introduced by the Council in 2006/7 to offer a responsive local service around our neighbourhoods |
| "North Talk" | The regular North Warwickshire Borough Council newsletter sent to all households in the Borough |
| Performance Plan | Document outlining performance standards to be achieved by the Council (published annually) |

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|--|---|
| Scrutiny | A detailed study of an activity or service area undertaken by an independent group of tenants |
| Sheltered Housing | Housing provided specifically for those with special needs because of age or disability |
| Stakeholder | Individual or organisation with an interest in a particular service (e.g. tenants, contractors, staff, councillors) |
| Stock Condition Survey | A survey of the Council's properties undertaken every five years to assess the condition. This informs the Council's capital programme for improvements |
| Task and Finish Group | A group of tenants and nominated members of the Borough Wide Tenants Forum used for one off pieces of work about a particular aspect of the service. |
| Tenancy Agreement | A legal agreement between a landlord and tenant setting out the obligations of both parties |
| Tenant Association | A group of tenants who have decided to adopt a formal constitution and form an association |
| Tenant Partnership Agreement | Agreement between the Council and its tenants describing how tenants will be involved in the decision-making processes affecting the delivery of the housing service |
| Tenant Partnership Advisory Service | TPAS is a not for profit membership organisation that provides information, consultancy, training and conferences on all aspects of involving tenants in their housing management |
| Tenants Link | Newsletter published by Housing Services together with an Editorial Panel of tenants distributed to all tenants |
| Void | Empty property awaiting allocation to new tenant |



**North Warwickshire
Borough Council**



**North Warwickshire Borough Council and the Borough
Wide Tenants' Forum are committed to working in
partnership with tenants to ensure that our
neighbourhoods are places where people choose to live
and can contribute to their community.**

How to contact us:

**The Council House, South Street, Atherstone, Warwickshire,
CV9 1DE**

By Telephone on: 01827 715341

Out of Hours on: 01827 719299

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Agenda Item No 10

Resources Board

22 May 2017

Report of the Assistant Director (Finance and Human Resources)

Payroll System

1 Summary

- 1.1 The report details a requirement for a supplementary estimate in 2017/18.

Recommendation to Executive Board

To approve a supplementary estimate of £5,970.

2 Background

- 2.1 The Council has used Warwickshire County Council to run its payroll since 1 April 2009. The service was provided free of charge initially, as the County Council could run the North Warwickshire payroll within existing resources.
- 2.2 From April 2014, a charge of £2.50 per payslip has been made, to offset some additional marginal costs incurred and as a contribution towards County Council costs.

3 2017/18 Price Increase

- 3.1 On 5 April 2017 notification was received from the County that it intended to increase the charge it makes, from £2.50 to £4.50 per pay slip, with effect from April 2017. Using pay slip numbers from 2016/17, this would give rise to an increase of £11,942 in the budget needed, from £14,927 to £26,869.
- 3.2 The price increase was queried with County Council officers, who explained that the £4.50 per payslip was required to cover the North Warwickshire proportion of payslips, based on a full cost recovery method. They felt that they had informed Borough Council officers verbally of the price increase a number of months earlier, when discussing the new payroll system they are planning to implement in April 2018. The proposed price increase had been understood by Borough officers to relate to the new system only.

3.3 As a result of some discussions with the County Council, they have agreed to reduce the £4.50 per payslip to an interim price of £3.50 per payslip for 2017/18. Using the number of payslips produced in 2016/17, this will increase costs by £5,970.

4 Conclusion

4.1 County officers have reiterated that £3.50 is an interim charge and the charge will rise to £4.50 per payslip from April 2018. Some work is needed to assess whether the current payroll arrangement will remain economically beneficial for this Council, or if there are potential savings from moving to another payroll provider.

4.2 Preliminary work has begun, as significant work would be involved in moving the payroll, and it would need to start as soon as possible to enable a move by April 2018.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 A supplementary estimate of £5,970 will be needed to top up the existing budgetary provision.

5.2 Environment and Sustainability Implications

5.2.1 Additional costs in this area will add to the financial pressures faced by the Council, leading to greater pressure on the delivery of services.

5.3 Risk Management Implications

5.3.1 Looking for more cost effective options may assist with financial pressures.

5.4 Links to Council's Priorities

5.4.1 Work being undertaken contributes to responsible resource management.

The Contact Officer for this report is Sue Garner (719374).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

**Report of the Assistant Director
(Finance and Human Resources)**

**Risk Management Annual Report
2016/17**

1 Summary

- 1.1 This report is to inform Members of risk management actions undertaken during 2016/17 and the risks identified for 2017/18.

Recommendation to the Board

That progress be noted.

2 Background

- 2.1 Risk is the threat that an event or action will affect the Council's ability to achieve its objectives and to successfully execute its strategies. Risk Management is the process by which risks are identified, evaluated and controlled. It is a key element of the framework of corporate governance. The Council's strategic risks are normally identified by Management Team, who will ensure that processes are in place to control them. They are risks which need to be taken into account in judgements about the medium to long term goals and objectives of the Council. Strategic risk assessments are carried out as part of the corporate, community and service planning process and as a key element of service reviews. Operational risks are identified and managed by each Division.
- 2.2 The risk management framework has been in place now for a number of years and takes into account any areas of perceived weakness identified by officers, including those identified by the Internal Audit section. It is used consistently throughout the Authority. The framework has been reviewed and strategic risk assessments are now scored for both the following year and over the longer term. Risk Management is important as it enables us to ensure that our plans are sound and proportionate to the risks that exist in our area, and enable us to take preventative action where appropriate.
- 2.3 Risk implications are included in all Board reports. A full risk assessment will be included if the report relates to a new service, policy or significant change in service provision. Implications are identified to assist Members in making informed decisions.

3 Work Undertaken During 2016/17

- 3.1 As part of the internal control framework, members of Management Team and Assistant Directors complete an Annual Statement of Assurance on the risks within their area of control. This process informs the Annual Governance Statement, which is a statutory requirement and is reported to Executive Board. The review process carried out for the Statements of Assurance includes an assessment of how identified risks were managed during the year, as well as a forward look at the risks facing the Council and its services in the coming year.
- 3.2 A number of issues were identified in the Annual Governance Statement for 2015/16 which needed to be addressed in 2016/17. Examples of action taken include:
- An updated Procurement and Commissioning Strategy, which includes changes from the revised Public Contracts Regulations;
 - A series of liaison meetings with HS2, and a presentation on business rates to the House of Lords committee assessing the impact of HS2;
 - Finding the required savings for 2017/18 and updating the Medium Term Financial Strategy;
 - Divisions continued to review staffing structures where appropriate;
 - Providing Officer and Member training on child protection issues;
 - A review of the corporate debt and write off policy to ensure it remains fit for purpose;
 - The achievement of PSN and Cyber Essentials Plus certification; and
 - Continuing the programme of Health and Safety service audits.
- 3.3 A lot of other risk management work was undertaken in 2016/17, which was identified through the Statement of Assurance reviews but which wasn't mentioned separately in last years Annual Governance Statement. Examples include: -
- The compilation of a database for Section 106 agreements;
 - A new bin policy was implemented in order to reduce the strain on the refuse collection service from the provision of new and replacement bins, and reduce costs;
 - The implementation of charging for Borough Care and the employment of a temporary staffing resource to promote the service in order to improve the resilience of the service;
 - Involvement in the Trailblazer project, which will assist to anticipate new duties from the Homeless Reduction Bill;
 - A review of all Single Persons Discounts and exemptions relating to Council Tax
 - The commencement of a Strategic Leisure Review by external consultants; and
 - The appointment of a Green Space Officer (Trees).

- 3.4 The forward look at the risks facing the Council in 2017/18 required the 2016/17 strategic and operational risk registers to be updated, to ensure that changes in external factors and service provision or processes were taken into account.
- 3.5 A few changes have been made to the strategic risks of the Council. The scoring of the longer term risk arising from business rates has been reduced to reflect the continued use of a safety net under the new 100% retention scheme, which would limit the financial losses to individual councils. In addition, two new risks have been added following the review:
- Changes to external resources as a result of the new Needs Assessment; and
 - Unplanned development happening across the Borough.
- ... 3.6 A copy of the Authority's 2017/18 Strategic Risk Register is attached as Appendix A. There is one significant risk in 2017/18 and over the longer term (classed as "red"), which is the Impact on the Borough of the HS2 project. The Council has become a qualifying authority, in order to try and increase its ability to mitigate the impacts of HS2 on the Borough.
- ... 3.7 The individual assessments for the red risk is attached as Appendix B. This shows the controls that are already in place to manage the risk.
- 3.8 A review of operational risks in each Division has identified some risks which are no longer appropriate, as well as a few new risks for 2017/18. The new risks relate to:
- Problems with delays caused by the VOA taking significant time to alter the business rate valuation list, which means that significant debts may be raised retrospectively, making it difficult / impossible to collect;
 - The late introduction of the decision to require a hardship relief scheme to be developed for 2017/18, for businesses impacted by the revaluation;
 - The reduction in grant support to the CAB through the Council's Annual Grant Fund;
 - The homelessness reduction bill will introduce fundamental changes to how services to prevent and deal with homelessness are delivered;
 - An increase in the provision of Houses in Multiple Occupation in the Borough, particularly where licences are not required.
- ... 3.9 A summary of the red operational risks and also the highest scoring amber risks are shown at Appendix C. Individual assessments are held for all of these risks, including the controls already in place. Further work will be carried out during 2017/18 to help mitigate these risks.

4 Report Implications

4.1 Safer Communities Implications

4.1.1 There are specific risks identified for the work the Council carries out with partners to help reduce crime and disorder in North Warwickshire. These are reflected within the Partnership Plan of the North Warwickshire Community Safety Partnership and in specific service plans of the Council.

4.2 Legal and Human Rights Implications

4.2.1 The Annual Governance Statement referred to in paragraph 3.1 is part of the legal framework for financial reporting.

4.3 Environment and Sustainability Implications

4.3.1 Having effective risk management will contribute towards the delivery of sustainability and helps the Council continue to provide services to help improve the quality of life for the communities of North Warwickshire.

4.4 Equality Implications

4.4.1 The risk to the Council in not complying appropriately with the requirements of the Equality Act is included as an operational risk. Our corporate approach of including the identification of equality implications in reports to boards wherever appropriate to do so and carrying out equality impact assessments on all significant changes in our policies and practices helps to minimise any associated risks.

4.5 Risk Management Implications

4.5.1 Regular reports, ongoing monitoring, further staff training and the strengthening of partnership arrangements will increase awareness of the importance of Risk Management. Individual risks fall into various categories, such as political, environmental, financial, economic, organisational, legal, technical etc. The implication of each risk is assessed and scored to identify whether there are sufficient controls in place or whether additional action needs to be taken.

The Contact Officer for this report is Sue Garner (719374).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

2017/18 Strategic Risk Register (Reviewed by MT - 9 May 2017)

| No. | 2017/18 Score | | | 2018/19 – 2020/21 score | | | Risk | Responsible Officer | Corporate Objective |
|----------|---------------|--------|-------|-------------------------|--------|-------|--|---------------------|---------------------|
| | Lik'hood | Impact | Score | Lik'hood | Impact | Score | | | |
| 2017 S01 | 3 | 3 | 9 | 2 | 3 | 6 | Council's procurement procedures are inadequate leading to poor VFM or lack of probity | LB | RF&RM |
| 2017 S02 | 2 | 4 | 8 | 3 | 4 | 12 | Insufficient corporate capacity to deal with all the issues facing the Council | JH | RF&RM |
| 2017 S03 | 2 | 4 | 8 | 2 | 4 | 8 | The Council's political arrangements cease to work effectively | JH | RF&RM |
| 2017 S04 | 3 | 3 | 9 | 3 | 3 | 9 | Sickness absence is not managed effectively | SG | RF&RM / IL&WB |
| 2017 S05 | 3 | 4 | 12 | 3 | 4 | 12 | The Council is unable to recruit, motivate and retain appropriately qualified staff | SG | SE&B |
| 2017 S06 | 2 | 4 | 8 | 2 | 4 | 8 | Ineffective response to an incident (or business continuity plan fails) | JH | All Priorities |
| 2017 S07 | 2 | 2 | 4 | 2 | 2 | 4 | Relationships with key partners fail or become ineffective | JH | RF&RM |
| 2017 S08 | 2 | 2 | 4 | 3 | 4 | 12 | Expected efficiency savings and service improvements are not delivered whilst maintaining resilience | CJB | RF&RM |
| 2017 S09 | 2 | 3 | 6 | 2 | 3 | 6 | The Council fails to meet its commitments arising from the Community and Corporate Plans | JH | RF&RM |
| 2017 S10 | 2 | 4 | 8 | 2 | 4 | 8 | The council fails to comply with key legislation | SM | All Priorities |
| 2017 S11 | 3 | 3 | 9 | 3 | 4 | 12 | Inadequate resources to maintain the Council's capital assets | CJB | RF&RM |
| 2017 S12 | 2 | 5 | 10 | 2 | 5 | 10 | Health & Safety is not managed effectively | SG | RF&RM / IL&WO |
| 2017 S13 | 2 | 4 | 8 | 2 | 4 | 8 | Failure to manage staff concerns and well being, in the current economic climate | JH | SE&B |
| 2017 S14 | 3 | 2 | 6 | 4 | 3 | 12 | The instability of the Business Rates system | CJB / BT | RF&RM |
| 2017 S15 | 5 | 4 | 20 | 5 | 4 | 20 | Impact on the Borough of the HS2 project | SM | PC & H |
| 2017 S16 | 2 | 3 | 6 | 2 | 3 | 6 | Impact of open cast mining on the local economy | SM | PC & H |
| 2017 S17 | 3 | 4 | 12 | 3 | 4 | 12 | The impact of the emerging duty to cooperate on the Borough | SM | PC & H |
| 2017 S18 | 2 | 4 | 8 | 2 | 4 | 8 | Failure to manage reputational risk | JH | RF&RM |
| 2017 S19 | 1 | 1 | 1 | 5 | 2 | 10 | Changes to external resources as a result of the new Needs Assessment | CJB | RF&RM |
| 2017 S20 | 3 | 4 | 12 | 2 | 4 | 8 | Unplanned development happening across the Borough | SM | PC&H |

Key – Corporate Priorities

| | |
|-------|---|
| RF&RM | Responsible Financial & Resource Management |
| CSC | Creating Safer Communities |
| PC&H | Protecting our Countryside & Heritage |
| IL&WO | Improving Leisure & Wellbeing Opportunities |
| PS&VC | Promoting Sustainable & Vibrant Communities |
| SE&B | Supporting Employment & Business |

NWBC STRATEGIC RISK REGISTER – 2017/18

RED

Corporate Priority: Protecting Our Countryside & Heritage

| Risk Ref | Risk: Title/Description | Consequence | Likelihood (5 = high, 1 = low) | Impact (5 = high, 1 = low) | Gross Risk Rating | Responsible Officer | Existing Control Procedures | Likelihood(5 = high, 1 = low) | Impact (5 = high, 1 = low) | Net Risk Rating |
|----------|--|---|--------------------------------|----------------------------|-------------------|---------------------|---|--------------------------------|----------------------------|-----------------|
| 2017 S15 | Impact on the Borough of HS2 Project | <ul style="list-style-type: none"> • Loss of open spaces/community assets- may need to provide elsewhere • Loss of residential properties • Air/noise pollution • Temporary increase in employment – possible stimulus to local economy • Road/ travel disruption • Reduced property prices • Loss of business rates | 5 | 4 | 20 | ACE&StC | <ul style="list-style-type: none"> • The Council is a Qualifying Authority, which gives a little more influence • Membership of local authority group pushing for mitigation • Representation to Select Committee on the potential impact of the loss of business rates • Participation in the Special Management Zone for North Warwickshire • Continued lobbying of Government | <u>17/18 Score</u> 5 | 4 | 20 |
| | | | | | | | | <u>18/19 – 20/21</u> 5 | 4 | 20 |
| Risk Ref | Options for additional / replacement control procedure | | | | | | Cost Resources | Likelihood (5 = high, 1 = low) | Impact (5 = high, 1 = low) | Net Risk Rating |
| | | | | | | | | | | |

Responsible Officer: ACE&StC

Reviewed and Updated: 9 May 2017 by Management Team

SUMMARY OPERATIONAL RISK REGISTER 2017/18

| Risk Register number 2017/18 | Risk | Gross Score | Net Score | Colour | Division | Corporate Priority |
|------------------------------|---|-------------|-----------|--------|---------------------------------|--------------------|
| 2017 ACE07 | Major incident – out of hours not responded to | 20 | 12 | Amber | ACE & StC | PC&H, RF&RM |
| 2017 ACE22 | North Warwickshire is considered a low priority for the allocation of resources commissioned by the PCC and for the use of policing resources | 20 | 12 | Amber | ACE & StC | CSC |
| 2017 LCD08 | Loss of external funding support for service provision | 25 | 12 | Amber | Leisure & Community Development | All Priorities |
| 2017 LCD13 | Failure to maintain the Borough Council's tree stock to an appropriate level of safety and sustainability | 25 | 12 | Amber | Leisure & Community Development | PC&H, RF&RM |
| 2017 SS01 | Failure to maintain assets | 20 | 12 | Amber | Streetscape | RF&RM |
| 2017 SS14 | Reduced / no market for recyclable materials | 20 | 15 | Red | Streetscape | RF&RM, PC&H |

| KEY – Corporate Priorities | |
|----------------------------|---|
| RF&RM | Responsible Financial & Resource Management |
| CSC | Creating Safer Communities |
| PC&H | Protecting our Countryside & Heritage |
| IL&WO | Improving Leisure & Wellbeing Opportunities |
| PS&VC | Promoting Sustainable & Vibrant Communities |
| SE&B | Supporting Employment & Business |

Agenda Item No 12

Resources Board

22 May 2017

**Report of the
Deputy Chief Executive**

**Annual Treasury Report for
2016/17**

1 Summary

- 1.1 This report shows the out-turn for 2016/17 and highlights any areas of significance. The report also seeks to clarify a potential area of confusion in the 2017/18 Investment Strategy.

Recommendation to the Board

- a That the Annual Treasury Report for 2016/17 be noted; and**
- b That the 2017/18 Investment Strategy be amended to include the clarification set out in the report and Appendix A.**

Recommendation to the Council

- c That the Annual Treasury Report be approved; and**
- d That the amended 2017/18 Investment Strategy be approved.**

2 Report

- 2.1 The Council is required through regulations issued under the Local Government Act 2003 to produce an annual treasury report reviewing treasury management activities and the actual prudential and treasury indicators for 2016/17. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management 2009 (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

- 2.2 During 2016/17 the minimum reporting requirements were that the Resources Board and full Council should receive the following reports:

- An annual treasury strategy in advance of the year (Resources Board 25 January 2016);
- A mid year treasury update report (Resources Board 14 November 2016); and
- An annual report following the year describing the activity compared to the strategy (this report).

- 2.3 In addition, a report on the treasury management position through four periods was received on 6 September 2016.
- 2.4 The regulatory environment places an onus on Members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.
- 2.5 This Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Resources Board before they were reported to the full Council. Member training on treasury management issues was undertaken in March 2010 in order to support Members' scrutiny role. No further training took place in 2016/17.
- 2.6 Treasury Management in this context is defined as: *The management of the local authority's investments and cash flows, its banking, money market and capital transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.*
- 2.7 The Annual Treasury report covers:
- The Council's treasury position as at 31 March 2017
 - Performance measurement
 - The strategy for 2016/17
 - The economy in 2016/17
 - The borrowing out-turn for 2016/17
 - Compliance with treasury limits and Prudential Indicators
 - Investment rates in 2016/17
 - Investment out-turn for 2016/17

3 Current Treasury Position as at 31 March 2017

- 3.1 The Council's debt and investment position at the beginning and end of the year was as follows:

| | 31 March 2016 Principal £m | Ave Rate % | 31 March 2017 Principal £m | Ave Rate % | Average Life Years |
|--------------------------|---|---------------------------|---|---------------------------|-----------------------------------|
| Fixed Rate Funding: PWLB | 54.989 | 2.71 | 53.539 | 2.79 | 10.27 |
| Internal borrowing | 15.126 | 0.88 | 15.167 | 0.65 | 22.72 |
| Short-term Funding | - | - | - | - | - |
| Total Debt | 70.115 | 2.29 | 68.706 | 2.28 | 12.96 |
| Investments | 14.689 | 0.88 | 16.563 | 0.65 | 187 days |

- 3.2 The investments held include £1,946,085 held on behalf of other organisations (£1,362,193 in 2015/16).

4 Performance Measurement

- 4.1 Part of the Code relates to the use of performance measurement relating to investments, debt and capital financing activities. Whilst investment performance criteria have been well developed, this is still a difficult area for a small Authority with limited cash balances, as generally we are only able to place funds for short periods and consequently at lower rates. For this reason, we measure investment interest against the 7 day LIBID rate.
- 4.2 As a member of the Capita Investment Benchmarking Group for the region, we can compare our treasury performance against those of other authorities in the Warwickshire, Worcestershire and Oxfordshire region. Overall for 2016/17, our performance has compared favourably to these authorities, with our investment portfolio deemed to have been 'Above' the average benchmarked performance.

5 The Strategy for 2016/17

- 5.1 Within the Treasury Strategy for 2016/17 it was assumed that interest rates would start to rise during the year, progressing to 1% by December 2016, as greater economic certainty became evident.
- 5.2 Even with this expected increase, the treasury strategy was to postpone external borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk. As a result we continue to use internal borrowing for General Fund debt.

6 Borrowing Outturn for 2016/17

- 6.1 The Council's external borrowing of £53.539 million at the 31 March 2017 is shown below, and relates entirely to the Housing Revenue Account (HRA). The repayments were profiled to take account of expected surpluses in the HRA, having regard to the HRA Business Plan, whilst still allowing some flexibility within the plan for unexpected events.

| Years | Total loans £000 | Rate % |
|-------|---------------------|-------------|
| 1-5 | 9,300 | 1.5 – 2.4 |
| 6-10 | 12,010 | 2.56 – 3.01 |
| 11-15 | 18,280 | 3.08 – 3.30 |
| 16-19 | 3,949 | 3.34 |
| 20-25 | 10,000 | 3.49 – 3.50 |

- 6.2 The Council had no short term borrowing during the year.

7 Investment Out-Turn for 2016/17

- 7.1 The Council's investment policy is governed by CLG guidance, which has been implemented in the annual investment strategy. The Council manages

its investments in-house with the institutions which fulfil its requirements with regards to credit ratings and security. Investments were made for a range of periods, although predominantly in Certificate of Deposits, enhanced money market funds and money market funds.

- 7.2 The Council invested with external bodies on 61 occasions when the bank accounts had a surplus of funds. Investments were made in a Certificate of Deposit (through broker King & Shaxson) on 8 occasions and in a Money Market Fund 46 times. The remaining 7 investments were with banks for a fixed term. Funds were invested over a range of periods to take advantage of favourable interest rates or to fund expenditure later in the year, e.g. payment of precepts. The average amount invested was £1,295,333. The average total investment held was £22 million, and the rate of return was 0.72%, compared with the average 7 day rate of 0.11%, earning a total of £139,836 in the year.

8 Prudential Indicators

- 8.1 The 2003 Prudential Code for Capital Finance in Local Authorities introduced requirements for the way in which capital spending plans are to be considered and approved. The prudential code was developed which requires the Council to consider the affordability of its proposals, their prudence and sustainability, value for money, asset management planning, practicality and service objectives.
- 8.2 The Council is required to set and review regularly a range of indicators that have been developed as part of the Code, which will be used to support capital investment decision-making. In February 2016, the capital prudential indicators for 2016/17 were reported to the Executive Board as part of the 3-Year Capital programme and the treasury indicators were reported to the Resources Board as part of the Council's Treasury Policy Statement and Annual Treasury Strategy Statement.
- 8.3 During the financial year the Council operated within the treasury limits. The Council's Prudential Indicators will be reported to Executive Board in June.

9 Clarification of the 2017/18 Annual Investment Strategy

9.1 Due to a concern that the individual counter party limits included in the 2017/18 Investment Strategy may be confusing when considered alongside the Group Limit of 30% of total investments, a revised Counter Party Limit sheet is attached at Appendix A. This indicates where the individual investment limits relate to a single transaction, but where more than one transaction with a Counter Party is permitted, provided that any Group limit associated with the Counter Party is not breached.

10 Report Implications

10.1 Finance and Value for Money Implications

10.1.1 During 2016/17 the net interest earned on investments was £139,836.

10.2 Environment and Sustainability Implications

10.2.1 By having effective and prudent treasury management, this contributes towards sustainability and providing services that improve the quality of life for the communities of North Warwickshire.

10.3 Risk Management Implications

10.3.1 Credit ratings are used in assessing the institutions on the lending list and the maximum investment level permitted.

The Contact Officer for this report is Daniel Hogan (719337).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

Counter Party Limits

| | |
|--------------------|---|
| Group Limit | Up to 30% of total investments |
| Other Limits | Up to 50% of total investments may be invested for a period of more than 1 year |
| | Up to 100% of total investments may be invested with UK institutions |
| | Up to 50% of total investments may be invested in non UK institutions |
| | Up to 100% of total investments may be invested for a period of up to 1 year |
| | Up to 20% of the investment portfolio in any one country outside the UK |
| Money Market Funds | As the funds are spread over a large number of institutions, these do not form part of any group limit. |
| Cash Funds | As the funds are spread over a large number of institutions, these do not form part of any group limit. |
| Property Funds | As the funds are spread over a range of properties, these do not form part of any group limit. |

Individual Investment Limits

| Fitch Ratings | Investment Duration | Investment Limit |
|-------------------------------|----------------------------|-------------------------|
| AAA – Money Market Fund (MMF) | 12 months and over | £5,000,000 |
| AAA – Cash Fund (eMMF) | 12 months and over | £3,000,000 |
| AAA – Property Fund | 12 months and over | £2,000,000 |

Individual Transaction Limits relating to Groups

| Fitch Ratings | Investment Duration | Investment Limit |
|--------------------------------|----------------------------|-------------------------|
| AAA – Supranational Bank | 12 months and over | £2,500,000 |
| AAA – Supranational Bank | Less than 12 months | £3,000,000 |
| AA+ | 12 months and over | £2,000,000 |
| AA+ | Less than 12 months | £2,500,000 |
| AA | 12 months and over | £1,750,000 |
| AA | Less than 12 months | £2,250,000 |
| AA- | 12 months and over | £1,500,000 |
| AA- | Less than 12 months | £2,000,000 |
| A+ | 6 to 12 months | £1,500,000 |
| A+ | Less than 6 months | £1,750,000 |
| A | 6 to 12 months | £1,000,000 |
| A | Less than 6 months | £1,500,000 |
| A- | 6 to 12 months | £750,000 |
| A- | Less than 6 months | £1,250,000 |
| Nationalised/Part-Nationalised | 12 months and over | £1,750,000 |
| Nationalised/Part-Nationalised | Less than 12 Months | £2,250,000 |

Agenda Item No 13

Resources Board

22 May 2017

Report of the Assistant Director (Housing)

Rent Collection Policy

1 Summary

- 1.1 This report presents an updated rent collection policy and outlines how the Council will manage the collection of rent from tenants living in its housing stock.

Recommendations to the Resources Board

- a That Members note the excellent rent collection performance at the end of the 2016/17 financial year; and**
- b That Members adopt the updated Rent Collection Policy as attached at Appendix A with immediate effect.**

2 Consultation

- 2.1 Meetings have been held with members of the Borough Wide Tenants Forum to obtain their feedback on the Council's rent collection procedures from a tenant view point.

3 Introduction

- 3.1 The Rent Collection Policy outlines the Council's approach to collecting rent from North Warwickshire Borough Council tenants. It has regard to the Council's Corporate Debt Strategy agreed by Resources Board on 23 May 2016 in that the Council will adopt a holistic approach to the recovery of debts owed. Many of our tenants experience financial hardship and multiple debts at some point in their tenancy and the Council's seeks to adopt a firm but fair approach to rent arrears recovery, which is sensitive to individual's circumstances. This will include understanding people's circumstances and assisting them to maximise their income.

- 3.2 We recognise that some tenants may be adversely affected by welfare changes and we work closely with the Revenue and Benefits team to understand which tenants are most likely to be affected so that appropriate advice and assistance can be offered. There has been a steady increase in the number of tenants receiving Universal Credit which is likely to affect the tenant's ability to make rent payments when they are due. Universal Credit payments are paid 4 weeks in arrears and therefore there is an implication of when the tenant is able to pay the rent element to the Council. Currently, the impact of the introduction of Universal Credit has been limited however; we will need to monitor this closely as it is phased in.
- 3.3 The total debt at the end of March 2016/17 was £111,317 with 460 tenants in arrears, compared with £127,443 and 536 tenants in arrears at the end of 2015/16. The improvement on the collection rate by the team indicates the priority that it takes over other tasks however as Universal Credit is rolled out this collection rate will come under pressure.
- 3.4 The current tenant arrears as a percentage of rent due has fallen again this year from 1.07% at 31/3/16 to 0.95%. This is a very pleasing year end performance in the face of continued austerity, the rise in the cost of living and the impact of welfare reform changes.

4 **Rent Collection Policy**

- ...
- 4.1 The Rent Collection Policy attached at Appendix A has been updated to take account of both current practices in the Council and the future anticipated challenges in collecting the rent including:
- The impact of welfare reform changes which are wide ranging and may affect people's ability to pay
 - The introduction of Universal Credit which will place greater responsibility on our tenants to make the right decisions in respect of budgeting and money management
 - The impact of rising fuel, food and other household costs particularly for those on low wages who tend to live in social housing
 - The increasing levels of debt experienced by some tenants
- 4.2 The Council aims to collect 100% of all rent due. If this is not possible, we will aim to minimise the level of rent arrears in a sensitive, but effective manner. Advice and guidance will be provided to tenants to enable them to maximise their income and negotiate realistic repayment plans.

4.3 The overarching approach is to prevent accruing rent arrears by tackling the underlying causes of rent arrears. Some of the most common reasons for rent arrears include:

- Housing Benefit and Universal Credit difficulties
- Loss of income due to changes in personal circumstances (e.g., illness, death of a partner or relationship breakdown, increase in the number of dependents)
- Low income (e.g. due to unemployment, low paid work or low take-up of benefit) and changes in income
- Multiple debts and competing priorities
- Difficulty in managing finances

Therefore we will aim to prevent problems from occurring and thereby prevent arrears by:

- Promoting a payment culture among tenants encouraging them to pay the right rent at the right time;
- Making early contact with tenants if they fail to pay their rent
- Promoting and continuing to improve the availability of appropriate payment options
- Maximise tenants income by providing appropriate financial advice and information

4.4 Information and advice to tenants about paying their rent will be provided at all stages including during the housing application process (pre-sign up), at the sign up and when they become a tenant (post sign up). Tenants will be encouraged to make early contact with the Council if they are struggling to pay their rent so that appropriate advice and support can be provided.

4.5 A dedicated Tenancy Sustainment Officer will offer additional support to those tenants or applicants who may be struggling financially. This may include debt advice and assisting tenants to maximise their income by helping them to make claims for benefits and reduce their debts. Referrals will be made to specialist debt agencies where appropriate or other support providers. If the arrears can not be paid in full, a repayment arrangement will be made that is realistic and takes into account the tenants financial circumstances.

4.6 If payments are not maintained and arrears continue to accrue the Council will follow its rent recovery procedures. These procedures adopt an incremental approach based on a staged escalation process and have been formulated to ensure compliance with the Court Pre-Action Protocol (Appendix 1). We will explain the action we are taking at all stages of the process and continue to offer advice and support that will assist the tenant to reduce and clear the arrears.

4.7 Where a Notice of Seeking Possession has been served and the arrears continue to escalate or have not reduced the Council will progress legal action through the county court. The Council will usually seek a Suspended

Possession Order which requires the tenant to pay their rent plus an agreed amount towards their arrears plus costs and a money judgement order but will seek an outright Possession Order where no agreement has been reached or the tenant has failed to engage. If the tenant does not keep to the terms of the court order then the Council is required to seek consent from the Court to make application for an eviction warrant. Eviction will be sought only where a Suspended Possession Order has been breached and all other action has failed. The tenant is able to ask for the eviction warrant to be suspended and when making their decision the Judge will consider whether the Council's request is necessary, reasonable and proportionate.

- 4.8 Vulnerable people are at increased risk of accruing rent arrears. In these circumstances we will follow our escalation procedure but extra visits may be organised. We will liaise with the tenants support worker or advocate if they have given us permission to do so. The type and style of communication used will be on a case by case basis and home visits will be made where necessary.

5 Conclusion

- 5.1 The Rent Collection Policy provides an effective, consistent and fair approach to rent recovery, whilst minimising the risk of hardship to individuals. It ensures that the Council has a pro-active and preventative approach to managing rent arrears that will maximise the Council's income from rent.

- 5.2 Rent collection performance is monitored as part of the Housing Division's monthly and annual performance indicator report. Monitoring of the implementation of the rent collection policy and the associated procedures will consider:

- How easily tenants can access advice and assistance in managing their rent arrears
- The performance against targets set out in the policy and procedures
- The efficiency costs of delivering the policy and procedures balanced against the percentage of rent recovered
- Customer feedback including learning from complaints and compliments

6 Report Implications

6.1 Financial and Value for Money Implications

- 6.1.1 The policy aims to maximise rent income from tenants in order to achieve our aims of delivering an efficient and effective housing management and maintenance service.

- 6.1.2 Income from rent and service charges is the most significant income that is used to pay for the delivery of the housing management and maintenance service. Therefore, if this income reduces it could affect the amount of money available to invest in the housing stock.

6.1.3 The rent collection policy aims to assist tenants to sustain their tenancies. High turn over of stock can increase the Council's void costs.

6.1.4 The rent collection policy aims to avoid legal action if possible by taking early preventative action. Legal action results in court costs for the tenant as well as officer time in attending court. Eviction costs are also a financial burden to the Council.

6.2 Safer Communities Implications

6.2.1 Maximising people's incomes and providing support for people in debt should have a positive affect on the incidence of crime, whether committing fraud or seeking to supplement income from other means.

6.3 Legal and Human Rights Implications

6.3.1 The rent collection policy complies with the requirements of the Housing Act 1985, Section 84, Schedule 2, Part 1 which specifies the grounds on which the Court may order possession if it considers it reasonable. The policy also complies with The Housing Act 1996 c.52 Part V Chapter 1 which contains the proceedings for possession of an introductory tenancy.

6.3.2 The rent collection policy will ensure that all tenants are dealt with in a fair and consistent way. Vulnerable tenants will receive additional support where necessary and the Council will work with the tenants support worker or advocate.

6.4 Environment and Sustainability Implications

6.4.1 The Council aims to assist tenants to sustain the tenancies and therefore the wider community.

6.5 Equalities Implications

6.5.1 The policy ensures equality of access to all tenants and that we continue to promote with equality related objectives with help and assistance to tenants being enhanced during a time of reducing incomes.

6.6 Links to Council's Priorities

6.6.1 One of the Council's priorities is to listen and work with our tenants to maintain and improve our housing stock and provide affordable housing in the right places.

The Contact Officer for this report is Helen Hughes (719)

APPENDIX A



**North Warwickshire
Borough Council**

2017/BR/010316

North Warwickshire Borough Council

Housing Management Rent Collection Policy

Housing Management Rent Collection Policy

1. Policy Statement

- 1.1 North Warwickshire Borough Council (the Council) aims to maximise rent income from tenants in order to achieve our aims of delivering an efficient and effective housing management and maintenance service that is recognised for its high standards of customer care.
- 1.2 The terms of the Tenancy Agreement requires tenants to pay their rent weekly and in advance. The Council will encourage tenants to pay the 'Right Rent and the Right Time' and ensure that tenants are clear of their responsibilities at all stages of their tenancy.
- 1.3 We will adopt a firm but fair approach to rent arrears recovery, which is sensitive to individuals circumstances. We will take proactive steps to prevent and minimise the build-up of rent arrears where possible, recognising that from time to time tenants may experience financial difficulties. In these circumstances, we will aim to support and work with tenants at the earliest opportunity to offer tailored advice and support.
- 1.4 We offer a range of payment options to enable tenants to pay their rent in a way that suits them. We will review the payment options available in consultation with our tenants and ensure they provide good value.
- 1.5 We are committed to assisting tenants to sustain their tenancies because failed tenancies cost the Council and our tenants financially and can be detrimental to creating sustainable communities if tenants come and go. We will provide additional support to those tenants experiencing difficulties by providing a specialist support officer who will develop a plan of action with the tenant to address their particular tenancy difficulty. Referrals will be made to other housing related support services where necessary to help a tenant sustain their tenancy.
- 1.6 We are committed to working in partnership with local voluntary and specialist advice agencies that deliver independent financial advice to help tackle financial exclusion and provide assistance to individuals experiencing financial difficulties. We will participate in financial inclusion initiatives and develop our networks with all relevant partners.
- 1.7 This policy is relevant to all types of tenancies. In relation to Introductory and Flexible Tenancies, this policy must be read in conjunction with the Council's Introductory and Flexible Tenancies policies. All recovery work will be undertaken in conjunction with the Council's Corporate Debt Strategy which states that the Council will adopt a holistic approach to the recovery of debts owed. Also that the Council will identify high risk customers e.g. those impacted by future welfare changes, new tenants, who are most likely to get into financial difficulties and take proactive action to safeguard further revenue income and establish satisfactory payment arrangements.

2. Aims and Objectives

- 2.1 The Council's ultimate aim is to collect 100% of all rent due. If this is not possible, the Council's Rent Collection Policy is to minimise the level of rent

arrears in a sensitive, but effective manner. Advice and guidance will be provided to tenants to enable them to maximise their income and negotiate realistic repayment plans.

2.2 The Council aims:

- To make tenants clear of their responsibility to pay their rent in accordance with the conditions of their tenancy;
- To offer early appropriate professional support and guidance to tenants to reduce rent arrears;
- To monitor levels of rent arrears and have early intervention mechanisms in place which prevent rent arrears arising;
- To take appropriate action in accordance with the level of rent arrears;
- To avoid any unnecessary court action that will result in additional cost to the tenant and work in line with the court protocol;
- To use eviction as a last resort where repayment arrangements have not been made, or are being continually broken;
- To provide a wide range of payment options that provide value for money and make it easy for tenants to make a payment;
- To provide good information for tenants in a variety of formats that is clear about what they need to pay and the importance of paying promptly in accordance with their conditions of tenancy.
- To provide support and assistance in a variety of ways to help tenants sustain their tenancies
- To take a holistic approach having regard to the Council's Corporate Debt Strategy which considers all debts owed by the tenant when negotiating repayments plans

3. Tenant Responsibilities

- 3.1 The term 'tenant' includes sole and any joint tenants; they are jointly and severally liable for the payment of rent. This means that each person is fully responsible for the payment of rent and any arrears of rent. All North Warwickshire Borough Council tenants sign a tenancy agreement and have an obligation to pay their rent on time.
- 3.2 Tenants have an obligation under the terms and conditions of their Tenancy Agreement to pay rent due every week, in advance. It is the tenant's responsibility to notify the Council of any changes in their circumstances, which may affect their ability to pay their rent.
- 3.3 Rent charges may be altered from time to time and are reviewed each year in line with government policy. Any change will take place from the first Monday in April each year and the Council will give a minimum of 4 weeks notice.
- 3.4 The Council has the right to offer additional services which have to be paid for as part of rent or additional service charges; however tenants will be consulted before new services are introduced and are given an opportunity to end their tenancy before the new services and charges are introduced.

4. Prevention of Arrears

- 4.1 Preventing accruing rent arrears is critically important as arrears are not only financially and socially damaging to an individual as they risk losing their home, but also the costs associated with legal action and eviction, mean that arrears are also a financial burden to the Council.
- 4.2 In order to prevent arrears, the Council recognises that it must tackle the underlying causes. Some of the most common reasons for rent arrears include:
- Housing Benefit (HB) and Universal Credit (UC) difficulties;
 - Loss of income due to changes in personal circumstances (e.g., illness, death of a partner or relationship breakdown, increase in the number of dependants);
 - Low income (e.g. due to unemployment, low paid work or low take-up of benefit) and changes in income;
 - Multiple debts and competing priorities;
 - Difficulty in managing finances
- 4.3 North Warwickshire Borough Council aims to prevent problems from occurring and thereby prevent arrears by:
- Promoting a payment culture among tenants encouraging them to pay the right rent at the rent time;
 - Making early contact with tenants if they fail to pay their rent;
 - Promoting and continuing to improve the availability of appropriate payment options;
 - Maximising tenants income
- 4.4 The Council aims to promote a culture where payment is encouraged and where tenants are aware of where they can access financial advice if it is needed. The Council will make early contact with tenants who fall into arrears and encourage tenants to contact us at an early stage if they are having difficulty making payments so that appropriate advice can be provided.

5. Pre-Sign Up

- 5.1 It is important that all tenants have a clear understanding of their legal obligations to pay the right amount of rent at the right time and making it clear that paying rent is their responsibility. The Council will give assistance to tenants to maximise their income including making a claim for housing benefit or other benefit entitlements however, the tenant has responsibility for progressing their claim to enable them to pay their rent.

- 5.2 As part of the housing application process, various checks are undertaken regarding previous tenancy history, references are sought from the applicant's previous landlord and some applicants may be in debt or suffering financial hardship. In these situations, the applicant will be required to complete a financial statement so that there is a clear understanding of the applicant's financial situation and whether there are affordability issues. The Tenancy Sustainment Officer will work with the applicant to assist them to address any issues e.g. negotiating repayment plans for former tenancy arrears, giving debt advice. A referral may be made to other debt advice agencies where appropriate e.g. Citizens Advice Bureaux. The Council needs to be clear that the applicant will be able to afford the rent when they become a tenant.
- 5.3 Prospective tenants will be informed of the importance of paying rent in advance and that they will be required to bring a payment of rent at the sign up. If the applicant does not bring the payment to the sign up meeting they will not be signed up without the permission of the Tenancy and Neighbourhood Services Manager. The property offer letter will include details of the rent due and that payments are due in advance.
- 5.4 Prior to the sign up the Tenancy Services Officer will contact the prospective tenant to explain the purpose of the sign up. This will include the requirement to pay their rent. Where appropriate the Tenancy Sustainment Officer may continue to work with the tenant to assist with any difficulties they may have and to maximise their income by helping them to make claims for benefits.

6. Sign Up

- 6.1 The Tenancy Services Officer will work to the sign up procedure which includes a check list of all actions that need to be covered during the sign up. Officers will make payment of rent a major part of the sign up procedure and explain that payment of rent is the tenant's responsibility. Information and advice will be given about what they should do if they experience any financial difficulties or their circumstances change. The Officer will:
- Remind the tenant of their responsibility to pay rent on time and explain the consequences of non-payment;
 - Give the tenant a Tenants Handbook and go through the section regarding rent payments;
 - Go through the Tenancy Agreement and their responsibilities before it is signed;
 - Take at least one weeks rent by debit or credit card, advising the tenant of the surcharge if they choose to pay by credit card;
 - If applicable, ensure that the tenant has claimed for Housing Benefit or Universal Credit and if this is the case has returned their claim with all the accompanying documentation;
- 6.2 Information will be given on:
- When rent is due;
 - Services charges if applicable and what is included;

- How rents will be reviewed;
- Applying for benefits and how much is likely to be paid in line with Housing Benefit and Universal Credit guidelines;
- Local Housing Allowance Cap for the Social Rented Sector;
- Shared Accommodation rate for single people under 35 years;
- Maximum backdating for Housing Benefit is 1 month

7. Payment Methods

7.1 The Council aims to ensure that tenants are able to pay their rent as easily as possible, in a way that suits them and their lifestyle. The Council does this by providing a range of different payment options which take into account today's technology but also provide more traditional payment options. These options include:

- Payment by direct debit or standing order;
- Over the phone or on line by debit or credit card;
- At the Council's One Stop Shop by debit or credit card;
- Swipe payment card, which can be used at any Post Office or Payzone point

7.2 Tenants will be encouraged to pay by direct debit as this is the most cost effective way to pay. Tenants will be required to pay in advance to ensure the account does not fall into arrears during the payment cycle.

7.3 Other payment types

7.3.1 **Housing Benefit (HB)** – It is the Tenants responsibility to make any claim for benefits that they have an entitlement to, however, we will assist Tenant/s with their HB applications if necessary, this is in line with the Pre-Action Protocol for Possession Claims by Social Landlords, which states:

“The landlord and tenant/s should work together to resolve any housing benefit or universal credit (housing element) problems”.

7.3.2 **Discretionary Housing Payment (DHP)** – In some cases the Tenant may be eligible for Discretionary Housing Payment. We will provide assistance to the Tenant with applying for DHP.

7.3.3 **Attachment of Benefit (AOB)** – In the instance of Tenants being in receipt of an eligible benefit an application is to be made to the relevant agency to seek an attachment of benefit.

7.3.4 **Attachment of Earnings (AOE)** – If the Tenant/s is willing to approach their employer it is possible for their rent to be paid directly to the Council to clear and/or prevent debt, this can be suggested to the Tenant however they will have to progress this.

7.3.5 Direct Payment (DP) /Universal Credit (UC) – The Tenant is able to request that the housing element of UC is paid directly to the Landlord at initial application of UC; however, this will be in arrears. If the account falls into arrears the Landlord, at week 8, of the arrear can ask the Department of Work and Pensions (DWP) to consider if an Alternative Payment Arrangement would be an appropriate course of action.

8. Setting in Visits

8.1 All tenants will receive a settling in visit approximately 4 weeks after they have moved in. A check will be made on the rent account and the Tenancy Services Officer will be prepared to discuss rent payments and methods of payment with the Tenant/s. The visit also gives the opportunity to act quickly if arrears have started to accrue.

9. Management of Arrears

9.1 We will ensure that prompt action is taken whilst the debt is still at low level. The main elements of our approach will be:

- Contacting Tenants after one missed debit cycle and then continuing to monitor regularly;
- Establish the reasons for non-payment and reach realistic and affordable arrangements upon completion of an income and expenditure form;
- Adopt a sensitive, empathetic and practical approach with emphasis on early intervention and prevention;
- A record of all interviews and visits will be recorded and Tenants will have confirmation of agreements in writing;
- All letters will have a named officer and direct contact details and will be saved electronically in the Council's document management system;
- We will ensure that Officers are knowledgeable on the range of welfare benefits and the eligibility criteria for these;
- We will encourage payments by Direct Debit;
- We will provide a dedicated Tenancy Sustainment Officer that will assist tenants that may be having difficulty paying their rent;
- We will work in partnership with agencies that provide debt advice services

10. Good quality Information

10.1 The importance of paying rent will remain high profile with all tenants during their tenancy by providing them with clear and up to date information by way of:

- Face to face communication during home visits of any description and other verbal and written interactions
- Newsletters
- Sending rent statements
- Direct Debit campaigns
- Annual information on rent increase / decrease
- On line information

11. Performance Management

11.1 Performance management is integral to successful income management. The overall collection of rent will be monitored as a part of the Housing Division's monthly and annual performance indicators which include: -

- Proportion of rent collected (including current arrears brought forward)
- Rent collected as % of rent owed excluding arrears brought forward
- Total tenants arrears at the end of the year as % rent due
- Number of tenants more than 7 weeks (gross) arrears as a % of total number of tenants; snap shot
- Number of tenants paying by Direct Debit
- % of tenants in arrears who have had Notices of Seeking Possession served
- Number of NSP's served
- Number of tenants evicted
- % of LA evicted as a result of rent arrears

11.2 Individual performance management will take place during one to one's which will be held on a monthly basis. Any case over £1,000 or 7wks + will be reviewed and considered by the Tenancy and Neighbourhood Services Manager. The Tenancy Services Officer will be required to account for these cases and provide any recommendations.

11.3 The Housing Services Manager will monitor performance with the Tenancy and Neighbourhood Services Manager. Cases over £1,000 will be reviewed by the Housing Services Manager as part of the Tenancy and Neighbourhood Services Manager performance reporting meeting.

11.4 Eviction reports will be prepared by the Tenancy Services Officer detailing all actions that have taken place. Non-family households will be presented to the Tenancy and Neighbourhood Services Manager for approval and sign off. These cases will be reported to the Housing Services Manager. Family-

households will be presented to the Housing Services Manager for approval and sign off, once agreed by the Tenancy & Neighbourhood Services Manager.

- 11.5 If there are children under the age of 18 in the household, MASH (Multi Agency Support Hub) will be notified in accordance with the county wide agreed protocol. Adults Safeguarding Team will be advised in the case of a vulnerable adult.
- 11.6 Individual Officers will access information relevant to their rent accounts on a weekly basis; this data will assist in mapping their progress and identifying areas of concern. Individual performance data will be produced by the Tenancy and Neighbourhood Services Manager and reported to the Housing Services Manager.

12. Recovery Procedures

- 12.1 The Council will progress the recovery of arrears in accordance with our rent recovery procedures, with an emphasis on maintaining regular personal contact throughout the recovery process. The recovery procedures adopt an incremental approach based on a staged escalation process and have been formulated to ensure compliance with the Court Pre-Action Protocol (Appendix 1).
- 12.2 Early contact is known to be effective in reducing debt and is expected by the Courts as stated in the Court Pre-Action Protocol which at Part 2.1 states “The Landlord should contact the tenant as soon as reasonably possible if the tenant falls into arrears to discuss the cause of the arrears to discuss the cause of the arrears, the tenant’s financial circumstances, the tenant’s entitlement to benefits and repayment of the arrears”.
- 12.3 We will use a variety ways to contact tenants that take into account the tenants circumstances and the nature of the contact including letters, telephone, text messages, emails, home visits and office interviews. Letters will be used to confirm actions and agreements.
- 12.4 We will encourage tenants to contact us if they are having difficulties paying their rent. We will ascertain why they are experiencing difficulties and offer appropriate advice. A financial assessment/income and expenditure form will be completed with the tenant where appropriate. If there are multiple debts the Tenancy Services Team will have regard to the Corporate Debt Framework and work with colleagues in Revenues and Benefits to ensure that the rent is treated as a priority debt. Referrals will be made to specialist debt agencies i.e. Citizens Advice Bureaux (CAB) where appropriate or to the Council’s Tenancy Sustainment Officer. If the arrears can not be paid in full, a repayment arrangement will be made that is realistic and takes into account the tenants financial circumstances and ability to pay.
- 12.5 If payments are not made and re-payment arrangements are not adhered to the tenant will be advised in writing that a Notice will be served. At least a month before court proceedings the Council will serve a ‘Notice of Seeking Possession’ (for a secure or flexible tenancy), a ‘Notice of Proceedings for

Possession' (for an introductory tenancy) or a 'Notice to Quit' (where temporary accommodation has been provided or someone has been left in occupation). Each notice will explain why the Council is seeking to repossess their home and will give a date after which court proceedings will take place. The notice also advises tenants to contact agencies that are able to offer support including CAB and to seek their own legal advice.

- 12.6 Legal proceedings to repossess a property will be instigated where there is a serious level of persistent arrears and the tenant will not make or adhere to an agreement with the Council to reduce the arrears.
- 12.7 We will ensure that all cases progressed to court comply with the Court Pre-Action Protocol and relevant statutory requirements. At all stages of the legal process we will inform the tenant of the reasons for the action and where they can get support and advice. Where legal proceedings take place the Council will request an order for court costs and these will be re-charged to the tenant.
- 12.8 Before court proceedings, the Tenancy Services Officer will endeavour to assess the tenant's income and expenditure and discuss arrangements to pay back the arrears. This may be via the Court Solicitor on the date of the court hearing. If an arrangement is not made the Council will apply for an outright possession order, which allows the Council to apply for a bailiff to evict the household after a court order has been made.
- 12.9 If an arrangement is agreed then the Council will apply for a Suspended Court Order, where the tenant is allowed to remain in the property on the condition of the court order (normally that they pay rent plus a repayment amount). If the tenant breaks the conditions then the Council can apply to the courts for the bailiff to evict the household. The Council will also request a Money Judgement Order, which enables the amount specified on the order to be recovered even after the tenant has left the property, if they do not pay the arrears in accordance with the Suspended Possession Order. The Council will also request the court costs to be added to the rent arrears to be paid by the tenant.
- 12.10 We will only make an application for an eviction warrant where a suspended possession order has been breached and all other action has failed. Where the court grants an Order for Possession, we will also seek to obtain a money judgement order, allowing future recovery of the debt after eviction.
- 12.11 The Council aims to keep tenants informed at each stage of the eviction process. When the court has agreed an eviction, the court will notify the tenant by letter of the eviction date. The Council will also send a letter to the tenant outlining the eviction date and time, the amount of money they still owe and information about contacting the housing options team for homelessness advice. Tenants will be advised that the property will need to be cleared and left clean in accordance with the conditions of tenancy and they will be re-charged if the property is not left in a satisfactory condition. The eviction will be carried out in accordance with the Council's Eviction Procedures. If there are children under the age of 18 in the household, MASH (Multi Agency Support Hub) will be notified in accordance with the county wide agreed

protocol. Adults Safeguarding Team will be advised in the case of a vulnerable adult.

- 12.12 We will not use the seizure of goods or possessions as part of arrears recovery. However, we will pursue other remedies where appropriate such as the use of tracing or debt collection agencies to pursue former tenant arrears.

13. Vulnerable Tenants

- 13.1 Without support vulnerable people can be at increased risk of accruing arrears. The Council aims to ensure that people receive all the support they need at the earliest stage. The Council will keep a record of all tenants who state they are vulnerable or who we believe are vulnerable and this will be taken into account in our communications with them. The type and style of communication used will be on a case by case basis and home visits will be made where necessary.
- 13.2 When a vulnerable person is in arrears we will follow our escalation procedure but extra visits may be organised. We will liaise with the tenants support worker or advocate if they have given us permission to do so. The Tenancy Services Team will consider and make referrals to the Tenancy Sustainment Officer or another support provider as appropriate. However, they will continue to manage and monitor the account in accordance with the rent recovery procedures.

14. Equality and Diversity

- 14.1 The Council recognises that it operates in a community within which there is wide social diversity and is committed to providing equal opportunities and valuing diversity. We will ensure that no individual is discriminated against on the grounds of marital status, gender, disability, age, sexual orientation, racial ground or other personal attributes including religious beliefs or political opinions. Full details of our approach are set out in the Council's Equality and Diversity Policy.

15. Tenant involvement & feedback

- 15.1 The Council recognises the importance of working in partnership with our tenants to develop and continuously improve our services and raise standards. Therefore we will:
- Review this policy in consultation with our tenants;
 - Publish information in relation to performance against the aims and standards set down by this policy;
 - Develop and review this policy in light of customer feedback, comments and complaints

16. Policy monitoring and review

16.1 Monitoring

16.1.1 The monitoring of outcomes is essential to track the impact of our approach to rent arrears management. Monitoring of the implementation of the rent collection policy and the associated procedures will consider:

- How easily customers can access advice and assistance in managing their rent arrears;
- The performance against the targets set out in the policy and procedures;
- The efficiency costs of delivering the policy and procedures balanced against the percentage of rent covered;
- Tenant satisfaction and the level of complaints and compliments about the rent collection service

16.1.2 Monitoring information will be reported as part of the monthly key performance indicator reporting. Monitoring information will be reported to the Resources Board as part of the corporate performance indicator reports, the Borough Wide Tenants Forum at Forum meetings and publicised to tenants in the Tenants Annual Report.

16.2 Review

16.2.1 This policy and the activities recommended in it will be reviewed annually by the Housing Services Manager and will consider whether:

- The current policy adheres to legislative and regulatory requirements and reflects good practice;
- The aims and objectives of the policy are being met;
- The performance targets are being achieved;
- The current policy outcomes meets the needs of our diverse customer base;
- The service offers value for money;
- Partnership arrangements are working effectively

17. Responsibilities

17.1 The Assistant Director (Housing) will have the overall responsibility for the implementation of this policy.

17.2 The Housing Services Manager will have responsibility for the operational delivery of this policy and the associated procedures in conjunction with the Tenancy & Neighbourhood Services Manager.

17.3 Housing Management Staff are responsible for implementing the operational delivery of this policy and the associated procedures appropriate to their level of authority.

18. Legislation, regulation and associated policies

- The Housing Act 1985, 1988, 1996

- The Localism Act 2011
- The Housing & Planning Act 2016
- Homes & Communities Agency Rent Standard 2015
- NWBC Lettings Scheme
- Court Pre-Action Protocol

APPENDIX 1

Pre-Action Protocol for Possession Claims by Social Landlords

| Table of contents | Paragraph |
|---|-----------|
| Aims and scope of the protocol | 1 |
| Possession claims based upon rent arrears | 2 |
| Initial contact | 2.1 |
| After service of statutory notices | 2.8 |
| Alternative dispute resolution | 2.10 |
| Court proceedings | 2.11 |
| Mandatory grounds for possession | 3 |

PART I AIMS AND SCOPE OF THE PROTOCOL

1.1 This Protocol applies to residential possession claims by social landlords (such as local authorities, Registered Social Landlords and Housing Action Trusts) and private registered providers of social housing. Part 2 relates to claims which are based solely on claims for rent arrears. Part 3 relates to claims where the Court's discretion to postpone possession is limited by s89(1) Housing Act 1980. The protocol does not apply to claims in respect of long leases or to claims for possession where there is no security of tenure.

1.2 Part 3 of the protocol applies to cases brought by social landlords solely on grounds where if the case is proved, there is a restriction on the Court's discretion on making an order for possession and/or to which s89 Housing Act 1980 applies.

1.3 Part 2 of the protocol reflects the guidance on good practice given to social landlords and private registered providers in the collection of rent arrears. It recognises that it is in the interests of both landlords and tenants to ensure that rent is paid promptly and to ensure that difficulties are resolved wherever possible without court proceedings.

1.4 Part 3 seeks to ensure that in cases where Article 8 of the European Convention on Human Rights is raised the necessary information is before the Court 109 at the first hearing so that issues of proportionality may be dealt with summarily, if appropriate, or that appropriate directions for trial may be given.

1.5 The aims of the protocol are:

(a) to encourage more pre-action contact and exchange of information between landlords and tenants;

(b) to enable the parties to avoid litigation by settling the matter if possible; and

(c) to enable court time to be used more effectively if proceedings are necessary.

1.6 Courts should take into account whether this protocol has been followed when considering what orders to make. Social Landlords and private registered providers of social housing should also comply with guidance issued from time to time by the Homes and Communities Agency, the Department for Communities and Local Government and the Welsh Ministers.

(a) If the landlord is aware that the tenant has difficulty in reading or understanding information given, the landlord should take reasonable steps to ensure that the tenant understands any information given. The landlord should be able to demonstrate that reasonable steps have been taken to ensure that the information has been appropriately communicated in ways that the tenant can understand.

(b) If the landlord is aware that the tenant is under 18 or is particularly vulnerable, the landlord should consider at an early stage—

i. whether or not the tenant has the mental capacity to defend possession proceedings and, if not, make an application for the appointment of a litigation friend in accordance with CPR 21;

ii. whether or not any issues arise under Equality Act 2010; and

iii. in the case of a local authority landlord, whether or not there is a need for a community care assessment in accordance with National Health Service and Community Care Act 1990.

PART 2 POSSESSION CLAIMS BASED UPON RENT ARREARS

Initial contact

2.1 The landlord should contact the tenant as soon as reasonably possible if the tenant falls into arrears to discuss the cause of the arrears, the tenant's financial circumstances, the tenant's entitlement to benefits and repayment of the arrears. Where contact is by letter, the landlord should write separately to each named tenant.

2.2 The landlord and tenant should try to agree affordable sums for the tenant to pay towards arrears, based upon the tenant's income and expenditure (where such information has been supplied in response to the landlord's enquiries). The landlord should clearly set out in pre-action correspondence any time limits with which the tenant should comply.

2.3 The landlord should provide, on a quarterly basis, rent statements in a comprehensible format showing rent due and sums received for the past 13 weeks. The landlord should, upon request, provide the tenant with copies of rent statements in a comprehensible format from the date when arrears first arose showing all amounts of rent due, the dates and amounts of all payments made, whether through housing benefit, discretionary housing payments or by the tenant, and a running total of the arrears.

2.4 If the tenant meets the appropriate criteria, the landlord should arrange for arrears to be paid by the Department for Work and Pensions from the tenant's benefit.

2.5 The landlord should offer to assist the tenant in any claim the tenant may have for housing benefit, discretionary housing benefit or universal credit (housing element).

2.6 Possession proceedings for rent arrears should not be started against a tenant who can demonstrate that –

(a) the local authority or Department for Work and Pensions have been provided with all the evidence required to process a housing benefit or universal credit (housing element) claim;

(b) a reasonable expectation of eligibility for housing benefit or universal credit (housing element); and

(c) paid other sums due not covered by housing benefit or universal credit (housing element).

The landlord should make every effort to establish effective ongoing liaison with housing benefit departments and DWP and, with the tenant's consent, make direct contact with the relevant housing benefit department or DWP office before taking enforcement action.

The landlord and tenant should work together to resolve any housing benefit or universal credit (housing element) problems.

2.7 Bearing in mind that rent arrears may be part of a general debt problem, the landlord should advise the tenant to seek assistance from CAB, debt advice agencies or other appropriate agencies as soon as possible. Information on debt advice is available on the Money Advice Service website <https://www.moneyadviceservice.org.uk/en/tools/debt-advice-locator>

After service of statutory notices

2.8 After service of a statutory notice but before the issue of proceedings, the landlord should make reasonable attempts to contact the tenant, to discuss the amount of the arrears, the cause of the arrears, repayment of the arrears and the housing benefit or universal credit (housing element) position and send a copy of this protocol.

2.9 If the tenant complies with an agreement to pay the current rent and a reasonable amount towards arrears, the landlord should agree to postpone issuing court proceedings so long as the tenant keeps to such agreement. If the tenant ceases to comply with such agreement, the landlord should warn the tenant of the intention to bring proceedings and give the tenant clear time limits within which to comply.

Alternative dispute resolution

2.10 The parties should consider whether it is possible to resolve the issues between them by discussion and negotiation without recourse to litigation. The parties may be required by the court to provide evidence that alternative means of resolving the dispute were considered. Courts take the view that litigation should be a last resort, and that claims should not be issued prematurely when a settlement is still actively being explored.

2.11 The Civil Justice Council and Judicial College have endorsed The Jackson ADR Handbook by Susan Blake, Julie Browne and Stuart Sime (2013, Oxford University Press). The Citizens Advice

Bureau website also provides information about ADR:

http://www.adviceguide.org.uk/england/law_e/law_legal_system_e/law_taking_legal_action_e/alternatives_to_court.htm. Information is also available at:
<http://www.civilmediation.justice.gov.uk/>

Court proceedings

2.11 Not later than ten days before the date set for the hearing, the landlord should—

- (a) provide the tenant with up to date rent statements; and
- (b) disclose what knowledge it possesses of the tenant's housing benefit or universal credit (housing element) position to the tenant.

2.12

- (a) The landlord should inform the tenant of the date and time of any court hearing and provide an up to date rent statement and the order applied for. The landlord should advise the tenant to attend the hearing as the tenant's home is at risk. Records of such advice should be kept.
- (b) If the tenant complies with an agreement made after the issue of proceedings to pay the current rent and a reasonable amount towards arrears, the landlord should agree to postpone court proceedings so long as the tenant keeps to such agreement.
- (c) If the tenant ceases to comply with such agreement, the landlord should warn the tenant of the intention to restore the proceedings and give the tenant clear time limits within which to comply.

2.13 If the landlord unreasonably fails to comply with the terms of the protocol, the court may impose one or more of the following sanctions—

- (a) an order for costs; and
- (b) in cases other than those brought solely on mandatory grounds, adjourn, strike out or dismiss claims.

2.14 If the tenant unreasonably fails to comply with the terms of the protocol, the court may take such failure into account when considering whether it is reasonable to make possession orders.

PART 3 MANDATORY GROUNDS FOR POSSESSION

3.1 This part applies in cases where if a social landlord proves its case, there is a restriction on the Court's discretion on making an order for possession and/or to which s. 89 Housing Act 1980 applies (e.g. non-secure tenancies, unlawful occupiers, succession claims, and severing of joint tenancies).

3.2 In cases where the court must grant possession if the landlord proves its case then before issuing any possession claim social landlords—

- (a) should write to occupants explaining why they currently intend to seek possession and requiring the occupants within a specified time to notify the landlord in writing of any personal circumstances

or other matters which they wish to take into account. In many cases such a letter could accompany any notice to quit and so would not necessarily delay the issue of proceedings; and

(b) should consider any representations received, and if they decide to proceed with a claim for possession give brief written reasons for doing so.

3.3 In these cases the social landlord should include in its particulars of claim, or in any witness statement filed under CPR 55.8(3), a schedule giving a summary—

(a) of whether it has (by statutory review procedure or otherwise) invited the defendant to make representations of any personal circumstances or other matters which they wish to be taken into account before the social landlord issues proceedings;

(b) if representations were made, that they were considered;

(c) of brief reasons for bringing proceedings; and

(d) copies of any relevant documents which the social landlord wishes the Court to consider in relation to the proportionality of the landlord's decision to bring proceedings.

Agenda Item No 14

Resources Board

22 May 2017

Report of the Assistant Director (Finance and Human Resources)

Members' Allowances Out-turn for 2016/17

1 Summary

- 1.1 The purpose of this report is to advise Members of the allowances paid for 2016/17 and a revised appendix for allowances paid in 2015/16. The Council also has a duty to publish the amounts paid to Members under the Members' Allowance Scheme.

Recommendation to the Board

That the report be noted.

2 Report

2.1 Out-turn for 2016/17

- 2.1.1 The cost of Members' Allowances and other payments made under the Members' Allowance Scheme in 2016/17 was £217,473.41. A breakdown of these costs is shown at Appendix A. There were no claims in respect of Dependents'/ Carers' Allowance.

- 2.1.2 A revised copy of the 2015/16 breakdown is attached at Appendix B. Printer cartridge costs which were incorrectly included within subsistence, are now shown separately.

3 Report Implications

3.1 Finance and Value for Money Implications

- 3.1.1 Provision was made in the Cost of Democratic Processes.

3.2 Legal and Human Rights Implications

- 3.2.1 The Authority is obliged to publish details of the total sum paid to each Member in respect of each of the following:-
Basic Allowance
Special Responsibility Allowance
Dependents'/Carers' Allowance
Travel and Subsistence and
Co-optees' Allowance.

3.2.2 This is a requirement under the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Contact Officer for this report is Nigel Lane (719371).

PAYMENTS TO MEMBERS 2016/17

| Name | Initials | Basic Allowance £ | Special Responsibility £ | Travel (Mileage) £ | Other Travel (Train/Bus/ Taxi /Parking) £ | Subsistence £ | Other (Print Cartridge /Postage £ | Total £ |
|--------------|----------|----------------------|-----------------------------|-----------------------|--|------------------|--------------------------------------|-------------------|
| Bell | M | 4,941.96 | 1,745.04 | 211.05 | | | 83.95 | 6,982.00 |
| Chambers | J | 4,941.96 | | | | | | 4,941.96 |
| Clews | D | 4,941.96 | 873.00 | 13.05 | 75.80 | | | 5,903.81 |
| Davis | MC | 4,941.96 | | | | | | 4,941.96 |
| Davey | P | 4,941.96 | | 66.60 | | | | 5,008.56 |
| Dirveiks | N | 4,941.96 | | | | | | 4,941.96 |
| Dirveiks | LE | 4,941.96 | | | | | | 4,941.96 |
| Farrell | AJ | 4,941.96 | 4,326.94 | 351.00 | | | | 9,619.90 |
| Ferro | DC | 4,941.96 | | 158.40 | | | | 5,100.36 |
| Gosling | J | 2,580.80 | | | | | | 2,580.80 |
| Hanratty | SJ | 4,941.96 | 873.00 | | | | | 5,814.96 |
| Hayfield | CC | 4,941.96 | | 143.10 | | | | 5,085.06 |
| Henney | BA | 4,941.96 | | 20.70 | | | | 4,962.66 |
| Humphreys | DJ | 4,941.96 | 10,986.96 | | | | | 15,928.92 |
| Ingram | S | 4,941.96 | 197.02 | | | | | 5,138.98 |
| Jarvis | RJ | 4,941.96 | | | | | | 4,941.96 |
| Jenns | A | 4,941.96 | 873.00 | 493.20 | | | | 6,308.16 |
| Jones | ME | 4,941.96 | | 218.25 | 33.00 | | | 5,193.21 |
| Lea | J | 4,941.96 | 2,110.62 | | | | | 7,052.58 |
| Lewis | A | 4,941.96 | | 77.85 | | | | 5,019.81 |
| Morson | PF | 4,941.96 | | | | | | 4,941.96 |
| Moss | BP | 4,941.96 | | 479.70 | 58.30 | 7.30 | | 5,487.26 |
| Payne | RV | 4,941.96 | -415.25 | 138.60 | | | | 4,665.31 |
| Phillips | H | 4,941.96 | | 500.70 | 4.90 | | | 5,447.56 |
| Reilly | D | 4,941.96 | 1,745.04 | 1,135.80 | 30.90 | 13.79 | 60.44 | 7,927.93 |
| Simpson | MC | 4,941.96 | 4,420.40 | 355.95 | 7.10 | | | 9,725.41 |
| Singh | M | 4,941.96 | | | | | | 4,941.96 |
| Smith | LJ | 4,941.96 | 4,983.00 | 1,153.35 | | | | 11,078.31 |
| Smitten | J | 4,941.96 | 197.02 | | | | | 5,138.98 |
| Stanley | E | 4,941.96 | | | | | | 4,941.96 |
| Stanley | ME | 4,941.96 | | 226.80 | | | | 5,168.76 |
| Sweet | R | 4,941.96 | 1,745.04 | | | | | 6,687.00 |
| Watkins | A | 411.83 | 72.75 | | | | | 484.58 |
| Waters | TV | 4,941.96 | | 364.05 | | | | 5,306.01 |
| Wright | A | 4,941.96 | | 210.15 | | | 43.78 | 5,195.89 |
| Wright | DA | 4,941.96 | 4,983.00 | | | | | 9,924.96 |
| TOTAL | | 171,019.27 | 39,716.58 | 6,318.30 | 210.00 | 21.09 | 188.17 | 217,473.41 |

PAYMENTS TO MEMBERS 2015/16 (amended)

| Name | Initials | Basic Allowance £ | Special Responsibility £ | Travel (Mileage) £ | Travel/Other (Train/Bus/ Taxi /Parking) £ | Subsistence £ | Other (Print Cartridge /Postage) £ | Total £ |
|--------------|----------|----------------------|-----------------------------|-----------------------|--|------------------|---------------------------------------|-------------------|
| Barber | K | 677.53 | | | | | | 677.53 |
| Bell | M | 4,264.43 | 1,505.80 | 537.30 | | | 73.97 | 6,381.50 |
| Butcher | D | 677.53 | 683.15 | 177.30 | | | | 1,537.98 |
| Chambers | J | 4,264.43 | | | | | | 4,264.43 |
| Clews | D | 4,264.43 | 753.32 | | 19.05 | | | 5,036.80 |
| Davis | MC | 4,941.96 | | | | | | 4,941.96 |
| Davey | P | 4,264.43 | | 199.35 | | | | 4,463.78 |
| Dirveiks | N | 4,941.96 | 239.24 | | | | | 5,181.20 |
| Dirveiks | LE | 4,941.96 | 119.69 | | | | | 5,061.65 |
| Farrell | AJ | 4,264.43 | 890.02 | 171.00 | | | | 5,325.45 |
| Ferro | DC | 4,941.96 | | 249.30 | | | | 5,191.26 |
| Forwood | A | 677.53 | | | | | | 677.53 |
| Fowler | PJ | 677.53 | | 57.60 | | | | 735.13 |
| Fox | C | 677.53 | | | | | | 677.53 |
| Freer | LE | 677.53 | | | | | | 677.53 |
| Hanratty | SJ | 4,264.43 | 753.32 | | | | | 5,017.75 |
| Hayfield | CC | 4,941.96 | | 251.10 | | | | 5,193.06 |
| Henney | BA | 4,264.43 | | 124.20 | | | | 4,388.63 |
| Holland | AF | 677.53 | | | | | | 677.53 |
| Humphreys | DJ | 4,941.96 | 9,719.92 | | | | | 14,661.88 |
| Ingram | S | 4,264.43 | 1,505.80 | | | | | 5,770.23 |
| Jarvis | RJ | 4,264.43 | | | | | | 4,264.43 |
| Jenns | A | 4,264.43 | 753.32 | 340.20 | | | | 5,357.95 |
| Johnston | K | 677.53 | | | | | | 677.53 |
| Jones | ME | 4,264.43 | | 542.70 | | | | 4,807.13 |
| Lea | J | 4,941.96 | 4,299.85 | | | | | 9,241.81 |
| Lewis | A | 4,941.96 | 239.24 | 78.75 | | | | 5,259.95 |
| May | MC | 677.53 | | 65.70 | | | | 743.23 |
| Moore | JS | 677.53 | 683.15 | 160.65 | | | | 1,521.33 |
| Morson | PF | 4,941.96 | 239.24 | | | | | 5,181.20 |
| Moss | BP | 4,941.96 | | 520.65 | 46.90 | 5.00 | | 5,514.51 |
| Moss | MC | 677.53 | 119.69 | 57.60 | | | | 854.82 |
| Payne | RV | 4,941.96 | 4,299.85 | 157.50 | 30.00 | | | 9,429.31 |
| Phillips | H | 4,941.96 | 683.15 | 792.00 | | | | 6,417.11 |
| Pickard | DN | 677.53 | 683.15 | 287.10 | 6.90 | | | 1,654.68 |
| Reilly | D | 4,264.43 | 1,505.80 | 806.85 | 29.30 | 34.95 | 50.21 | 6,691.54 |
| Sherratt | GJ | 677.53 | 119.69 | 95.85 | | | | 893.07 |
| Simpson | MC | 4,941.96 | | 1,444.05 | 14.90 | | 59.97 | 6,460.88 |
| Singh | M | 4,264.43 | | | | | | 4,264.43 |
| Smith | LJ | 4,941.96 | 5,002.20 | 1,100.25 | 4.50 | | | 11,048.91 |
| Smitten | J | 4,264.43 | 1,505.80 | | | | | 5,770.23 |
| Stanley | A | 677.53 | | | | | | 677.53 |
| Stanley | E | 4,264.43 | | | | | | 4,264.43 |
| Stanley | ME | 4,941.96 | 4,232.69 | | | | | 9,174.65 |
| Stanley | Y | 677.53 | | | | | | 677.53 |
| Sweet | R | 4,941.96 | 1,745.04 | | | | | 6,687.00 |
| Turley | N | 677.53 | | | | | | 677.53 |
| Watkins | A | 4,941.96 | 753.31 | | | | | 5,695.27 |
| Waters | TV | 4,264.43 | | 180.00 | | | | 4,444.43 |
| Winter | JG | 677.53 | 239.24 | 73.80 | | | | 990.57 |
| Wright | A | 4,264.43 | | 290.25 | | 9.98 | 23.99 | 4,588.65 |
| Wright | DA | 4,264.43 | 4,299.85 | | | | | 8,564.28 |
| Wykes | TV | 677.53 | | | | | | 677.53 |
| TOTAL | | 172,968.60 | 47,574.52 | 8,761.05 | 151.55 | 49.93 | 208.14 | 229,713.79 |

Agenda Item No 15

Resources Board

22 May 2017

Report of the Assistant Director (Housing)

Flexible Tenancy Policy

1 Summary

- 1.1 This report proposes a policy approach to the management of Flexible Tenancy types in the Council's stock.

Recommendations to the Resources Board

- a That Members consider and comment on the policy approach proposed for Flexible Tenancy types in the Council's stock; and**
- b That the Flexible Tenancy Policy be adopted.**

2 Consultation

- 2.1 Meetings have been held with members of the Borough Wide Tenants Forum to obtain their feedback on the Council's proposals for managing flexible tenancies from a tenant perspective.

3 Introduction

- ... 3.1 The draft Flexible Tenancy Policy is appended in Appendix A. It sets out a policy framework for the Council to manage Flexible Tenancies in its own stock and reflects the legislation contained within the Localism Act 2011.
- 3.2 The Localism Act 2011 introduced a number of new powers to social landlords, which included the option to offer fixed terms tenancies, known as Flexible Tenancies rather than the existing secure lifetime tenancies to new tenants. The provisions creating flexible tenancies came into force on 1 April 2012. The Council has not adopted Flexible Tenancies however it has now brought in Introductory Tenancies for all new tenants. The Government intended that this change would allow housing providers to:
- Increase mobility by encouraging tenants to move between properties and sectors as their housing need changes
 - Ensure that social housing is used only for those in genuine need, by moving people earning a higher wage into other forms of tenure

- Target social housing so it meets the needs of the community, for example by addressing under-occupation of larger family accommodation
 - Promote localism through local decision making at a community level
- 3.3 The Housing and Planning Act 2016 changes the law regarding tenancies to phase out secure tenancies. It is expected that later this year Local Authorities will be required to offer flexible rather than secure tenancies for all new tenancies created. The Department for Communities and Local Government (DCLG) has stated that they will be producing guidance for Local Authorities for operating Flexible Tenancies in due course.
- 3.4 The Council could act now to introduce Flexible Tenancies for all new tenants. However that approach is not suggested here as it would be helpful to consider the Government's requirements first. Nonetheless Affordable Rent tenancies have been introduced in the Council's new build homes in Lister Road because they are required as part of the grant obligations. A Flexible Tenancy approach is linked to the Affordable Rent tenancies which require the Council to charge rents at 80% of the market rent for the property. Our proposals for operating Flexible Tenancies for lets on new build schemes are set out in the policy.
- 3.5 A Flexible Tenancy is a form of tenancy which is granted for a fixed period of not less than 2 years and which it is common practice to grant for 5 years. Generally tenants with a flexible tenancy have most of the same rights as other secure tenants (as set out in the Housing Act 1985). A table showing the rights of different types of tenancy is appended at Appendix 1 of the policy. However they do allow a landlord to review whether the tenancy is still required by the tenant after a fixed period and whether their circumstances have changed.
- 3.6 It is important to note that flexible tenancies do not affect existing social housing tenants who currently have a secure tenancy. They will only be issued to new tenants and currently, for this Council, only for new tenants of new build homes which are grant funded by the Homes and Communities Agency. Existing tenants will not be subject to these proposals or the forthcoming Housing and Planning Act proposals and will retain their secure tenancies even if they exchange their property with another North Warwickshire Borough Council secure tenant.

4 Flexible Tenancy Policy

- 4.1 The policy has due regard to the Council's Tenancy Strategy and Lettings Scheme and is in line with the legal requirements contained within the Localism Act 2011 and the Housing Acts 1985 and 1996. It gives guidance and clarity to ensure that the process for offering flexible tenancies meets the requirements of current legislation, is fair and will be subject to review and revised to take account of any legislative changes.

4.2 The policy sets out:

- Who will be given a secure or Flexible Tenancy
- The rights of Flexible Tenancies
- What happens at the end of the Flexible Tenancy
- When we will grant another Flexible Tenancy
- When we will end a Flexible Tenancy
- How we will provide advice and assistance in finding an alternative home

4.3 The purpose of the policy is to ensure that the most appropriate tenancy and property is granted to applicants to reflect their current circumstances. When there is no longer a need for the Council property, tenants may be asked to seek alternative accommodation to enable the Council to make best use of its stock. The Council's aims to achieve the following key objectives:

- **Make best use of the housing stock** – by ensuring that the right person is in the right home at the right time. Flexible tenancies will be used to support the Council's objective of ensuring that the best use is made of our existing stock and that people have access to good quality housing for as long as they need it.
- **Encourage tenants to explore other housing options** – Tenants can be encouraged to consider other housing options at the end of the tenancy period. These options could include for example, a tenancy in the private rented sector, shared ownership or low-cost home ownership, if tenants are able to afford them.
- **Support tenancy sustainment** – for example helping vulnerable people or particular groups of people to develop the right skills they need to successfully manage a tenancy. We will offer 5 year flexible tenancies, with the possibility of renewal to allow tenants to have some degree of stability and enable them to invest in their home and community.
- **Tackle specific housing management issues** – such as anti-social behaviour and other breaches of tenancy. There will be an added incentive for tenants not to breach their tenancy conditions during the fixed term period.

4.4 The policy will be a working document for operational purposes and will be made available on the Council's website and issued to tenants with the Flexible Tenancy offer letter.

4.5 More detailed operational procedures will be developed to ensure Officers operate in a consistent and fair way. Appropriate systems will need to be put in place to monitor the tenancies and record information and decisions.

5 Conclusion

- 5.1 The Housing and Planning Act 2016 changes the law regarding tenancies and there is a stated intention to phase out secure tenancies. We are awaiting guidance from the DCLG that will set out how they expect Local Authorities to operate flexible tenancies. The Flexible Tenancy Policy sets out the proposals for operating flexible tenancies in North Warwickshire Borough housing stock which are new build properties subject to Homes and Communities grant funding.
- 5.2 Monitoring of the implementation of the Flexible Tenancy Policy will consider:
- How easily customers can access advice and assistance regarding their flexible tenancy;
 - How many flexible tenancies are renewed and terminated;
 - The reasons for flexible tenancies being terminated;
 - Whether the policy is being implemented fairly and not detrimental to any particular groups;
 - Tenant satisfaction and the level of complaints
- 5.3 The policy will be reviewed annually (or sooner if there is a change in legislative or regulatory requirements) by the Housing Services Manager and will consider whether:
- It adheres to legislative and regulatory requirements and reflects good practice. Please note that the policy may need to be reviewed and amended when the Government Guidance is issued.
 - The aims and objectives of the policy are being met;
 - The current policy outcomes meet the needs of our diverse customer base

6 Report Implications

6.1 Financial and Value for Money Implications

- 6.1.1 The use of Flexible Tenancies may assist the Council with the effective management of tenancies by more intensive management during the fixed term period. There is a greater incentive for tenants to keep their tenancy in good order during the fixed term which may contribute to Council properties being kept in better condition resulting in less cost to the Council to maintain them.
- 6.1.2 Vulnerable tenants will be offered support that will assist them to sustain their tenancy. Failed tenancies result in a cost to both the tenant and the Council's re-let costs.
- 6.1.3 More intensive housing management to operate a flexible tenancy scheme is envisaged. The current proposal which is restricted to new build homes can be managed within the current capacity of the team. However when the Government introduces the change to tenancies expected the capacity of the team will be considered.

6.2 Safer Communities Implications

6.2.1 Operating Flexible Tenancies can assist the Council to support tenancy sustainment and therefore contributing to safer communities. More intensive management that will ensure that tenants who seriously breach their tenancy conditions are appropriately dealt with and their tenancy will not be renewed. Vulnerable tenants will be offered support that will assist them to sustain their tenancy.

6.3 Legal and Human Rights Implications

6.3.1 When a landlord seeks possession, a tenant could potentially raise a human rights defence, relying on Article 8 of the ECHR (European Council for Human Rights). The Flexible Tenancy Policy therefore needs to be clear how it will operate flexible tenancies and the criteria for how the tenancies will be reviewed. If it appears that a landlord's policy has not been followed or is open to challenge on public law grounds, a tenant could raise Article 8 as a defence to possession.

6.3.2 The proposed policy complies with the legal requirements contained within the Localism Act 2011 and the Housing Acts 1985 and 1996. It is also in line with the requirements contained within the Housing and Planning Act 2016 which proposes to phase out secure tenancies.

6.4 Environment and Sustainability Implications

6.4.1 Operating a flexible tenancy scheme will assist the Council to achieve its aims to help support tenants to sustain their tenancies and therefore the wider community.

6.5 Equalities Implications

6.5.1 The policy aims to treat all tenants fairly and consistently. The policy aims to be accessible, responsive and sensitive to the diverse needs of individuals. No individuals or particular groups will be discriminated against. The impact of the policy will be monitored to ensure that it promotes equality of opportunity to individuals and minority groups.

6.6 Links to Council's Priorities

6.1 One of the Council's priorities is to listen and work with our tenants to maintain and improve our housing stock and provide affordable housing in the right places.

The Contact Officer for this report is Helen Hughes (719494).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|----------------------------|---------------|--|-------------|
| 1 | CIH | New Approaches to Fixed Term Tenancies – Why now?, What are others doing? Getting it Right | Feb 2014 |

Flexible Tenancy Policy

1. Secure and Flexible Tenancies

- 1.1 We will grant a secure tenancy to existing secure tenants transferring or succeeding to a new tenancy in Council owned stock. We will also grant a secure tenancy to tenants who are moving into Council owned stock and are a tenant of a Housing Association under an existing assured tenancy.
- 1.2 For all other tenants, we will grant a 12 month introductory tenancy first, in line with our Introductory Tenancy Scheme.
- 1.3 Currently, if an introductory tenancy has been conducted satisfactorily, it will automatically become a secure tenancy. There are certain dwellings where the Council has to grant a flexible tenancy. The Government intends for Local Authorities to grant flexible tenancies to all new tenants in the future. In these circumstances, we will grant a flexible tenancy of 5 years; the exceptions being qualifying tenants as set out below:
- All new tenants who are eligible to enter into a Council owned sheltered scheme and bungalows
 - Serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
 - Ex-armed forces personnel who have been medically and honourably discharged unless the date of their discharge was more than 5 years before the date of their application for housing
 - Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
 - Existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service
 - Households where the applicant, their spouse or a dependent child is disabled in accordance with the criteria contained in **Appendix 2**. This may be reviewed from time to time, depending on individual circumstances.
 - Households where the applicant or spouse is terminally ill, or where the applicant or spouse becomes terminally ill during the period of the flexible tenancy
- 1.4 We will offer tenancies in accordance with our current Lettings Scheme.

- 1.5 The Council's responsibilities and tenant's rights are set out in the Flexible Tenancy Agreement.
- 1.6 Flexible tenants have the right to:
- Assignment
 - Succession
 - Transfer or mutual exchange
 - Take in lodgers
 - Sub-let part of the property with our permission but not to fully sub-let the home
 - Have repairs carried out
 - Buy their property in line with the Government's current Right to Buy policy
- 1.7 Flexible tenants do not have the right to make alterations or improvements, unless these are agreed in advance in writing by the Council. The requirement to obtain prior approval is in addition to any other consent and approvals that may be needed to carry out the works under planning and building control laws.
- 1.8 Flexible tenants will not be compensated for making any agreed alterations or improvements to the property.
- 1.9 We will explain to tenants at the start of their tenancy;
- The terms and conditions of their flexible tenancy including their rights and responsibilities
 - The process of renewing and ending a tenancy at the end of the flexible tenancy
 - The circumstances the tenancy could be ended
 - The advice and assistance to be provided if the flexible tenancy is not renewed

2. Right to a review

- 2.1 An applicant can request a review of their offer of accommodation on a flexible (secure) tenancy within 21 days of receiving the offer under Section 107B(2) of the Localism Act 2011. The review may only be requested on the basis that the length of the term does not accord with the policy. The detailed procedure is set out in Statutory Instrument 2012/695.

3. Ending a Flexible Tenancy

- 3.1 We will review the tenancy at least 9 months before the tenancy is due to end (tenancy expiry date) to enable a decision to be made about whether the tenancy should be renewed or terminated. The review will be carried out by the Tenancy Services Officer who will make recommendation to the Tenancy

& Neighbourhood Services Manager for approval. The Housing Services Manager will approve all recommendations for termination.

3.2 During the review process, we will carry out an assessment of the household's circumstances before any decision is made. We will also carry out an income assessment taking into consideration household income and savings. We will assess each case individually.

3.3 In carrying out the review, the Council will take into account the following:

- Whether the tenant is still eligible to be housed under the Council's Lettings Scheme
- Whether the tenants household income has changed and whether this is within the threshold levels as stated in the Council's Lettings Scheme
- Whether the tenant has a good rent record i.e., paid their rent in accordance with the requirements of the tenancy agreement
- Whether the tenant has adhered to all the terms of the tenancy agreement including keeping their property in good condition
- Whether there has been any breaches of the tenancy agreement
- Whether any legal proceedings have been taken
- Whether the property is larger or smaller than the household's requirements in accordance with the current Lettings Scheme
- Whether the property has adaptations which are no longer required by the household
- Whether the Council intends to demolish, re-develop or dispose of the property within the next 5 years
- Whether the tenant has cooperated with the review

3.4 Following the review, the options that are available are:

- To offer a further flexible tenancy at the current property
- To offer a further flexible tenancy at another property that is more suitable to the household's needs
- To serve notice of the intention not to renew the tenancy and issue proceedings to terminate the flexible tenancy

3.5 When a decision is made we will outline what we intend to do at the end of the tenancy in a written notice. This will be served not less than 6 months before the tenancy is due to end. The notice will:

- Explain whether or not we are proposing to grant another tenancy at the end of the flexible tenancy
- Set out the reasons for the decision
- Provide information about the review process, how to get help and our obligation to provide advice and assistance

3.6 A second notice will be served on the tenant in writing stating that the Council requires possession of the property; this may be given before or on the day

on which the tenancy comes to an end. The Housing Services Manager will authorise the serving of the Notice.

- 3.7 Where we decide to end the tenancy we will give appropriate advice and assistance to help the tenant find alternative accommodation. The main purpose of this advice and assistance will be to ensure tenants are aware of the different housing options available to them, given their particular circumstances and have appropriate support to access those different options.

This will include:

- Advice on alternative housing options, i.e. private rented, low cost or home ownership
- Debt or benefits advice or referral to an appropriate agency

- 3.8 When we review a tenancy we will consider whether the tenant's household is overcrowded or under-occupying their property, and whether the property is suitable for their needs (in line with the Lettings Scheme). In making our decision as to what will happen at the end of the flexible tenancy, we may propose giving the tenant another tenancy in alternative accommodation of a size suitable for their needs (as set out in Section 10).

- 3.9 We will seek to evict tenants if they do not leave their home in the timescales contained within the Notice by applying to the Court for a possession order. Unlike secure tenancies, the Council does not have to prove any grounds for possession and the courts decision is mandatory rather than discretionary so long as the Council can demonstrate that it has followed its stated procedures. At the end of the tenancy a court must grant a possession order if a review has been carried out according to the statutory provisions and it is satisfied that:

- The flexible tenancy has come to an end
- That the landlord has given not less than 6 months notice of the proposal not to grant another flexible tenancy on expiry, giving reasons and informing the tenant of their right to a review
- That the landlord has given the tenant not less than 2 months notice in writing stating that the landlord requires possession of the dwelling house

4. Right to a review of a decision

- 4.1 The tenant has the right to request a review of any proposal by the Council not to give them another tenancy of their home as stated in the Notice. Any appeal must be submitted in writing within 21 days of the service of that Notice stating the grounds on which the review is being sought. The tenant will need to state if they require the review to be conducted by way of an oral hearing. The Officer that will hear the appeal will be a person of greater seniority than the person who made the original decision and independent from the person who made the original decision.

4.2 The independent Officer will consider:

- If the decision not to give another tenancy of the tenant's home is in accordance with the Council's Tenancy Policy
- If the correct procedures have been followed
- If the decision is proportionate considering the circumstances and needs of the tenant

4.3 The independent Officer can either:

- Confirm the original decision as set out in the Notice
- Decide that the tenant should be given another tenancy of their home on the expiry of the flexible tenancy

4.4 We will notify the tenant in writing of our decision and give clear reasons for reaching the decision.

5. Circumstances for terminating a Flexible Tenancy

5.1 When a flexible tenancy comes to an end we may not give the tenant another flexible tenancy if the following applies:

- a) The tenant is no longer eligible to be housed under the Council's Lettings Scheme because:
 - i. They have a household income above the financial thresholds stated in the Lettings Scheme;
 - ii. They have household savings exceeding the threshold levels stated in the Lettings Scheme;
 - iii. They own or their spouse or partner owns a residential property
- b) There has been serious and/or persistent breaches of tenancy conditions
- c) There are serious rent arrears (at least eight weeks rent is owed by the tenant at the time the 6 month Notice is served)
- d) There has been serious or persistent anti-social behaviour
- e) The tenant has allowed the property to be used for illegal or immoral purposes
- f) The property has fallen into disrepair through neglect, waste or default
- g) The property has been illegally occupied or sub-let
- h) The property has been abandoned
- i) The property is not being used as the tenants principal home
- j) The Council has served upon the tenant a Notice of Seeking Possession for rent arrears and there is no repayment arrangement in place or the repayment arrangement has been breached (the Council will take into account whether the tenant is in arrears as a direct result of delays in payment of housing benefit or universal credit to which the tenant is entitled and have not be caused by the

tenant's acts or failure to act, for example, delays in providing information or documentation to process the claim)

- k) The Council intends to demolish, re-develop or dispose of the property within the next 5 years

5.2 If the property is too large or too small for the tenants needs (in accordance with the Letting Scheme criteria) or is no longer suitable for their needs (for example, the property is adapted and the tenant no longer requires these adaptations), we may propose to give the tenant another tenancy but at a different property that is suitable for their needs.

5.3 Where the tenant has breached their tenancy in a minor way during the period of their flexible tenancy we will still consider giving them a new flexible tenancy. Minor breaches include:

- Minor rent arrears
- Minor intentional damage, for example breaking a door, not carrying out essential repairs that the tenant is responsible for, or the property is not in good condition
- Carrying out alterations or improvements that have not been agreed by the Council
- Low level anti-social behaviour

5.4 In these circumstances, the Council will explain to the tenant what is expected and agree a plan for addressing the issue if it has not already been resolved.

5.5 If we are proposing to grant a tenant a further flexible tenancy this tenancy will normally be for a period of 5 years. However, if a minor breach or breaches of the tenant's existing flexible tenancy remains unresolved or there has been a history of persistent minor breaches, for example persistent minor rent arrears, we will consider giving the tenant another tenancy for a shorter period of 2 years. The Housing Services Manager will approve this decision.

5.6 Where a joint tenant no longer lives in the home we will consider issuing a new tenancy in the name of the remaining tenant in line with the Council's Lettings Scheme and Tenancy Management Procedures.

5.7 Where we propose granting a tenant another flexible tenancy, we will inform the tenant in writing at least 6 months before the end of the flexible tenancy and will issue the tenant a new tenancy agreement on the expiry of the old one.

6. Ending a Flexible Tenancy early

6.1 We may end the flexible tenancy at any time by serving appropriate Notices and applying to the court for a Possession Order. Some of the reasons we may use to recover possession include, but are not limited to, the following:

- Serious and/or persistent breaches of tenancy conditions

- Serious rent arrears (at least 8 weeks rent is owed by the tenant at the time the 6 month Notice is sent)
- Using the property for illegal or immoral purposes
- Letting the property fall into disrepair through neglect, waste or default
- The property is being illegally occupied or sub-let
- The property has been abandoned
- The property is not being used as the tenant's principal home
- Where works are planned on the property in the next 5 years (which would require its redevelopment or demolition)

6.2 We will apply to the courts for a Possession Order under Schedule 2 of the Housing Act 1985 as amended (grounds for possession can be found in the Flexible Tenancy Agreement).

6.3 If a tenant wishes to end a flexible tenancy this must do so by giving the Council 4 weeks notice in writing, in line with the conditions set out in the Flexible Tenancy Agreement.

7. Assisting tenants in housing need

7.1 The Council will assist tenants in housing need to find an alternative home where:

- The home is under-occupied (it is too big for the tenant's needs)
- The home is over-occupied (it is too small for the tenant's needs)
- The home is unsuitable for the tenant's needs and we are unable to reasonably adapt it
- The home is designed for disabled households and the tenant does not need or no longer needs the facilities

7.2 We will assist eligible tenants (as defined in Section 10.1) to find a new home through the Council's housing register. Tenants will be placed in a priority band and able to express interest and be considered for a property of their choice that meets their needs.

7.3 If the tenant does not actively express interest in a property within the 6 months after the 6 month Notice has been served, a direct offer of a suitable property will be made. If a tenant refuses the direct offer of suitable alternative accommodation we will apply to the court for a Possession Order.

7.4 If we are unable to find a suitable home before the end of the flexible tenancy we may allow the tenant to remain in occupation by implementing a weekly periodic tenancy which arises automatically at the end of the flexible tenancy, as specified under Section 86 of the Housing Act 1985, until suitable alternative accommodation can be found.

8. Equality and Diversity

- 8.1 The Council recognises that it operates in a community within which there is wide social diversity and is committed to providing equal opportunities and valuing diversity. We will ensure that no individual is discriminated against on the grounds of marital status, gender, disability, age, sexual orientation, racial ground or other personal attributes including religious beliefs or political opinions. Full details of our approach are set out in the Council's Equality and Diversity Policy.

9. Tenant involvement and feedback

- 9.1 The Council recognises the importance of working in partnership with our tenants to develop and continuously improve our services and raise standards. Therefore we will:
- Review this policy in consultation with elected members and our tenants;
 - Publish information in relation to performance against the aims and standards set down by this policy;
 - Develop and review this policy in light of customer feedback, comments and complaints

10. Policy monitoring and review

10.1 Monitoring

The monitoring of outcomes is essential to track the impact of our introduction and management of flexible tenancies. Monitoring of the implementation of the Flexible Tenancy Policy and the associated procedures will consider:

- How easily customers can access advice and assistance regarding their flexible tenancy;
- How many flexible tenancies are continued and terminated;
- The reasons for flexible tenancies being terminated;
- The policy is being implemented fairly and not detrimental to any particular groups;
- Tenant satisfaction and the level of complaints

10.2 Review

This policy and the activities recommended in it will be reviewed annually by the Housing Services Manager and will consider whether:

- The current policy adheres to legislative and regulatory requirements and reflects good practice. Please note the Government intends to publish guidance for Local Authorities outlining their requirements for operating flexible tenancies and this policy may need to be amended to reflect this;
- The aims and objectives of the policy are being met;
- The current policy outcomes meets the needs of our diverse customer base;

11. Responsibilities

11.1 The Assistant Director (Housing) will have the overall responsibility for the implementation of this policy. The Assistant Director (Housing) will be responsible for any review of decision requests.

11.2 The Housing Services Manager will have responsibility for the operational delivery of this policy and the associated procedures in conjunction with the Tenancy & Neighbourhood Services Manager. The Housing Services Manager will approve decisions to terminate a flexible tenancy.

11.3 Housing Management Staff are responsible for implementing the operational delivery of this policy and the associated procedures appropriate to their level of authority.

12. Legislation, regulation and associated policies

- The Housing Act 1985, 1988, 1996
- The Localism Act 2011
- The Housing & Planning Act 2016
- NWBC Lettings Scheme
- NWBC Tenancy Policy
- Warwickshire District Tenancy Strategy

Appendix 1

| Tenancy Right | Secure Tenancy | Flexible Tenancy | Introductory Tenancy |
|--|---|---|--|
| Right to succession | Yes; dependent on circumstances / status of successor | Yes; dependent on circumstances / status of successor | Yes; dependent on circumstances / status of successor |
| Right to Repair | Yes | Yes | Yes |
| Right to be consulted on Housing Management issues | Yes | Yes | Yes |
| Right to Buy | Yes | Yes | No – but the introductory period counts towards the discount |
| Right to take in lodgers | Yes | Yes | No |
| Right to sub-let part of their home with written permission | Yes | Yes | No |
| Right to improve the property with written permission | Yes | Yes – with prior written consent. There is no right to be compensated for alterations and improvements. | Yes – with prior written consent |
| Right to exchange home with another tenant | Yes | Yes | No |
| Right to vote prior to transfer to new landlord | Yes | Yes | No |
| Right to participate in housing management contract monitoring | Yes | Yes | Yes |

Criteria to decide type of tenancy granted to disabled applicants

| Disability Living Allowance | | Lifetime/Secure tenancy |
|------------------------------------|---|--------------------------------|
| Care Component | Middle rate plus at least 2 from table 1 below | Yes |
| | Highest rate plus at least 1 from table 1 below | Yes |
| Mobility Component | Higher rate plus highest rate care component | Yes |

Table 1. Additional qualification criteria (see above)

| |
|--|
| Severe disability premium |
| Enhanced disability premium |
| Disabled parking badge |
| Employment and Support Allowance |
| Incapacity Benefit |
| National Insurance credits |
| Registered disabled with LBB |
| Direct payments for an assessed period |

Table 2. Applicants with the following will usually qualify for a flexible tenancy

| |
|--|
| Disability Living Allowance on its own or without any of the middle or higher components |
| Disability Premium |
| Disabled parking badge |
| Employment and Support Allowance |
| Incapacity Benefit |
| National Insurance credits |

Agenda Item No 16

Resources Board

22 May 2017

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

That under Section 100A(4) 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 by Schedule 12A to the Act.

Agenda Item No 17

Sale of Land – Report of the Assistant Director (Housing)

Paragraph 3 - by reason of the report relating to the financial or business affairs of any particular person (including the authority holding that information).

Agenda Item No 18

Council Garage Site – Report of the Assistant Director (Housing)

Paragraph 3 - by reason of the report relating to the financial or business affairs of any particular person (including the authority holding that information).

Agenda Item No 19

Irrecoverable Local Taxation Debts – Report of the Assistant Chief Executive (Community Services)

Paragraph 1 – by reason of the report containing information relating to an individual.

Agenda Item No 20

Request to Purchase Land – Report of the Assistant Director (Housing)

Paragraph 1 – by reason of the report containing information relating to an individual.

Agenda Item No 21

Housing Maintenance Service – Report of the Assistant Director (Housing)

Paragraph 1 – by reason of the report containing information relating to an individual.

Agenda Item No 22

Complaint Following Stage 2 Response – Report of the Assistant Director (Housing)

Paragraph 1 – by reason of the report containing information relating to an individual.

Agenda Item No 23

Land Issues – Report of the Assistant Director (Streetscape) and the Assistant Chief Executive & Solicitor to the Council.

Paragraph 3 - by reason of the report relating to the financial or business affairs of any particular person (including the authority holding that information).

The Contact Officer for this report is David Harris (719222).