

To: Deputy Leader and Members of the Resources Board

Councillors Symonds, Barnett, Chapman, Clews, Davey, Humphreys, Parsons, O Phillips, Simpson, Stuart, Taylor and Watson

For the information of other Members of the Council

For general enquiries please contact Democratic Services on 01827 719237 or via email – democraticservices@northwarks.gov.

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

3 SEPTEMBER 2024

The Resources Board will meet on Tuesday 3 September 2024 at 7.00pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at www.youtube.com/user/northwarks

AGENDA

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

4 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members.

Members of the public wishing to address the Board must register their intention to do so 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 register by email to democraticservices@northwarks.gov.uk or telephone 01827 719221 / 719226 / 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber.
- (b) attend remotely via Teams; or
- (c) request that the Chair reads out their written question.

The Council Chamber has level access via a lift to assist those with limited mobility who attend in person however, it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should dial the telephone number and ID number (provided on their invitation) when joining the meeting to ask their question. However, whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they made need to mute the sound on YouTube when they speak on the phone to prevent feedback).

- 5 **Minutes of the Resources Board held on 3 June 2024** – copy herewith, to be approved as a correct record and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 6 **Environmental Health and Private Sector Housing Enforcement Policy**
– Report of the Director of Housing

Summary

Following the Resources Board on 3 June 2024 and the subsequent public consultation this report submits the finalised Environmental Health and Private Sector Housing Enforcement Policy (“the policy”) for approval and adoption together with associated policies, to enable robust and fair regulation of matters relating to Environmental Health and Private Sector Housing.

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

- 7 **Social Housing Regulator - Consumer Standards** – Report of the Director of Housing.

Summary

This report updates the Board with information about how the Council is acting to ensure it meets the Social Housing Regulator's Consumer Standards requirements as specified in the Social Housing (Regulation) Act 2023.

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

- 8 **Homelessness Strategy** – Report of the Director of Housing.

Summary

This report provides the Board with a draft homelessness strategy to consider.

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

- 9 **General Fund Budgetary Control Report 2024/25 (Apr-Jul)** – Report of the Interim Corporate Director – Resources (Section 151 Officer)

Summary

This report covers revenue expenditure and income for the period from 1 April 2024 to 31 July 2024. The 2024/25 approved budget and the actual position for the period are given, together with an estimate of the outturn position for services reporting to this Board.

The Contact Officers for this report are Adrian Vaughan (719379) and Akanksha Downing (4384).

- 10 **Insurance Contract Renewal – Additional Cost** - Report of the Interim Corporate Director – Resources (Section 151 Officer)

Summary

The purpose of this report is to present to members a request for additional funding for the insurance contract which when it was renewed in July 2024 increased by 26.4% (£91,529). A supplementary estimate is required to cover the additional cost for both the General Fund and the Housing Revenue Account.

The Contact Officer for this report is Alison Turner (719374).

- 11 **Capital Programme – 2023/24 Final Position and Carry Forwards. Capital Programme - 2024/25 Position at 30 June 2024** – Report of the Interim Corporate Director – Resources (Section 151 Officer)

Summary

The purpose of this report is to update Members on the position of the 2023/24 Capital Programme at the end of March 2024, it also updates Members on the progress of the 2024/25 Capital Programme in terms of expenditure up to the end of June 2024.

The Contact Officer for this report is Nicolas Harris (719320).

- 12 **Housing Revenue Account – Budgetary Control Report 2024/25 Period Ended 31 July 2024** – Report of the Interim Corporate Director – Resources (Section 151 Officer)

Summary

The report covers total Housing Revenue Account revenue expenditure and income for the period from 1 April to 31 July 2024.

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

- 13 **Internal Audit Progress Report** – Report of the Interim Corporate Director – Resources (Section 151 Officer)

Summary

The purpose of this report is to present the internal audit activity and findings for the period 1 April to 31 July 2024.

The Contact Officers for this report are Alison Turner (719374) and Richard Boneham.

- 14 **Exclusion of the Public and Press**

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that 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.

- 15 **Irrecoverable Debts** – Report of the Interim Corporate Director – Resources (Section 151 Officer)

The Contact Officer for this report is Katie Hines (719234).

16 **Garage Matter** – Report of the Director of Housing.

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

17 **Middleton Report** - Report of the Director of Housing

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
RESOURCES BOARD**

3 June 2024

Present: Councillor Symonds in the Chair

Councillors Barnett, Chapman, Clews, Davey, Humphreys, Parsons, H Phillips, O Phillips, Smith, Stuart and Watson

An apology for absence was received from Councillors Simpson (Substitute Councillor Smith) and Taylor (Substitute Councillor H Phillips)

1 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

2 Minutes of the Resources Board held on 11 March 2024.

The minutes of the Resources Board held on 11 March 2024, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

3 Haunchwood Sports Junior Football Club and Ansley Workshops Sports Ground

The Director of Leisure and Community Development sought the Board's approval to enter into a long-term lease with Haunchwood Sports Junior Football Club, through which it could assume responsibility for the management and maintenance of Ansley Workshops Sports Ground and secure its engagement in the national Home Advantage Programme, through which a 100% grant of up to £250,000 was available to help improve the site.

Resolved:

That the proposal to enter into a long-term lease with Haunchwood Sports Junior Football Club, through which it could assume responsibility for the management and maintenance of Ansley Workshops Sports Ground, be approved, and that the terms of the draft lease, as attached at Appendix B to the report of the Director of Leisure and Community Development, be used as the basis for negotiation of the final agreement with the Junior Football Club.

4 Council Tax – Discretionary Reduction in Liability S13A Policy

The Interim Corporate Director – Resources (Section 151 Officer) presented the Council Tax – Discretionary Reduction in Liability S13A policy detailed in Appendix a to her report, for Members’ approval.

Resolved:

That the Council Tax – Discretionary Reduction in Liability S13A policy, attached as Appendix A to the report of the Interim Corporate Director Resources (Section 151 Officer), along with a budget of £10,000 funded from the New Burdens specific earmarked reserve fund, be approved.

5 Internal Audit Annual Report 2023-24

The Interim Corporate Director – Resources (Section 151 Officer) presented the Head of Internal Audit’s Annual Opinion Report (Head of Central Midlands Audit Partnership CMAP), which included a statement on conformance with the Public Sector Internal Audit Standards (PSIAS); the Head of Internal Audit’s opinion on the overall adequacy and effectiveness of NWBC’s framework of governance, risk management and control; and a summary of the work that supported that opinion.

Resolved:

- a That the findings of an assessment of the internal audit function against the PSIAS and quality assurance programme be noted;**
- b That the summary of internal audit work, attached as Appendix A to the report of the Interim Corporate Director – Resources (Section 151 Officer), which supports the Head of Internal Audit’s opinion, be noted; and**
- c That the Head of Internal Audit’s overall opinion on the control environment, detailed in Appendix A to the report of the Interim Corporate Director – Resources (Section 151 Officer), be noted.**

6 Members’ Allowance 2023/24

The Interim Corporate Director – Resources (Section 151 Officer) advised Members of the allowances paid for 2023/24 and the amounts paid to Members under the Members’ Allowance Scheme which the Council had a duty to publish.

Resolved:

That the report be noted.

7 Environmental Health and Private Sector Housing Enforcement Policy

The Director of Housing introduced an updated Environmental Health and Private Sector Housing Enforcement Policy, together with associated policies, to enable robust and fair regulation of matters relating to Environmental Health and Private Sector Housing.

Resolved:

- a That the draft Environmental Health and Private Sector Housing Enforcement Policy, attached as Appendix A to the report of the Director of Housing, be approved; and**
- b That a 4-week consultation period be approved and the draft Environment Health and Private Housing Enforcement Policy brought back to the Board for either:**
 - i approval without modification, subject to no relevant objections being received; or**
 - ii approval after modification, subject to relevant objections being considered.**

8 Housing Ombudsman Service – Statutory Complaints Handling Code

The Director of Housing asked the Board to consider the revised complaints policy for its domestic stock and to comment on how the Housing Division was handling complaints received about the service.

Resolved

- a That the revised complaints handling policy for the Council’s services to its tenants be agreed and adopted;**
- b That the report about the complaints received during 2023-2024 be considered; and**
- c That the completed self assessment against the Code of requirements be approved.**

9 Social Housing Regulator – Tenant Satisfaction Measures

The Director of Housing provided the Board with information about the Social Housing Regulator’s requirement for the Council to provide an annual return for performance measures specified in the Social Housing (Regulation) Act 2023.

Resolved

That the contents of the report be noted and that the Tenant Satisfaction Measures be published on the Council's website.

10 **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.

11 **Garage Site**

In consultation with the Board the item was deferred for further consideration at a future meeting of the Board.

12 **Vacant Property Repairs**

The Director of Housing provided the Board with information about a vacant property that required extensive work.

Resolved:

That recommendations a and b, as set out in the report of the Director of Housing be noted and agreed.

13 **Property Adaptation – Warton**

The Director of Housing provided the Board with information about a recommendation which had been received to provide an adaptation for a disabled person who lived in Council owned accommodation.

Resolved:

That recommendations a and b as set out in the report of the Director of Housing be noted and agreed.

14 **Update on Council Tax and Business Rates Recovery**

Following a request from Members of the Resources Board in March 2024, the Interim Corporate Director – Resources (Section 151 Officer) provided Members with an update on Council Tax and Business Rates Recovery activity including the current collection rates.

Resolved

That the report be noted.

15 Land Austrey – Options

Following a report presented to the meeting of the Resources Board held on 11 March 2024, on the future usage of a plot of land owned by the Council, as request, the Interim Corporate Director – Streetscape tabled a further report including other land use options on the site.

Resolved:

That the item be deferred for further consideration at a future meeting of the Board.

16 Confidential Extract of the minutes of the Resources Board held on 11 March 2024.

The confidential extract of the minutes of the Resources Board held on 11 March 2024, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

Councillor Symonds
Chair

Agenda Item No 6

Resources Board

3 September 2024

Report of the Director of Housing

Environmental Health and Private Sector Housing Enforcement Policy

1 Summary

- 1.1 Following the Resources Board on 3 June 2024 and the subsequent public consultation this report submits the finalised Environmental Health and Private Sector Housing Enforcement Policy (“the policy”) for approval and adoption together with associated policies, to enable robust and fair regulation of matters relating to Environmental Health and Private sector housing.

Recommendation to the Resources Board

That the Resources Board approves the Environmental Health and Private Sector Housing Enforcement Policy as set out in **Appendix 1** and supplementary policies listed in Section 3.

2 Introduction

- 2.1 The policy which was submitted to the Board for consideration at its meeting on 3rd June 2024 (see **Appendix 1**) covers both Environmental Health and Private Sector Housing as both teams have regulatory functions which are delivered by a mix of informal action, advice and formal enforcement actions.
- 2.2 During the consultation, which ran from 25 June to 23 July, no adverse comments were received from stakeholders which would necessitate any change to the proposed policy.
- 2.3 The policy acts as an overarching document covering all areas of the Environmental Health and Private Sector Housing including:-
- Licensing (taxi / private hire, alcohol, street trading, gambling etc.)
 - Private Sector Housing (conditions in rented properties, including multi-occupied houses, mobile homes, unlawful eviction)
 - Food hygiene in shops, restaurants, pubs, schools, hospitals and care homes
 - Environmental protection (dog fouling, littering, fly tipping, contaminated land, air and noise pollution)

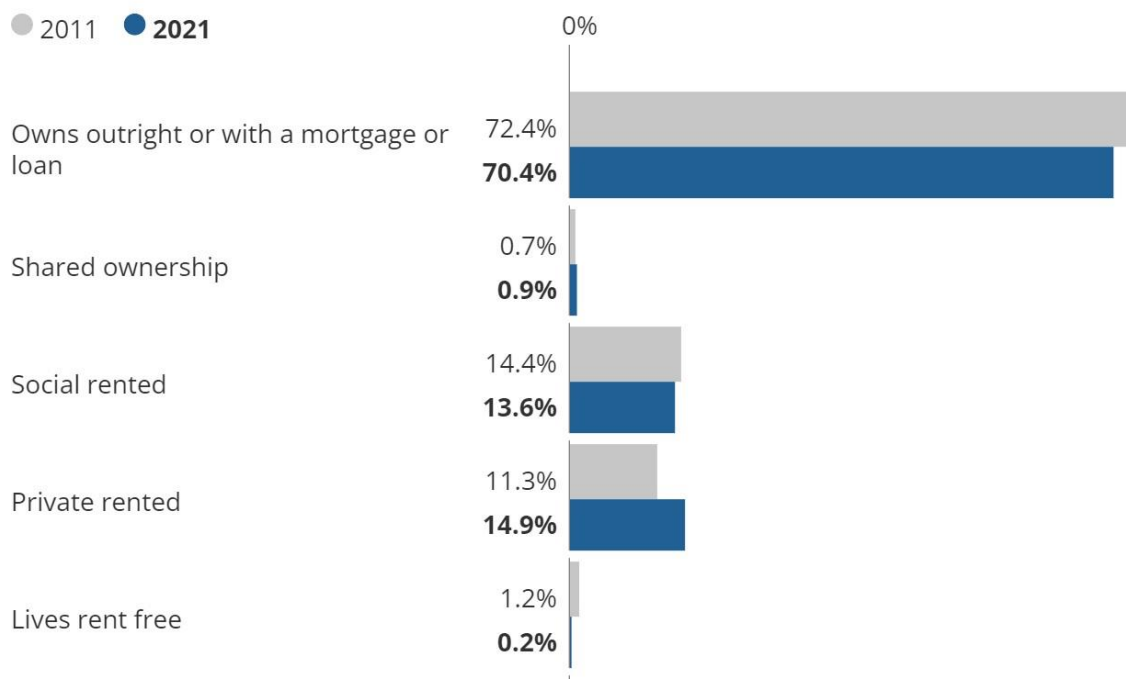
- Public health (filthy properties, accumulations of rubbish, pest infestations etc.)
- Health and safety at work in some commercial workplaces.
- Smoke-free laws.

2.4 It was reported to board on 3 June that Private Sector Housing functions from 2019 to April 2024 had been delivered by a shared service led by Nuneaton and Bedworth Borough Council. To ensure the service offered within North Warwickshire was improved and aligned with our own priorities, it was considered appropriate to bring this service back under our own management.

2.5 Since the shared service agreement ended, enforcement action relating to private rented accommodation has increased, serious health and safety hazards removed and the work of the team is more readily accessible to residents as well as our own Housing teams. This supports the justification for this decision. The first quarter performance figures can be found in **Appendix 2**.

2.6 The Council's previous private sector housing enforcement policy was introduced in 2014. Since then, the size of the private rented sector has increased significantly, overtaking the size of the social housing sector in the area and absorbing some of the housing stock that was previously owner-occupied.

Percentage of households by housing tenure, **North Warwickshire**



Source: Office for National Statistics – 2011 Census and Census 2021

2.7 In relation to private sector housing, it is recognised that the majority of landlords within North Warwickshire offer good quality, safe accommodation.

The private rented sector plays an increasing vital role in meeting the needs of residents. The Environmental Health and Private Sector Housing Enforcement Policy and its associated policies are aimed at supporting good landlords who should not be unfairly disadvantaged by allowing poor landlords to cut corners on safety standards.

3 Supplementary Policies

3.1 The Policy will be complemented by the following policies (specific to private sector housing) which will allow the full remit of enforcement options to be utilised:

- a) Civil Penalty Policy (**Appendix 3**)
- b) Financial Penalty Policy (**Appendix 4**)
- c) Enforcement Policy for Electrical Safety in the Private Rented Sector (**Appendix 5**)
- d) Mobile Home Fit and Proper Person Determination Policy (**Appendix 6**)

3.2 Existing policies delivered by Environmental Health relating to the work areas listed in 3.2 such as the Gambling and Taxi Statement of Enforcement Policies will remain unchanged and will be supplemented by the Enforcement policy document.

4 Report Implications

4.1 Finance and Value for Money Implications

This policy does not introduce any new charges other than housing civil and financial penalties discussed in **Appendices 3 and 4**.

Housing civil penalties may be up to £30,000. There can be no detailed expectation as to the income level which may be obtained from enforcing the policy and it should not be used as a driver to deliver income. However, costs received will be used to support service delivery. Any income from civil penalties will be retained by the Council and used in relation to enforcement activity covering the private rented sector only.

4.2 Safer Communities Implications

There are numerous community Safety improvements achieved by this policy such as environmental protection, consumer safety, anti-social behaviour controls, limiting impact on residents and protecting tenants.

4.3 Legal, Data Protection and Human Rights Implications

There are no data protection or human rights implications arising directly from this report.

An open and transparent public consultation was undertaken and will reduce the risk of challenge to the council's enforcement related decisions.

4.4 **Environment, Climate Change and Health Implications**

The introduction of the policy will have positive impacts on the environment and energy efficiency by the fair and proportionate enforcement of relevant legislation such as the control of pollution, air quality, food safety etc.

4.5 **Human Resources Implications**

There are no human resources implications arising directly from this report.

4.6 **Risk Management Implications**

There are additional policies listed in Section 3, a risk assessment is attached.

4.7 **Equalities Implications**

There are no new equalities implications arising directly from this report. An Equality Impact Needs Assessment has been carried out - **Appendix 7**.

4.8 **Links to Council's Priorities**

- Efficient and sustainable organisation
- Safe, Liveable, Locally Focussed communities
- Prosperous, active and healthy
- Sustainable growth, protected rurality

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

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

Environmental Health and Private Sector Housing Enforcement Policy

September 2024

Contents

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1.0 Introduction

- 1.1 Local Authority Regulatory Services, including Environmental Health and Private Sector Housing, play a key role in supporting local economic prosperity and community health and wellbeing. These services ensure that well-run, legally compliant businesses are supported and that consumers, workers and the environment are protected from harm.
- 1.2 This enforcement policy provides guidance to all stakeholders* (Members, officers, proprietors, licence holders, employers, employees, statutory and voluntary agencies, partner agencies and members of the general public) on the range of options that are available to achieve compliance with legislation enforced by North Warwickshire Borough Council services.

* The term “stakeholder” is used in this document to refer to all persons or organisations who may be affected by, or have an interest in, this Policy.

- 1.3 The policy covers all areas of the Environmental Health and Private Sector Housing Service’s work where enforcement of legislation may be involved, including:-

- Licensing (taxi / private hire, alcohol, street trading, gambling etc.);
- Private Sector Housing (conditions in rented properties, including multi-occupied houses, and mobile homes);
- Food hygiene in shops, restaurants, pubs, schools, hospitals and care homes;
- Environmental protection (dog fouling, littering, fly tipping, land, air and noise pollution);
- Public health (filthy properties, accumulations of rubbish, pest infestations etc.);
- Health and safety at work in a wide range of commercial workplaces;
- Smoke-free laws.

- 1.4 The primary objective is to achieve regulatory compliance and we do this mainly through advice and information. Where it becomes necessary to take formal action this will be done. There is a wide range of tools available, and this Policy aims to ensure that a sanction that is relevant and proportionate to the offence or contravention will always be chosen.
- 1.5 The policy explains the objectives and methods for achieving compliance and the criteria considered when deciding what the most appropriate response is to a breach of legislation.
- 1.6 All decisions will have regard to current statutory guidance and codes of practice, particularly the [Regulators’ Code](#) the [Code for Crown Prosecutors](#) and the Human Rights Act.

1.7 Stakeholders will be notified of this policy through the Council's website.

2.0 Legal Status of the Enforcement Policy

2.1 North Warwickshire Borough Council approved adoption of this Policy in September 2024 following consultation in June 2024.

2.2 This policy is intended to provide guidance for all stakeholders as identified in paragraph 1.1 above. It does not affect or fetter the discretion of the Council, or Officers, to take legal proceedings, or any other course of action, where this is considered to be in the public interest.

3.0 Scope and Meaning of 'Enforcement'

3.1 This Policy applies to all legislation enforced by the Environmental Health and Private Sector Housing Services.

3.2 'Enforcement' includes all actions taken by officers aimed at ensuring legal compliance. This is not limited to formal enforcement action such as prosecution, but includes spoken and written requests to comply with legislation.

3.3 In certain circumstances we will seek to raise awareness and increase compliance levels by publicising unlawful trade practices or criminal activity. Where appropriate the results of specific court cases may also be published.

4.0 How to get a copy of the Policy, make comments or complaints

4.1 This Policy is available on the Council's website or via the link below:
[The Council's complaints procedure | Compliments and or Complaints | North Warwickshire Borough Council \(northwarks.gov.uk\)](#)

If you would like a paper copy of the Policy and/or you would like to comment on the Policy, or if you have a complaint about the way in which the Policy has been applied please contact us at the following address:

North Warwickshire Borough Council
South Street
Atherstone
Warwickshire
CV9 1DE

Tel: 01827 715341

E-mail: environmentalhealth@northwarks.gov.uk
privatesectorhousing@northwarks.gov.uk

5.0 General Principles

- 5.1 Prevention is better than cure and our role therefore involves actively working with individuals and businesses to advise on, and assist with, compliance. We will always use education and encouragement to achieve compliance where it is possible, and appropriate, to do so.
- 5.2 Where we do consider that formal action is necessary each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy, the [HSE Enforcement Policy](#) and in the [Regulators' Code](#)
- 5.3 Enforcement decisions will be fair, proportionate, transparent, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, disability, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender.
- 5.4 Where the subject of the enforcement action is either a juvenile, or a person with special needs, a learning disability, or is otherwise vulnerable, contact will be made with, and advice sought from, appropriate agencies as necessary. In accordance with Council Policy, and for a first offence of littering, an alternative sanction will be offered to Juveniles.
- 5.5 North Warwickshire Council is a public authority for the purposes of the Human Rights Act 1998. We will, therefore, apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 5.6 This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens.
- 5.7 We will have regard to the Regulators' Code and in particular we will:
- Carry out our regulatory activities in a way that supports those we regulate to comply and grow;
 - Provide simple and straightforward ways to engage with those we regulate;
 - Base our regulatory activities on risk;
 - Share information about compliance and risk;
 - Ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply;
 - Ensure our approach to regulatory activities is transparent
- 5.8 We will ensure that any decision to depart from the Regulators' Code, or this Policy, will be properly reasoned, based on material evidence and documented.

6.0 Notifying Alleged Offenders

- 6.1 If we receive information that may lead to enforcement action against a business or individual we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public (for example the need for immediate action to close a food business, or prevent the use of a dangerous process / piece of machinery).
- 6.2 During the progress of enforcement investigations/actions, all stakeholders (businesses, licence holders, employees, complainants etc.) will, as appropriate, be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court when required and/or in accordance with the Data Protection Act 2018 and GDPR legislation.

7.0 Deciding what level of enforcement action is appropriate

A number of factors are considered when determining what enforcement action to take:

7.1 Levels of enforcement action:

7.1.1 There are a large number of potential enforcement options. The option chosen varies from no action through to proceedings in Court.

Examples of the main types of action that can be considered
Are shown below (not all will apply in all circumstances):

- No action;
- Informal Action and Advice (for example a written warning);
- Fixed Penalty Notices
- Formal Notice;
- Forfeiture Proceedings;
- Seizure of goods/equipment;
- Residential Property Closure or Emergency Remedial Action;
- Rent repayment order applications
- Banning order applications
- Rogue landlord database entry applications
- Management Orders
- Injunctive Actions;
- Refusal/suspension/revocation of a licence;
- Simple Caution;
- Prosecution;
- Civil/Financial Penalty Notices
- Publication Penalties
- Proceeds of Crime Applications.

Note: Availability of the above options is determined by the legislation applicable and the particular circumstances of each case; not all options will be available on all occasions.

7.1.2 In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure;
- Past performance and current practice;
- The risks being controlled;
- Legal, official or professional guidance;
- Local priorities of the Council.

7.1.3 Where the law has been contravened, enforcement actions / options will normally be commenced at a low level and escalated until compliance is reached. Exceptions would be where there is a serious risk to public safety or the environment or the offences have been committed deliberately, repeatedly or negligently and / or involve deception.

7.2 No Action

7.2.1 In certain circumstances, contraventions of the law may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of *no action* may also be taken where formal enforcement is inappropriate in the circumstances, such as may (*but not always*) be the case where a trader has ceased to trade. In such cases we will advise the offender of the reasons for taking no action.

7.3 Informal Action and Advice

7.3.1 For minor breaches of the law we may give verbal or written advice. We will clearly identify any contraventions of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

7.3.2 Sometimes we will give recommendations or advice on 'good practice', but we will clearly distinguish between what *must be done* to comply with the law and what is *advice only*.

7.3.3 Failure to comply could result in an escalation of enforcement action.

7.4 Fixed Penalty Notices

7.4.1 Certain offences may be dealt with by Fixed Penalty Notices (FPNs) where permitted in legislation. FPNs are recognised as a low-level enforcement tool and avoid a criminal record for the defendant. Where legislation permits an offence to be dealt with by way of a FPN, for example littering, dog fouling, or smoking in a smoke free place, we may choose to administer a FPN on a first occasion, without issuing a warning. Second and subsequent offences are unlikely to be dealt with by FPN and will normally result in prosecution.

7.5 Formal Notice

7.5.1 Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately where the circumstances relating to food hygiene, health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

7.5.2 In some cases, a charge will be made where a notice is served.

7.5.2 All notices issued will include details of any applicable *Appeals Procedures*.

7.5.3 Some notices allow works to be carried out in default. This means that if a notice is not complied with [a breach of the notice] the Council may carry out any necessary works. Where the law allows, we may then recover our costs from the person/business served with the notice, through the Courts if necessary.

7.6 Seizure

7.6.1 Some legislation enables authorised officers to seize goods, equipment or documents, for example unsafe food, sound equipment that is being used to cause a statutory noise nuisance, or any goods that may be required as evidence for possible future court proceedings. When goods are seized a receipt is given to the person from whom the goods are taken.

7.7 Injunctive Actions

7.7.1 In certain circumstances, for example, where offenders are repeatedly found guilty of similar offences, or where it is considered that injunctive action is the most appropriate course of enforcement, then injunctive actions through the Courts may be used to deal with repeat offenders or dangerous circumstances.

7.8 Refusal, Suspension and Revocation of Licences

7.8.1 Grounds for Refusal, Suspension or Revocation of Hackney Carriage or Private Hire Drivers' Licences

The grounds for refusing to renew a licence, or for suspending or revoking a licence, are based on whether the driver has:-

- (a) been convicted of an offence involving dishonesty, indecency or violence;
- (b) been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976;
- (c) failed to comply with a requirement of the Local Government (Miscellaneous Provisions) Act 1976, or
- (d) any other reasonable cause.

Licences may be suspended or revoked with immediate effect if such a decision is deemed necessary in the interests of public safety.

Where a Licence is refused or revoked, the Council will lodge these details with the National Register of Refusals and Revocations, NR3.

7.8.2 Under the Licensing Act 2003, where a Review of a Premises Licence is sought, the options available to the Licensing Committee are:-

- To modify the conditions of Licence
- To exclude a Licensable activity from the scope of the Licence
- To remove the Designated Premises Supervisor
- Suspend the Licence for a period not exceeding three months
- Revoke the Licence
- Issue a warning letter
- No action

7.8.3 Under the Gambling Act 2005, where a Review of a Premises Licence is sought, the options available to the Committee are:-

- Revocation of the Licence
- Suspend the Licence for a specified period not exceeding three months;
- Exclude a condition attached to the Licence, or remove or amend an exclusion;
- Add, remove or amend a condition;
- Issue a warning letter
- No action

7.9 Simple Caution

7.9.1 A Simple Caution is a means by which the Council deals quickly and simply with less serious offences, both reducing burdens on the Court system and reducing the chance of repeat offences. A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction, though a record may be made of the Caution.

7.9.2 For a Simple Caution to be issued a number of criteria must be satisfied:

- Sufficient evidence must be available to prove the case;
- The offender must admit the offence;
- It must be in the public interest to use a Simple Caution;
- The offender must be 18 years or over

Ministry of Justice Guidance on simple cautions is accessible by visiting:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/708595/cautions-guidance-2015.pdf

7.9.3 We will also take into account the following when making our decision:

- The offender should not have received a simple caution for a similar offence within the last 3 years.

7.9.4 The final decision on whether or not to issue a Simple Caution will be made by the Head of Environmental Health, or other suitably authorised officer, after receiving appropriate legal advice.

7.9.5 A record of the Caution will be kept on file for 3 years. If the offender commits a further offence, the Caution may influence a decision to take a prosecution. If during the time the Caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Caution may be cited in court, and this may influence the severity of the sentence that the court imposes.

7.10 Prosecution

7.10.1 A prosecution will normally follow where the individual or organisation concerned has done one or more of the following:

- Deliberately, negligently or persistently breached legal obligations, which were likely to cause material loss or harm to others;

- Deliberately or persistently ignored written warnings or formal notices;
- Risked or endangered, to a serious degree, the health, safety or well being of people (or animals as the case may be) or the environment ;
- Assaulted or obstructed an Officer in the course of their duties.

7.11 Civil/Financial Penalty Notices

7.11.1 Certain Housing offences can be dealt with by issuing a Civil Penalty Notice for offences to owners and or agents of residential premises as an alternative to prosecution. The burden of proof needed to issue a civil penalty is the same as is necessary for a prosecution.

7.11.2 The decision as to whether a prosecution is taken rather than issuing a Civil Penalty depends on factors such as the seriousness of the offence, historical offences, culpability, likelihood of continuing, repeated or escalating offences taking place, vulnerability of the tenant and the potential impact on the wider community.

Council officers will maintain their discretion, in conjunction with advice from the legal team on which option is pursued.

7.11.3 The maximum charge per offence is £30,000, but the level of charge in the Civil Penalty Notice will be determined by reference to the Council's adopted Civil Penalty Policy. Where a Financial Penalty is to be administered, the level will be determined in accordance with the Financial Penalty Policy.

7.11.4 A decision by the Service Manager in consultation with the Head of Service/Director, with the advice of Legal Services, is necessary to determine the most appropriate course of action. In making a decision, consideration will be given to relevant government guidance, this Policy and the Council's adopted Civil Penalty and Financial Penalty Policies.

7.12 Rent repayment orders, banning orders and rogue landlord database for Housing offences

7.12.1 The Local Authority may seek to make an application for a rent repayment order for a range of housing offences and will provide information to tenants where possible to allow them to make their own applications.

7.12.2 The Local Authority may seek banning orders where landlords or property agents have been convicted of a banning order offence. Where a breach of a Banning Order occurs the Council may seek to issue a Civil Penalty - the amount would be no less than £10,000 to reflect the seriousness of the offender having

received a Banning Order in the first place and be reserved for the worst offenders.

7.12.3 The Local Authority must make an entry on the national Rogue Landlord database where a banning order has been issued and must revoke any licence held by a person subject to such as order

8.0 Determining whether a Prosecution or Simple Caution is viable and appropriate

8.1 We apply the 'Full Code Test' to determine whether a Prosecution or Caution is viable and appropriate. This Test, described in the Code for Crown prosecutors (2018), consists of two stages:
(i) the evidential stage; followed by (ii) the public interest stage

For more information about the 'Code for Crown Prosecutors' visit:
[The Code for Crown Prosecutors | The Crown Prosecution Service](#)

8.2 A Caution or Prosecution proceedings will only be progressed when the case has passed both the evidential test and the public interest test.

8.3 Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

8.4 In every case where there is sufficient evidence to justify a prosecution, prosecutors must go on to consider whether a prosecution is required in the public interest. A prosecution will usually take place unless the prosecutor is satisfied that there are public interest factors tending against prosecution which outweigh those tending in favour. In some cases the prosecutor may be satisfied that the public interest can be properly served by offering the offender the opportunity to have the matter dealt with by an out-of-court disposal rather than bringing a prosecution.

9.0 Who decides what enforcement action is taken

9.1 Decisions about the most appropriate enforcement action to be taken are based upon professional judgment, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government.

9.2 Where appropriate, decisions about enforcement will involve consultation between and / or approval from:

- Investigating Officer(s);
- Head of Service or Director / Service Manager;
- Council Solicitors;

9.3 The decision about enforcement will be documented and signed off by at least two officers.

9.4 Where enforcement decisions relate to licensing matters, these will be taken under delegated authority by Officers or by a Licensing Committee, as detailed in paragraphs 7.8.1 – 7.8.3 inclusive.

10.0 Liaison with other regulatory bodies and enforcement agencies

10.1 Where appropriate, enforcement activities within Environmental Health will be coordinated with those of other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

10.2 Where an enforcement matter affects a wide geographical area beyond the Council's boundaries, or involves enforcement by one or more other local authorities or organisations all relevant parties will, where appropriate, be informed of the matter as soon as practicable and all enforcement activity coordinated with them.

10.3 The Environmental Health Service will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, including:

- Government Agencies (for example, HSE, Environment Agency, UKVI (former Border Agency), HMRC, Benefits Agency);
- Police Forces;
- Fire Authorities;
- Statutory undertakers;
- Other Local Authorities and Public Health Agencies;

11.0 Considering the views of those affected by offences

11.1 The Environmental Health Service undertakes enforcement on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will, where appropriate, be taken into account when making an enforcement decision. .

12.0 Protection of Human Rights

12.1 This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the following:

- Right to a fair trial;
- Right to respect for private and family life, home and correspondence;

13.0 Review of the Enforcement Policy

This Policy will be reviewed every 5 years or following significant changes to relevant legislation or Government guidance.

Signed

.....
Chief Executive

Appendix 2

KPI Number	Description	Q1
KPI 1	Number of service requests*	43
KPI 2	Number of corporate complaints against the service	0
KPI 3	Number of compliments	0
KPI 4	Number of civil/financial penalties/prosecutions*	0
KPI 5	Number and type of notices served and the outcome*	3
KPI 6	Number of Cat 1 Hazards removed from properties*	7
KPI 7	Number of inspections	
	HMO's	5
	HHSRS*	8
	Mobile Home Sites	1
KPI 8	Number of licenced HMO's* - running total	21
	Number of unlicenced HMO's	0

Additional Information

	Q1
Number of HMO License Apps Received*	5



North Warwickshire
Borough Council

Civil Penalties Enforcement Policy & Guidance

Housing and Planning Act 2016

Author/ Responsible Officer: Director (Housing)

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Section 1

Introduction & Overview

1.1 Introduction

This document contains both policy and guidance: Section 2 is policy and should be read as such but all other sections are guidance only. Section 2 was created in accordance with Section 3.5 of the ‘Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities’ (“the MHCLG Guidance”), published by the Ministry for Housing, Communities and Local Government.

This document is intended to work in accordance with the North Warwickshire Borough Council Private Sector Housing Enforcement Policy.

In this document, the term “landlord” will be used to refer to the “owner”, “person having control”, “person managing” or “licence holder”, as defined under the Housing Act 2004 (“the 2004 Act”). The term “Landlord” will also be used to refer to tenants of houses in multiple occupation who have committed offences under section 234 of the Housing Act 2004. The term “the Council” will be used to refer to North Warwickshire Borough Council in its capacity as a Local Housing Authority.

1.2 What is a civil penalty?

A civil penalty is a financial penalty of up to £30,000 which can be imposed on a landlord as an alternative to prosecution for specific offences. Section 2 sets out how the council will determine the appropriate level of civil penalty in each case.

The council considers that the most likely recipients of civil penalty notices will be those persons who are involved in the owning or managing of private rented properties. However, the council does have the power to impose them on tenants of Houses in Multiple Occupation where it is deemed appropriate.

1.3 What offences can civil penalties be imposed for?

A civil penalty can be considered as an alternative to prosecution for any of the following offences under the Housing Act 2004 and the Housing and Planning Act 2016:

- Failure to comply with an Improvement Notice (Housing Act 2004, section 30),
- Offences in relation to licensing of houses in multiple occupancy (HMOs) (Housing Act 2004, section 72),
- Offences in relation to licensing of houses under Part 3 of the Act (Housing Act 2004, section 95),
- Offences of contravention of an overcrowding notice (Housing Act 2004, section 139), and
- Failure to comply with management regulations in respect of HMOs (Housing Act 2004, section 234).
- Breach of banning order (Housing and Planning Act 2016, section 21)
- Failure to comply with duties of private landlords in relation to electrical installations in accordance with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (Housing and Planning Act 2016, section 123).

1.4 What is the legal basis for imposing a civil penalty?

Section 126 and Schedule 9 of the Housing and Planning Act 2016 (“the 2016 Act”) enables the council to impose a civil penalty as an alternative to prosecution for specific offences under the 2004 Act. The procedure for imposing a civil penalty is set out in Schedule 13A of the Housing Act 2004.

1.5 What is the burden of proof for a civil penalty?

The same criminal standard of proof is required for a civil penalty as for a criminal prosecution. This means that before a civil penalty can be imposed, the council must be satisfied beyond reasonable doubt that the landlord committed the offence(s) and that if the matter were to be prosecuted in the magistrates’ court, there would be a realistic prospect of conviction.

In determining whether there is sufficient evidence to secure a conviction, the council will have regard to the North Warwickshire Private Sector Housing Enforcement Policy and the Crown Prosecution Service Code for Crown Prosecutors, published by the Director of Public Prosecutions. The finding that there is a realistic prospect of conviction is based on an objective assessment of the evidence, including whether the evidence is admissible, reliable and credible and the impact of any defence.

1.6 What must be done before a Civil Penalty can be considered?

The council must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against the landlord and that the public interest will be properly served by imposing a civil penalty. The following questions should be considered:

- Does the council have sufficient evidence to prove beyond reasonable doubt that the offence was committed by the landlord in question?
- Is the public interest properly served by imposing a Civil Penalty on the landlord in respect of the offence?
- Has the evidence been reviewed by the appropriate senior colleague at the council?
- Has the evidence been reviewed by the council's legal services?
- Are there any reasons why a prosecution may be more appropriate than a civil penalty? I.e. the offence is particularly serious and the landlord has committed similar offences in the past and/or a banning order should be considered.

1.7 When will the council consider civil penalties an enforcement option?

The council will consider Civil Penalties for all landlords that are in breach of one or more of the sections of the 2004 Act listed in section 1.3 and for breach of a banning order under section 21 of the Housing and Planning Act 2016. Enforcement action will be considered on a case-by-case basis in line with the North Warwickshire Private Sector Housing Enforcement Policy, the North Warwickshire Civil Penalty Policy & Enforcement Guidance and MHCLG guidance.

1.8 The Totality Principle

Where a landlord has committed multiple offences, and a civil penalty could be imposed for each one, consideration should be given to whether it is just and proportionate to impose a penalty for each offence.

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

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

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

Section 2

Determining the Civil Penalty Amount

2.1 Overview

The council has the power to impose a civil penalty of up to £30,000; this section sets out how the council will determine the appropriate level of civil penalty in each particular case. The actual amount levied in each case should reflect the severity of the offence and take into account the landlord's income and track record.

The civil penalty will be made up of two distinct components. The first is the penalty calculation; this is where the severity of the offence, the landlord's track record and the landlord's income are considered. The second considers the amount of financial benefit, if any, which the landlord obtained from committing the offence. These two components are added together to determine the final penalty amount that will be imposed on the landlord.

This process is broken down into four main stages:

- **Stage 1** determines the penalty band for the offence. Each penalty band has a starting amount and a maximum amount.
- **Stage 2** determines how much will be added to the penalty amount as a result of the landlord's income and track record.
- **Stage 3** is where the figures from stage 2 are added to the penalty band from stage 1. The total amount at this stage cannot go above the maximum amount for the particular penalty band.
- **Stage 4** considers any financial benefit that the landlord may have obtained from committing the offence. This amount will be added to the figure from stage 3.

Stage 1

Determining the Penalty Band

2.2 Stage 1 Overview

This stage considers the landlord’s culpability for the offence and the seriousness of harm risked to the tenants or visitors to the property.

A higher penalty will be appropriate where the landlord has a history of failing to comply with their obligations and/or their actions were deliberate. Landlords are running a business and are expected to be aware of their legal obligations. There are four steps to this process and each step is set out below.

2.3 Step 1: Culpability

Table 1 sets out the four levels of culpability that will be considered: each level has accompanying examples of the behaviours that could constitute that particular level. The behaviour of the landlord should be compared to this table to determine the appropriate level of culpability. This exercise will be repeated for each offence that is being considered as the landlord’s culpability may vary between offences.

Table 1 - Levels of Culpability

Very high	<ul style="list-style-type: none"> Deliberate breach of or flagrant disregard for the law
High	<ul style="list-style-type: none"> Offender fell far short of their legal duties; for example, by: <ul style="list-style-type: none"> failing to put in place measures that are recognised legal requirements or regulations; ignoring warnings raised by the local council, tenants or others; failing to make appropriate changes after being made aware of risks, breaches or offences; allowing risks, breaches or offences to continue over a long period of time. Serious and/or systemic failure by the person or organisation to comply with legal duties.
Medium	<ul style="list-style-type: none"> Offender fell short of their legal duties in a manner that falls between descriptions in ‘high’ and ‘low’ culpability categories. Systems were in place to manage risk or comply with legal duties but these were not sufficiently adhered to or implemented.
Low	<ul style="list-style-type: none"> Offender did not fall far short of their legal duties; for example, because: <ul style="list-style-type: none"> significant efforts were made to address the risk, breaches or offences, although they were inadequate on this occasion; they have offered a reasonable defence for why they were unaware of the risk, breach or offence. Failings were minor and occurred as an isolated incident

2.4 Assessing a landlord's culpability

When assessing culpability, consider all of the evidence gathered as part of the investigation into the offence and identify any aggravating or mitigating factors which may be relevant to the assessment of culpability.

Aggravating factors could include:

- Previous convictions for similar offence/s, having regard to the time elapsed since the conviction
- Motivated by financial gain
- Obstruction of the investigation
- Deliberate concealment of the activity/evidence
- Number of items of non-compliance – greater the number the greater the potential aggravating factor
- Record of letting substandard accommodation i.e. record of having to take enforcement action previously whether complied with or not
- Record of poor management/ inadequate management provision
- Lack of a tenancy agreement/rent paid in cash
- Evidence of threatening behaviour/harassment of the tenant.

Section 2.12 below provides further guidance regarding when it is appropriate to consider past enforcement action taken against the landlord.

Mitigating factors could include:

- Cooperation with the investigation e.g. turns up for the PACE interview
- Voluntary steps taken to address issues e.g. submits a prompt licence application
- Willingness to undertake training
- Level of tenant culpability
- Willingness to join recognised landlord accreditation scheme
- Evidence of health reasons preventing reasonable compliance – mental health, unforeseen health issues, emergency health concerns
- Vulnerable individual(s) (owners not tenants) where there vulnerability is linked to the commission of the offence
- Good character i.e. no previous convictions and/or exemplary conduct

Using these factors, consider each category of culpability in the table 1 and identify the one that the landlord's behaviour falls within; where a landlord's behaviour could meet more than one of the categories, choose the highest one of those met.

2.5 Step 2: Seriousness of Harm Risked

Table 2 separates the seriousness of harm risked into three levels and each one has an accompanying description to illustrate what would constitute that level of harm risked.

The harm risked by the offence should be compared to the table to determine the appropriate level. This exercise will be repeated for each offence that is being considered as the seriousness of harm risked can vary between offences.

When using the table to determine the appropriate level, consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the landlord committing the offence. This means that even if some harm has already come to tenants or visitors to the property, consideration should still be given to whether there was the potential for even greater harm to have occurred.

Table 2 - Seriousness of Harm Risked

Level A	The seriousness of harm risked would meet the guidance for Class I and Class II harm outcomes in the Housing Health and Safety Rating System ¹ .
Level B	The seriousness of harm risked would meet the guidance for Class III and Class IV harm outcomes in the 'Housing Health and Safety Rating System' ³ .
Level C	All other cases not falling within Level A or Level B (e.g. where an offence occurred but the level of harm to the tenants or visitors does not meet the descriptions for Level A or Level B).

Further information about the classes of harm under the Housing Health and Safety Rating System can be found in appendix I.

2.6 Step 3: Penalty Levels

Using the already determined level of culpability and the seriousness of harm risked, find the appropriate penalty level (1 – 5+) in Table 3.

Table 3 - Penalty Levels

Seriousness of Harm Risked	Culpability			
	Very high	High	Medium	Low
Level A	5+	5	4	3
Level B	5	4	3	2
Level C	4	3	2	1

2.7 Step 4: Penalty Bands

Table 4 - Penalty Bands

Penalty Level	Penalty Band
1	£600 - £1200
2	£1200 - £3000
3	£3000 - £6000
4	£6000 - £15,000
5 / 5+	£15,000 - £30,000

Compare the penalty level from Step 3 to table 4 and this will give the penalty band for the offence. This penalty band determines both the starting amount and the upper limit for the penalty calculation.

¹ Office of the Deputy Prime Minister: London (2006), *Housing Health and Safety Rating System Operating Guidance*, page 47

Stage 2

Considering the landlord's income and track record

2.8 Stage 2 Overview

There are two elements to consider in stage 2: the landlord's income and the landlord's track record. Each of these will affect the penalty calculation and further details are set out below.

2.9 The Landlord's Finances

Although the council is permitted to consider all of a landlord's income and assets when calculating a civil penalty, full financial investigations will normally only be considered for the more serious offences.

For penalties that fall within bands 5 and 5+, a financial investigation of the landlord will be usually carried out and all sources of income received by the landlord can be considered as 'relevant income' for the purpose calculating the civil penalty. Specifically, the average weekly income of the landlord for the 12 months preceding the date of the offence will be used.

For penalties that fall within bands 1 to 4, the landlord's income will still be considered but the 'relevant income' will normally be limited to the income that the landlord received in relation to the property where the offence occurred.

For property owners, this will be the weekly rental income, as declared on the tenancy agreements, for the property where offence occurred and at the time the offence occurred.

For property agents, the relevant income will be any fees they received for the management of the property, as stated on the management contract between the agent and the other parties to the contract. Where the fees include VAT or any other charges, the gross amount of the fees will be used.

IMPORTANT: although the council will not normally consider carrying out a full financial investigation where the offence falls within penalty bands 1 to 4, the council does reserve the right to do so where it considers it reasonable and proportionate to the circumstances.

2.10 How is the increase as a result of the landlord's income calculated?

This is a two-step process with step 1 determining what counts as relevant weekly income and step 2 determining what percentage of this relevant weekly income should be added to the penalty amount. These steps are set out in more detail below.

Table 5 - Defining relevant weekly income

Penalty Level	Relevant Weekly Income
1	Gross rental income or management fees for the property where the offence occurred
2	
3	
4	
5 / 5+	All income for the offender (carry out a financial assessment)

Step 1 - take the penalty band, as determined in Stage 1, and compare it to Table 5: this will state what can be considered as relevant weekly income for the offence.

Table 6 - % of relevant weekly income

Penalty Level	% of Relevant Weekly Income
1	50% of relevant weekly income
2	100% of relevant weekly income
3	150% of relevant weekly income
4	250% of relevant weekly income
5	400% of relevant weekly income
5+	600% of relevant weekly income

Step 2 - take the penalty band, as determined in Stage 1, and compare it to Table 6. This will give the percentage of the landlord's relevant weekly income will be added to the civil penalty.

2.11 What if tenancy agreements or management contracts are not available?

Tenancy agreements and property management contracts can be requested using the council's existing powers and this should be done where copies are not already available.

In cases where the landlord is not forthcoming with this information or documentation, an estimate of the average weekly income will be used instead and it will be for the landlord to make representations against this estimated figure if they deem it to be too high.

Representations against estimated incomes will only be accepted where sufficient evidence of the landlord's income is provided to support these claims. Estimates of average weekly income will be calculated on a case by case basis but they will generally be based on an assessment of similar sized rental properties in the same area as the property to which the offence relates.

IMPORTANT – the council will not normally consider a landlord's assets but does reserve the right to consider assets in any cases where the council considers it reasonable and proportionate to do so. Each of these cases will be dealt with on a case by case basis.

2.12 The Landlord's track record

A higher penalty will be appropriate where the landlord has a history of failing to comply with their obligations; as such, the track record of the landlord will be an important factor in determining the final amount of the civil penalty that is imposed. Below are questions that must be asked for each landlord that will receive a civil penalty.

- 1) *Has the landlord had any relevant¹ notices, under Part 1 of the Housing Act 2004, served on them in the last 2 years? If so, how many times have they been subject to such enforcement action in that timeframe?*
- 2) *Has the landlord had any civil penalties imposed on them in the last 2 years? If so, how many civil penalties have been imposed on them in that timeframe?*
- 3) *Has the landlord accepted any cautions for relevant¹ offences in the last 2 years? If so, how many cautions for relevant offences¹ have they accepted in that timeframe?*
- 4) *Has the landlord been sent a letter, in the last 2 years, which informed them that they are now subject to a 'straight to enforcement action' approach?*
- 5) *Has the landlord owned or managed a property where the term of an existing licence for the property, under the Housing Act 2004, was reduced due to enforcement action or significant concerns, in the last 2 years?*
- 6) *Has the landlord breached any relevant² notices, which resulted in works in default being carried out, in the last 2 years? If so, how many times have works in default been carried out under such circumstances in that timeframe?*
- 7) *Has the landlord owned or managed a property where a licence for the property, under the Housing Act 2004, was revoked due to enforcement action or significant concerns, in the last 2 years?*
- 8) *Has the landlord been prosecuted for any relevant³ offences in the last 2 years? If so, how many times have such prosecutions taken place in that timeframe?*
- 9) *Has the landlord owned or managed a property which was subject to an interim or final management order under the Housing Act 2004 in the last 2 years?*
- 10) *Has the Landlord been the subject of a banning order under the Housing and Planning Act 2016 in the last 2 years?*

¹ any action under Part 1 other than a 'hazard awareness' notice or a 'clearance area'.

² any notices served under any legislation relating to housing, public health or environmental health.

³ any unspent convictions relating to any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against the offender.

IMPORTANT – question 1 refers to all relevant notices served during the two years: this means that where the offence is failure to comply with an improvement notice, that notice should also be included in the answer to the question.

2.13 How is the increase as a result of the Landlord’s track record calculated?

Table 7 - Weightings

Category	Weighting
Category 1 (<i>Least serious</i>)	1
Category 2 (<i>Moderately Serious</i>)	5
Category 3 (<i>Very Serious</i>)	10
Category 4 (<i>Most serious</i>)	20

Each of the questions will be placed into one of four categories, based on the seriousness of the offence or enforcement action to which the question refers. Each category of question is given a weighting that increases with the seriousness of the

category. Table 7 shows the four categories and the weighting which is applied to each one.

Any questions where the answer is ‘no’ will have a weighting of zero but ‘yes’ answers will accrue the weighting for that particular question. E.g. the weighting for a question is 10 and the answer to that question is ‘yes’ so the score for that particular question will be 10.

For those questions where the number of occasions is relevant, the total weighting for a ‘yes’ answer will be the weighting for that question multiplied by the number of occasions. E.g. if a question has a weighting of 5 and the landlord has committed the offence 3 times, this will give a total score of 15 for the question. Table 8 shows the category which each of the questions falls within and the subsequent weighting that is applied as a result.

Table 8 - Questions & Weightings

Questions	Weighting for a ‘Yes’ answer	Multiplied by the number of occasions?
Has the landlord had any relevant ¹ notices, under Part 1 of the Housing Act 2004, served on them in the last 2 years?	1	Yes
Has the landlord had any civil penalties imposed on them in the last 2 years?	5	Yes
Has the landlord accepted any cautions for relevant ¹ offences in the last 2 years?	10	Yes
Has the landlord been sent a letter, in the last 2 years, which informed them that they are now subject to a ‘straight to enforcement action’ approach?	5	No
Has the landlord owned or managed a property where the term of an existing licence for the property, under the Housing Act 2004, was	5	No

reduced due to enforcement action or significant concerns, in the last 2 years?		
Has the landlord breached any relevant ² notices, which resulted in works in default being carried out, in the last 2 years?	10	Yes
Has the landlord owned or managed a property where a licence for the property, under the Housing Act 2004, was revoked due to enforcement action or significant concerns, in the last 2 years?	10	No
Has the landlord been prosecuted for any relevant ³ offences in the last 2 years?	20	Yes
Has the landlord owned or managed a property which was subject to an interim or final management order under the Housing Act 2004 in the last 2 years?	20	No
Has the landlord been the subject of a banning order under the Housing and Planning Act 2016 in the last 2 years?	20	No

¹ any action under Part 1 other than a 'hazard awareness' notice or a 'clearance area'.

² any notices served under any legislation relating to housing, public health or environmental health.

³ any unspent convictions relating to any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against the offender.

Table 9 - % Increase

Score	%	Score	%
0	0%	21	55%
1	5%	23	60%
3	10%	25	65%
5	15%	27	70%
7	20%	29	75%
9	25%	31	80%
11	30%	33	85%
13	35%	35	90%
15	40%	37	95%
17	45%	39+	100%

Once all the questions have been answered, the weighting for each is totalled and compared to Table 9: this gives the percentage increase that will be applied to the penalty amount. The increase will be a percentage of the starting amount for the penalty band that the offence falls within. E.g. the total score for the questions is 23 and so the corresponding percentage increase in Table 9 will be 60%.

IMPORTANT - the penalty calculation will never be increased past the upper limit of the penalty band: however, where the landlord has a history of non-compliance, it is appropriate to factor this into your assessment of their overall culpability. This could affect your initial assessment of the appropriate penalty level and lead to a higher penalty band being used as the starting point.

Stage 3

Adding Income and Track Records Amounts to the Penalty Band

2.14 Stage 3 Overview

Stage 1 gives the penalty band for the offence and this determines the starting amount and the upper limit for the penalty calculation. Stage 2 gives the amount that should

be added as a result of the landlord's income and the amount that should be added as a result of the landlord's track record.

2.15 How are the figures from stage 1 and stage 2 combined?

To get the amount of the penalty calculation, the two figures from Stage 2 should be added to the starting amount for the penalty band. E.g. if the increase for income is £500 and the increase due to the landlord's track record is £1000, these two figures are added to the starting amount for the penalty to get the penalty calculation amount.

If the amount calculated, by adding the figures for the landlord's income and track record, is less than the upper limit for the penalty band, then this is the amount that will be used. However, if the amount calculated is greater than the upper limit for the penalty band, then the upper limit will be used instead.

Stage 4

Financial benefit obtained from committing the offence

2.16 Stage 4 Overview

A guiding principle of civil penalties is that they should remove any financial benefit that the landlord may have obtained as a result of committing the offence. This means that the amount of the civil penalty imposed should never be less than it would have reasonably cost the landlord to comply in the first place.

2.17 How is the financial benefit determined?

Calculating the amount of financial benefit obtained will need to be done on a case by case basis but the table below gives some examples of potential financial benefit for each of the offences.

Offence	Examples of potential financial benefit
Failure to comply with an Improvement Notice (section 30)	The cost of any works that were required to comply with the improvement notice but which have not been removed by works in default.
Offences in relation to licensing of HMOs (section 72)	Rental income whilst the HMO was operating unlicensed or where it was occupied by more than the number of persons authorised by the licence; the cost of complying with any works conditions on the licence; the cost of the licence application fee.
Offences in relation to licensing of houses under Part 3 of the Act (section 95)	Rental income whilst the property was operating unlicensed or where it was occupied by more than the number of persons authorised by the licence; the cost of complying with any works conditions on the licence; the cost of the licence application fee.
Offence of contravention of an overcrowding notice (section 139)	Rental income whilst the property is being occupied in contravention of the overcrowding notice.

Failure to comply with management regulations in respect of HMOs (section 234)

The cost of any works that are required to avoid breaching the regulations.

2.18 How is financial benefit added to the penalty amount?

The Council will need to be able to prove that financial benefit was obtained before it can be included in the civil penalty calculation. However, where it can be proven, the amount obtained should be added to the penalty calculation amount from Stage 3 and this will give the final civil penalty amount that will be imposed on the landlord.

IMPORTANT – where the landlord has obtained financial benefit in the form of rental income and this full amount has been added to the total penalty, it will be appropriate to take this into consideration when deciding whether or not to pursue a Rent Repayment Order.

Section 3 Imposing a Civil Penalty

3.1 Where is the process for civil penalties set out?

Schedule 9 of the Housing and Planning Act 2016 sets out the process which must be followed when imposing a civil penalty.

3.2 Notice of Intent

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

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

3.3 Representations

Any landlord who is in receipt of a notice of intent has the right to make representations against that notice within 28 days of the date on which the notice was given. Representations can be against any part of the proposed course of action. Landlords may make written representations to the Council within 28 days by post or by email to privatesectorhousing@northwarks.gov.uk. These representations will be considered

by a Review Panel which will include an independent officer, senior or management position in addition to the case officer.

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

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

3.4 Final Notice

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

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

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

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

3.5 Withdrawing or Amending Notices

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

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

3.6 Appeals to the Tribunal

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

3.7 Payment of a Civil Penalty

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

3.8 Other consequences of having a Civil Penalty imposed

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

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

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

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

3.9 Recovering an unpaid Civil Penalty

It is the policy of the council to consider all legal options available for the collection of unpaid civil penalties and to pursue unpaid penalties in all cases through the county courts. Some of the orders available to the council through the county courts are as follows:

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

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

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

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

3.10 Income from Civil Penalties

Any income from Civil Penalties is retained by the council. The council must spend any income from Civil Penalties on its enforcement functions in relation to the private rented sector. Further details can be found in Statutory Instrument 367 (2017).

Section 4

Worked Examples

4.1 Worked Example 1

Landlord A owns and operates an unlicensed HMO. Landlord A has been made aware of the need to apply for an HMO licence but has failed to do so and has continued to operate unlicensed for the past 6 months. The rental income received by Landlord A during this 6 month period is £7500. This is not the first time that Landlord A has been the subject of enforcement action, having previously been cautioned for operating another unlicensed HMO a year ago and being served improvement notices on two separate occasions in the last 12 months. Both notices were complied with.

Offence: Operating an unlicensed HMO

Culpability: 'Very High' (*Deliberate breach of or flagrant disregard for the law*)

Justification: Landlord A is aware of requirement to licence the property and the consequences of not doing so but has chosen not to comply anyway.

Seriousness of harm risked: 'Level C'

(*All other cases not falling within Level A or Level B*)

Justification: the specific offence of operating an unlicensed HMO does not implicitly mean that there are any defects or deficiencies in the property. As such, the seriousness of harm risked would not meet the descriptions of 'Level A' or 'Level B'.

Penalty band: 4 - £6000 to £15,000 (*'Very High' culpability and 'Level C' harm*)

Increase due to the landlord's track record: £1800

(*30% of the starting point for the penalty*)

Justification: in the last two years, Landlord A has accepted 1 caution for a relevant offence and has been served 2 relevant notices, under Part 1 of the Housing Act 2004. This gives us a score of 12 and an increase of 30% of the penalty amount. This is an increase of £1800.

Increase due to the landlord's income: £721.15

(*250% of weekly rental income from the property where the offence occurred*)

Justification: the penalty band is 4 and Landlord A is the owner of the property where the offence occurred. As such, the relevant income for consideration is the weekly rental income for the property and 250% of this will be added to the penalty amount. In this case, the relevant weekly income is £288.46 and so £721.15 will be added.

Penalty calculation amount: £8521.15 (£6000 + £1800 + £721.15 = £8521.15)

Financial benefit obtained from committing the offence: £7500

Justification: Landlord A has received £7500 in rental income from the property during the time that it has been unlicensed and so this can be considered the financial benefit received from committing the offence.

Final amount of the civil penalty: £16021.15 (£8521.15 + £7500 = £16021.15)

4.2 Worked Example 2

Landlord B owns and manages a single family dwelling. During an inspection, a category 1 hazard (falls on stairs) and multiple category 2 hazards were identified at the property. The stairs were in an extremely dangerous condition but could be made safe fairly easily. An improvement notice was served on Landlord B and some of the works to reduce the category 2 hazards were carried out but the remainder of the works on the notice were not. Works in default were carried out at the property with a total cost of £2000. Landlord B was also prosecuted 18 months ago for failing to comply with an improvement notice. A financial investigation into Landlord B found that they have received an annual income of £50,000.

Offence: Failing to comply with an improvement notice.

Culpability: 'Very High' (*Deliberate breach of or flagrant disregard for the law*)

Justification: Landlord B was aware of the need to comply with the Improvement Notice as some of the works were completed. Landlord B is also aware of the consequences of failing to comply with the notice as previous enforcement action has been taken against them for this reason.

Seriousness of harm risked: 'Level A'

Justification: The condition of the staircase creates a Category 1 hazard and if someone were to trip or fall on the stairs, they could reasonably end up with harm outcomes that meet the descriptions of Class 1 and Class 2 harm outcomes under the Housing Health & Safety Rating System. This means that the seriousness of harm risked meets the description of 'Level A'.

Penalty band: 5+ - £15,000 to £30,000 (*'Very High' culpability and 'Level A' harm*)

Increase due to the landlord's track record: £12,000

(*80% of the starting point for the penalty*)

Justification: in the last two years, Landlord B has been prosecuted for a relevant offence, has been served 1 relevant notice under Part 1 of the Housing Act 2004, and

has been subject to works in default. This gives us a score of 31 for his track record and an increase of 80% of the penalty amount. This is an increase of £12,000.

Increase due to the landlord's income: £5769.23

(600% of the Landlord's average weekly income)

Justification: the penalty band is 5+ and so a financial investigation was carried out to identify all of Landlord B's income. The investigation found they received a total annual income of £50,000 and 600% of their average weekly income will be added to the penalty amount. In this case, the average weekly income is £961.54 and so £5769.23 will be added.

Penalty calculation amount: £30,000 ($£15000 + £12000 + £5769.23 = £32,769.23$)

Financial benefit obtained from committing the offence: None

Justification: works in default were carried out at the property and the cost of these works, plus an administration fee, were charged to Landlord B. As such, it cannot be said that Landlord B obtained financial benefit from committing the offence.

Final amount of the civil penalty: £30,000

(£15000 + £12000 + £5769.23 = £32,769.23 - civil penalties are capped at £30,000)

4.3 Worked Example 3

Landlord C is the appointed manager of a three bedroom licenced HMO. The company is paid £90 per month to manage the property on behalf of the owner. During a compliance inspection, it was found that they had neglected to display any of the manager's details anywhere in the property. They were warned about this one year ago and stated that they were aware of the requirement but an oversight meant that they missed this property when displaying details. They have not been the subject of any formal enforcement action in the last 2 years and the property was otherwise in a satisfactory condition.

Offence: Failure to comply with management regulations in respect of Houses in Multiple Occupation.

Culpability: 'Low' (*Failings were minor and occurred as an isolated incident*)

Justification: the company does not have a history of non-compliance and the breach was fairly minor and easily rectified.

Seriousness of harm risked: 'Level C'

(All other cases not falling within Level A or Level B)

Justification: The seriousness of harm risked to the tenants was low and so it would not meet the descriptions of harm found in 'Level A' or 'Level B'.

Penalty band: 1 - £600 to £1200 (*'Low' culpability and 'Level C' harm*)

Increase due to the landlord's track record: None

Justification: in the last two years, Landlord C has not been the subject of any formal enforcement action and so there is no increase in the penalty amount due to their track record.

Increase due to the landlord's income: £10.39 (*50% of weekly rental income from the property where the offence occurred*)

Justification: the penalty band is 1 and Landlord C is the manager of the property where the offence occurred. As such, the relevant income for consideration is the weekly management fees received for the property and 50% of this will be added to the penalty amount. In this case, the relevant weekly income is £20.77 and so £10.39 will be added.

Initial penalty calculation amount: £610.39 ($£600 + £10.39 = £610.39$)

Financial benefit obtained from committing the offence: None

Justification: the cost of displaying Landlord C's management details would be negligible and so it would not be reasonable to claim that financial benefit was obtained from committing the offence.

Final amount of the civil penalty: £610.39 ($£600.00 + £10.39 = £610.39$)

Appendix I – Classes of Harm (HHSRS)

The following is an extract from the Housing Health and Safety Rating System Operating Guidance (page 47 - 48), published by the Office of the Deputy Prime Minister (2006).

“Examples for the Four HHSRS Classes of Harm

- C1 *The Classes of Harm used for the HHSRS are based on the top four Classes of Harm as identified in A Risk Assessment Procedure for Health and Safety in Buildings (2000) BRE. While this work identified seven Classes of Harm, only the top four are used for the purposes of the HHSRS as these are harms of sufficient severity that they will either prove fatal or require medical attention and, therefore, are likely to be recorded in hospital admissions or GP records.*
- C2 *Work on developing and refining the Statistical Evidence supporting the Rating System involved classifying a more comprehensive list of harm outcomes.*
- C3 *The examples given below are intended for guidance only. It should be noted that some of the harm outcomes may appear in more than one Class depending on the severity of the condition. For example, respiratory disease will be in Class II or III depending on the severity and duration.*

Class I

This Class covers the most extreme harm outcomes including: Death from any cause; Lung cancer; Mesothelioma and other malignant lung tumours; Permanent paralysis below the neck; Regular severe pneumonia; Permanent loss of consciousness; 80% burn injuries.

Class II

This Class covers severe harm outcomes, including: Cardio-respiratory disease; Asthma; Non-malignant respiratory diseases; Lead poisoning; Anaphylactic shock; Cryptosporidiosis; Legionnaires disease; Myocardial infarction; Mild stroke; Chronic confusion; Regular severe fever; Loss of a hand or foot; Serious fractures; Serious burns; Loss of consciousness for days.

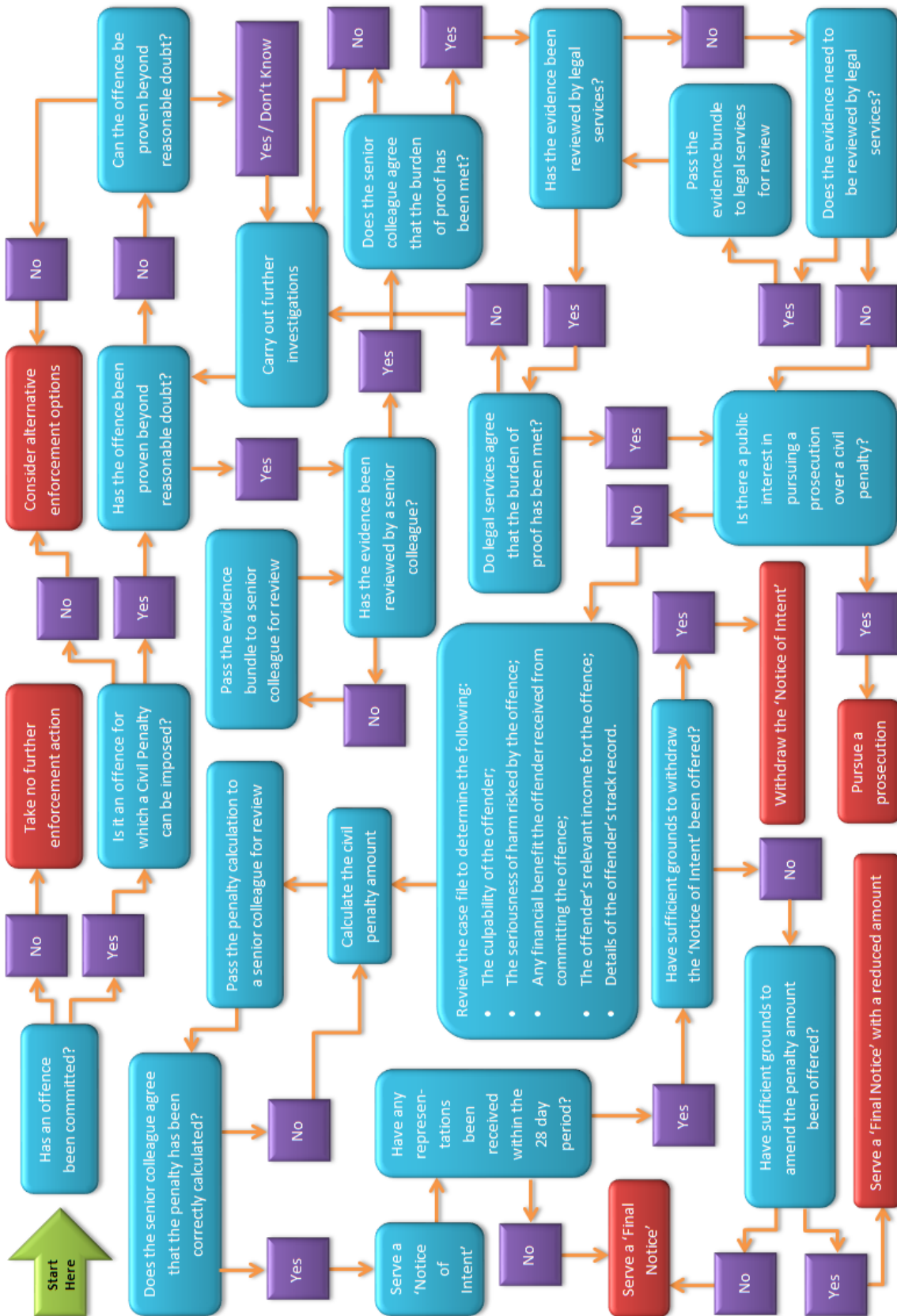
Class III

This Class covers serious harm outcomes, including: Eye disorders; Rhinitis; Hypertension; Sleep disturbance; Neuro-psychological impairment; Sick building syndrome; Regular and persistent dermatitis, including contact dermatitis; Allergy; Gastro-enteritis; Diarrhoea; Vomiting; Chronic severe stress; Mild heart attack; Malignant but treatable skin cancer; Loss of a finger; Fractured skull and severe concussion; Serious puncture wounds to head or body; Severe burns to hands; Serious strain or sprain injuries; Regular and severe migraine.

Class IV

This Class includes moderate harm outcomes which are still significant enough to warrant medical attention. Examples are: I Pleural plaques; Occasional severe discomfort; Benign tumours; Occasional mild pneumonia; Broken finger; Slight concussion; Moderate cuts to face or body; Severe bruising to body; Regular serious coughs or colds.”

Appendix II – Process flow chart





North Warwickshire
Borough Council

Financial Penalty Enforcement Policy & Guidance

Author/ Responsible Officer: Director (Housing)

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Section 1

Introduction & Overview

1.1 Introduction

This financial policy has been written to ensure compliance with Regulations made that are enforced by the Council in respect of property redress schemes, fire safety precautions and energy efficiency measures where a financial penalty can be issued to landlords. The Council's approach ensures that the financial penalty should be proportionate and reflect the severity of the breach, and should be set high enough to help ensure that it has a real economic impact on the landlord and demonstrate the consequences of not complying with their responsibilities. The landlord's track record will be taken into account in each case.

This document is intended to work in accordance with the North Warwickshire Borough Council Private Sector Housing Enforcement Policy.

In this document, the term "landlord" will be used to refer to the "owner", "person having control" or "person managing" as defined under the Housing Act 2004 ("the 2004 Act"). The term "the Council" will be used to refer to North Warwickshire Borough Council in its capacity as a Local Housing Authority.

1.2 What is a financial penalty?

A financial penalty is a monetary sanction of up to £5,000 which can be imposed on a landlord for specific offences made under the regulations appertaining to section 45 of the Energy Act 2011, section 150 of the Energy Act 2013 and section 85 of the Enterprise and Regulatory Reform Act 2013. The amount of penalty is determined by the Council in each case; section 2 sets out how the Council will determine the appropriate level of financial penalty. The Council considers that the recipients of financial penalty notices will be those persons who are involved in the owning or managing of private rented properties.

A financial penalty must not be confused with a civil penalty that can be imposed under the Housing and Planning Act 2016. A financial penalty in terms of this policy can only be imposed following the service of a penalty notice under the regulations listed in section 1.3.

1.3 What offences can financial penalties be imposed for?

A financial penalty can be made for any of the following offences under the legislation above and the regulations as follows:

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

- Failure to register with a redress scheme under article 3 (requirement to belong to a redress scheme: lettings agency work) or article 5 (requirement to belong to a redress scheme: property management work)
- The amount of the monetary penalty must not exceed £5,000

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

- Failure to provide a working smoke alarm on each storey of a residential premises let under the terms of a tenancy.
- Failure to provide a working carbon monoxide alarm in any room of a residential premises let under the terms of a tenancy that contains a solid fuel burning combustion appliance.

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

- A landlord, on or after 1st April 2018, grants a new tenancy or lets the property on such a tenancy as a result of an extension or renewal of an existing tenancy without undertaking such works as required to increase a 'F' or 'G' rated property in accordance with the EPC for the property.
- A landlord, on or after 1st April 2020, continues to let the property that is rated 'F' or 'G' in accordance with the EPC for the property.

1.4 What is the legal basis for imposing a financial penalty?

Where the Council is satisfied that the regulations have not been complied with and an offence has been identified.

1.5 What is the burden of proof for a financial penalty?

Where the Council is satisfied on the balance of probabilities that a person has failed to comply with the requirements of the above regulations a financial penalty can be imposed upto a maximum of £5,000.

In determining whether there is sufficient evidence to serve a penalty notice, the council will have regard to the North Warwickshire Private Sector Housing Enforcement Policy and the Crown Prosecution Service Code for Crown Prosecutors, published by the Director of Public Prosecutions.

1.6 What must be done before a Financial Penalty can be considered?

The Council must be satisfied that there is sufficient evidence of an offence under the regulations listed in section 1.3. The following questions should be considered:

- Does the Council have sufficient evidence to prove on the balance of probabilities that the offence was committed by the landlord in question?

- Has the officer assessed the penalty appropriately using the calculation provided in section 5.
- Has a notice of intent been issued under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014?
- Has the evidence been reviewed by the appropriate senior officer at the Council?

1.7 When will the Council consider Financial Penalties an enforcement option?

The Council will consider financial penalties for all landlords that are in breach of one or more of the regulations listed in section 1.3. Enforcement action will be considered on a case-by-case basis in line with the North Warwickshire Private Sector Housing Enforcement Policy, the North Warwickshire Financial Penalty Policy and MHCLG guidance.

Section 2

The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014

2.1 The legal framework

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 makes it a legal requirement for all lettings agents and property managers in England to join a Government approved redress scheme.

The Council is the enforcing authority for this Order within the Borough. The Council can impose a fine of up to £5,000 where it is satisfied, on the balance of probability that someone is engaged in letting or management work and is required to be a member of a redress scheme, but has not joined.

2.2 Notice of Intent

The procedure for issuing a fine will be to serve a Notice of Intent within 6 months of the date on which the Council has gathered sufficient evidence and is satisfied that a person has failed to comply with the Order. The Notice of Intent will give written notice of their intention to impose a penalty and will set out:

- the reasons for the penalty;
- the amount of the penalty;
- that there is a 28 day period to make written representations or objections, starting from the day after the date on which the notice of intent was sent.

The amount of the penalty will be assessed using the criteria for determining the amount of a financial penalty outlined in Section 5.

The Council may at any time withdraw the notice of intent or reduce the amount specified in the notice at any time by giving notice in writing.

2.3 Monetary Penalty

After the end of the period for making representations and objections, the Council will decide whether to impose a monetary penalty, with or without modifications. If the decision is to impose a financial penalty the Council will serve on that person a final notice imposing that penalty. The final notice will include the following:

- the reasons for imposing the monetary penalty;
- information about the amount to be paid;

- information about how payment may be paid;
- information about the period in which the payment must be made, which must not be less than 28 days;
- information about rights of appeal; and
- information about the consequences of failing to comply with the notice.

The Council may at any time withdraw a final notice or reduce the amount specified in the notice at any time by giving notice in writing.

2.4 Appeals against a monetary penalty

A landlord served with a notice imposing a monetary penalty may appeal to the First-Tier Tribunal against the notice. For further information regarding appeals and reviews refer to section 6 of this policy.

Section 3

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

This statement sets out the principles that NWBC will apply in exercising its powers to require a relevant landlord to pay a financial penalty.

3.1 Purpose of this Statement of Principles

The Council is required under these Regulations to prepare and publish a statement of principles and it must follow this guide when deciding on the amount of a penalty charge.

The Council may revise its statement principles at any time, but where it does so, it must publish a revised statement.

When deciding on the amount for the penalty charge, the Council will have regard to the statement of principles published at the time when the breach in question occurred.

3.2 The legal framework

The powers come from the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations), being a Statutory Instrument (2015 No 1693) which came into force on 1 October 2015.

The Regulations place a duty on landlords, which include freeholders or leaseholders who have created a tenancy, lease, licence, sub-lease or sub-licence. The Regulations exclude registered providers of social housing.

The duty requires that landlords ensure that:

- a smoke alarm is installed on each storey of premises where there is living accommodation
- a carbon monoxide alarm is installed in any room of premises used as living accommodation, which contained a solid fuel burning appliance.

AND for tenancies starting from 1 October 2015

- checks are made by the landlord or someone acting on his behalf that the alarm(s) is/are in proper working order on the day the tenancy starts.

3.3 Remedial Notices

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council will serve a remedial notice on the landlord under Regulation 5.

A remedial notice will specify the following:

- the premises to which the notice relates;
- the duty or duties that the Council considers the landlord is failing or has failed to comply with;
- the remedial action the Council considers should be taken;
- require the landlord to take that action within 28 days beginning with the day on which the notice is served;
- explain that the landlord is entitled to make written representations against the notice within 28 days beginning with the day on which the notice is served;
- the person to whom, and the address (including if appropriate any email address) at which, any representations may be sent; and
- explain the effect of regulations 6, 7 and 8, including the maximum penalty charge which the Council may impose.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice, if they can demonstrate they have taken all reasonable steps to comply. This can be done by making written representations to the Council within 28 days of when the remedial notice is served.

Where the Council is satisfied that a landlord has not complied with a specification described in the remedial notice in the required timescale and consent is given by the occupier, the Council will arrange for remedial works to be undertaken in default of the landlord. This work in default will be undertaken within 28 days of the Council being satisfied of the breach. In these circumstances, battery operated alarms will be installed as a quick and immediate response.

A failure to comply with the requirements of a remedial notice within the specified timescale, the Council to require a landlord to pay a penalty charge not exceeding £5,000 under Regulation 8. The criteria for determining the amount of a financial penalty can be found in Section 5.

3.4 Penalty Notices

A penalty charge notice will state the following:

- the reasons for imposing the penalty charge;
- the premises to which the penalty charge relates;
- the number and type of prescribed alarms (if any) which an authorised person has installed at the premises;
- the amount of the penalty charge;

- that the landlord is required, within a period specified in the notice—
 - to pay the penalty charge, or
 - to give written notice to the Council that the landlord wishes the authority to review the penalty charge notice;
- how payment of the penalty charge must be made; and
- the person to whom, and the address (including if appropriate any email address) at which, a notice requesting a review may be sent and to which any representations relating to the review may be addressed

3.5 Appeals against a Penalty Notice

A landlord served with a penalty notice imposing a monetary penalty may appeal to the First-Tier Tribunal against the notice. For further information regarding appeals and reviews refer to section 6 of this policy.

Section 4

The Energy Efficiency (Private Rented Property (England and Wales) Regulations 2015

4.1 The Minimum Energy Efficiency Standard (MEES)

The Energy Efficiency (Private Rented Property) Regulations 2015 and Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2019 known as MEES require a domestic private rented property to have a minimum Energy Performance Certificate (EPC) rating of 'E'. The regulations are designed to tackle the least energy-efficient properties in England and Wales – those rated 'F' or 'G' on their Energy Performance Certificate (EPC). The main principles of the regulations are:

- From the 1st April 2018 landlords are prohibited from granting new tenancies for a property with an EPC rating of below E, nor can they renew or extend any existing tenancies.
- From 1st April 2020 the legislation further restricts landlords letting out below E-rated properties to all existing tenancies.

In addition to the EPC rating requirements, the legislation also enables a tenant to request their landlord's consent for energy efficiency improvements to be made to the property and placed a duty on the landlord to not unreasonably refuse such works. This enables a tenant to serve a 'tenants request' on the landlord and if the landlord fails in their duty the tenant may apply to the First Tier Tribunal for its consent for the improvements to be made.

4.2 Enforcement of the MEES Regulations

Local Authorities are required to enforce compliance of the MEES regulations. NWBC can access the national EPC register when dealing with any housing complaint to ensure that an EPC is in place. Non-compliant landlords can be issued with a financial penalty of up to £5,000, for offences including failure to comply with a Compliance Notice requiring information, failure to register a property on the PRS Exemption Register, or registering false information.

4.3 Compliance Notices

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council may serve a compliance notice on a landlord who appears to be,

or to have been at any time within the 12 months preceding the date of service of the compliance notice of a sub-standard property. A compliance notice will contain the following information:

- the name and address of the person to whom the documents or other information required must be provided, and
- the date by which they must be provided which must be no less than one month from the date on which the compliance notice is served.

A compliance notice may in particular request the landlord to produce for inspection originals, or copies, of the following:

- the energy performance certificate for the property which was valid at the time the property was let,
- any other energy performance certificate for the property in landlords possession,
- any current tenancy agreement under which the property is let,
- any qualifying assessment in relation to the property,
- any other document which the enforcement authority considers necessary to enable it to carry out its functions under this Part, and
- may request the landlord to register copies of any of them on the PRS Exemptions Register

Where the Council is satisfied that a compliance notice has been complied with the notice will be revoked. Where the Council is satisfied that a landlord has not complied with a compliance notice a penalty notice will be served.

4.4 Failure to comply with a Compliance Notice

A failure to comply with the requirements of a the regulations where has property has been let in breach of the regulations, a compliance notice has not been complied with, or a failure to register an exemption of giving false or misleading information the Council will serve a penalty notice with a charge not exceeding £5,000. The criteria for determining the amount of a financial penalty can be found in Section 5.

4.5 Penalty Notices

Where the Council decides to impose a penalty charge on the landlord the penalty notice will contain the following:

- specify the provision of these Regulations which the Council believes the landlord has breached,
- give such particulars as the enforcement authority considers necessary to identify the matters constituting the breach,
- specify any action the Council requires the landlord to take to remedy the breach,

- specify the period within which such action must be taken,
- specify the amount of any financial penalty imposed and, where applicable, how it has been calculated,
- specify whether the publication penalty has been imposed,
- require the landlord to pay any financial penalty within a period specified in the notice,
- specify the name and address of the person to whom any financial penalty must be paid and the method by which payment may be made,
- state the effect of regulations 42 to 45, and
- specify the name and address of the person to whom a notice requesting a review in accordance with regulation 42 may be sent (and to whom any representations relating to the review must be addressed), and
- the period within which such a notice may be sent.

4.6 Publication Penalty

A Publication Penalty may also be imposed on its own, or in addition to a financial penalty under Regulation 38.

This publication penalty is defined in Regulation 39, as being publication on the PRS Exemptions Register and the information that can be published on the register is as follows:

1. Where the landlord is not an individual - the landlord's name
2. Details of the breach for which a penalty notice has been issued
3. The address of the property to which the breach occurred
4. The amount of the financial penalty notice imposed.

This information must be published for a minimum period of 12 months and may be longer should the Council decide.

Publication will not take effect until the expiry or any review period or determination of an appeal whichever is the case.

4.7 Appeals against a Penalty Notice

A landlord served with a Penalty Notice may appeal to the First-Tier Tribunal against the notice. For further information regarding appeals and reviews refer to section 6 of this policy.

Section 5

Determining the Financial Penalty Amount

5.1 Overview

The council has the power to impose a financial penalty of up to £5,000 under all three regulations; this section sets out how the council will determine the appropriate level of financial penalty in each particular case. The actual amount levied in each case should reflect the severity of the offence and take into account the landlord's track record and harm caused to the occupants where the offence took place.

The financial penalty will be made up of two distinct components. The first is the penalty calculation in respect of the landlord's culpability. Aggravating factors such as if the landlord is a portfolio landlord and the length of time they have been operating as a landlord will be considered. The second considers the seriousness of the harm caused to the health and safety of the occupants where the offence took place. These two components are added together to determine the final penalty amount that will be imposed on the landlord.

5.2 Determining the penalty band

Stage 1

This stage considers the landlord's culpability for the offence and the seriousness of harm risked to the tenants or visitors to the property.

A higher penalty will appropriate where the landlord has a history of failing to comply with their obligations and/or their actions were deliberate. Landlords are running a business and are expected to be aware of their legal obligations. There are two steps to this process as set out below.

5.3 Step 1: Culpability

Table 1 sets out the two levels of culpability that will be considered: each level has accompanying examples of the behaviours that could constitute that particular level. The behaviour of the landlord should be compared to this table to determine the appropriate level of culpability. This exercise will be repeated for each offence that is being considered as the landlord's culpability may vary between offences.

Table 1 - Levels of Culpability

High	<ul style="list-style-type: none">• Deliberate breach of or flagrant disregard for the law• Offender fell far short of their legal duties; for example, by:<ul style="list-style-type: none">- failing to put in place measures that are recognised legal requirements or regulations;- ignoring warnings raised by the local council, tenants or others;- failing to make appropriate changes after being made aware of risks, breaches or offences;- allowing risks, breaches or offences to continue over a long period of time.- The offender is a large, portfolio landlord renting property as their main business• Serious and/or systemic failure by the person or organisation to comply with legal duties.
Low	<ul style="list-style-type: none">• Offender did not fall far short of their legal duties; for example, because:<ul style="list-style-type: none">- significant efforts were made to address the risk, breaches or offences, although they were inadequate on this occasion;- they have offered a reasonable defence for why they were unaware of the risk, breach or offence.- The landlord is a small landlord• Failings were minor and occurred as an isolated incident

5.4 Assessing a landlord's culpability

When assessing culpability, consider all of the evidence gathered as part of the investigation into the offence and identify any aggravating or mitigating factors which may be relevant to the assessment of culpability.

Aggravating factors could include:

- Previous convictions for similar offence/s, having regard to the time elapsed since the conviction
- Motivated by financial gain
- Obstruction of the investigation
- Deliberate concealment of the activity/evidence
- Number of items of non-compliance – greater the number the greater the potential aggravating factor
- Record of letting substandard accommodation i.e. record of having to take enforcement action previously whether complied with or not
- Record of poor management/ inadequate management provision
- Lack of a tenancy agreement/rent paid in cash
- Evidence of threatening behaviour/harassment of the tenant.

Further guidance regarding when it is appropriate to consider past enforcement action taken against the landlord and mitigating factors could include:

- Cooperation with the Council's investigation
- Voluntary steps taken to address issues e.g. submits a prompt licence application
- Willingness to undertake training
- Level of tenant culpability
- Willingness to join recognised landlord accreditation scheme
- Evidence of health reasons preventing reasonable compliance – mental health, unforeseen health issues, emergency health concerns
- Vulnerable individual(s) (owners not tenants) where there vulnerability is linked to the commission of the offence
- Good character i.e. no previous convictions and/or exemplary conduct

Low - first breach under these regulations, no previous history of non-compliance of with housing related regulatory requirements. Complex issues partially out of control of the landlord have led to non-compliance.

High - landlord has failed to comply with requests to comply with these regulations. Previous history of non-compliance with housing related legislation. Knowingly or recklessly providing incorrect information in relation to exemptions to these regulations. Experienced, professional landlords operating a portfolio of rented properties.

Using these factors, consider each category of culpability in the table 1 and identify the one that the landlord's behaviour falls within to assess culpability

5.5 Step 2: Seriousness of Harm Risked

Table 2 separates the seriousness of harm risked into two levels and each one has an accompanying description to illustrate what would constitute that level of harm risked.

The harm risked by the offence should be compared to the table to determine the appropriate level. This exercise will be repeated for each offence that is being considered as the seriousness of harm risked can vary between offences.

When using the table to determine the appropriate level, consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the landlord committing the offence. This means that even if some harm has already come to tenants or visitors to the property, consideration should still be given to whether there was the potential for even greater harm to have occurred.

Table 2 - Seriousness of Harm Risked

High	The seriousness of harm risked would meet the guidance for Class I and Class II harm outcomes in the Housing Health and Safety Rating System ¹ .
Low	The seriousness of harm risked would meet the guidance for Class III and Class IV harm outcomes in the 'Housing Health and Safety Rating System' ³ .

Further information about the classes of harm under the Housing Health and Safety Rating System can be found in appendix I.

When assessing the risk of harm and determining the appropriate level, consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the landlord committing the offence. This means that even if some harm has already come to tenants or visitors to the property, consideration should still be given to whether there was the potential for even greater harm to have occurred. Consideration can be given to size and layout of house without smoke alarms or carbon monoxide detector, fuel poverty as a result of an inefficient house and the physical harm to occupants of living without heating/insulation etc.

Low – single storey premises without smoke alarm, EPC score close to minimum acceptable EPC rating (E), no vulnerable tenants and / or short period of non-compliance.

High – 2/3 storey premises with no direct external escape route and no alternative escape from windows, low EPC rating, for example 'G' or low 'F' rating, vulnerable tenants occupying property, extended period since non-compliance and lack of appropriate cooperation from landlord to resolve the situation and make improvements to remove risk to occupants.

5.5 Stage 3: Assessment of penalty

	Low culpability	High culpability
Low harm	25%	50%
High harm	50%	100%

¹ Office of the Deputy Prime Minister: London (2006), *Housing Health and Safety Rating System Operating Guidance*, page 47

5.6 Stage 4: Financial Penalties to be applied following the assessment above in relation to each regulation involved:

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014:

	Low culpability	High culpability
Low harm	£1250	£2500
High harm	£2500	£5000

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015:

	Low culpability	High culpability
Low harm	£1250	£2500
High harm	£2500	£5000

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015:

1. Where the landlord has let a sub-standard property for less than 3 months (maximum of £2,000)

	Low culpability	High culpability
Low harm	£500	£1000
High harm	£1000	£2000

2. Where the landlord has let a sub-standard property for more than 3 months (maximum of £4000)

	Low culpability	High culpability
Low harm	£1000	£2000
High harm	£2000	£4000

3. Providing false or misleading information (maximum of £1,000)

	Low culpability	High culpability
Low harm	£250	£500
High harm	£500	£1000

4. Failing to comply with a compliance notice (maximum of £2,000)

	Low culpability	High culpability
Low harm	£500	£1000
High harm	£1000	£2000

The maximum amount that the Council can impose for a financial penalty under these regulations is £5,000.

5.7 Early Repayment Reduction

1. A 25% reduction in the penalty will be applied across all the regulations where the amount is received within 14 days. This only applies where it is the first offence committed under the Regulations by the company/individual.
2. The maximum penalty amounts apply **per property**, and **per breach** of the Regulations.

Section 6

Reviews, modifications and appeals

6.1 Representations

Any landlord who is in receipt of a notice of intent under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 or a penalty notice under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 or the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 has the right to make representations against that notice within 28 days of the date on which the notice was given to request a review of the notice to the Council. Representations can be against any part of the proposed course of action. All representations from landlords will be considered by an appropriate senior colleague such as the Private Sector Housing Manager.

Any representation against a penalty notice must be in writing and provide sufficient evidence from the landlord explaining the reason for the challenge and provide supporting documentation as necessary. A representation can be made in respect of any matter relating the intent or penalty notice.

Written responses will be provided to all representations made by the recipients of a notice of intent or penalty notice. The council will carefully review any written representations received during the 28-day period before taking any further action. There is no statutory timeframe for the review process, but the council will seek to make a decision as to its proposed course of action as soon as possible.

The council will take one of the following courses of action:

- Withdraw the intent or penalty notice;
- Impose a financial penalty of an amount lower than that proposed in the notice of intent or penalty notice;
- Impose the financial penalty proposed in the Notice of Intent or penalty notice;
- Propose to impose a financial penalty of an amount higher than that specified in the Notice of Intent or penalty notice.

6.2 Appeals to the First-Tier Tribunal

If a financial penalty notice is imposed on a landlord, that landlord can appeal to the First-tier Tribunal of the General Regulatory Chamber (GRC) against the decision to impose a penalty or the amount of the penalty. The Tribunal has the power to confirm, vary (increase or reduce) or quash the penalty notice. Where an appeal has been made, this suspends the financial penalty notice until the appeal is determined or withdrawn. The appeal can be made in writing to The General Regulatory Chamber, HM Courts and Tribunals Service, P.O. Box 9300, Leicester, LE1 8DJ.

You can obtain an appeal form from that address or from the tribunal website at http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=2799.

6.3 Payment of a Financial Penalty

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

6.4 Recovering an unpaid Financial Penalty

It is the policy of the council to consider the collection of unpaid financial penalties and to pursue unpaid penalties in all cases through the county courts as if payable under a court order.

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

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

6.5 Income from Financial Penalties

Any income from Financial Penalties is retained by the Council. The Council must spend any income from Financial Penalties on its enforcement functions in relation to the private rented sector. Further details can be found in Statutory Instrument 367 (2017).

Appendices

Appendix I – Classes of Harm (HHSRS)

The following is an extract from the Housing Health and Safety Rating System Operating Guidance (page 47 - 48), published by the Office of the Deputy Prime Minister (2006).

“Examples for the Four HHSRS Classes of Harm

- C1 *The Classes of Harm used for the HHSRS are based on the top four Classes of Harm as identified in A Risk Assessment Procedure for Health and Safety in Buildings (2000) BRE. While this work identified seven Classes of Harm, only the top four are used for the purposes of the HHSRS as these are harms of sufficient severity that they will either prove fatal or require medical attention and, therefore, are likely to be recorded in hospital admissions or GP records.*
- C2 *Work on developing and refining the Statistical Evidence supporting the Rating System involved classifying a more comprehensive list of harm outcomes.*
- C3 *The examples given below are intended for guidance only. It should be noted that some of the harm outcomes may appear in more than one Class depending on the severity of the condition. For example, respiratory disease will be in Class II or III depending on the severity and duration.*

Class I

This Class covers the most extreme harm outcomes including: Death from any cause; Lung cancer; Mesothelioma and other malignant lung tumours; Permanent paralysis below the neck; Regular severe pneumonia; Permanent loss of consciousness; 80% burn injuries.

Class II

This Class covers severe harm outcomes, including: Cardio-respiratory disease; Asthma; Non-malignant respiratory diseases; Lead poisoning; Anaphylactic shock; Cryptosporidiosis; Legionnaires disease; Myocardial infarction; Mild stroke; Chronic confusion; Regular severe fever; Loss of a hand or foot; Serious fractures; Serious burns; Loss of consciousness for days.

Class III

This Class covers serious harm outcomes, including: Eye disorders; Rhinitis; Hypertension; Sleep disturbance; Neuro-psychological impairment; Sick building syndrome; Regular and persistent dermatitis, including contact dermatitis; Allergy; Gastro-enteritis; Diarrhoea; Vomiting; Chronic severe stress; Mild heart attack; Malignant but treatable skin cancer; Loss of a finger; Fractured skull and severe concussion; Serious puncture wounds to head or body; Severe burns to hands; Serious strain or sprain injuries; Regular and severe migraine.

Class IV

This Class includes moderate harm outcomes which are still significant enough to warrant medical attention. Examples are: 1 Pleural plaques; Occasional severe discomfort; Benign tumours; Occasional mild pneumonia; Broken finger; Slight concussion; Moderate cuts to face or body; Severe bruising to body; Regular serious coughs or colds.”



North Warwickshire
Borough Council

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Enforcement Policy for Electrical Safety in the Private Rented Sector

Author/ Responsible Officer: Director (Housing)
Date: September 2024
Version: 1.1

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1. Introduction

All tenants have a right to expect safe accommodation and for their rented property to promote good health and wellbeing. The Council are committed to improving standards in the private rented sector within North Warwickshire. We aim to achieve this by supporting the majority of landlords that provide good quality accommodation and by taking appropriate action against those landlords who breach legal requirements.

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (“Regulations”) introduced new legal requirements for rented properties to cover new tenancies from 1 June 2020 and existing tenancies from 1 April 2021.

The electrical installation includes the fuse box, wiring and cables, socket outlets for connecting a range of appliances such as fridges or mobile phones and switches and light fittings within the home. It does not include portable electrical appliances. An electrical safety test will include these elements to ensure the installation is safe for residents and visitors. Landlords should also carry out visual inspections of the installations as part of their regular inspections of the property to ensure no damage has occurred and the installation is not being misused, including the overloading of sockets.

This policy outlines out how North Warwickshire Borough Council will impose civil penalties under the Regulations in accordance with Government Guidance and the Council’s Civil Penalties Enforcement Policy & Guidance. These documents outline what Officers shall have regard to when enforcing housing related legislation to ensure a fair and consistent approach is applied.

2. Requirements of the Regulations

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 provide duties for landlords of certain rented domestic properties in relation to managing risks associated with the electrical installation. Without prejudice to the wording of the regulations these include:

- Ensure national standards for electrical safety are met. These are set out in the 18th edition of the ‘Wiring Regulations’, which are published as British Standard 7671.
- Ensure all electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years.
- Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.

- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.
- Supply the local housing authority with a copy of this report within 7 days of receiving a written request for a copy.
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.
- Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.

The inspection report will show that the installation is one of the following:

- Safe and no further action is required;
- Danger is present and there is a risk of injury (Code 1 (C1)). In this situation the cause of the danger would be rectified by the competent person before leaving the property;
- The installation poses a potential danger (Code 2 (C2));
- Further investigation is required without delay (FI);
- Improvement to the installation is recommended (Code 3 (C3)). Advisory and therefore works do not have to be completed.

Where the inspection report shows a C1, C2 or FI outcome, the landlord must ensure that suitable remedial works or investigations are undertaken. A C3 outcome is advisory and therefore works do not have to be completed.

3. What tenancies does it apply to?

The regulations apply to new specified tenancies from the 1st July 2020 and for existing specified tenancies from the 1st April 2021. A specified tenancy allows one or more persons the right to occupy all or part of the premises as their only or main residence and provides for payment of rent (whether or not a market rent); and is not:

- A tenancy where the occupier shares any accommodation with the landlord or a member of the landlord's family;
- A tenancy that is a long lease; or grants a right of occupation for a term of 7 years or more. A tenancy does not grant a right of occupation for a term of 7 years or more if the agreement can be terminated at the option of a party before the end of 7 years from the commencement of the term.

- A tenancy for student halls of residents, hostels, refuges, care homes, hospitals or hospices and other accommodation relating to the health care provision.

At the time of writing this policy it will be in force for all specified tenancies. The Council will therefore seek to ensure compliance with these Regulations and will request a copy of an electrical installation condition or electrical safety report for every service request dealt with regarding property standards.

4. Enforcement

If the Council are satisfied that the landlord is in breach of the requirements and the report doesn't indicate urgent remedial action is required, they have a duty to serve a remedial notice under the Regulations. Breaching the remedial notice may result in the Council serving a financial penalty.

Remedial Action

If the Council have reasonable grounds showing that the landlord has breached the regulations the Council **must** serve a remedial notice on the landlord within 21 days of deciding that it has reasonable grounds for service. The notice includes:

- The remedial action that is required to be undertaken within 28 days of service
- Details of how to make representations to the Council
- Explanation of the penalties (including the potential maximum penalty) that may result from non-compliance.

The landlord may make written representations against such a notice within 21 days, if made the notice is suspended until the representations have been considered. The Council must consider any representations and confirm that outcome of those considerations, in writing, within 7 days of the end of the representation period.

A landlord must comply with a remedial notice where either no representations are made, or the notice is confirmed (after consideration of the representations) unless they are able to claim that they have taken all reasonable steps e.g. Providing evidence that the tenant has prevented access.

If the landlord fails to comply with a remedial notice the Council **may** undertake the required remedial work themselves if the tenants agree. Before doing so, the Council must be satisfied on the balance of probability that there has been a breach of the remedial notice. Before work starts the Council must serve a notice of intention to take remedial action on the landlord. The notice includes:

- The nature of the proposed remedial work
- The date when the work will be undertaken
- Information on the right of appeal against the decision to do the work

The Council must arrange for an authorised person to undertake the remedial work within 28 days of the end of the intention to take remedial action notice expiry date (or within 28 days after confirmation of notice, if appealed). The tenants must be given at least 48 hours' notice before the remedial works starts.

A landlord may not be in breach of the Remedial Notice if they can evidence that they have taken all reasonable steps to comply with that duty.

Where the landlord is prevented from entering property for the purposes of the Remedial Notice by the tenant or tenants of that property, the landlord will not be considered to have failed to have taken all reasonable steps to comply with the Remedial Notice. To support this defence evidence of attempted appointments and refused access will be required covering a reasonable period. It will not be sufficient to provide only evidence of a single missed appointment and only pre-arranged visits will not be considered.

Urgent Remedial Action

Where an electrical report indicates that urgent action is required and the Council is satisfied that the landlord is not undertaking the necessary work, they may arrange (with the consent of the tenants) for an electrician to undertake the urgent work. The tenants must be given at least 48 hours' notice of the date to carry out the work. The Council must issue an urgent remedial action notice to the private landlord and every occupier either prior to or up to 7 days from the date when the remedial action commences. The urgent remedial action notice must include:

- The nature of the urgent remedial action required
- The date when the urgent work is or has been started
- Information on the right of appeal against the decision to do the work

5. Recovery of the Costs of Remedial Work

The Council may issue a demand to recover costs from the private landlord relating to remedial works undertaken which becomes payable after 21 days from the day of issue unless an appeal is submitted.

6. Civil Penalties

The Council will impose civil penalties under this legislation in accordance with the Council's Civil Penalties Enforcement Policy & Guidance. Landlords may make written representations to the Council within 28 days by post or by email to privatesectorhousing@northwarks.gov.uk. These representations will be considered by a Review Panel which will include an independent officer, senior or management position in addition to the case officer.

7. Houses in Multiple Occupation (HMO) Licensing

The Regulations introduced a new mandatory condition for HMO licenses stating that a licence holder must ensure that every electrical installation in the house is in proper working order and safe for continued use; and to supply the authority, on demand, with a declaration by him/her as to the safety of such installations.

As part of the licensing application process the Council requests an Electrical Installation Condition report.

8. Review of the Policy

The Council will keep the policy under review the effectiveness of the policy and may make amendments accordingly.

If you would like further advice please call 01827 715341 or email privatesectorhousing@northwarks.gov.uk

Alternatively, you can write to us at:

Private Sector Housing
North Warwickshire Borough Council
South Street
Atherstone
Warwickshire
CV9 1DE



North Warwickshire
Borough Council

MOBILE HOMES ACT 2013 FIT AND PROPER PERSON DETERMINATION POLICY

Introduction

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, require the manager of a site to be a Fit and Proper Person (“the Regulations”). North Warwickshire Borough Council (“the Council”) are required to introduce a fit and proper person test for mobile home site owners, or the person appointed to manage the site, unless they are eligible for an exemption under the Regulations¹.

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

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

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

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

The Evidence

When conducting the fit and proper person assessment, The Council will consider:

¹ *i.e. it is a non-commercial, family occupied site under Regulation 3

1. **Is the individual able to conduct effective management of the site.** This includes, but is not limited to, securing compliance with the site licence and the long-term maintenance of the site. It follows that, the Council must have regard to:

- (i) whether the person has a sufficient level of competence to manage the site;
- (ii) the management structure and funding arrangements for the site or
- (iii) the proposed management structure and funding arrangements.

(a) Competence to manage the site

This includes reviewing the competency of the appointed individual. The individual must have sufficient experience in site management, or have received sufficient training, and be fully aware of the relevant law as well as health and safety requirements.

The management structure and funding arrangements for the site

Whether relevant management structures are in place and whether they are adequate to ensure effective management of the site. The Council should try and ensure that the applicant has a robust management plan, this should also be reviewed to ensure it addresses the following issues: the pitch fee payment, proximity of the manager to the site, manager's contact details for residents (including out of office and emergency contact details), the complaints procedure, maintenance, staffing, and refuse removal.

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

(c) The proposed management structure and funding arrangements in place for managing the site

Whether the applicant has sufficient funds (or has access to sufficient funds) to manage the site and comply with licence obligations. Evidence of these funds should be made available on request by the Council if required.

Another consideration is if funding is through a third party (including an associated company), the Council should be wary if this is not disclosed as this will impact on the Council's ability to deem whether the application is financially viable.

2. **Personal information relating to the applicant concerned.** This would include a self-declaration and basic Criminal Records Certificate check to evidence that the applicant:

- (a) has not committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
- (b) has not contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
- (c) has not contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
- (d) has not harassed any person in, or in connection with, the carrying on of any business;
- (e) is not or has not been within the past 10 years, personally insolvent;
- (f) is not or has not been within the past 10 years, disqualified from acting as a company director;
- (g) has the right to work in the United Kingdom and,
- (h) is a member of any redress scheme enabling complaints to be dealt with in connection with the management of the site (when this is in place).

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

The Council may have records of previous harassment complaints made against a site owner or their manager. Even if no action was taken on these complaints it is still advisable that these be taken into consideration in the fit and proper person determination.

These complaints may identify further potential risks and can also provide an indication of potential underlying problems with the management of the site or the site owner's lack of experience/skills in dealing with customers. The Council may address this by attaching conditions to the individual's entry on the register.

3. Upon rejection of a person's application this should be centrally recorded and include the details of the person involved and the reasons for the rejection.

Items to take into consideration

4. "The applicant" is defined at paragraph 2 of the Regulations as "the person who makes an application under regulation 6".
5. The "relevant person" is also defined at paragraph 2 of the Regulations to mean "the subject of the fit and proper person assessment under Regulation 7".

6. The conduct of any person associated or formerly associated with the relevant person (whether on a personal, work, or other basis) is also an important factor to be considered in the fit and proper person assessment.
7. Site owners may be required to provide details of any current or former associates of the relevant person in the application form. Those associates will not include other current joint owners as that information would have already needed to have been provided in their own application forms.
8. It is not routinely required to provide information of all current or past associates of the site owner. However, it is advisable that, prior to making any final decisions, the Council considers the conduct of past and current associates relevant to that individual's application. The site owner can be asked to provide additional information during the application process.
9. The Council need to establish whether an individual is considered to be an associate of the relevant person and then whether their conduct is relevant to the application. A relevant associate could be defined as any individual who may have played a part, directly or indirectly, in a decision or action, which has had an impact on residents' rights, or the quiet enjoyment of their homes.
10. The Regulations are drafted widely giving the opportunity to take into consideration other relevant matters. However, the Council should be cognisant that poor management practices do not affect a person's conduct, unless they are also a breach of the criminal or civil law.

A person cannot be deemed unfit due to conduct, simply because of poor management, although that factor is highly relevant to determining any question of suitability or competence. However, all conduct is relevant in relation to the person's fitness to hold a licence and/or manage the particular mobile home site.

11. The Council are able to decide the specific matters they deem relevant to the fit and proper person application. These matters could be in relation to current or previous issues, or events, that have occurred in relation to the park site or any other park site owned or managed by the site owner or site manager in another local authority area.

Additionally, the site owner's conduct regarding other business, outside of the park homes sector, can also have implications on the financial and management arrangements of the site in question. Any matters which the Council believe to be of relevance to the application should primarily focus on the relevant person's conduct, competence, and their suitability to manage the site.

12. Allegations which have not been investigated or documented may be difficult to use as evidence to support an authority's decision. Therefore, evidence must be obtained to support any additional matters taken into consideration for the application. This is to mitigate any risks should they face being challenged at a tribunal because of their final decision. The evidence could include previous tribunal and court decisions, documents or records from Companies House, or other public bodies or financial institutions.

Applications

The Regulations use various terms in the application process, and these are outlined below:

As mentioned earlier “Relevant person” is defined in paragraph 2 of the Regulations and is “the subject of the fit and proper person assessment under Regulation 7”. Please note that this could be the site owner or person appointed to manage the site by the site owner.

“Relevant officer” is defined in paragraph 1 of Schedule 2 of the Regulations, where the applicant is a company, a relevant officer will be a director or other officer of the company; or, where the applicant is a partnership, a partner; or, where the applicant is a body corporate, a member of the management committee of that body.

“Required Information” is defined in paragraph 14 of Schedule 2 of the Regulations (even though the Regulations incorrectly state that this information is contained in paragraph 13) as: the person’s name and business contact details; details of the person’s role or proposed role in relation to the management of the site; where the person has not yet been appointed, the address, telephone number and email address (if any) at which the person may be contacted in respect of the application; details of each relevant protected site (other than that to which the registration application relates) — for which the person holds a licence issued under section 3 of the Caravan Sites and Control of Development Act 1960, or in which the person has a legal estate or equitable interest, or which the person manages.

The application for inclusion in the fit and proper register, must therefore include the following:

The applicant and site details required

13. Details of the site and the applicant:

- (1) The applicant’s name and business contact details.
- (2) Where the applicant is not an individual, the following information in relation to the individual completing the application on behalf of the applicant and each relevant officer:
 - (i) the person’s name;
 - (ii) details of the person’s role (if any) in relation to the management of the site.
- (3) The name and address of the site.
- (4) Evidence of the applicant’s legal estate or equitable interest in the site.
- (5) Confirmation that the applicant is the occupier within the meaning of section 1 of the Caravan Sites and Control of Development Act 1960.
- (6) The name and business contact details of any other person that has a legal estate or equitable interest in the site.

14. The name and address of each other relevant protected sites:

- (1) for which the applicant holds a licence issued under section 3 of the Caravan Sites and Control of Development Act 1960;
- (2) in which the applicant has a legal estate or equitable interest; or
- (3) that the applicant manages.

15. The applicant must clearly specify whether their application is made in respect of either the applicant, or site owner, or the person that the applicant or site owner has appointed to manage the site.

Information relating to the site manager

16. In circumstances where a “site manager” has been appointed to manage a site more information is needed. The person who is applying for the site manager to be registered as a fit and proper person (the relevant person) must provide the following information: the site manager’s name and details of that person’s role (if any) in relation to the management of the site.

If the site manager has appointed or intends to appoint a further individual (“A”), ‘Required Information’ would also be needed from A. And where A is not a relevant officer of the site manager, the relevant officer to whom A is accountable for the day-to-day management of the site, should be the one to provide the Required Information.

Additional information when the applicant is the relevant person and an individual

17. When the applicant is the relevant person, and is an individual, and the applicant has appointed, or intends to appoint, someone else (“B”) to be responsible for the day-to-day management of the site, ‘Required Information’ would be needed from B. If B is not an individual but is, instead, for example, a company, and B has appointed an individual (“C”) to do the day-to-day management, ‘Required Information’ would be needed from C. Where C is not a Relevant officer of a company, the relevant officer to whom C is accountable for the day-to-day management of the site would also need to provide the Required information.

Additional information where applicant is relevant person and not an individual

18. When the applicant is the relevant person but is not an individual and the applicant has appointed or intends to appoint someone else (“B”) to be responsible for the day-to-day management of the site, Required information would be needed from this person. If B is not a Relevant officer of the applicant, the person to whom B is accountable for the day-to-day management of the site (“C”) would also need to provide the Required Information. Where B itself is not an individual, the individual (“D”) that B has appointed or intends to appoint to be responsible for the day-to-day management of the site would also need to provide the Required Information. Where D is not a Relevant officer of B, the relevant Officer to whom D is accountable for the day-to-day management of the site would also need to provide the Required Information.

19. It can be seen from the above that the Regulations prohibit the operation of a relevant protected site unless the site owner or its site manager (whatever the

management structure might be) has been assessed by the Council as a fit and proper person to do so. This has been included to ensure that consistent standards are applied to companies and other organisations that are not individuals.

Criminal record certificates/Self-certification

20. The Council will seek a basic Criminal Records Certificate and self-declaration from applicant's to demonstrate compliance with paragraph 2 (a)-(h) as part of the application by both the licence holder and any manager.

Declaration

A declaration made and signed by the "appropriate person", which means:

- (a) where the applicant is a company, a director or other officer of the company;
- (b) where the applicant is a partnership, one of the partners;
- (c) where the applicant is a body corporate and the conduct of the management of the body is vested in its members, a member;
- (d) where the applicant is not a body falling within (a) to (c) above, a member of the management committee;
- (e) where the applicant is an individual, that individual.

21. Where the applicant is not the relevant person, the declaration must confirm that the applicant has made all reasonable enquires into the matters mentioned in paragraph 9 of the Regulations and considerations relevant to the fit and proper person assessment as set out below.

22. The declaration should also state that the information provided in the application is correct and complete to the best of the applicant's knowledge and belief.

Considerations relevant to fit and proper person assessment

23. Proper management of the site includes, but is not limited to, securing compliance with the site licence and the long-term maintenance of the site.

24. To be able to secure the proper management of the site, the Council must (amongst other things) have regard to whether the relevant person has a sufficient level of competence to manage the site and the management structure or proposed management structure and funding arrangements.

Decisions, notification and rights of appeal

25. The Council must decide on the application in a timely and practicable manner and either:

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

26. On receipt of an application the Council may:
- (a) grant the application unconditionally;
 - (b) grant the application subject to conditions; or
 - (c) reject the application.

Granting the application unconditionally

27. Where the Council is satisfied that the applicant meets the fit and proper person test unconditionally, they must include the applicant on the register for 5 years. The authority must issue a final decision notice to the applicant to inform them of its decision.

28. The final decision notice must clearly state:
- (a) the date the final decision notice is served;
 - (b) the final decision;
 - (c) the reasons for the decision;
 - (d) when the decision is to take effect;
 - (e) information about:
 - (i) the right of appeal to the First Tier Tribunal; and
 - (ii) the period within which an appeal may be made.

To include the applicant on the register subject to certain condition(s)

29. In some circumstances, the Council can specify that the individual for the fit and proper person test will only be successful if certain conditions are met. If these conditions are satisfied, the Council can grant an application subject to those condition(s). The Council can also grant an application for less than 5 years.

30. It may be the case that the Council decides to include the person on a register subject to condition(s), if it would only be satisfied that the person would meet the fit and proper requirement if the condition(s) were complied with. An applicant will be able to appeal against the decision to attach (or vary) any condition to an entry on the register. It is therefore imperative that the reasons are clear and justifiable for attaching any condition(s) and that any conditions imposed can be enforced.

What can a condition relate to?

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

32. Where a person has contravened legislation, or committed offences set out in paragraph 2 above, it is not recommended that conditions are set in relation to those matters. For example, if a person has committed fraud or violence, that specific incident cannot be reversed by requiring the person to perform a specific task.

33. Where the person has committed those listed offences or contravened legislation, these breaches will be considered, together with all the other information available, when reaching a preliminary decision.
34. Conditions can relate to any factors which are relevant to the person's competence to manage the site, the management structure, or funding arrangements for the site, an associated person's influence, and any other relevant factors.

Example Conditions (not exhaustive List)

35. **Example 1** - The Council has evidence of a site owner's failure over a certain period of time to address residents' complaints. This is an example of poor management which could be resolved by the site owner implementing an adequate complaints procedure. A condition could be attached requiring the site owner to *"implement an effective and accessible three stage complaints process for residents by xx date and provide the LA with quarterly reports of complaints and outcomes, from that date and for the first year"*.

If the condition is met within the specified time frame, the Council can record this in the register. If, at a future date, it is found that the site owner failed to implement a complaints procedure, a further opportunity to comply may be given and this could include a new condition of the site owner providing quarterly reports of complaints and outcomes for each year. The site owner could also be expected to complete a relevant "CPD customer service/Dealing with complaints" course by a certain period. However, should the Council consider the actions as unlikely to achieve the desired outcome, the site owner could be removed from the register.

36. **Example 2** – If, when considering an application, certain documents or information are unavailable to the applicant, because of delays from third parties, the Council may wish to attach a condition to the entry on the register that the site owner "is to provide the authority by registered post, with the original xx document by xx date".
37. **Example 3** - An associated person has been visiting the park and, through their action 'X', has caused distress to the residents impacting their well-being and security. A condition could be attached to the register requiring the site owner to put measure(s) in place by xxx date preventing the associated person, or any other person, from carrying out action X on the site.

Decisions not to include the applicant on the register

38. Should the Council determine that the applicant does not meet the requirements, and attaching conditions would not be appropriate, the Council can refuse to grant the application.
39. Where the Council makes a decision to include the applicant on the register, subject to conditions, or not to include the applicant on the register, a preliminary decision notice to the applicant must be issued.
40. The preliminary decision notice must clearly state:

Date: September 2024

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- (a) the date the preliminary decision notice is served;
- (b) the preliminary decision;
- (c) the reasons for it;
- (d) the date it is proposed that the final decision will have effect;
- (e) information about the right to make written representations
- (f) where the preliminary decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
- (g) where the preliminary decision is to grant the application subject to conditions, the consequences of failing to comply with any conditions.

Right to make a representation

- 41. An applicant who receives a preliminary decision notice will have 28 days in which to make representations to the Council. The 28-day period begins with the day after the day on which the notice was served.
- 42. The Council is obliged to consider and take any representations it receives into account before making a final decision.

Final decision notice

- 43. The Council must, as soon as reasonably practicable, after the end of the period allowed for making representations, make a final decision and serve the decision notice on the applicant.
- 44. The final decision notice must set out:
 - (a) the date the final decision notice is served;
 - (b) the final decision;
 - (c) the reasons for it;
 - (d) when the decision is to take effect;
 - (e) information about the right of appeal and the period within which an appeal may be made;
 - (f) where the decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
 - (g) where the decision is to grant the application subject to conditions, the consequences of failing to comply with any condition.

Appeals

- 45. The applicant can decide to appeal the decision by making an application to the First-tier Tribunal (Property Chamber) (“the tribunal”) within specific timeframes set by the tribunal. The applicant is permitted to appeal against any decisions served by the Council. These could include:
 - (a) including the relevant person on the register for an effective period of less than 5 years;
 - (b) including the relevant person on the register subject to conditions; and

(c) rejecting the application.

46. Where an applicant accepts the Council's decision not to include the person originally stated in the application on the register, they will be required to seek alternative management arrangements to comply with the fit and proper person requirement. If they fail to do so they will be committing an offence.

47. An appellant will not be able to claim compensation for losses incurred pending the outcome of an appeal.

Withdrawal or amendment of notice

48. The Council may decide not to continue or to withdraw a previously agreed action such as after serving:

(a) a preliminary decision notice but before service of the final decision notice;

(b) a final decision notice but before the decision to which it relates takes effect; or

(c) a notice of proposed action but before the proposed action is taken.

49. To withdraw or amend a notice, the Council must serve notice to the person on whom the original notice was served.

50. There are no requirements for notices to contain specific information, however a withdrawal or amendment notice should state:

(a) That it is withdrawing/amending the original notice (a copy of the original notice should be attached for reference);

(b) the reasons for withdrawing the notice;

(c) the date it takes effect; and,

(d) the implications of the decisions in relation to the person's entry on the register.

Removal from the register

51. If, after a person is included in the register, and new evidence relevant to the person's inclusion becomes available, the Council may decide to:

(a) remove the person from the register;

(b) impose a condition on the inclusion of the person in the register (whether or not there are conditions already imposed);

(c) vary a condition; or

(d) remove a condition.

52. The Council will use their judgement when determining whether to review an entry and consider if any subsequent actions are required. It is recommended that any such decision should be related to the person being a fit and proper person rather than, for example, site licensing issues which are governed separately. If the Council decides to take any of the actions listed in paragraph 51 (a) to (c) above, the Council must serve a notice of any proposed action on the occupier.

53. The notice of proposed action must clearly state:

- (a) the date the notice of proposed action is served;
- (b) the action the Council proposes to take;
- (c) the reasons for it;
- (d) the date it is proposed that the Council will take the action;
- (e) information about the right to make written representations;
- (f) where the proposed action requires the removal of a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
- (g) where the proposed action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with said conditions.

54. A notice of proposed action is not required if the Council decides to remove a condition attached to an entry. The Council will make the site owner or their manager aware of the decision in writing and ensure the register is updated.

Notice of action taken

55. Where a notice of proposed action is given, the occupier will have 28 days, starting from the day after the notice is served, in which to make representations.

56. The Council must, as soon as reasonably practicable after the end of the 28-day period, decide whether to carry out the proposed action.

57. Where the Council decides to take the action, the Council must serve a further notice on the occupier, indicating the action that has been taken, within the period of 5 working days beginning with the day after the day on which the action was taken.

58. The notice of action must set out—

- (a) the date the notice of action is served;
- (b) the fact that they have taken the action;
- (c) the reasons for doing so;
- (d) the date the action was taken;
- (e) information about the right of appeal and the period within which an appeal may be made;
- (f) where the action is to remove a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of regulations; and
- (g) where the action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with any condition.

Offences

59. There are 3 offences which can occur within the Regulations. They are as follows:

- Operating a site in contravention of the fit and proper person regulations - The site owner will have certain defences under the Regulations in any proceedings brought against them.
- Withholding information or including false or misleading information in the registration application - The site owner will not have any defences under the Regulations in any proceedings brought against them for this offence.
- Failing to comply with a specified condition - The site owner will have certain defences under the Regulations in any proceedings brought against them.

60. A site owner found guilty of any of the above offences will be liable on summary conviction to a level 5 (unlimited) fine.

Defences

61. One defence is available to a site owner who has inherited a site and would be found to have a reasonable excuse for failing to make an application within the relevant periods as set out below.

Relevant periods in specific circumstances

Row	Circumstance	Relevant period for making an application in the circumstance
1	the occupier held a site licence immediately before the day on which regulation 4 (operating a site without being a fit and proper person) came into force on 1 October 2021.	From 1 st July 2021 before 1 October 2021, the day on which regulation 4 came into force
2	the period of a person's inclusion in the register in relation to the site has come to an end other than as a result of action by the Council under regulation 8(1)(a) (removal from the fit and proper register after new relevant evidence becomes available).	not less than two months before the end of the period of the person's inclusion in the register
3	at the time that the occupier became entitled to within the period of 3 months possession of the land it was in use as a relevant protected site; and within the period of 28 days beginning with the day after the day on which the person became the occupier of the land the occupier notifies the relevant local authority of its intention to make an application under regulation 6 (application for inclusion in the register)	beginning with the day after the day on which the person became the occupier of the land
4	at the time that the occupier became entitled to possession of the land it was in use as a relevant protected site; and the occupier does not give the notification referred to in row 3 above	within the period of 28 days beginning with the day after the day on which the person became the occupier of the land
5	a person appointed to manage the site no longer does so; and within the period of 28 days beginning with the day after the relevant day the occupier notifies the relevant local authority that the person no longer does so	within the period of 3 months beginning with the day after the relevant day

6	a person appointed to manage the site no longer does so; and the occupier does not give the notification referred to in row 5 above	within the period of 28 days beginning with the day after the relevant day
7	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the Council has removed a person from the register; and within the period of 28 days beginning with the relevant day in relation to the Council's decision the occupier notifies the relevant local authority of its intention to make a new application under regulation 6 (application for inclusion in the register) in relation to the site	within the period of 3 months beginning with the relevant day
8	the breach of regulation 4(1) arises because the Council has removed a person from the register; and the occupier does not give the notification referred to in row 7 above	within the period of 28 days beginning with the relevant day
9	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the Council has rejected an in-time application; and within the period of 28 days beginning with the relevant day in relation to the rejected application the occupier notifies the relevant local authority of its intention to make a new application under regulation 6	within the period of 3 months beginning with the relevant day
10	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the Council has rejected an in-time application; and the occupier does not give the notification referred to in row 9 above	within the period of 28 days beginning with the relevant day

The Fit and Proper Persons Register

62. This register must be open to inspection by the public during normal office hours. This register will also be published online.

63. The register will provide a record of the outcome of the fit and proper person tests the Council have carried out for sites. The register must include the following:

- (a) the name and business contact details of the person;
- (b) the name and address of the relevant protected site to which the application relates;
- (c) the status of the person (site owner or manager of the site);
- (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
- (e) whether any condition is attached to the person's inclusion in the register; and
- (f) where any condition is attached to the person's inclusion in the register—
 - (i) the number of any such conditions;
 - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and
 - (iii) the date any condition is varied or satisfied (if applicable).

64. Where a person has met the fit and proper person test, the register will give details of that person and of the site, including decisions made on how long a person's inclusion is for, up to a maximum of 5 years.
65. In order to comply with the fit and proper person requirement a site owner must at least two months before the period (e.g. 5 years) comes to an end submit a new application for the person (or alternative) to be included in the register.
66. Where there are rejected applications, the following information must be included in the register:
- (a) the name and address of the site to which the application relates;
 - (b) that an application in respect of the site has been rejected; and
 - (c) the date on which the application was rejected.

Details of the rejected application will remain on the register until a successful fit and proper person application is made in respect of the owner or manager of the site.

It must be noted that the name of the rejected applicant will not be included on the register. The Council will however be able to consider requests for further information about the entry on the register, for example, the details of the specific conditions attached and any additional information, on a case by case basis and in accordance with data protection legislation.

67. Where the Council has, with the site owner's consent, appointed a person to manage the site, the Council must include the following information:
- (a) the name and business contact details of the person;
 - (b) the name and address of the site which the person has been appointed to manage;
 - (c) the status of the person;
 - (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
 - (e) whether any condition is attached to the person's inclusion in the register; and
 - (f) where any condition is attached to the person's inclusion in the register—
 - (i) the number of any such conditions;
 - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and
 - (iii) the date any condition is varied or satisfied (if applicable).

Initial Equality Impact Assessment Pro Forma

Section	Housing	Officer responsible for the assessment	Robert Watson			
Name of Policy to be assessed	Environmental Health and Private Sector Housing Enforcement Policy	Date of Assessment	29 July 2024	Is this a new or existing policy ?	new	
1	Briefly describe the aims, objectives and purpose of the policy.	To provide guidance on the options available to achieve compliance with legislation enforced by North Warwickshire Borough Council services and how this will be delivered, by who and the principles to be followed.				
2	Are there any associated objectives of the policy? Please explain.	<ul style="list-style-type: none"> • Provide guidance on options to achieve regulatory compliance • Outline what is considered relevant • Outline standards used and evidence required 				
3	Who is intended to benefit from this policy, and in what way?	Residents, landlords, business by ensuring the council operate in a open and transparent fashion. Council officers and internal departments by giving clear guidelines on the options available.				
4	What outcomes are wanted from this policy?	Provide clear advice on education and enforcement as far as reasonably practicable. Approve adoption of financial and civil penalty amounts.				
5	What factors/forces could contribute/detract from the outcomes?	That failing to take action in a clear, adopted and proportionate way be open to legal challenge.				
6	Who are the main stakeholders in relation to the policy?	Residents, businesses, tenants and landlords.	7	Who implements the policy, and who is responsible for the policy?	Env Health and Private Sector Housing	
8	Are there concerns that the policy could have a differential impact on racial groups?	Y	N	Please explain. Open to all users of the service and council officers on the same terms.		
What existing evidence (either presumed or otherwise) do you have for this ?						

9	Are there concerns that the policy could have a differential impact due to gender?	Y	N	Open to all users of the service and council officers on the same terms.
What existing evidence (either presumed or otherwise) do you have for this?				
10	Are there concerns that the policy could have a differential impact due to disability?	Y	N	Open to all users of the service and council officers on the same terms. Where any person who may be subject to enforcement action is deemed vulnerable, national guidance such as the Code for Crown Prosecutors will be followed.
What existing evidence (either presumed or otherwise) do you have for this?				
11	Are there concerns that the policy could have a differential impact due to sexual orientation?	Y	N	Open to all users of the service and council officers on the same terms.
What existing evidence (either presumed or otherwise) do you have for this?				
12	Are there concerns that the policy could have a differential impact due to their age?	Y	N	Open to all users of the service and council officers on the same terms.
What existing evidence (either presumed or otherwise) do you have for this?				
13	Are there concerns that the policy could have a differential impact due to their religious belief?	Y	N	Open to all users of the service and council officers on the same terms.
What existing evidence (either presumed or otherwise) do you have for this?				

14	Are there concerns that the policy could have a differential impact due to them having dependants/ Caring responsibilities?	Y	N	Open to all users of the service and council officers on the same terms.
What existing evidence (either presumed or otherwise) do you have for this?				
15	Are there concerns that the policy could have a differential impact due to them having an offending past?	Y	N	Open to all users of the service and council officers on the same terms.
What existing evidence (either presumed or otherwise) do you have for this?				
16	Are there concerns that the policy could have a differential impact due to them being trans-gendered or transsexual?	Y	N	Open to all users of the service and council officers on the same terms.
What existing evidence (either presumed or otherwise) do you have for this?				
17	Could the differential impact identified in 8 – 16 amount to there being the potential for adverse impact in this policy?	Y	N	N/A as no adverse impact.
18	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	Y	N	Please explain for each equality heading (questions 8-16 on a separate piece of paper).
19	Should the policy proceed to a partial impact assessment?	Y	N	

20 If Yes, is there enough to a full EIA?	Y	N	NA
21 If no please detail the steps taken to minimise the adverse impact?			
22 Date on which Partial or Full assessment to be completed by.	Y	N	NA
<p>Comments</p> <p>This policy has not been considered to impact negatively on any of the protected characteristics. Further impact assessment is therefore not considered to be necessary. Public consultation has taken place and the assessment been reviewed prior to final adoption.</p>			
<p>Signed (Completing Officer) :Robert Watson.....</p> <p style="text-align: center;">Date :29 July 2024.....</p>			
<p>Signed (Head of Section):Angela Coates.....</p> <p style="text-align: center;">Date:</p>			

Agenda Item No 7

Resources Board

3 September 2024

**Report of the
Director of Housing**

**Social Housing Regulator –
Consumer Standards**

1 Summary

- 1.1 This report updates the Board with information about how the Council is acting to ensure it meets the Social Housing Regulator's Consumer Standards requirements as specified in the Social Housing (Regulation) Act 2023.

Recommendation to the Resources Board

- a That the draft policy on Equalities, Diversity and Inclusion be considered and approved; and**
- b That the draft policy on Hate Crime be considered and approved; and**
- c That the draft policy on Domestic Abuse be considered and approved; and**
- d That the growth bid of £12,240 to purchase case management software of cases of damp and mould and anti-social behaviour be approved; and**
- e That the growth bid of £40,000 to appoint a working Charge Hand to deliver damp and mould remedial works be approved subject to consideration by the Special Sub Group**

2 Consultation

- 2.1 The Housing Task and Finish Group and Borough Wide Tenants Forum have met together and separately to discuss the Consumer Standards and how the Council is acting to ensure it meets them.

3 Introduction

- 3.1 Following Royal assent of the Social Housing (Regulation) Act the Regulator for Social Housing has issued its consumer standards and code of practice for the social housing sector.

- 3.2 All Registered Providers must deliver their services in accordance with the standards and code of practice from 1 April 2024.
- 3.3 The Council's return for the required Tenant Satisfaction Measures was published after they were considered at the Resources Board meeting on 3 June.
- 3.4 The Regulator will have close scrutiny of Register Providers when they undertake an on site audit of service deliver against the published standards every 4 years. Feedback has been shared following the first round of inspections. Highlights are:
- The importance of using accurate data/ data integrity in directing our services & evidence of how we use it to deliver the Standards
 - Being able to provide evidence of our compliance with regulations & the Decent Homes Standard or a plan to improve on that position
 - That housing services are embedded and supported as a Council priority
 - That the HRA Business Plan supports the services delivered to tenants
 - Evidence of learning and improving
 - That we can demonstrate that our Tenants voices are heard, the importance of engagement and that we are able to show service change following feedback
 - That the notice of an inspection notice is short – 2 weeks – with initial information being taken from be our website, Board reports and other meetings with tenants and Councillors
- 3.5 Our annual report about our complaints service has been published on our website following its consideration by the Resources Board on 3 June 2024.

4 Consumer Standards

- 4.1 There are four standards with proposed sub elements. These are:
- Safety and Quality Standard
 - Transparency, Influence and Accountability Standard
 - Neighbourhood & Community Standard
 - Tenancy Standard
- 4.2 Registered Providers are expected to meet to the code requirements when assessing their compliance against the standards.
- 4.3 This report provides the Board with information about the Housing Division's progress to close the gaps identified in the audit that was shared with the Housing Task and Finish Group earlier this year. A further, detailed audit, will be undertaken over the next 3 months in order to be able to provide assurance to tenants and Councillors that we are meeting the Standards.

5 Safety and Quality Standard

5.1 To meet this standard the service must enable tenants to report repairs easily, deliver repairs in the timescales we have promised in our published standards and keep tenants informed about the repair that they have ordered.

5.2 The Borough Wide Tenants have undertaken a scrutiny project to discover tenants experience of reporting repairs. The summary is attached at **Appendix A**. The overall finding was that the Tenants contacted found it easy to report a repair. Tenants are asked about this in our annual Satisfaction Return. In 2023 80% of those asked said it was easy to report a repair. Nonetheless the Panel findings have directed the service to seek a number of improvements:

We are reviewing how we prioritise jobs and tailor our response repairs service. We are also acting to support colleagues in the Contact Centre to develop their understanding of the repairs service.

We will develop a short, transactional survey which can be used on line or on the telephone by designated officers to ascertain feedback from tenants about their experience of the response repairs service.

We will review and amend the Maintenance Service Roles and Responsibilities leaflet which is provided to all tenants to ensure we are clear with them about what they can expect from our repairs service.

5.3 The review of the housing maintenance structure, which has been implemented from 6 May 2024 and new staff recruited from July 2024, better aligns it with the consumer standards requirements. This will include a clear focus on customer care, scheduling repairs with the tenant at the forefront and ongoing assessments of stock condition.

5.4 There are two specific work streams that require a focus as we seek to improve the repairs service – annual boiler services and repairs and dealing with reports of damp and mould.

5.5 We undertake 2384 boiler services annually. It is a regulatory requirement to do this on or before the anniversary of the previous survey. In the winter months tenants expect us to act urgently to address heating breakdowns. High levels of customer care, organisation to obtain access and competency to fix systems promptly are all required to provide a good service. The current contractor is not providing these key elements of the service consistently. This is because they have not allocated designated Engineers to work in the Borough. Tenants report cold calling rather than appointments, our records show multiple visits undertaken to fix a repair and the Gas Compliance Supervisor has had cause to remove some Engineers from our contract due to concerns about competency. It is for these reasons, as well as value for money, that it has been agreed to bring the service back in house.

5.6 Over the last 18 months the Housing Regulator and Housing Ombudsman Service have told Social Landlords that they must be proactive in encouraging reports of damp and mould conditions and efficient in dealing with reports received. In 2022-2023 the Council recorded 173 reports from tenants about damp and/ or mould conditions. In 2024/2025 244 reports were received. On 30th July 2024 the Secretary of State for Housing stated in a letter to Chief Executives that the Government intends to bring forward Awaab's Law as anticipated by the Conservative Government. This will provide for a prescribed, case management approach for Social Landlords to address conditions of damp and/ mould in domestic properties. The Council's policy for dealing with damp and mould anticipates these changes and technical matters are being addressed however the systematic, prompt and supportive approach promised by the new legislation will be assisted by use of designated case management software and the addition to the Housing Direct Works Team of a Charge Hand to manage works in properties. These two proposals are explored further in the finance and HR sections in this report.

6 **Transparency, Influence and Accountability Standard**

6.1 To meet this standard we must act to provide fair access to and equitable outcomes for all tenants. We must also take tenants' views into account in our decision making about the services we deliver.

6.2 To support the team to meet this standard we have provided training on complaints handling and equalities, diversity and inclusion. We have reviewed our information leaflets and information on the website and will undertake another formal review of them as well as our policies over the next 6 months.

6.3 A policy statement for the Housing Division on its approach to equalities, diversity and inclusion is included at **Appendix B** for consideration and approval. The intention of the policy is to give the team clear direction on how we will act to deliver our services equitably and to be transparent with tenants. We will review the data we have available about tenants and to support the policy position consider how best to use that data to deliver and monitor our services. We intend to use modern methods of communication to allow us to inform and interact with our tenants more easily, frequently and consistently in future.

7 **Neighbourhood & Community Standard**

7.1 To meet this standard we must act to maintain shared spaces and work in partnership to deter and tackle anti social behaviour in neighbourhoods where we have housing. We must have a policy on anti social behaviour and set out how we tackle and deter hate incidents. Providers must also work co-operatively with other agencies to tackle domestic abuse, enable tenants to access appropriate support & advice and have a policy in place which sets out how they will respond to reports.

- 7.2 The Housing Division has a policy in place which sets out how it will tackle reports of anti social behaviour. The procedure has been reviewed to ensure it is clear to staff what is expected. Training for staff has been provided recently on the legislation and good practice in addressing anti social behaviour. The Borough Tenants Forum are embarking on a scrutiny project to find out tenants' perception and feedback about how the team deal with reports of anti social behaviour. This will help us to understand whether our service enables tenants to report anti social behaviour easily, act promptly and provide support.
- 7.3 Our 2023 satisfaction return with handling anti social behaviour cases is 73% whilst satisfaction with the outcome is 39% compared to 35% in 2021. To support the improvement of this position as well as reviewing the procedure and offering training a policy statement on how we deal with hate incidents has been drafted. This is attached at **Appendix C** for consideration and approval. Nonetheless what goes to the core of the improvement we need to make is case management - how we collect information from complainants, provide close oversight on responding and documentation of information and actions. To improve case handling it is proposed that we use a specialist software site which allows 24/ 7 interaction with complainants, the collection of all information and documentation in one place, close management of response timescales with alerts and management reports. A particularly helpful aspect of the software is that allows tenants to report a problem interactively, at any time and also provide both photographic and sound evidence with their report.
- 7.4 The Housing Team have strong partnership relationships to act to support those reporting domestic abuse. This includes the diligent attendance of strategic and operational meetings with partners. A policy statement on how we act in cases of domestic abuse is attached at **Appendix D** for consideration and approval.

Report Implications

8 Finance and Value for Money Implications

- 8.1 Achieving value for money for tenants dictates that we need to deliver services which receive good satisfaction feedback, are cost effective and are comparatively good performing when benchmarked with other social landlords.
- 8.2 The case management software that we are proposing to purchase to support the case management of reports of anti social behaviour will also provide for case management support for reports of damp and mould conditions. There is no capital cost for the software. It is a web based and the purchase required is for licences. The commitment to use it is in the control of the Council with no long term contractual commitments expected. The initial cost – with implementation is £12,240 and then £8,000 annually.

- 8.3 Our ability to efficiently manage cases and provide sufficient oversight and capacity will be critical to our ability to meet the requirements of the forthcoming Awaab's Law. The case management software will allow for interactive and proactive communication with tenants. In addition it is proposed that a working Charge Hand is included in the Housing Direct Works Team to ensure the designated resource that is going to ensure success in dealing with the remedial works that are required following diagnosis. It is proposed that this change to the establishment is reported to the Special Sub Group for consideration. The cost for an additional member of staff will be in the region of £40,000 with on costs.

9 Legal Implications

- 9.1 As a social housing provider the Council is expected to meet all requirements of the Social Housing (Regulation) Act 2023 and the Housing Ombudsman Statutory Code.
- 9.2 The Council has legal obligations to inspect and maintain gas and electrical installations. Other duties are set out in health and safety legislation, building regulations and the Right to Repair under the Housing Act 1985.
- 9.3 Building safety issues have become more high profile following the Grenfell Tower fire and there is considerable legislation imposing requirements that must be adhered to. Recent and pending changes to legislation tighten these duties. Dealing with damp and mould conditions proactively and effectively is also a focus for Government and the Housing Regulator who expect social landlords to act in a zero-tolerance manner regarding these issues.
- 9.4 The Council has a legal duty under the Landlord and Tenant Act 1985 to ensure its buildings are not in disrepair and to consult with leaseholders about proposed repairs which are deemed qualifying works. If a tenant suffers disrepair because of the Council's failure to repair the Council may be liable to pay damages for any harm suffered. Further, if because of the Council's failure to maintain the structure of buildings a leaseholder's property is damaged, the Council can be liable to pay damages for their losses.
- 9.5 Systems of work in the Response Repairs team are expected to adhere to the 'Right to Repair' legislation. The 1985 Act requires the Council to proactively address the condition of properties. This has been enhanced recently by the Homes (Fitness for Habitation) Act 2018 and amends the 1985 Act. It provides for a new implied covenant that the premises are fit for habitation at time of letting and during the term of the tenancy. Crucially it allows tenants to challenge their landlord directly in Court. The 2018 Act provides that a property could be deemed unfit (if it is defective and not reasonably suited for occupation) due to issues such as disrepair, stability, damp & mould growth, excess cold, crowding and spacing, lighting and noise. There is an exception if the tenant has caused the issue by not acting in a tenant like manner.
- 9.10 The Case management system will comply with the Data Protection Act 2018 and UK GDPR 2021 and risk assessments will be undertaken to ensure that data is not being stored or transferred outside of the UK/EEA.

10 Human Resources Implications

- 10.1 To deliver against the Government's agenda for social housing the Council will have to continue to consider the structure and capacity of both the maintenance and management teams.
- 10.2 A report will be submitted to the Special Sub Group to inform them about progress to deliver the structure agreed and to propose changes to ensure the team has the capacity and competency to meet the regulatory Consumer Standards.

11 Equalities

- 11.1 An equalities impact assessment has been completed for the Equalities, Diversity and Inclusion Policy.

12 Risk Management Implications

- 12.1 The age of its stock and health and safety requirements mean that it is important to be able to take a more proactive approach to managing the Council's assets. There are budget implications for this and these are reflected in the 30 year Business Plan.

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
Decent Homes Standards	Government	Regulation of housing standards for social housing	2006
Social Housing (Regulation) Act 2023	Government	Legislation	2023

Scrutiny Panel Report

Tenant Led Scrutiny Panel Report - How easy is it to report a repair?

Introduction

The Borough Wide Tenants Forum has established a Scrutiny Panel. The Panel as a separate Chair to the Forum. All Forum Members are welcome to contribute to a scrutiny exercise. Anyone from our tenant population could also decide to support a particular enquiry that they may be interested in.

In April of this year the Panel decided to test a section of the Housing Regulator's Consumer Standards. The Repairs Service is important to tenants. The Regulator says:

Providers must provide effective, efficient and timely repairs, maintenance and planned improvements services for the homes and communal areas for which they are responsible.

a Providers must enable repairs and maintenance issues to be reported easily.

Tenants are asked about this in our annual Satisfaction Return. In 2023 80% of those asked said it was easy to report a repair. The Forum Scrutiny Panel wanted to follow this up in a telephone survey to learn more about the tenant experience of the service. Having reported a repair what was their experience?

This report describes the findings of that telephone survey. It also states the response of the Housing Division to those findings. A critical part of that learning is to review how we prioritise jobs, the information we provide about those priorities and how we tailor our service to meet tenant's particular needs.

Housing Division Response

The Council would like to thank the Borough Wide Tenants Forum for undertaking this scrutiny exercise and for providing a comprehensive report on their findings. Our Response Repairs Service is valued by our tenants and we are keen to work in partnership with the Forum to evaluate our performance and improve the service.

The findings set out in the report largely reflect the feedback we received from our Tenant Satisfaction Survey in 2023. Nonetheless there is always learning opportunities and we want to learn from the Scrutiny Panel findings.

Repairs Service Actions

The recent review of the Maintenance Service promotes the role of Planner/ Tenant Liaison in our systems of work. Following recruitment, as this role matures, both levels of customer care for tenants and how we plan and manage jobs and keep tenants informed should improve. To test this the Scrutiny Panel have agreed to undertake a further survey in November 2025 and compare the results.

Following these findings we will review how we prioritise jobs and tailor our response repairs service. This task will involve engagement with the Contact Centre who make appointments for urgent jobs and also with Planners to ensure that they do a daily review about how jobs are being planned in for tradesmen.

We will discuss the findings with the Contact Centre Team Leaders to seek out how we can provide support for their team to understand the response repairs service to improve how we assess and deliver job requests.

The Performance and Quality Officer will work with the Forum to develop a short, transactional survey which can be used on line or on the telephone by designated officers to ascertain feedback from tenants about their experience of the response repairs service.

We will liaise with the Forum to review the Maintenance Service Roles and Responsibilities leaflet.

Scrutiny Service Actions

Telephone protocol to be provided to reassure Forum members and tenants called.

For the follow up survey the time period between the date of the reported repair and the call to ask questions will be closer.

How we capture information on vulnerabilities and reasonable adjustments will be considered for the next exercise.

Information provided in a spreadsheet format will be numbered and hard copies provided.

When signed off by the Forum the Scrutiny report will be published on the Council's website.

Inaugural tenant led scrutiny panel report - how easy is it to report a repair?

Acknowledgements

The Tenant-LED Scrutiny Panel would like to thank the following people for their help and support in undertaking our inaugural scrutiny review.

24 tenants who kindly consented and agreed to be contacted, answering our questions and provided invaluable feedback.

Members of the Housing Division who assisted in providing all of the information requested and genuinely helped to ensure our inaugural scrutiny review was a seamless & a smooth and enjoyable process.

Thank you to each member of tenant led scrutiny panel for assisting with the review in which every member reported that they had enjoyed the process and are looking forward to the next scrutiny review.

Contents

1. **Introductions**
2. **Why we selected how easy is it to report a repair**
3. **Our approach**
4. **Our finding's (part 1) factual breakdown of repairs & geographically spread**
5. **Key recommendations - lessons learnt**

Appendix 1 The Questions we asked.

Appendix 2 Our finding's (part 2) the results of the telephone survey

1. Introductions

The Tenant led Scrutiny Panel, undertook its inaugural review following the revamped Terms of Reference 2024, which the Panel amended to make the terms of reference clearer, user friendly, and which reflects the Regulator of Social Housing published Statutory Consumer Standards from 1st April 2024, which seeks to ensure a tenant's perspective is heart of landlord's function.

2. Why we selected our first scrutiny review.

Tenants have consistently and overwhelmingly said that repairs service is their number one priority in every survey including the most recent Tenant Satisfaction Measure often referred to as TSM's and its predecessor STAR survey. In the most recent TSM's repairs scored 84%

We wanted to know if every tenant has a similar experience regardless of vulnerabilities, disabilities or none and to give them an opportunity to tell the panel in their own words.

We wanted to know how easy is it to report a repair via the contact centre and the outcome(s) of each repair.

3. Our Approach

The tenant-led scrutiny panel chose for its inaugural scrutiny report, how to report a repair and suggested a number of questions that the panel would like to know the answers to. We asked for support to ensure that all the questions were easily understood and couldn't lead to misunderstanding or confusion.

The tenant led scrutiny panel intends to work in a positive partnership with the Housing Division and therefore we gave the Director of Housing an opportunity to add any question(s) that would assist in capturing information.

Director of housing provided each member of the scrutiny panel with a information pack, containing the service standards, factual performance information regarding the repairs service in general.

We were provided electronically, with a spreadsheet of repairs and contact information for 24 tenants who had given consent for Tenant Led Scrutiny members to contact them.

We were provided with preprinted question sheets with sufficient room to record each tenants' responses

The list of questions that were asked. A copy of the questions we asked can be found at appendix 1.

Our Findings

Part 1 - Factual.

Breakdown of repairs is as follows:-

We were provided with a schedule 24 jobs that had been reported during a narrow window, between 19-27 February 2024. The following was noted from the information provided:-

All 24 repair jobs were completed within the published service standard of 28 days. 22 jobs were completed in-house by housing direct works, broken down by trade, as follows:

- 11 jobs plumbing
- 3 jobs carpentry,
- 4 jobs electrical,
- 4 jobs labouring

There were 2 jobs issued to our contractors as follows :-

- 1 job Stannah
- 1 job Birmingham Drains.

The geographical spread of repair jobs was from across the Borough, breakdown as follows:-

- 1 job Arley
- 6 jobs Atherstone
- 1 job Austrey
- 3 jobs Baddesley Ensor
- 1 job Baxterley
- 1 job. Coleshill
- 2 jobs Hartshill
- 1 job Hurley
- 1 job Mancetter
- 4 jobs Polesworth
- 1 job Shustoke
- 2 jobs Water Orton

5. Key Recommendations - lessons learnt in no particular order.

7.1 An article to be featured in the next edition of the Tenant Links Newsletter, informing tenants of the inaugural scrutiny review, thanking all those who kindly agreed to be contacted, together with an invitation for tenants to suggest future topics for scrutiny and if you would like to get involved in Tenant Led Scrutiny to contact Tenant Participation Officer.

7.2 We were provided with an electronic spreadsheet of repairs and contact information for 24 tenants who had given consent for Tenant Led Scrutiny members to contact them. We had some difficulties in isolating entries so each panel member only had details of the tenants contact information they were speaking to and it was difficult for panel members to read the spreadsheet on their devices.

However, Tenant Participation Officer was absolutely brilliant. Having discussed the problem, she was able to produce a summary so everyone was allocated 4 tenants to contact. The summary was then hand delivered to all scrutiny members undertaking the review.

It would be easier if future spreadsheet entries are numbered and hard copies provided for future scrutiny projects. (for example, in the review undertaken number the entries, 1 to 24.)

7.3 It was noted that one of the tenants who was contacted had asked the scrutiny panel member to phone back during the afternoon. Upon phoning back, the tenant believed the call was a scam. Not wishing to alarm the tenant the scrutiny panel member suggested they could contact Director of Housing Angela Coates and provided contact details at this point they ended the call.

The scrutiny panel member had introduced themselves as part of the Borough Wide Tenant Forum and was conducting tenant led scrutiny of the reporting a repair & that they had agreed to be contacted, but the tenant still believed the phone call was a scam.

Lesson learnt each member of the tenant led scrutiny panel is to be provided with a telephone protocol. A script to aid each member, how to introduce themselves and why the tenant is being contacted and to thank them for agreeing to take part. It should also include what you should say if we encounter a similar situation so everyone can follow the script and to inform tenant participate officer immediately or what a tenant should do if they start telling you about issues they have or have not reported (tenant no.18)

7.4 It would be helpful that the contact information and the questionnaire sheets be shared together at the same time so all panel members are asking the same questions to each tenant. With panel members having busy lives searching through previous issued paperwork to locate the sheets was a factor why not everyone was asked all of the questions.

7.5 We were unable to determine if all tenants have a similar experience in reporting a repair via the contact centre regardless of vulnerabilities, disabilities or none.

We don't know if for instance someone who is Profoundly Deaf or someone Registered Blind or someone with learning disabilities finds the process as easy to report a repair.

We understand that the recently advertised position for Performance and Quality Officer will be able to provide this relevant information for future scrutiny reviews.

7.6 The Tenant LED Scrutiny Panel recommends we undertake a follow up review in the near future when systems are in place to capture a range of tenant's disabilities and or vulnerabilities. We could then ascertain if for instance registered deaf or registered blind tenants have a similar experience to reporting a repair. This information would also enable all panel members to ask the same questions to each participant, and future questionnaires to be numbered to correspond with the number allocated on the contact information provided, to enable the responses to be attributed to each tenant should the Director of Housing or a member of her team need to follow up on any points raised.

7.7 Members of the scrutiny panel who undertake telephone surveys suggested they felt there was too longer gap from the date repair was reported to them having been supplied with the contact details and the list of questions, as some tenants couldn't remember which repair they had had done. If undertaking the aforementioned review, is it possible to reduce the time element between repair completed & survey undertaken?

7.8 It would be useful if Housing Division once the newly appointed Performance and Quality Officer is in post, that telephone surveys could be undertaken possibly on a monthly basis from a range of repairs. Feedback from even a small sample such as the sample the scrutiny group undertook provided invaluable feedback which can only be a welcome & lead to continuous improvement & both positive outcomes for tenants and staff satisfaction. Perhaps such surveys can be shared with the performance indicators.

Appendix 1

Questions asked:

What was the repair that you reported?

How easy was it to report your repair?

Did you get through to the Contact Centre first time?

Was the call handler able to assess the repair/ helpful?

Were you given an appointment at the time of your call?

If you were not given an appointment at the time of the call did you receive a call back?

The Council expects to complete response repairs in 28 days. Was your job done in 28 days?

Was the job done at the appointment time?

If not was another appointment made?

If there was a delay in doing the repair were you kept informed?

Were you happy with the quality of the repair work?

Any other feedback to share?

Appendix 2

Our Findings

Part 2 The Results of the telephones surveys.

So that no tenant can be potentially identified we have chosen to give each tenant's response a number and within their response we have chosen not to include the geopolitical area, so anyone reading the report is unable to identify any of the tenants.

The Tenant led Scrutiny Panel provided the Director of Housing with an interim report which contained the tenant responses allowing opportunity to review the results before our final report was completed. All the tenant's comments can be found below.

Overall, from the sample of tenants who consented to take part in the telephone survey, they generally found it easy to report a repair and that service standards were adhered to. In virtually all of the sample, tenants were offered an appointment on initially reporting of the repair. It was noted that virtually all tenants reported that the contact centre staff were helpful, polite and the vast majority of the sample had a good experience and were overall satisfied or very satisfied.

Other outcomes, included that workmen cleaned up after carrying out a repair and tenants reported that ID badges were shown to tenants which is also part of the published service standards.

Tenants reported generally being satisfied with the repair being completed and that if a repair was unable to be completed first time the operative agreed to report it, (tenant No 7)

The following are other tenant comments numbers 3, 9, 10, 13, 19, & 22

3 report a repair it was logged as an emergency, spreadsheet indicated 19.02.2024 completed same day. However, tenant reported issue on Friday evening, informed not an emergency by plumber, same plumber turned up on Monday morning & completed repair. For Clarity, do we need to check repairs policy to ensure it is clear that a repair which is reported out of hours will be classed as day 1 from the next working day unless it's an out of hours emergency where an on-call operative will attend?

9 said following on from report of damp & mould the tenant had now found mould on the stairs, waiting repair.

10 said also waiting for 2 slabs to be fitted.

13 said they were not satisfied with the repair, was not offered an appointment when reporting the repair, unresolved after first visit and had to chase up another appointment. Raised concerns about time taken it is taking to get a repair to fence as well that's also had been reported.

19 thought 10 days to fix a dripping tap was a little long. However, they went on to say about the issue of faulty garage door and the impact this had on the tenant themselves.

22 was an elderly tenant who was confused that the panel member might be a scammer, they were given the Director of Housing contact details and the call was ended.

Group 1

Tenant no1 very easy to report a repair, reported 19.02.2024 completed 22.02.2024

Tenant no2 very easy to report a repair, and the contact centre were very helpful. reported 19.02.2024 completed 28.02.2024 feedback no problems with the council.

Tenant no3 very easy to report a repair and logged repair as an emergency reported 19.02.2024 completed same day. However, tenant reported issue on Friday evening, informed not an emergency by plumber, same plumber turned up on Monday morning & completed repair. Nb: need to check repairs policy about when a repair is recorded as a repair!

Tenant no4 easy to report a repair reported 19.02.2024 completed same day. Very satisfied very quick response to repair Any other feedback new windows needed. Any other feedback investment needed stated building looking quite messy.

Group 2

Tenant no5 plumbing job easy to report, contact centre handler was very polite, reported that workman showed identification, they cleaned up after the repair, no & very satisfied with everything. Reported on 19.02.2024 work completed on 27.02.2024

Tenant no6 couldn't remember this repair as they had had loads of repairs done. However, they reported that it is easy to report a repair and staff are helpful. With regards to repairs the workmen always show their id badge at the front door and once repair is completed they always clean up after themselves. Very satisfied with the repairs. Repair reported on 19.02.2024 & completed 23.02.2024.

Tenant no7 easy to report a repair, reported on 19.02.2024 and completed same day. Reported that workman showed his id badge. Repair was to a wet room, that the workman used sealant as water flooding everywhere. Noted the repair had not worked and required another visit as the wet room floor needs looking at again. The workman agreed to report it again to repairs.

Tenant no8 reported on 19.02.2024 repair completed 23.02.2024 easy to report a repair. Workman showed id badge at the front door. Repair completed no mess left very satisfied with everything.

Group 3

Tenant no9 reported damp end of January. Council have been out and sorted it but have got to come back damp found on the stairs afterwards.

Tenant no10 tenant waiting to be sorted 2 slabs to be put on patio. She had a leak at the back of washer, council came out & sorted it.

Tenant no11 tenant had not reported anything, but her friend had reported her fence to the council which had been sorted.

Tenant no12 reported vermin council sorted straight away.

Group 4

Tenant no13 yes it was very easy & got through to contact centre first time. An appointment was offered, repair was for a front door lock for an elderly tenant (81 years old) and was told she would have to wait, reported repair on 20.02.2024 completed on 28.02.2024.

In response to was the job done at the appointment time, tenant reported "No, as it didn't work properly." In response to was another appointment made, "Only after chasing up. Still not working properly." Tenant said they were not kept informed about delay and was not happy with the quality of the repair.

Any other feedback to share. " still trouble with fencing although neighbours are being done.

She also said that she had been in the property 16 years and had had to use her savings to do repairs. She reported that nothing had been done to update the property, she replaced the kitchen herself because the council wouldn't do it. She says she is also having trouble getting repairs done. complained fence is collapsing, told there wouldn't do anything for months but are repairing fence for neighbours. Recent repair to the door lock is unsatisfactory, first carpenter couldn't fix it, had to wait for someone else to come out, still not working properly. It's the tenant's front door she waited a couple of months for it to be done, and still not had her fence done.

Group 5

Tenant no17 job one light fitting. The tenant was pleased with the response to her complaint, the person taking the call was polite and took the details in a pleasant reassuring manner. The electrician came out the same day, did the job and cleaned up after himself, she thought this was very good.

Job two repair window. The job was reported but took 6 days for the repair to be done, however, the lady appreciated it was not an urgent case and was very pleased that it was still done fairly promptly and efficiently.

Tenant no18 repair to flush to cistern. The lady was pleased that she got the problem sorted within 3 days of reporting it, but was having problems with the upstairs toilet which is not flushing properly, she had not reported it. I told her to report it in the normal manner and felt sure it would be attended to.

Tenant no19 job leaking tap. A little disgruntled, it took 10 days for the tap to be seen to, but had a lot more to say about her damage garage door which had taken 3 months to be replaced, meaning she was stuck in her house and unable to use her mobility scooter. It

would appear that she was not kept informed about what was happening. She then told me that her shower has been seen to promptly.

Tenant no20 The sheet provided with the contact details provided by Julie repeated contact details for tenant no. 17 so tenant no. 20 hasn't been contacted by anyone.

Group 6

Tenant no21 tried contacting on several occasions phone number is constantly engaged.

Tenant no22 elderly person confused referred to Angela Coates.

Tenant no23 reported 26.02.2024 completed 27.02.2024 very easy to report a repair.
Tenant not at home when work was completed all done-on tenants return.

Tenant no24 reported 27.02.2024 completed same day . Very easy to report a repair.
Contact centre very helpful.

Tenant said they would be happy to be called again on future scrutiny review.
Any other feedback very happy with the council workers.

Equality, Diversity and Inclusion Policy

Scope of Policy

This policy covers the services provided by the Housing Division to meet the requirements of the Council as a landlord of domestic social housing stock and accountable to the Social Housing Regulator.

The policy aims to state clearly how we will meet legal obligations to eliminate unlawful discrimination, advance equality of opportunities and foster good relations with our tenants, customers and in communities where we provide services.

Definitions of Equality, Diversity and Inclusion

The Council understands **equality** in relation to our tenants and applicants as enabling fair and equitable access to all services we provide as prescribed by law.

Diversity is understood as acknowledgement and celebration of different backgrounds and identities, often intersecting with each other, that our customers represent.

Inclusion refers to our proactive approach to respecting and valuing colleagues and customers because and despite of their background and/or identity.

Our approach to equality, diversity and inclusion is designed to continuously promote an approach to service delivery which means that our applicants and tenants genuinely feel that they matter and that their voice is heard.

Applicability

This policy is concerned with the services provided by the Housing Division. We want to ensure that all staff are clear about how to deliver services which meet our customer's expectations and to meet the Social Housing Regulator's Consumer Standards. It also applies to all contractors employed by the Housing Division to deliver their services.

1. Policy Statement

1.1 This policy sets out our commitment to promoting and managing equality, diversity and inclusion and for dealing with any form of discrimination and harassment of individuals or groups because of their:

- Age
- Disability
- Gender reassignment and identity
- Marital or civil partnership status
- Pregnancy or maternity
- Race
- Religion or belief
- Gender
- Sexual orientation

1.2 The purpose of this policy is to prevent any employee or customer from acting in a discriminatory manner, or from harassing or intimidating any other customer.

Reports of discrimination, harassment or intimidation will be dealt with both seriously and sensitively and, if required, appropriate action will be taken against any employee or customer who have acted in a discriminatory manner.

1.3 The policy aims to set out clear principles upon which the culture of inclusivity and celebrating diversity can be actively maintained and promoted throughout the Division. Our aim is to put customers at the heart of everything we do. Valuing difference we may challenge each other and are open and honest in our relationships.

We aim to listen and understand and allow staff to be empowered to make decisions. We look for our own ways to learn and adapt and focus on what we can do. To support customers we will act as one team meaning that we are collaborative and in it together.

The policy reflects current legislation and key definitions for equality. While it refers to equal and fair treatment of groups and persons as specified by law, it also strives to provide the basis for building an inclusive culture.

The policy also aims to set out our inclusive approach to providing services so that we can tailor our approach to their needs

2. Context

2.1 The Equality Act 2010 is the main legislative source for this policy. The Act reviews, revises and consolidates previous equalities-related legislation to create a single approach to unlawful discrimination.

2.2 Adopting this policy will enable us to put arrangements in place that help us prevent discrimination of individuals and groups and take a proactive approach to meeting our legal and regulatory obligations as well as adhering to best practice.

Socio-Economic Equality and Inclusion

2.3 There is growing acceptance by social housing providers that the Welfare Reform Act 2012 has caused some individuals and groups to be at greater risk of socio-economic deprivation. Consequently, the banner of 'Diversity and Inclusion' has acquired a wider socio-economic definition than the protected characteristics defined in the Equality Act 2010.

2.4 In delivering our services the Housing Division is bound by the Public Sector Equality Duty. We embrace this wider definition of Diversity and Inclusion and will seek to improve resilience through our approach and partnership work - including health and wellbeing initiatives, digital inclusion, understanding of communities in financial and economic distress, their aspirations and changing needs, and improving choice in housing options.

3. Aims and Objectives

3.1 This policy has the following aims:

- To ensure that our service delivery is fair, inclusive and effective in acknowledging the specific needs of our customers
- To provide guiding principles that will help to eliminate the potential for unlawful discrimination in service delivery by looking into our processes and impacts that they might have
- To set out a clear zero tolerance approach to any form discrimination, harassment and bullying

4. Policy Outline

4.1 People

The Division recognises and takes very seriously its legal duty not to discriminate against any individual or any section of society in our policies and procedures.

4.2 Customers and Communities

- The Division is committed to ensuring that all of our customers have equal access to our resources and that they are treated fairly. We will consider local demographics data and trends and use Equality Impact Assessments to assist with this process.

- The Division takes a careful approach to developing an understanding and insight into who our customers are, what challenges and opportunities they face within their communities and how we can best engage them.
- The Division will undertake equal opportunities monitoring of housing applications and all allocations. This is to be carried out to ensure that people from all groups have equal access to housing and are treated fairly, subject to provisions in the Local Lettings Plan which will have been assessed for their equality impact. The Division is committed to acting where it finds that the housing needs of any group are not being met. We will monitor the proportionality of lettings to BME communities in our operational area.
- The Division is committed to meeting the needs of disabled customers, in terms of both service delivery and housing design where applicable. Customers are encouraged to be part of decision-making processes to improve both physical access and access to services. We will provide methods of service delivery which are more accessible to those with disabilities, such as the telephone service, online services and producing information in alternative formats.
- The Council condemns all forms of harassment, victimisation and bullying. It recognises its duty to ensure that all customers can enjoy the privacy and comfort of their homes. It has adopted clear procedures for dealing with harassment, bullying, victimisation and hate crime including reporting, victim support and action against perpetrators.

4.3 **Access to Information and Services**

We will ensure that:

- our customers have equal opportunity to access the information about our services
- our employees are trained to have the skills, information and understanding to respond to all our communities appropriately
- customers are aware that information is available in all formats, including different languages, Easy Read and that any other communication needs are met e.g., important cultural or religious considerations will be considered when providing service and information

5. **Equality and Diversity**

5.1 We are committed to fairness and equality for all regardless of their colour, race, ethnicity, nationality, gender, sexual orientation, marital status, disability, age, religion or belief, family circumstances or offending history, as referred to in our relevant Group policies. Our aim is to ensure that our policies and procedures do not create an unfair disadvantage for anyone, either directly or indirectly.

5.2 **Equality Impact Assessment**

5.3 An Equality Impact Assessment has been undertaken in respect of this policy and identified no negative impacts on any persons or group with a protected characteristic as a result of this policy.

6. Complaints

6.1 The Housing Division aims to meet the needs of its customers by providing good quality, responsive services. We know that occasionally things go wrong and customers may wish to complain. Should the need arise to make a complaint, please refer to our Complaints and Compliments Policy which is on our website.

7. Monitoring and Review

7.1 The effectiveness of this policy will be reviewed by the Housing Task and Finish Group and Borough Wide Tenants Forum.

7.2 Equality Impact Assessments will form an integral part of the policy development process and will be required with regards to all policies having an impact on employees and customers.

7.3 The next policy review is scheduled for January September 2025 and then 3 years thereafter.

8. Associated Documents/Policies

8.1 List of documents/associated policies/publications

- Dignity at Work Policy
- Tenant Partnership Agreement 2024 - 2025
- Anti-Social Behaviour (ASB) Policy

Author:	Angela Coates
Document type:	Policy
Version 2:	
Version 1	Draft
Release date:	
Borough Wide Tenants Forum:	
Next review date:	
DPIA completed:	

EIA completed:	
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North Warwickshire
Borough Council

North Warwickshire Borough Council Housing Hate Crime Policy

1. Introduction

North Warwickshire Borough Council (NWBC) is committed to ensuring that all tenants have the right to peace, quiet and security in their own home and communities. We want to ensure that our neighbourhoods and communities are safe places where people choose to live. It is therefore the policy's intention to ensure that victims are able to live in any NWBC property without fear of harassment, intimidation, or attack.

2. Purpose

The policy recognises that hate incidents can affect anyone and is not restricted to a specific gender, race, religion, or class etc. It is important to ensure that appropriate service response are in place to support all victims of hate crime. We also want to make sure that our approach is consistent and is set within the context of relevant legislation including: -

- The Crime and Disorder Act 1998
- The Crime and Security Act 201
- The Criminal Justice Act 2003 (as amended)
- The Equality Act 2010 and
- The Regulator Framework for Housing in England (Regulator of Social Housing)

The policy includes the service definition of hate crime. It outlines how we will deal with reports of hate crime and what support we will offer the victim. It also advises how we will hold perpetrators to account for their behaviour.

3. Hate Incidents and Hate Crime

In most crimes it is something that victim has in their possession or control that motivates the offender to commit the crime. With hate crime it is 'who' the victim is, or 'what' the victim appears to be that motivates the offender to commit the crime.

The Police and Criminal Prosecution Service have defined hate crime as: -

'Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's disability or perceived disability; race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity'.

Hate crimes can take many forms, including: -

- Physical attacks, such as physical assaults, offensive graffiti, damage to property and arson.
- Threats of attack, such as offensive letters, abusive phone calls or text messages, groups who hang around to intimidate and malicious complaints.
- Verbal abuse, such as insults, harassment, bullying, offensive leaflets and posters and abusive gestures.
- Online abuse for example via social media.

A person may also be a victim of hate crime based on several factors, for example a disabled person may be harassed on both their disability and their race.

4. The Effects of Hate Crime

Victims can often feel like there is no escape – they are unable to change or hide their identity to protect themselves. However, they may adapt their life to protect themselves, family or friends from victimisation. Hate crime can cause someone to feel humiliated, embarrassed, or angry. The victim is also likely to feel anxiety / stress, fear, and ill health. Where a person is suffering from repeated incidents this may lead to severe distress making life intolerable and in extreme circumstances can result in injury or death.

Incidents of hate crime can also have widespread and long-term implications for the whole community, damaging community cohesion and threatening community sustainability.

A person suffering from hate crime may not always report it as such as it may be disguised or may be in the form of repeated requests for advice or help. For example, a person who has had several incidents of broken windows might be suffering from hate crime due to their status, group, characteristic, or affiliation.

5. Dealing with Incidents of Hate Crime

We will make a distinction between reports of general anti-social behaviour and hate crime. Incidents believed to be motivated by hate or prejudice directed against any person or group of people will be dealt with as high priority for investigation purposes. The Housing Services Manager will be responsible for making sure that all necessary actions are taken in line with this policy and that any liaison with other agencies is undertaken and effective. The Tenancy and Neighbourhood Services Manager will monitor all reports of hate crime and ensure they are actioned in accordance with this policy, this will include liaising with other agencies and attending multi-agency case management meetings.

We will ensure that all relevant staff are made aware and trained to identify the needs of victims, and witnesses, so that NWBC can provide a responsive and effective service whilst respecting the need for sensitivity and confidentiality.

NWBC will take a victim centred approach to dealing with hate crime focusing on supporting the victim and ensuring that they feel that they are believed and listened to. A person who reports a hate crime will always be treated sensitively, courteously and with respect. We will ensure that we offer a consistent, effective approach to dealing with reports of hate crime and we will specifically do the following: -

- Investigate thoroughly every case of hate crime reported where the alleged perpetrator and or victim is a Tenant of NWBC
- Provide help and support to victims (and witnesses) in all cases. We will only share information or involve other agencies with the consent of the victim, unless there is any reason to suspect children are at risk or we are required to share that information by law.

- When an incident is reported, we will contact the victim within ONE working day to take details of the incident and agree an action plan that is tailored to their needs. We will also complete, with the victim, a personal risk assessment. If the score on that assessment is high, we will seek consent to share the detail with the Anti-Social Partnership meeting which is held monthly.
- We will let the victim know what action we are taking and how long we believe this will take.
- We will keep the victim up to date with our actions and contact them on an agreed basis while the incident is open and being investigated.
- We will notify the victim of our conclusion by personally contacting them and confirming this in writing.
- Following the investigation if we find that the incident was not motivated by hate we will explain our conclusion to the victim and confirm this in writing. We will investigate any future report from the victim as hate crime if they report it as such.
- If a customer is not satisfied with the outcome of their case, they can request a review. They should provide supporting information including additional facts where appropriate and explain their reasons for requesting a review. This will be investigated by a Senior Officer not previously involved in the case within 21 working days of the request being made. This will usually be the Housing Services Manager. The outcome of their investigations will be confirmed in writing.
- If a customer is not satisfied with the service they have received from the Council regarding their report of a hate crime, they are able to make a complaint through NWBC's Complaints Policy, setting out their reasons for dissatisfaction and the resolution they seek. This will be dealt with in accordance with the NWBC Complaints Policy.

6. Enforcement

Officers will not pre-judge perpetrators prior to the investigation. Alleged perpetrators will be made aware of the consequences of their actions, including how it may affect their tenancy and that they may face losing their home.

Following investigation, where there is evidence of hate crime, appropriate action will be taken against the perpetrator, in accordance with the nature and severity of the incident, using the options available at that time. This could include working with the Police, taking civil remedies or serving a Notice of Seeking Possession.

NWBC will also work other agencies to combat hate crime, including the Police and victim support groups.

7. Information sharing

NWBC treats all information received in confidence, consistent with our legal responsibilities as a Data Controller to comply with the general Data Protection Regulation (GDPR) and ensure compliance with NWBC Data Protection Policy.

An assessment will be made in each case to decide whether information needs to be shared; we will refer to NWBC's Data Protection Officer for further guidance as required.

8. Managing Performance

NWBC has performance targets in place for managing anti-social behaviour (ASB), which incorporates hate crime and includes the following: -

- Number of active cases
- Number of inactive cases
- Protected characteristics of victims and perpetrators
- A summary of the action taken in each active case including action taken against the perpetrator and details of the help and support provided to the victim.
- Performance against any targets
- Details of refusals of offers of home due to ASB (Hate Crime)
- Transfers requested due to ASB (Hate Crime)
- Range of satisfaction achieved in closed ASB (Hate Crime) cases

9. Equality, Diversity and Inclusion

NWBC is committed to fairness and equality regardless of race, ethnicity, gender, sexual orientation, transgender identity, marital status, disability, age, religion or family circumstances. We aim to ensure that our policies and procedures do not create unfair advantage for anyone either directly or indirectly.

10. Monitoring and Review

NWBC will review the Hate Crime policy every 3 years, the review may be brought forward, if necessary, for example on the introduction of new legislation or best practice guidelines, whichever is sooner.

11. Associated Policies

Anti-Social Behaviour Policy
Complaints and Compliments Policy
Data Protection Policy (GDPR)
Domestic Abuse Policy
Equality, Inclusion and Diversity Policy
Transfer and Mutual Exchange Policy
Lettings Scheme



North Warwickshire
Borough Council

Draft

North Warwickshire Borough Council
Housing Division
Domestic Abuse Policy

1. Introduction

The Council works closely in partnership with other organisations to tackle domestic abuse. This policy reflects how the Housing Division engages with partnership arrangements and acts to provide support and housing services for people that tell us they are suffering domestic abuse.

It is recognised that domestic abuse has long term impacts on those who suffer it and that it impacts on their families and the wider community. Domestic abuse is rarely confined to a single incident, may not involve physical abuse, and typically forms a pattern of coercive or controlling behaviour.

This policy supports the vision for the Violence Against Women and Girls (VAWG) Strategy

‘that everyone living and working in Warwickshire is able to contribute to making the County a safer place for victims and survivors of abuse’.

It also supports the Domestic Abuse Housing Alliance’s mission to improve the housing sector’s response to domestic abuse through policy and strategy development and providing training for housing staff that work with victims, survivors and perpetrators.

Working in partnership we aim to provide services which enable early intervention and to provide support. This will support us to prevent homelessness and improve the safety and wellbeing of residents.

2. Aims of Policy

The aims of the policy are identified below:

Enable households who approach us to sustain or access safe and secure accommodation.

Intervene when requested to prevent further abuse and facilitate the necessary help and support for victims and survivors and their children.

Engage with others to deliver of the priorities within Warwickshire’s Violence Against Women and Girls Strategy.

Actively support the delivery of the Warwickshire Safer Accommodation Strategy

3. Who is this Policy for?

The policy aims to provide a focus for front line staff in the Housing Division specifically and for other front line teams in the Council who may encounter customers who tell them that they are suffering domestic abuse. It gives direction about the actions the Council can and expects to take to safeguard households that contact them.

4. Policy Statements

4.1 The Definition of “Domestic Abuse”

North Warwickshire Borough Housing Services team adopts the Government’s definition of domestic abuse in the Domestic Abuse Act (2021).

That the behaviour of a person towards another person is domestic abuse if they are aged 16 or over and personally connected to each other and the behaviour is abusive and consists of any of the following:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse (see subsection (4));
- psychological, emotional or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

4.2 Violence Against Women and Girls (VAWG) Strategy 2023-2026

This policy aligns with the VAWG Strategy which sets out the following priorities:

- Priority one: Prioritising Prevention;
- Priority two: Supporting Victims;
- Priority three: Pursuing Perpetrators and Reducing Re-offending;
- Priority four: Strengthening the System;

4.3. Identifying Cases of Domestic Abuse

Domestic abuse may come to the attention of staff through direct disclosures. There are also indirect indicators such as a higher-than-average number of repairs, presenting as homeless or at risk of homelessness or anti-social behaviour complaints and noise nuisance. Front line staff are trained and briefed to understand both direct and indirect indicators. Our commitments are to:

- Provide training and awareness briefings for all housing staff on domestic abuse.
- Ensure teams are aware of local referral pathways for specialist support and what to do in an emergency.
- Make staff aware of the correct process for responding to victims and survivors who are at high risk of harm including the role of MARAC (Multi-agency Risk Assessment Conference) and how to make referrals.
- Promote familiarity with the correct process for making safeguarding referrals for children and adults at risk where appropriate.
- Provide officers in the Maintenance Teams with information about indicators about domestic abuse and enable them to seek information and advice from specialist staff.
- Encourage Housing Management staff to be alert to complaints about anti social behaviour being an indicator of domestic abuse.
- Understand that there are multiple and complex barriers that may prevent someone from disclosing their abuse and provide for a positive culture to allow them to do so which does not seek ‘proof’ to evidence domestic abuse.

- Recognise that people's understanding of domestic abuse may be influenced by their culture and beliefs and as a result, some people may not recognise themselves as victims or survivors. We will work sensitively with those experiencing abuse to promote their safety and wellbeing under the guidance of specialist domestic abuse services.
- Where it is safe to do so to support households to remain in their home.
- Support the VAWG Board's actions to provide a community response by delivering and supporting communications campaigns in the district. This will promote early intervention and supports residents to understand how to identify domestic abuse and how to get help

4.4 Supporting Council Tenants who are Victims and Survivors of Domestic Abuse

The Housing Division will work in the best interests of the victim/ survivor and under the guidance of specialist domestic abuse agencies to provide safe and suitable accommodation for victims and survivors of domestic abuse and their children. This may include supporting the victim and survivor to stay in their home or supporting them to find accommodation elsewhere. We will seek to ensure that North Warwickshire Borough tenants that need to be rehoused or end their joint tenancy due to domestic abuse will transfer to a secure tenancy.

Help and Support

Our approach to supporting those affected by domestic abuse will be sensitive to the needs of the individual's circumstances and be victim/survivor focussed.

If a report of an incident of domestic abuse is received, staff will find out if there is an immediate risk of harm to the individual. The Police will be involved if necessary. Where there is no immediate risk of harm, we will contact the tenant to discuss their options.

With their consent we will refer all victims and survivors into specialist domestic abuse support agencies. If they do not consent to a referral, we will provide them with relevant information so that they may self-refer.

We will work in the best interests of the victim or survivor and under the guidance of specialist domestic abuse agencies to provide safe and suitable accommodation for people experiencing abuse.

Supporting Victims and Survivors to Remain in their Home

We recognise that housing can be used by the perpetrator to exert control over the victim or survivor, for example, by threatening to end a joint tenancy or by accumulating rent arrears.

We will try to disrupt the perpetrator's behaviour by addressing the housing issue by delivering our statutory responsibilities and by utilising and requesting approval to utilise the legal powers (e.g., Domestic Abuse Protection Notice, Domestic Abuse Protection Order and Civil Injunction etc.) available to prevent the perpetrators from accessing the home and committing further abuse. This will support the victim and survivor to sustain their tenancy while being safe.

When a victim/ survivor wishes to end their joint tenancy with the perpetrator and would like to remain in their home the Tenancy Services Team will offer advice. They will provide guidance in relation to tenancy sustainment options. In the interim this may include offering temporary accommodation.

In accordance with the Domestic Abuse Act 2021, where a new council tenancy is granted to someone whose former secure tenancy ended because of domestic abuse the new tenancy will be a secure tenancy – not an introductory tenancy.

Property adaptations to improve security where the perpetrator is no longer living at the property will also be categorised as an emergency.

Supporting Victims and Survivors to Move into Other Accommodation

Where victims/ survivors wish to permanently move into other accommodation the Housing Options Team will provide advice and assistance and support.

Where victims and survivors wish to remain in the Borough they will be supported to make a Lettings Scheme application.

In some circumstances, tenants who are affected by domestic abuse may wish to move out of the Borough. The Housing Options Team will provide advice on this.

4.5. Support for Victims and Survivors who are not Council Tenants

The Housing Options Team will support customers that are not Council Tenants. Our Lettings Scheme reflects the priority given to this group required by the Domestic Abuse Act 2021.

All applicants will be provided with support, advice and assistance by our specialist Domestic Abuse Housing Options Officer. Appropriate referrals will be made to support services.

In circumstances where the victim/ survivor is presenting as homeless after fleeing a tenancy of a Registered Provider the Housing Options Team will liaise with an applicant's Social Housing Landlord to ensure tenancies are safeguarded where this is appropriate.

4.6. Holding Perpetrators to Account and Rehabilitating Perpetrators

The Housing Division can take action with regard to perpetrators when domestic abuse has occurred in a tenancy and the behaviour relates to the Council's housing management functions.

Perpetrating domestic abuse can be a form of anti-social behaviour and a breach of the tenancy agreement. In these circumstances, victims/survivors will not be considered to have committed anti-social behaviour.

Staff will not contact perpetrators to discuss the abuse. In circumstances where there are tenancy matters to resolve with the perpetrator, contact should only be made after safety issues for the victim/ survivor have been resolved.

We may utilise the council's powers to evict the perpetrator, where it is safe and proportionate to do so. The Tenancy Services Team will consult specialist agencies before taking punitive action against the perpetrator to minimise any additional risk to the victim/ survivor and any children.

4.7. Working in collaboration with our partners

North Warwickshire Borough Council is committed to working constructively with other agencies to prevent and tackle domestic abuse. This means supporting a co-ordinated approach with others - including specialist agencies, landlords, Warwickshire Police, the County Council and practitioners.

Partnership working will underpin the following:

- Identification of different types of abuse
- Understanding the impact of abuse
- Understanding the risk factors and potential indicators of abuse
- Understanding the inequality that victims/ survivors may face and the additional risks that this may pose
- Understanding what support is available as well as ensuring that help and support is accessible
- Prioritising the safety and safeguarding of victims/survivors and their children
- Sharing and promoting good practice for the purposes of learning and improving

4.8 Data Protection and Confidentiality

Staff will treat all domestic abuse cases as confidential and should assure the victim/ survivor of this. Information will only be shared with other agencies with the consent of the victim or survivor and in accordance with the Data Protection Act (2018)¹

Confidential detailed records will be kept on all domestic abuse cases.

4.9. Support and Training for Staff

Training and information is available and provided for all staff that might be told about allegations of domestic abuse in the course of their work. We will proactively offer support for members of staff who are working with victims/ survivors of domestic abuse.

5. Legislation

The relevant legislation that underpins this Policy includes:

- Housing Act 1996
- Domestic Abuse Act 2021
- Anti-social Behaviour, Crime and Policing Act 2014
- Homelessness Reduction Act 2017
- Equality and Diversity Act 2010
- Human Rights Act 1998
- Data Protection Act 2018

6. Strategies and Policies

Strategies and policies that support this Policy include:

- Violence Against Women and Girls Strategy
- Warwickshire County Council Safer Accommodation Strategy
- Warwickshire Homeless Strategy
- North Warwickshire Homeless Strategy
- Safeguarding Policy
- Anti-social Behaviour Policy

7. Monitoring and Improvement

This policy will be reviewed every two years or sooner if relevant strategies or legislation changes.

Agenda Item No 8

Resources Board

3 September 2024

**Report of the
Director of Housing**

Homelessness Strategy

1 Summary

1.1 This report provides the Board with a draft homelessness strategy to consider.

Recommendation to the Resources Board

- a That the draft Homelessness Strategy at Appendix A be considered and agreed; and**
- b That consultation on the strategy be undertaken with feedback shared with the Board with a final version of the Strategy signed off for approval.**

2 Consultation

2.1 The Housing Division has consulted with key partners and stakeholders. Their responses are reflected in the Strategy document. The Housing Task and Finish Group has met to consider the evidence findings which underpin the direction of the Strategy.

3 Background

3.1 The Council is required to have a published Homeless Strategy. The Council is expected to carry out a homelessness review for the Borough and to formulate and publish a strategy based on the results of the review. We are required to undertake a review and publish a strategy within a period of 5 years.

3.2 In conducting a review of homelessness and to formulate a new strategy, housing authorities have to take into account of the additional duties introduced in the Homelessness Reduction Act 2017. We are also encouraged to take the opportunity to involve all relevant partners in developing a strategy that involves them in earlier identification and intervention to prevent homelessness.

3.3 The current Homelessness Strategy largely reflects the requirements of the Homelessness Reduction Act 2017 which introduced fundamental changes to how services for residents that are homeless or threatened with

homelessness are delivered. The draft strategy reflects on changes to service delivery and partnership working since the new Act was implemented and the current landscape with regard to the availability of housing and reasons for homelessness.

4 Homelessness Strategy – 2024 - 2029

- 4.1 The draft Homelessness Strategy is attached at **Appendix A**. The vision in the last Strategy focussed on the need to introduce the new legislation. The proposed vision for this Strategy is “working closely with our partners, we will reduce homelessness in North Warwickshire through the provision of more affordable housing and tackling the root causes of homelessness in the Borough”.
- 4.2 Reflecting on the review of data and services the Strategy sets out three areas of focus – the provision of affordable housing, proactive interventions to prevent homelessness and promoting a better understanding of the private rented sector. The latter will include using the data about the reasons for homelessness to influence the activity of the Local Housing Company that the Council has recently agreed to establish.
- 4.3 The evidence review has been undertaken by an external consultant. The draft strategy recognises that the Housing Options Team is currently managing well given the demands placed on it. Key pressures are because of Domestic Abuse, and family/friends no longer willing to accommodate. It is also notable that while an increasing number of households need support some have become homeless because of financial reasons and housing costs. There has been an increase in the use of temporary accommodation over the period.
- 4.4 The intention of the 2017 legislation was to promote prevention and early intervention to stop crisis and reduce the use of temporary accommodation. It also set out clearly that Government understood that real change would only come through partnership. It is noted that nationally and locally Local Authorities have struggled to reduce the need to use temporary accommodation for households which has escalated in most areas.
- 4.5 To continue to reflect the importance of partnership working in delivering homelessness services our strategic priorities those established in the County Wide Homelessness Strategy:
- Health – to reduce the inequalities and improve the health of people at risk of homelessness, homeless or sleeping rough.
 - Financial inclusion – to ensure that a wide range of appropriate services are available to support those at risk of homelessness due to financial difficulties.
 - Young people – to enhance and improve services that prevent homelessness among young people.
 - Domestic abuse – to prevent domestic abuse and the crisis homelessness resulting from it wherever possible.

- Offending – to deliver better-focused housing and related support services for those at risk of homelessness when leaving prison.

4.6 When the Strategy is finalized and approved an action plan will be provided to track the delivery of key objectives.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 Homelessness services are a statutory function on the Council and therefore budget is allocated in the General Fund. For 2024/2025 this is £199,440. Government has been providing grant funding to support Local Authorities meet statutory requirements for homelessness for some years. The Council receives a homelessness prevention grant from the Government which enable us to deliver our homelessness services. The Homeless Prevention grant award was £169,141 in 2023/2024 and is £257,462 for 2024/2025.

5.1.2 Additional grant funding has been provided for a designated staff resource to support housing applicants suffering Domestic Abuse this is £37,846 for 2024/2025 as well as for supporting Guests from Ukraine and Asylum Seekers who are given leave to remain.

5.1.3 Over the three years from 2020 to 2023 the Council spend on hotel temporary accommodation costs was an average of £40,000 annually. In 2023-2024 the costs for hotel temporary accommodation was £145,571. These costs are largely covered by Housing Benefit payments or paid for by the applicant. Some of the increase in costs for 2023-2024 was due to the need to provide temporary accommodation for tenants made homeless by a fire for a short time.

5.2 Legal, Data Protection and Human Rights Implications

5.2.1 The Council has a number of statutory duties to those people who present themselves as homeless which are set out in several Housing and Homelessness Acts which were extensively modified by the Homelessness Reduction Act 2017. As a local housing authority, the Council has a duty under the Homelessness Act 2002 to adopt a homelessness strategy for

- (a) preventing homelessness;
- (b) securing that sufficient accommodation is and will be available for people who are homeless;
- (c) securing satisfactory provision of support for homeless people.

5.2.2 The Council's Homeless Strategy must be kept under review as required by the 2002 Act.

5.3 Equalities Implications

5.3.1 Both our local and the County wide strategy aim to ensure that homelessness and support services are accessible to all households and do not discriminate against any particular client group. The Council is required to ensure that policies and decisions relating to homelessness and threatened homelessness do not amount to unlawful conduct under the Equality Act 2010 and must also comply with the public sector equality duty.

5.4 Safer Communities Implications

5.4.1 The Homelessness Strategy includes two key themes relating to domestic abuse and offending. Both themes have significant safer communities' contributions by supporting victims of domestic abuse and helping to reduce re-offending through seeking to address the risk of homelessness.

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



North Warwickshire Borough Council

Homelessness Strategy 2024 – 2029

DRAFT

**Version 0.1
August 2024**

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Introduction and Context

The North Warwickshire Borough Council (NWBC) Homelessness Strategy sets out our vision and objectives to prevent and tackle homelessness in the Borough from 2024 to 2029.

Our strategy complements and supports the partnership priorities set out in the Warwickshire Homelessness Strategy, which are:

- Health – to reduce the inequalities and improve the health of people at risk of homelessness, homeless or sleeping rough
- Financial inclusion – to ensure that a wide range of appropriate services are available to support those at risk of homelessness due to financial difficulties
- Young people – to enhance and improve services that prevent homelessness among young people
- Domestic abuse – to prevent domestic abuse and the crisis homelessness resulting from it wherever possible
- Offending – to deliver better focussed housing and related support services for those at risk of homelessness when leaving prison

About North Warwickshire

North Warwickshire is a rural Borough with the largest centres of population in the market towns of Atherstone, Coleshill and Polesworth.

The homes the council owns and manages are spread over a rural area with the largest concentration of properties in Atherstone (550), Arley (150), Dordon (126), Mancetter (226) Polesworth (302), Kingsbury (158), Baddesley (145), Hartshill (148), Coleshill (129) and Water Orton (94).

Demographics

The population of North Warwickshire increased by 4.9% between 2011 and 2021 (from 62,000 to 65,000). The largest age group is those aged between 50 and 64, which accounts for 14,582 people (22.4% of the total). 96.1% of the population have identified their ethnicity as white.

Local economic context

North Warwickshire is ranked the 167th most deprived out of 317 authorities, while one area (to the edge of Mancetter, including the Mancetter Quarry) is in the 10% most deprived neighbourhoods across the country.

North Warwickshire has seen a decrease in the overall employment rate, from 79.4% in December 2022, to 74.5% in December 2023. This is compared to a figure of 75.2% for the West Midlands. 2.6% (1,025) of people were claiming Universal Credit as of May 2024.

Local housing context

North Warwickshire has mainly semi-detached, detached and terraced homes within the borough, with semi-detached making up the largest number at just under 10,000 homes. As of 2023, the lower quartile house price in North Warwickshire was £190,000 which was at

the average for other comparator local authority areas, while there has been significant house price inflation over the last five years which has slowed over the last year.

The proportion of social rented homes of the total housing stock in North Warwickshire is just above the average of the comparator group (14%). NWBC has 2,573 homes as of March 2024, with houses making up most of those properties with 1,347 dwellings. Other registered providers (housing associations) have 1,544 homes, with 1,187 of those available as general needs/social rent.

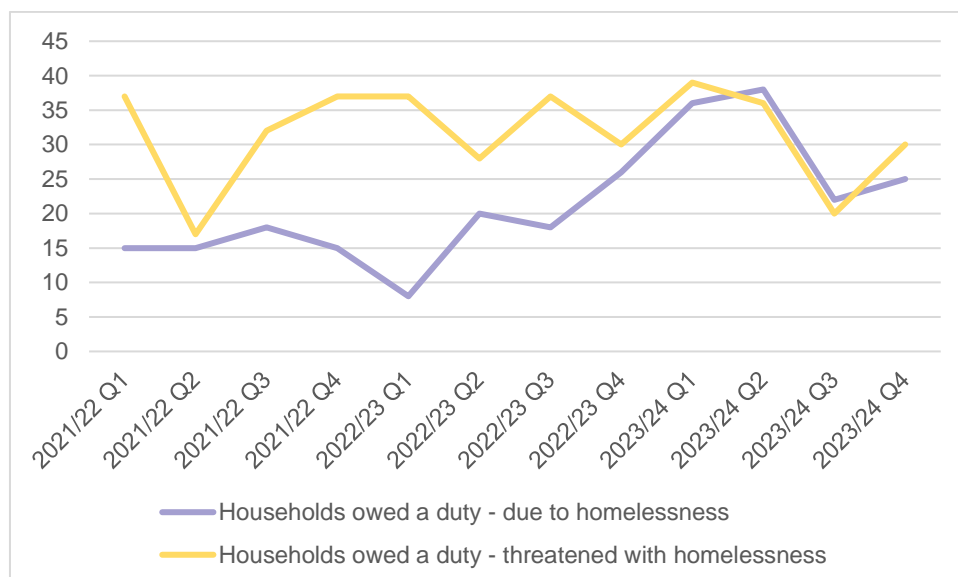
Right to buy sales have significantly decreased the number of larger homes available to let in the borough, with 61 homes of 3+ bedrooms sold under the right to buy since 2018/19. In terms of development of new homes, NWBC and other housing associations have developed 397 new homes between 2016/17 and 2023/24. It is important to note that of the 397 new homes, only 52 were developed for social rent, with 224 for affordable rent, 109 for shared ownership and 12 for low-cost home ownership.

The Council has a vacancy of around 5% annually with 36% of those vacancies being houses. Average re-let time for NWBC homes has increased by nearly 50% between 2019/20 and 2023/24 from 48 days to 69 days. This is a sector wide trend but will also have an impact on available homes and income for NWBC. There was a total of 821 empty homes across all tenures in North Warwickshire at the end of March 2024.

There were 341 applicants on the waiting list at NWBC in March 2023. This number is low by comparison but is down to NWBC only placing households on the waiting list who are intending to move and having a realistic prospect of being let a home. The property size preference of those on the waiting list reinforces the need for more one- and two-bedroom properties in the borough.

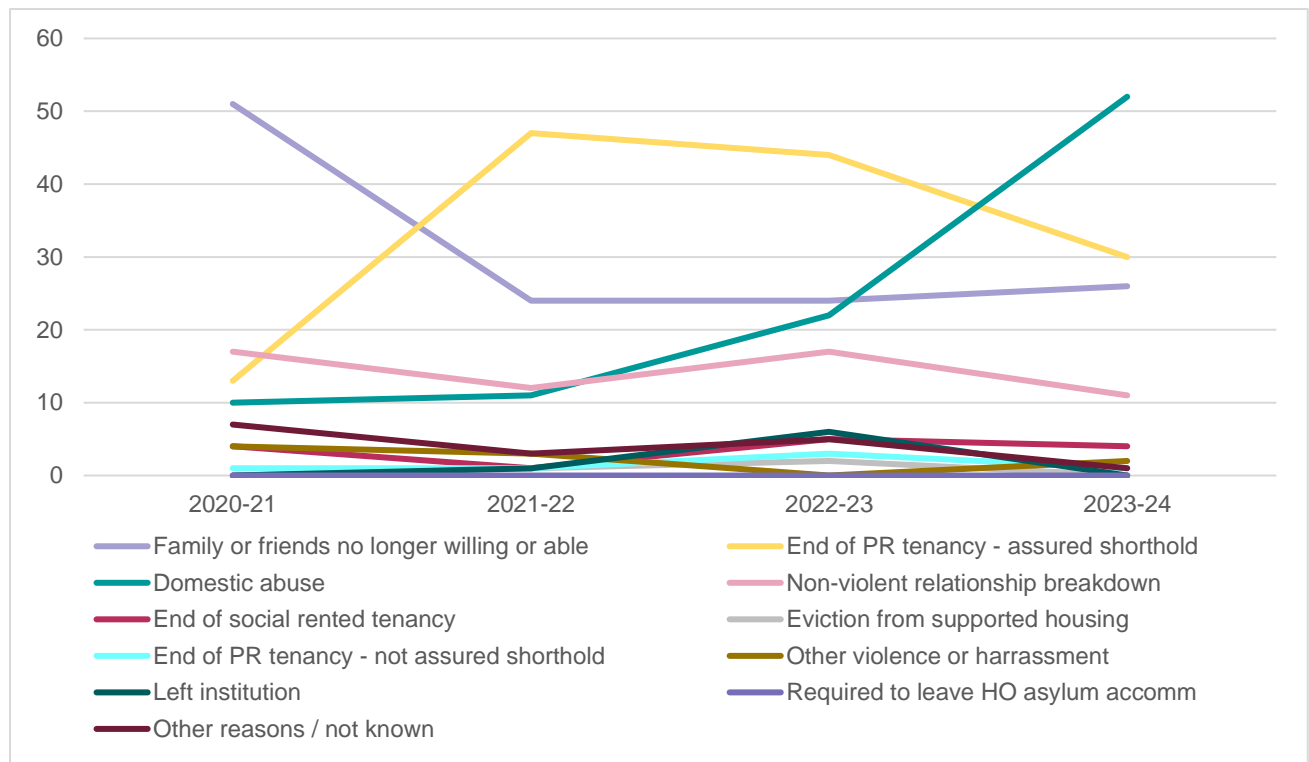
Homelessness in North Warwickshire

The graph below shows the increase in the number of households owed a duty, both due to homelessness and those who are threatened with homelessness. It is important to note that those households owed a duty due to homelessness has increased by two thirds over the past two years.



The graph below shows the reasons for homelessness for those households who are owed the prevention duty. The data shows a significant increase in cases relating to Domestic

Abuse, while the end of Private Rented Tenancies, and Family/Friends no longer to accommodate make up the two other main reasons.



The main types of household found to be under threat of homeless are single people with or without children. The table below illustrates the large increase in the number of cases of single men and women and single women with children.

Our operating environment

To define the challenges that we face in the delivery of our homelessness service, we have developed a 'PESTLE' analysis, which is shown below.

<p>Political</p>	<p>There are significant political changes following the change of Government in the last election, and we can expect new legislation and policy to be forthcoming over the next 12 – 18 months. There is some security for the national picture due to the Fixed Term Parliaments Act which should see no change in government policy until 2029. The new Labour Government has already announced a commitment to the delivery of 1.5 million new homes over the life of this parliament and have regularly mentioned the need for more affordable housing as part of this development.</p>
<p>Economic</p>	<p>The economic environment is difficult, with inflationary pressures and high interest rates. It is predicted that this will ease over the coming years, but it presents a challenge to residents of North Warwickshire who want to buy a property, but also to those who own property with rising mortgage costs. It is essential that we are still able to supplement our homelessness budgets with grant top</p>

	ups, and we may look to work more closely with our county wide partners to secure additional funding
Social	The population of North Warwickshire has increased marginally over the last 10 years, and the average age of our residents has also increased which has implications for the type of housing needed in the borough. We also know that many of our residents will be affected by the cost-of-living crisis, which has a direct impact on both quality of life but also their ability to sustain their homes. There are no concerns around employment levels.
Technological	There have been significant advances in technology, some of which can aid our approach to housing services in North Warwickshire, mainly around how we let our properties. We need to keep the effectiveness and efficiency of our housing management systems, and the quality of our data under review.
Legislation and Regulation	<p>The Social Housing (Regulation) Act came into force on the 1 April 2024, and we need to ensure compliance with the standards set out in the new Consumer Standards. Existing legislation, such as the Homelessness Act 2022, and the Homelessness Reduction Act 2017 have a direct impact on the objectives and delivery of this strategy.</p> <p>We are expecting legislation to be passed around private rented sector security, while the new government have set a mission to halve violence against women and girls within a decade and we would expect to see developments to the 2021 government strategy in the next 12 months.</p> <p>Added to this, we also expect developments around a new Decent Homes Standard, and updates to the National Planning Policy Framework to deliver quality homes and the government target of 1.5 million homes over the life of this parliament.</p>
Environmental	The government has reaffirmed its commitment to achieving EPC 'C' by 2030, and the narrative around green energy supply has become more prominent. This has an impact on our void standard, but also the development of new properties in North Warwickshire.

Homelessness Strategy 2018 – 2023

Our previous Homelessness Strategy was launched in 2018, and contained the following strategic priorities and objectives:

Priority 1 – Ensure people are well informed about their housing options

Objectives

- To raise awareness and promote the homelessness and housing options service with the public and partner agencies
- To ensure there is easy access to high quality information about the services provided and where to get help
- To improve customer service, involvement and satisfaction

Priority 2 – Prevent people from becoming homeless as early as possible

Objectives

- To further develop and improve the prevention tools to assist households in different situations and to meet local need
- To actively support, promote and develop partnership networks to ensure a coordinated and multi-agency approach to homelessness prevention
- To develop strong protocols for multi-agency working to support and appropriately refer individuals and families at risk linking into the work of the Preventing Homelessness, Improving Lives (PHIL) project
- To design and implement early and targeted interventions for groups identified as higher risk of homelessness linking into the work of PHIL

Priority 3 – Assist people as soon as possible if they do become homeless so that homelessness can be relieved by securing sufficient accommodation and support

Objectives

- To review systems and processes to ensure the Homelessness Reduction Act requirements are fully implemented
- Strengthen partnerships with local housing related support providers and other organisations who provide accommodation and support to homeless persons
- Review temporary accommodation provision and ensure it is adequate to meet local need
- Reinforce commitments to minimise the use of bed and breakfast provision particularly for families with children and maintain zero usage for 16–17-year-olds

Priority 4 – Support people to recover from their experience and stay out of homelessness

Objectives

- To review the effectiveness of the tenancy sustainment service provided by the Council and ensure those most at risk of becoming homeless or losing their accommodation are assisted
- To maximise referrals to housing related support providers to assist people to sustain their accommodation and receive the support they require

- To develop financial inclusion services in conjunction with the North Warwickshire Financial Inclusion partnership ensuring a coordinated approach to offering advice on housing benefit, debt and welfare benefit

Priority 5 – Enable people to secure homes they can afford and maintain

Objectives

- To ensure adequate provision of housing to meet housing need in the Borough to include more supported housing
- To increase the supply of affordable housing through existing and new partnerships
- To review and monitor the Council's Lettings Scheme to ensure best use of stock and that social housing properties are let to those most in need
- To develop work with private landlords and initiatives that will improve access to the private rented market locally
- To ensure those ready to move on from supported accommodation can do so in a timely way

Successes from the previous strategy

The previous strategy aimed to provide a clear direction for the service to meet the requirements of the Homelessness Reduction Act 2017. This provisions of this Act made it clear that Government knew that homelessness prevention would not be achieved without close partnership working. For this reason, local Strategy direction in Warwickshire was complimented by a countywide Strategy which was published in 2019 and provided a catalyst to stronger partnerships in tackling homelessness.

Locally

- The Council developed 44 new homes to help meet housing need
- Private Registered Providers have developed new homes in the Borough
- We have reviewed our Lettings Scheme & provided an online application form
- We have kept the use of temporary accommodation below the national trend.
- We have improved the type of temporary accommodation available to meet different needs
- Supported, shared accommodation schemes have been developed for Veterans specifically and single men generally
- Our tenancy sustainment service has supported homelessness prevention
- We have introduced a designated resource to support applicants reporting domestic abuse and closely link with other agencies. All front-line staff have had training.
- An incentive scheme is in place to encourage transfers from family homes to smaller accommodation
- There is a Street Outreach Service to engage with individuals reported as homeless in the Borough
- A flexible Housing Prevention Fund is in place to help with rent deposit and rent in advance
- Officers are proactive in identifying private lets for individuals seeking re-housing in the Borough

In Partnership

- Duty to refer arrangements have been developed and strengthened over time with particularly success with the Probation Service, Prisons and in the provision of a designated hospital discharge service
- The Protocol for addressing young people's homelessness has been reviewed, refreshed and training provided
- A specific service to provide housing options advice for Guests from Ukraine was developed and successfully implemented
- We proactively contributed to the Domestic Abuse Safe Accommodation Strategy.

Consultation

To inform the development of this strategy there has been consultation with a full range of stakeholders including:

- NWBC staff – Housing Options, Financial Inclusion Team, Hospital Discharge service
- NWBC residents
- NWBC Councillors
- Key partner agencies (such as DWP, Probation, Support Providers, Warwickshire County Council and Housing Associations)

The key observations and issues that have arisen through the consultation have been grouped below:

Partnerships

- NWBC has a good culture – working together with partners and solution focussed
- Duty to refer works well
- Promote opportunities for stakeholders to co-ordinate efforts to tackle homelessness
- Consider meetings involving support providers
- Reach out to private landlords
- Seek further sharing around our approach to domestic abuse (and other issues)

Housing need

- Single people with and without children
- Sofa surfers
- Domestic abuse
- Complex needs
- Leaving care

Housing supply

- Delivery of new social rented homes
- Voids in NWBC stock
- Nominations work well
- There is a range of temporary accommodation types
- Supported housing (complex needs) is in short supply

Advice and support

- Hospital discharge services very valuable
- Capacity of mental health services
- The high numbers of people experiencing Domestic Abuse
- The limited service available for those with complex needs

- Support services operating out of normal working hours
- Offenders with complex needs
- Many of the support services are time-limited
- The need to map any gaps in service to support those facing eviction from the private rented sector
- The reduction in funding for Housing Related Support services and change of focus for the tendered contracts is a risk area
- The PHIL Warwickshire service is missed by many

The vision for our strategy

The vision for our strategy is *‘working closely with our partners, we will reduce homelessness in North Warwickshire through the provision of more affordable housing and tackling the root causes of homelessness in the Borough’*

Themes and objectives

The consultation and research undertaken for the review has brought the following key themes to the forefront. They are presented to shape our strategic approach for the next five years:

- Our Housing Options Service is currently managing well given the demands placed on the service, however, it has been identified that service is at capacity and demand can cause a stress on the system.
- The key pressures on the service are meeting the housing needs of applicants suffering Domestic Abuse, and family/friends no longer willing to accommodate. All other reasons have for homelessness have remained consistent since 2020/21.
- A key demand is coming from single people, and single females with dependent children, the latter has seen the largest increase in demand.
- Domestic Abuse has become a major factor in demand through the homelessness service, and we need to do more work with our partners to tackle this issue to reduce the need to approach the council due to urgent housing need.
- There has been a marked increase in demand due to evictions from the social rented sector, and we need to work more closely with our housing association partners to drive tenancy sustainment, as well as tackling homelessness and the causes of homelessness as a priority.
- We have seen an increase in the use of temporary accommodation. We need to seek out opportunities to increase the provision of affordable housing options for residents to avoid this escalating further and becoming unmanageable.
- There is a long wait for four-bedroom properties, but the greatest demand is for one- and two-bedroom properties (as highlighted in the third bullet point above)
- Evidence suggests relatively low levels of rough sleeping in North Warwickshire
- The budgets for the homeless service at NWBC are small, and there are limitations to how much more can be achieved within the existing resources.
- There remains potential to do close partnership work at a county level, with neighboring authorities and partners.

Taking this into account, we have developed the following objectives which make up this strategy:

1. Increase the supply of affordable housing options in North Warwickshire
2. Develop proactive interventions to prevent homelessness in North Warwickshire
3. Develop a strategic approach to seeking opportunities to meet housing need with private sector housing.

The following sections detail how we will work to achieve each of these objectives over the life of the strategy.

Objective 1: Increase the supply of affordable housing options

To meet housing needs in the Borough the Council has developed 163 new homes since 2010. It has also enabled the development of new homes by Private Registered Providers – who use the Council’s Housing Register to allocate the first lettings. Over the last 4 years the housing market has changed and costs to rent privately have increased. To continue to successfully tackle homelessness in North Warwickshire, we need to not only sustain the new supply provided to date but to increase the supply of affordable housing options to meet demand. It is equally important that we increase the supply of the right homes to meet demand in terms of property type and size.

Where are we now?

There is a total of 3,775 homes in the social housing rented stock in North Warwickshire. Vacancy rates are limited so we need more supply to meet the increasing demand indicated in this review. It is important that we develop the right homes, in the right places for our residents. There are particular pressures for one- and two-bedroom properties, and for supported/sheltered accommodation.

The Coventry and Warwickshire Housing & Economic Development Needs Assessment (HEDNA) 2022 states that there is a need for 176 additional homes per year between 2022 and 2032. Of this 176, it recommends that 131 are developed for social rent.

We had **** empty homes in the social housing stock at the end of March 2024. The Council’s void turnaround times have increased by significantly which is putting further pressure on the supply of homes.

Where do we want to be?

We want to ensure that we are offering a clear path to develop the right homes in the right places for North Warwickshire to increasing the supply of affordable housing to meet demand. This will help us to provide safe, secure homes for those that need them, whilst reducing our reliance on temporary accommodation, the use of which is costly and has increased in recent years. We will take a holistic approach to increasing supply, which also looks at our voids processes and considers the reasons for empty homes across the residential stock.

How will we get there?

We will work with our Registered Provider partners, and housing developers to enable the supply of good quality, energy efficient homes into North Warwickshire.

We will seek to ensure that 100% of new affordable vacancies are let using the Council’s Lettings Scheme and to maximise the Scheme for future lettings.

The Housing Division will work strategically with the Planning Division to seek out opportunities to bring forward suitable developments for affordable housing.

As funding allows the Council as a landlord will seek to develop social housing to increase its own stock of properties.

The Council will seek to develop a Local Housing Company to ensure it can meet a broad range of housing needs in the Borough.

We will work in partnership with Warwickshire County Council to understand the demand for supported housing in the Borough in order to inform future developments.

We will carry out a review of our internal voids process to get our properties to a lettable standard more quickly

We will review and develop incentive schemes for downsizing to free up larger properties which may be underoccupied.

How will we measure success?

As part of the Strategy actions metrics will be developed to track the increase in the supply of vacancies. This will include:

- The number of new homes developed
- The number of new social/ affordable homes delivered
- The number of new homes provided by our Local Housing Company
- The number of supported housing properties available
- Tracking the vacancy rate of all Registered Provider stock
- Monitoring lettings by Private Registered Providers to maximise those made to meet local housing needs
- Average re-let times for the Council's own stock
- Number of households downsizing as a result of intervention

Objective 2: Develop proactive interventions to prevent homelessness

Partner organisations are keen to engage with the Council to tackle homelessness in a co-ordinated and collaborative manner. Developing pro-active approaches in partnership with other specialist organisations will significantly increase the prevention of homelessness, as well as providing effective and efficient solutions for those who are already homeless.

Where are we now?

We have strong partnerships with a range of stakeholders; however, this is managed on a case-by-case basis in the main. Feedback from our partners is positive, and they have commented on strong working relationships with NWBC, which gives us a great platform from which to move forward. We know that there is an increasing demand on the service from families who are experiencing Domestic Abuse, which needs to be a key focus through the life of this strategy. Our partners will be key in developing a solution to this.

Where do we want to be?

We are aware that solutions to homelessness more often require multi-agency solutions. We want to develop firm partnership arrangements with agencies, particularly where there are complex cases requiring multiple solutions and expertise.

How will we get there?

We will agree the most effective ways to bring together partners to co-ordinate our efforts to tackle homelessness

We will develop stronger working relationships with our key housing associations in North Warwickshire

We will co-ordinate our partners to collate the evidence and to develop potential solutions to bid for funding to do more to tackle homelessness

We will work with partner agencies to establish clear and effective signposting for key issues, such as Domestic Abuse and family breakdowns)

We will identify and develop partnerships with agencies who will be essential in managing households with complex needs to provide a holistic, one stop shop solution

We will develop a tenancy sustainment training package for new NWBC tenants

We will support the County Council's pathways for Care Leavers to ensure they do not face homelessness

How will we measure success?

As part of the Strategy, we will use our positive relationships with partners to develop a protocol which establishes how we will engage with them together and individually. We will:

- Set up a multi-agency group to understand the reasons for and to tackle homelessness
- Continue to focus on our partnerships that support applicants reporting Domestic Abuse and seek to enhance outreach work and information to enable early intervention
- Actively engage with the County Council Commissioners providing the new Housing Related Support services to ensure residents in North Warwickshire are supported
- Seek to provide a resource for tenancy sustainment training for our own tenants and support the endeavours of other Registered Providers to do the same
- Engage with the County Council to support pathways out of care for Care Leavers

Objective 3: Develop a strategic approach to seeking opportunities to meet housing need with private sector housing.

Working with private rented sector landlords may offer opportunities for us to reduce the number of people presenting to the council threatened with homelessness and to reduce our reliance on temporary accommodation. With the proposed regulatory changes to the private rented sector, this presents an opportunity for us to strengthen our relationships with private landlords in the borough, and to offer more secure accommodation for households that

require it. The development of a Council owned Local Housing Company will proactively enhance our presence in this sector.

Where are we now?

Many homes in North Warwickshire are privately owned, with the social housing sector having a significantly smaller number by comparison. We engage with private landlords on an individual basis and ad hoc around particular households that have contacted us for housing advice. A co-ordinated approach is proposed as part of this Strategy to seek an understanding of the sector as a collective and to seek positive and productive relationships with private landlords and develop our engagement and incentives to develop this relationship further.

Where do we want to be?

We want to create, and foster, a mutually beneficial relationship with private landlords in North Warwickshire. This will help to raise the standards within the sector, whilst maximising the supply of good quality, secure homes for households.

How will we get there?

We will start to proactively plan for the new private rented legislation (previously named the Renters (Reform) Bill).

We will look to strengthen our relationships with private landlords in North Warwickshire, and explore the options for open and regular dialogue.

We will look at extending our options to provide incentives (such as a rent guarantee scheme, or deposit bonds) to encourage private landlords to work with us.

Having reached out to the sector to promote relationships and understand drivers we will consider developing a Private Sector Housing Strategy to sit alongside the delivery of a Council owned Local Housing Company.

How will we measure success?

We are expecting changes to be delivered by Government that will impact on the private rented sector. Whilst small this sector is critical in meeting housing need in the Borough. We need to have a better understanding of the sector and the drivers for landlords locally. We will

- Improve dialogue, communication and relationships with private landlords in North Warwickshire
- Seek to reduce the number of people presenting to the council threatened with homelessness due the end of a private rented property
- Seek to increase homes let at market rents – including by our Local Housing Company
- Provide incentive schemes to attract private landlords to work with NWBC
- Seek a resource to develop a Private Sector Housing Strategy

Evidence base

As part of the development of this strategy, we have carried out extensive research to understand the pressures and demand on the homelessness service at NWBC. The findings

from this research are captured in the accompanying 'Homelessness Strategy – evidence base' document for review.

Monitoring and review

This strategy will be live between 2024 and 2029, when we will develop a new strategy for North Warwickshire.

In line with best practice, we will review the strategy yearly to ensure that the objectives remain appropriate and relevant. All the actions relating to each objective will become part of our monthly reporting and monitoring on progress

Agenda Item 9

Resources Board

3 September 2024

Report of the
Interim Corporate Director – Resources &
Section 151 Officer

General Fund
Budgetary Control Report 2024/25
(Apr-Jul)

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2024 to 31 July 2024. The 2024/25 approved budget and the actual position for the period are given, together with an estimate of the outturn position for services reporting to this Board.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Introduction

- 2.1 Resources Board is responsible for monitoring the Council's overall financial position on the General Fund, and this report provides details of the position on 31 July 2024.
- 2.2 The Board is also directly responsible for several internal and frontline services. Accounting rules require frontline services to show the total cost of providing the service, which includes support costs such as finance and IT services, as well as costs and income directly incurred.
- 2.3 Internal service costs are therefore recharged to all the services they support, both those that remain within Resources Board and those which are the responsibility of other Boards. This report provides some detail on both the frontline services relating to this Board and the internal service costs that are recharged, on 31 July 2024.
- 2.4 In April 2024 a new Financial Management System (Unit 4) was implemented which will significantly change how budget monitoring and budget preparation is delivered in the future making it more efficient and timely automating as much as possible directing resources an interpreting the figures and presenting forecasts to give a clear indication of the outturn position and impact on balances which then feeds into the Medium-Term Financial Strategy. This report is the first budget monitor using forecasting rather than profiling, this will be more informative as the year progresses.

3 Estimated Outturn

3.1 The figures presented in **Appendix A & B** are based on the actual spend for April to July. The report provides details on the likely out-turn position for each of the services reporting to this Board. The forecast (anticipated out-turn) for this Board (resources Remaining and Recharged) for 2024/25 is **£3,645,750** compared to an approved budget of **£3,743,362**. An increase of **£97,612**.

3.2 The figures provided are based on information available and with only four months data it is difficult to forecast with certainty, but it highlights the areas which need to be monitored closely during the year and may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn and any additional funding will need to be approved by members as a supplementary estimate. More detail is shown in **Appendix A – C** of this report.

4 Services Remaining Within Resources Board

4.1 **Appendix A & B** to this report provides details of the forecast and actual position for each service reporting to this Board.

4.2 The forecast outturn position is less than the budgeted level, but this in the main is due to Business Rates charged to car parks being lower than anticipated.

5 Resources Recharged Budgets

5.1 Current vacancy levels within the Directorates are slightly higher than the budget although this is based on assumptions with filling vacancies. After allowing for the use of agency/interim staff to cover some key duties, any recruitment costs resulting from these vacancies, the position will move to a net additional cost as the year moves forward, where some agencies cover cost exceeds savings from vacancies. This will need to be monitored closely and if additional budget is required a supplementary estimate will need to be requested.

5.2 The areas with vacancies are Environmental Health, Landscape Management, Community Development, Environment Division, Planning, Financial Services, Revenues and Benefits and Customer Contact. This level of vacancies is due to a limited response to recruitment exercises in some service areas. This has resulted in the Council relying on more expensive agency/interim staff to cover most of the posts in key areas of operations. The table below relates to the General Fund only.

	£
Forecast salary vacancies (after the budgeted pay award has been added back)	(782,174)
Current agency/interim staffing costs	689,064
Sub Total	(93,110)
Less Central vacancy factor	(200,000)
Total	106,890

5.3 In addition to the salary variations identified above there are underspends on officer travel expenses due to the reduction in travel undertaken and some additional income. This can be offset against any predicted overspend.

6 Overall General Fund Position

6.1 Appendix C provides an analysis of Board expenditure and the overall position for the General Fund at Net Budget Requirement.

6.2 The forecast level of Board expenditure as of 31 July 2024 is £14,036,873 compared with approved budget of £13,856,060.

6.3 Planning and Development Board is forecast to overspend, mainly relating to the cost of appeals. This will continue to be monitored but a budget will need to be included as a supplementary budget in the next board report to offset the current level of expenditure and build in a reasonable base budget.

6.4 Community and Environment Board is forecast to underspend due to income forecasted to exceed the approved budget position along with lower-than-expected transport costs, these offset by employee costs which are forecast to exceed budgetary position.

6.5 As well as expenditure directly attributable to services, and included in the Board totals, there are several other amounts that need to be considered that provide the total net expenditure for the General Fund. This includes investment income, external interest payments and adjustments to reverse capital charges included within Board expenditure, from out of council expenditure.

7 Risks to Services

7.1 In setting the budget in February 2024, several key risks to the overall budgetary position of the Council were highlighted and these are shown below:

- A pay award of 4% has been assumed in preparing the budgets. Any settlement above or below this would affect the financial position of the Authority.
- A vacancy factor has been included within the overall estimates. Should vacancies be less than expected, additional costs will be borne by the Authority.
- There are potential additional costs for the Council in carrying out its planning function. If the Council loses a planning appeal, an award of costs can be made against the Council (the appellants costs for the appeal). If the Council consistently loses appeals it will become a designated authority, which means that prospective applicants can submit their applications directly to the planning directorate. This would mean the Council would lose the accompanying planning fee. In addition, any downturn in planning applications would impact on the fee income received.
- Council expenditure on housing benefit is significant, although the majority is recouped through grant. Any reduction in performance can lead to a loss of grant and/or increase in the non-recovery of overpayments. The transfer of housing benefit into the universal credit administered nationally will impact on council resources.

- A downturn in the current economic situation could have an impact on the industrial rent income that the Council can obtain. In addition, the NDR on vacant commercial properties will impact directly on the Council's costs.
- Legislation, as well as the economic situation, could also impact on other Council services such as Homelessness, with increased demand leading to additional expenditure.
- The Council is promoting recycling activities across the Borough. Reductions in income for recycling materials could add to the existing costs of the service.
- Limited budgetary provision is available for one off spending on areas such as public enquiries on planning, un-adopted roads, and contaminated land issues.
- Deterioration of the Council's assets could require costly remedial action and could also impact on the ability of some services to generate income. Income generation could also be affected more widely by the current economic position.

8 Report Implications

8.1 Finance and Value for Money Implications

8.1.1 The Council's original budgeted contribution from General Fund balances for the 2024/25 financial year was £2,331,600 with an additional £1,000,000 specifically for Invest to Save.

8.1.2 Income and expenditure will continue to be closely managed and any further issues that arise will be reported to this Board at future meetings.

8.2 Environment and Sustainability Implications

8.2.1 The Council must ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officers for this report are Adrian Vaughan (ext. 2379) and Akanksha Downing (ext. 4384).

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
Executive Board – Agenda item 56	Interim Corporate Director - Resources	General Fund Revenue Estimates and Setting the Council Tax 2024-25	12 Feb 2024

		Budget	Actual	Forecast	Variance
	Director of Housing	£369,360	£192,338	£369,360	£0
NW3084	Homeless Persons	£199,440	£22,355	£199,440	£0
NW3086	Homeless project Watling Street Dordon	£0	£28,581	£0	£0
NW5008	Private Sector Housing Assistance	£147,310	£143,947	£147,310	£0
NW5035	Cctv	£22,610	£42,165	£22,610	£0
	Director of Resources	£3,330,540	£2,146,315	£3,331,737	£1,197
NW3000	Democratic Process	£621,660	£381,768	£622,857	£1,197
NW3050	Finance Miscellaneous	£1,420	£24,467	£1,420	£0
NW3051	Compensation and Pension Increases	£244,380	£74,530	£244,380	£0
NW3052	Assisted Car Purchases	£1,040	£1,160	£1,040	£0
NW3059	Finance Unused Land and Assets	£2,540	£1,392	£2,540	£0
NW3060	Corporate and Democratic Core	£818,690	£183,212	£818,690	£0
NW3061	Unallocated CSS	£288,290	£165,160	£288,290	£0
NW3003	Business Rates	£112,040	£229,470	£112,040	£0
NW3004	Council Tax Collection	£466,520	£569,379	£466,520	£0
NW3097	Rent Allowances	£213,620	£184,095	£213,620	£0
NW3098	Housing Rent Rebates	£202,910	£180,635	£202,910	£0
NW3101	Council Tax Support	£357,430	£349,040	£357,430	£0
	Director of Streetscape	-£81,950	£8,501	-£92,425	-£10,475
NW3041	Old Bank House	£0	£54,689	£409	£409
NW3054	Electricity at Work	£29,160	£8,890	£29,160	£0
NW3066	Carlyon Road Industrial Estate	£122,820	£42,478	£123,287	£467
NW3067	The Pavilions Holly Lane	£77,300	£11,040	£77,300	£0
NW3069	Innage Park Industrial Estate	£68,740	£18,413	£68,740	£0
NW3070	Football Stadium	£0	£695	£0	£0
NW3079	Maya Bar & Restaurant	£13,330	£5,760	£13,330	£0
NW3089	Public Conveniences	£770	£130	£770	£0
NW3120	Car Parks	£170,310	£119,646	£160,711	£9,599
	Director of Environment	£227,800	£79,241	£227,800	£0
NW3001	Election Expenses	£134,410	£11,285	£134,410	£0
NW3002	Registration Of Electors	£93,390	£67,956	£93,390	£0
	Grand Total Resources Remaining	£3,845,750	£2,426,395	£3,836,472	-£9,278
	Resources Recharged (Vacancy Factor)	-£200,000		-£93,110	£106,890
	Resources Board (overall)	£3,645,750		£3,743,362	£97,612

	Budget	Actuals	Forecast	Variance
Director of Housing	£369,360	£192,338	£369,360	£0
Employees	£0	£61,771	£0	£0
Premises-Related Expenditure	£37,220	£8,947	£37,220	£0
Supplies & Services	£172,940	£94,241	£172,940	£0
Income	-£11,330	-£342,701	-£11,330	£0
Balance Sheet	-£180,210	£19,340	-£180,210	£0
Central Support Charges	£350,740	£350,740	£350,740	£0
Director of Resources	£3,330,540	£2,146,315	£3,331,737	£1,197
Employees	£431,550	£2,087	£432,747	£1,197
Premises-Related Expenditure	£1,690	£175	£1,690	£0
Supplies & Services	£9,256,640	£1,968,267	£9,256,640	£0
Transport-Related Expenditure	£12,240	£1,954	£12,240	£0
Income	-£9,065,380	-£2,485,803	-£9,065,380	£0
Balance Sheet	£9,680	£27,320	£9,680	£0
Central Support Charges	£2,684,120	£2,632,314	£2,684,120	£0
Director of Streetscape	-£81,950	£8,501	-£92,425	-£10,475
Employees	£20,290	£6,372	£19,881	-£409
Premises-Related Expenditure	£197,170	£50,074	£187,104	-£10,066
Supplies & Services	£94,480	£24,936	£94,480	£0
Income	-£549,460	-£228,451	-£549,460	£0
Balance Sheet	£4,630	£4,630	£4,630	£0
Central Support Charges	£150,940	£150,940	£150,940	£0
Director of Environment	£227,800	£79,241	£227,800	£0
Employees	£1,570	£370	£1,570	£0
Supplies & Services	£144,920	£11,710	£144,920	£0
Income	-£1,640	-£27,296	-£1,640	£0
Balance Sheet	-£9,700	£3,300	-£9,700	£0
Central Support Charges	£92,650	£91,157	£92,650	£0
Grand Total	£3,845,750	£2,426,395	£3,836,472	-£9,278
Resources Recharged (Vacancy Factor)	-£200,000		-£93,110	£106,890
Resources Board (overall)	£3,645,750	£0	£3,743,362	£97,612

Resources Board (April - July 2024)
Appendix C

Consolidated General Fund Position

	Budget	Actuals	Forecast	Variance
Executive Board	£568,620	£469,539	£568,821	£201
Planning and Development	£293,250	£279,966	£386,004	£92,754
Licensing	£56,370	£119,332	£56,015	-£355
Community and Environment	£7,686,370	£4,635,004	£7,676,970	-£9,400
Resources (including staff vacancies)	£3,845,750	-£3,421,639	£3,836,472	-£9,278
Vacancy Factor	-£200,000	£0	-£93,110	£106,890
NET BOARD EXPENDITURE	£12,250,360	£2,082,202	£12,431,172	£180,812
Other Contingencies	£148,700	£0	£148,700	£0
Investment Income	-£1,094,030	-£415,469	-£1,094,030	£0
Use of Balances and Savings	£3,331,600	£0	£3,331,600	£0
Financing Adjustment	-£780,570	£0	-£780,570	£0
NET EXPENDITURE	£13,856,060	£1,666,732	£14,036,872	£180,812

**Report of the
Interim Corporate Director – Resources
(Section 151 Officer)**

**Insurance Contract Renewal –
Additional Cost**

1 Summary

- 1.1 The purpose of this report is to present to members a request for additional funding for the insurance contract which when it was renewed in July 2024 increased by 26.4% (£91,529). A supplementary estimate is required to cover the additional cost for both the General Fund and the Housing Revenue Account.

Recommendation

To approve a supplementary estimate for the additional cost of insurance £91,529 (split £65,611 General Fund and £25,918 HRA). This covers the contract from 24 July 2024 to 23 July 2025. This is the last year of renewal; a full procurement process will take place during this year and a new contract will be in place for July 2025.

2 Background

- 2.1 The current insurance contract was for 5 years with the option to extend for a further 2 years.
- 2.2 During 2023/24 this Council had a couple of significant property claims and a number of vehicle incidents all of which have contributed to the increase in premium along with inflationary increases. With current workloads the resources were not available to complete a full tendering exercise this year but the contract has been extended to the full limit of 7 years so a full procurement exercise will take place for a new contract to commence 24 July 2025.

3 Insurance

- 3.1 The Council has to ensure it has adequate insurance cover in place and as such the current insurance contract was renewed for a further year. The additional cost is £91,529 an increase of 26.4%. A supplementary estimate is required to fund the cost over base budget, £65,611 is requested for the General Fund and £25,918 for the Housing Revenue Account.

4 Conclusion

- 4.1 That Members approve the supplementary estimate and note that this contract will be subject to a full procurement exercise during the year to ensure the Council is achieving value for money with regard to insurance.

5 Report Implications

5.1 Finance and Value for Money Implications

- 5.1.1 The increase in the cost is 26.4%, this will be subject to a full procurement exercise this year to ensure the new contract is fit for purpose and offers value for money for this Council.

5.2 Risk Management Implications

- 5.2.1 The Council must ensure that it has adequate insurance cover in place to protect the public, officers and assets.

The Contact Officer for this report is Alison Turner (719374).

Agenda Item No 11

Resources Board

3 September 2024

Report of the Interim Corporate Director – Resources (Section 151 Officer) – Capital Programme – 2023/24 Final Position and Carry forwards Capital Programme – 2024/25 Position at 30 June 2024

1 Summary

- 1.1 The purpose of this report is to update Members on the position of the 2023/24 Capital Programme at the end of March 2024.
- 1.2 The report also updates Members on the progress of the 2024/25 Capital Programme in terms of expenditure up to the end of June 2024.

Recommendation to the Council:

- a That the Board notes the level of expenditure incurred to the end of March 2024 against the 2023/24 Revised Capital Programme;
- b That the requests to carry forward schemes identified in column 5 of Appendix A totalling £1,962,116 for HRA and £1,557,878 for General Fund be approved and added to the 2024/25 Capital Programme;
- c That progress made against the 2024/25 Capital Programme is noted.

2 The Current Position

- 2.1 The Council's Revised Capital Programme for 2023/24, approved by this Board in February 2024, is set out in **Appendix A**. The Appendix also shows the expenditure incurred on each scheme at the end of March 2024.
- 2.2 The Appendix shows total expenditure of £10,512,367 within the financial year, with some schemes being unable to be actioned in 2023/24 £7,272,920 was subsequently approved to be carried forward into the 2024/25 budget. This gives an under-spend of £11,220,247.65 against the approved programme of £21,732,615.

3 Outcomes from Capital Expenditure

- 3.1 The £10,512,367 paid on capital schemes in 2023/24 has achieved a number of outcomes, and some of these are highlighted in the following paragraphs.
- 3.2 In terms of housing capital expenditure, the main programmes undertaken in the year related to electrical installations, external wall insulation, heating (including Air Source Heat Pumps) and roofing works. Extensive remedial

works also commenced to the Council's flats at Abbey Green Court, St Leonards Court, and Drayton Court. This includes a replacement pitched roof, new windows, and wall insulation as well as internal and external improvements. Following referrals from HEART, adaptations were undertaken to properties which enabled tenants with disabilities to continue living in their current Council property.

- 3.3 Work on new build properties were completed at Coleshill Road in June 2023.
- 3.4 On the General Fund, works continued on designing and implementing the new planning, environmental and financial systems, and work on infrastructure development and backing up systems continue to progress. The new finance system went live 2nd April 2024.
- 3.5 Work on the Council's car parks was undertaken in line with the introduction of Civil Parking Enforcement and charging. Works to resurface the Cattle Market car park took place in April 2023.
- 3.6 Within the Vehicle Replacement programme, 20 new HRA vehicles, a new refuse vehicle, a new road sweeper, transit van and 4 mowers were purchased.
- 3.7 Partner contributions of £429,640 have been paid to Sherbourne Recycling Limited for the construction of the sub-regional Materials Recycling Facility, which is now fully operational.
- 3.8 Within Leisure Services, work was undertaken at Mancetter, Dordon, Abbey Green play areas. Various types of equipment have been purchased across the three leisure centres.

4 **Requests to Carry Forward Budget Provision**

- 4.1 Officers are requesting to carry forward budget provision of £3,519,994 as shown in column (5) of **Appendix A**. Capital schemes are often over one or more financial years due to the nature of the project and as such carry forward of the budget will be required to complete the project.
- 4.2 There is a request from the Housing Division to carry forward budget provision of £1,962,116. Carry forward of £1,347,343 is locked to new build scheme funding and is requested to be carried forward. The budget for Abbey Green Court's Remedial works to flats was put into 23/24 with the works running into 24/25 so the remaining HRA carry over of £614,773 should be allocated here in order to complete the necessary works.
- 4.3 The Leisure Service is requesting to carry forward the unspent budget for general leisure equipment, as well as play area works.

- 4.4 Information Services are requesting to carry forward the underspends in relation to the Environmental Health, Financial Management System, and a new website all are ongoing projects so work will continue into 2024/25, therefore the allocated budget needs carrying forward. Delays in developing the infrastructure for hybrid working has occurred due to Covid-19. Corporate services are beginning to investigate more modern, scalable, and flexible ways of working. The replacement backup solution is planned for replacement during 24/25. This will involve a reduction in our current data storage due to the four new systems that are being implemented all being cloud solutions.
- 4.5 It is requested to carry forward budgetary provision for the underspend relating to the General Fund Vehicle Replacement Programme, due to the time needed to procure vehicles.

5 **Position at 30th June 2024**

- 5.1 The Executive Board approved the Council's 2024/25 Capital Programme of £16,548,620 in February 2024. While supplementary estimates totalling £233,877 for General Fund schemes and £140,000 for HRA schemes was approved at the Executive Board in June 2024.
- 5.2 Budget provision of £3,519,994 is the carry forward request that has been added to the 2024/25 programme giving a revised programme of £20,432,491 (**Appendix B**).

6 **Housing Schemes**

- 6.1 The original budget for 2024/25 was £5,422,300 and together with a proposed carry forward of £1,962,116 and supplementary estimate of £140,000 gives a total Housing Capital budget of £7,524,416. (Appendix B).
- 6.2 There has been a total of £1,922,098 spent on the Housing Capital programme during the first three months of 2024/25.
- 6.3 There is significant pressure on the Electrical budget. The approved budget of £309,000 will be insufficient for the year and reflects current demand and the age of the stock, as well as inflationary pressures. Electrical installation reports are in place for 99% of the stock, upgrades and rewires need to be completed.
- 6.4 Members are aware that a major works programme is being delivered to provide remedial works to blocks of flats. The budget allocation of £618,000 in the 2024 programme is for schemes for all flat remedial works however Abbey Green Court has rolled into 2024/25 so this budget and the carry forward of £614,773 will be needed in order to complete those works. Given rising costs in the building industry, underspends on these schemes are not anticipated and additional costs on Abbey Green Court to ensure all works are addressed may result in an overspend at the end of the year.

6.5 Schemes to deliver adaptations to council properties, a roof programme, a kitchen and bathroom improvement programme and insulation works are all ongoing and currently in line with budget allocations.

7 General Fund Schemes

7.1 The original budget for 2024/25 was £11,126,320 and together with proposed carry forward of £1,557,878 subject to approval, and the supplementary estimates give a total General Fund Capital budget of £12,908,075. (Appendix B).

7.2 There has been a total of £439,682 spent or committed against the General Fund Capital projects for 2024/25.

7.3 Within the Play Area Replacement programme and UKSPF funds, work has been undertaken at Baxterley park. In addition, some general and fitness leisure equipment has been replaced at the Leisure Facilities.

7.4 Within Central Services work is ongoing with improvements to the councils' network infrastructure improvements, and web development. Whilst work has commenced with the payment management system upgrade

7.5 The new finance system has been implemented and is receiving continued support whilst work is ongoing with the replacement planning system and environmental health system.

7.6 The electrical upgrade planned for the Council Offices at Old Bank House is likely to be delayed whilst its future use is considered.

7.7 Multiple vehicles have been ordered to maintain our vehicle replacement programme so that our fleet remains up to date.

8 Report Implications

8.1 Finance and Value for Money Implications

8.1.1 Payments made up to the end of March 2024 amount to £10,512,367. In addition, Members are also requested to carry forward schemes totalling £3,519,994 where expenditure has been delayed into 2024/25. If the carry forwards are not approved projects will not be delivered.

8.1.2 As highlighted in the report, there are inflationary pressures affecting capital spending, particularly in the HRA. Housing budgets are coming under increasing pressure due to the work needed on our ageing stock and inflationary increases currently being experienced across the economy. Further work will be carried out to establish the extent of these issues, which will be reported to the next meeting of the Board. The Housing Regulator and Government require social housing landlords to meet the Decent Homes Standard, prioritise building safety works, provide energy efficient dwellings and do works promptly to ensure premises are free from damp and mould.

8.1.3 Capital schemes will contribute to services provided by the Council, from maintaining decent Council homes, assisting in carrying out adaptations to tenants' houses funding, energy efficient heating systems to promote carbon reduction and encouraging fitness and the wellbeing of tenants.

8.2 Sustainability Implications

8.2.1 Expenditure incurred as part of the Council's Capital Programme enables the Council to continue to deliver a range of services to the people of North Warwickshire which contributes towards improving the quality of life for the communities of North Warwickshire.

8.3 Risk Management Implications

8.3.1 If the financial provision requested is not carried forward, the achievement of some of the Council's objectives may be at risk.

8.3.2 Many of the works required to the Council's Housing Stock reflect the Council's legal duties in relation to safety of properties and their occupants. Failure to undertake these works may expose the Council's staff and tenants to risk of harm, potential associated litigation, and risks damage to its reputation.

8.4 Legal Implications

8.4.1 As members may be aware, the main considerations for the Council in planning future levels of capital spend are that:

- a) capital spend must be considered in light of its future revenue implications of both any running costs and the costs of any associated borrowing;
- b) capital budget allocation should relate to wider asset management planning, which should be found in the delivery of local priorities and services; and,
- c) capital allocations should be integrated into service planning, i.e., alignment with local authority strategic priorities, relating financial investment to the planning of service outcomes and performance management.

8.5 Equalities Implications

8.5.1 The Council must meet the requirements of the Equality Act 2010. The Act brings consolidates and updates previous equality legislation and includes a public sector duty (the equality duty) which extends to those with protected characteristics including race, disability, sex, age, pregnancy and maternity, sexual orientation, gender reassignment and religion or belief.

8.5.2 Failure to make reasonable adjustments could result in limiting access to services provided from our buildings and facilities by disabled people and the potential for legal challenges being taken against the Council.

- 8.5.3 Additionally, when decisions are made about spending the sums which have been allocated for specific capital purposes, it is necessary to consider any relevant equalities implications to ensure that the Council's duties are met.
- 8.5.4 The capital programme includes some provision for improving accessibility, the extent of previous duties being extended by the Equality Act 2010. The 2010 Act prohibits direct and indirect discrimination, harassment, and victimisation, and provides that prescribed requirements to adjust must be complied with.

The Contact Officer for this report is Nicolas Harris (719320).

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
Executive Board – Agenda item 9	Corporate Director of Resources	The Proposed 3 year Capital Programme 2023-24 to 2025-26	13 th February 2023
Executive Board – Agenda item 10	Interim Corporate Director of Resources	The Proposed 3 year Capital Programme 2024-25 to 2026-27	12 th February 2024

Capital Programme 2023/24

Appendix A

(1) Cost Centre Description	(2) Approved Budget 2023/24	(3) Actuals Yr To Date	(4) Variation to Approved Budget	(5) Requests to c/fwd schemes into 2023/24	(6) Pre Approved c/fwd into 24/25
	£	£	£	£	
Cap Hsg Disabled Facility Adaptation CH	200,000	486,191.68	286,191.68	-	0
Cap Hsg Windows & Doors	100,000	225,125.49	125,125.49	-	0
Cap Hsg Kitchens and Bathrooms	400,000	410,563.06	10,563.06	-	0
Cap Hsg Insulation	100,000	11,660.68	-88,339.32	-	0
Cap Hsg Roofing	400,000	384,474.60	-15,525.40	-	0
Cap Energy Saving	0	1,095.00	1,095.00	-	0
Cap Hsg Heating	500,000	697,171.59	197,171.59	-	0
Cap Hsg Electrics	1,340,000	1,718,994.52	378,994.52	-	0
Cap Remedial Work to Flats	250,000	417,148.78	167,148.78	-	0
Cap Remedial Work to Flats - Drayton Court	448,810	1,583,545.34	1,134,735.34	-	0
Cap Remedial Work to Flats - Abbey Green Court	4,000,000	1,058,049.70	-2,941,950.30	614,773	0
Cap Multi Trade Contract	350,000	464,793.47	114,793.47	-	0
Cap Replacement DLO Vehicles	472,970	481,882.87	8,912.87	-	0
Cap New Build, Atherstone	1,510,960	163,617.24	-1,347,342.76	1,347,343	0
Cap Green Homes Efficiency Works	0	5,000.00	5,000.00	-	0
					0
Cap Hsg General Costs	309,580	310,890.48	1,310.48	-	0
					0
Total HRA	10,382,320	8,420,204.50	-1,962,115.50	1,962,116	0

Cap DDA	120,000	2,500.00	(117,500.00)	56,455	0
Cap Refurbishment of Council Owned Buildings	45,000	-	(45,000.00)	45,000	0
Cap Atherstone LUFBid	3,000,000	-	(3,000,000.00)	0	3,000,000
Cap Polesworth Leisure Facility	3,000,000	-	(3,000,000.00)	0	3,000,000
Cap Parks and Playing Fields	176,938	113,438.80	(63,499.42)	63,499	0
Cap Artificial Grass Pitch	372,170	-	(372,170.00)	0	0
Cap Council Buildings Fire Doors	225,000	-	(225,000.00)	225,000	0
Cap Playing Pitch Strategy	5,570	2,500.00	(3,070.00)	3,070	0
Cap General Leisure Equipment	23,717	19,490.65	(4,226.80)	4,227	0
Cap ALC Gym Equipment	37,095	253.55	(36,841.39)	36,841	0
Cap CCTV Scheme	0	4,881.00	4,881.00	0	0
Cap External Work on Industrial Buildings	470,000	375,000.00	(95,000.00)	95,000	0
Cap Depot Works	30,600	-	(30,600.00)	30,600	0
Cap Materials Recycling Facility	373,625	429,640.00	56,014.51	0	0
Cap Car Parking Pay and Display	0	-	-	0	0
Cap Structural Maintenance Car Park Programme	345,000	94,993.13	(250,006.87)	0	245,000
Cap Car Parking Coleshill	1,000,000	-	(1,000,000.00)	0	1,000,000
Cap Mobile Care Admin Facility Innage Park	30,000	-	(30,000.00)	0	0
Cap Computer Software	40,416	17,674.77	(22,741.26)	22,741	0
Cap Infrastructure Development	75,739	38,611.37	(37,128.10)	37,398	0
Cap Network Infrastructure	25,600	1,300.00	(24,300.00)	24,300	0
Cap Financial Management System	181,094	143,395.25	(37,698.25)	37,698	0
Cap Backing Up	30,000	-	(30,000.00)	30,000	0
PMS Replacement	15,000	-	(15,000.00)	15,000	0
Cap Environmental Health System	65,494	30,560.00	(34,933.94)	34,934	0
Cap Mobile Devices	10,000	9,773.43	(226.57)	0	0
Cap Replacement Planning System	27,920	-	(27,920.00)	0	27,920
Cap Web Development	50,000	49,800.00	(200.00)	0	0
Cap UPS	10,000	10,000.00	-	0	0
Cap Transport	1,057,726	441,688.31	(616,037.30)	616,037	0
Cap DHS Assistance	20,000	-	(20,000.00)	0	0
UKSPF	467,500	287,422.28	(180,077.72)	180,078	0
	0	-	-	0	0
Capital Salaries	19,090	19,239.96	149.96	0	0

Total General Fund	11,350,295	2,092,162.50	(9,258,132.15)	1,557,878	7,272,920
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Total Expenditure	21,732,615	10,512,367.00	(11,220,247.65)	3,519,994	7,272,920
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Capital Programme 2024/25

Appendix B

(1) Costcuk (T)	(2) 24/25 Budget	(3) 23/24 Carry Forward	(4) Supplementary Estimates	(5) 24/25 Revised Budget	(6) Spend	(6) Remaining
Housing Disabled Facility Adaptations Ch	206,000	-	140,000	346,000	94,562	251,438
Housing Windows And Doors	463,500	-	-	463,500	80,709	382,791
Housing Kitchens & Bathrooms	618,000	-	-	618,000	176,283	441,717
Housing Energy Saving Measures	257,500	-	-	257,500	-	257,500
Housing Roofing	412,000	-	-	412,000	13,950	398,050
Housing Heating	515,000	-	-	515,000	154,149	360,851
Housing Electrics	309,000	-	-	309,000	325,671	- 16,671
Remedial Works To Flats	618,000	614,773	-	1,232,773	874,587	358,185
Multi Trade Contract	360,500	-	-	360,500	202,187	158,313
New Build Atherstone Coleshill Road & Long Street Flats	1,331,890	1,347,343	-	2,679,233	-	2,679,233
Housing General Costs	330,910	-	-	330,910	-	330,910

HRA Total	5,422,300	1,962,116	140,000	7,524,416	1,922,098	5,602,317
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Costcuk (T)	24/25 Budget	23/24 Carry Forward	Supplementary Estimates	24/25 Revised Budget	Spend	Remaining
Cap DDA	-	56,455	-	56,455	-	56,455
Refurbishment Of Council Owned Buildings	50,000	45,000	-	95,000	-	95,000
Atherstone Leisure Complex	3,750,000	-	-	3,750,000	-	3,750,000
Polesworth Leisure Facility	4,500,000	-	-	4,500,000	-	4,500,000
Cap Play Area Development	100,000	63,499	223,877	387,376	-	387,376
Cap Royal Meadow Drive Artificial Grass Pitch	372,170	-	-	372,170	-	372,170
Fire Door Replacement Programme	106,100	225,000	-	331,100	-	331,100
Playing Pitch Strategy	-	3,070	-	3,070	-	3,070
General Leisure Equipment	20,000	4,227	-	24,227	594	23,633
Atherstone Pool Fitness Equipment	-	36,841	-	36,841	1,086	35,755
External Works On Industrial Buildings	-	95,000	-	95,000	-	95,000

Depot Works	-	30,600	-	30,600	6,100	24,500
Cap Structural Maintenance Programme Of Car Parks	345,000	-	-	345,000	-	345,000
Cap Car Parking Coleshill	1,000,000	-	-	1,000,000	-	1,000,000
Dordon Pump Track	100,000	-	-	100,000	-	100,000
Computer Software	35,000	22,741	-	57,741	17,940	39,801
Infrastructure Improvements	20,000	37,398	-	57,398	33,874	23,524
Financial Management System	-	37,698	-	37,698	38,509	811
Network Infrastructure	50,000	24,300	-	74,300	1,297	73,003
PMS Replacement	15,000	15,000	-	30,000	15,000	15,000
Cap Telephone System	20,000	-	-	20,000	-	20,000
Cap Mobile Devices	5,000	-	-	5,000	-	5,000
Cap Rep Planning Systems	27,920	-	-	27,920	-	27,920
Cap Web Development	-	-	-	-	12,176	12,176
Cap Environmental Health System	-	34,934	-	34,934	-	34,934
Cap Backing Up	-	30,000	-	30,000	-	30,000
Capital Salaries	17,120	-	-	17,120	-	17,120
UKSPF	-	180,078	-	180,078	313,106	133,029
Transport	593,010	616,037	-	1,209,047	-	1,209,047

General Fund Total	11,126,320	1,557,878	223,877	12,908,075	439,682	12,468,393
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Total Capital Programme	16,548,620	3,519,994	363,877	20,432,491	2,361,780	18,070,710
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Agenda Item No 12

Resources Board

3 September 2024

Report of the
Interim Corporate Director – Resources
(Section 151 Officer)

Housing Revenue Account
Budgetary Control Report 2024/2025
Period Ended 31 July 2024

1 Summary

- 1.1 The report covers total Housing Revenue Account revenue expenditure and income for the period from 1 April to 31 July 2024.

Recommendation to the Board

To consider if any further information is required.

2 Introduction

- 2.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services and Member costs. The figures contained within this report are calculated on this basis.

- 2.1.2 In April 2024 a new Financial Management System (Unit 4) was implemented which will significantly change how budget monitoring and budget preparation is delivered in the future making it more efficient and timely automating as much as possible directing resources on interpreting the figures and presenting forecasts to give a clear indication of the outturn position and impact on balances which then feeds into the 30 Year Housing Business Plan. This report is the first budget monitor using forecasting rather than profiling, this will be more informative as the year progresses.

3 Estimated Outturn Position

- 3.1 The Housing Revenue Account (HRA) includes all costs and income relating to the letting and management of the Council's housing stock. This has to be kept separate from General Fund (GF) expenditure to meet the statutory requirements of the ringfence between the GF and HRA to ensure no subsidisation between the accounts. The figures presented in **Appendix A** are based on the actual spend for April to July. The report provides details on the likely outturn position for each of the services report to this Board. The forecast

...

(anticipated out-turn) for this board for 2024/25 is a surplus in year of £360,157 compared to an approved budget surplus of £399,380. A reduction of £39,223.

3.2 The figures provided are based on information available and with only four months data it is difficult to forecast with certainty, but it highlights the areas which need to be monitored closely during the year and may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn and any additional funding will need to be approved by members as a supplementary estimate. More detail is shown in **Appendix A - B** of this report.

3.3 The contribution to the Repairs Fund is transferred from the Revenue Account each year. The actual spend on repairs is shown within the Repairs Fund. Similarly, budget provision within the Revenue Account for capital expenditure is transferred to capital reserves, which are then utilised to fund HRA capital expenditure included in the capital programme.

3.4 The forecast overspend within Supervision and Management General relates to the increased costs from the annual insurance renewal (detail elsewhere on the agenda)

3.5 The forecast outturn from Garage rents is lower due to reduced number of garage lettings.

4 **Housing Repairs Fund**

4.1 The Housing Repairs Fund covers expenditure on all repairs and maintenance, both day to day and programmed, whether carried out by Housing Direct Works or external contractors. This includes any surplus or deficit on the operation of Housing Direct Works.

4.2 The balance on the Fund estimated at the start of the year amounted to £555,256. The balance can be used to cover timing issues between years. In 2024/25 the contribution to the fund is £3,721,410. Any over-spend in the repairs fund would impact on the use of Housing Revenue Account balances if it exceeded the balance on the fund and the contribution in the year.

... 4.3 The position on the fund at the end of July is shown in the top of the table of **Appendix A - B**.

5 **Housing Direct Works**

5.1 The increase forecast on employee costs reflecting the current level of permanent employee vacancies being covered by higher cost agency staffing. Recruitment to some vacancies has stalled because of the difference in hourly rates in the private sector and strong demand for tradesmen. The increased forecast in material costs reflects the increased costs and use of materials expected. There is also a forecast increase in transport fuel and maintenance costs.

6 Risks to the Budget

6.1 The key risks to the budgetary position of the Housing Revenue Account identified when setting the budget in February 2024/25 are:-

- The potential ongoing impact of sustaining rent income levels with the changes economic conditions;
- The requirement on the Council to meet statutory housing needs and support tenants to sustain their tenancies as well as manage them in moving on as secure tenancies are replaced with flexible ones;
- A change in interest rates, as funds need to be borrowed externally;
- More attractive Right to Buy conditions could encourage higher sales;
- The requirements of an ageing stock and the need to meet the Decent Homes Standard are likely to continue to increase the demand for capital works. Work to keep the Council's assets in good condition will be prioritised and accommodated within existing budgets;
- Any reduction in the performance of Housing Direct Works will put pressure on the Council to use external contractors and therefore will impact on the level of expenditure;
- The impact of the Social Housing (Regulation) Act 2023 which sets out the Government's intention to change and strengthen the regulatory framework in conjunction with enhancing the roles of the Regulator and Housing Ombudsman alongside the Building Safety Regulator.

7 Report Implications

7.1 Finance and Value for Money Implications

7.1.1 Income and expenditure will continue to be closely managed and any issues that arise will be reported to this committee for comment.

7.2 Environment and Sustainability Implications

7.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

7.3 Legal Implications

7.3.1 As set out in the body of the report, the Housing Revenue Account is subject to specific rules as to the credits and debits which are included in relation to the Council's activities as an owner of land and houses and must be kept separate from the General Fund. As further stated, the HRA must be self-funding.

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

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
Resources Board – Agenda item 7	Corporate Director - Resources	Housing Revenue Account Estimates 2024-25 and Rent Review	29 th Jan 2024

Housing Repairs Fund (April - July 2024)

		Budget	Actuals	Forecast	Variance
		£	£	£	£
NW1055	Housing Direct Works Response Repa	1,181,240	550,202	1,383,998	202,758
NW1056	Housing Direct Works Voids	547,820	205,982	573,078	25,258
NW1057	Housing Direct Works Electrical	467,440	170,409	392,129	(75,311)
NW1058	Housing Repairs Fund	1,524,910	1,204,478	1,387,969	(136,941)
		3,721,410	2,131,071	3,737,174	15,764

Housing Revenue Account (April - July 2024)

		Budget	Actuals	Forecast	Variance
		£	£	£	£
NW1130	Housing Management General	757,890	704,313	768,980	11,090
NW1134	Housing Registration & Letting	322,140	322,072	322,140	-
NW1135	Tenancy & Estates Management	449,740	440,756	449,740	-
NW1136	Rent Collection And Arrears	500,860	411,449	500,860	-
					-
NW1000	Flat Management	-	5,264	-	-
NW1060	Sheltered Management	-	20,571	-	-
NW1085	Community Centres	474,320	290,590	474,214	(106)
					-
NW1030	Shop Management	(85,770)	(25,538)	(85,061)	709
NW1040	Laundries	23,840	5,659	23,840	-
					-
NW1120	New Builds	21,070	3,038	21,070	-
					-
NW1131	Tenant Participation	51,790	44,394	51,790	-
NW1132	Cesspool Emptying Housing	9,320	-	9,320	-
					-
NW1133	Provision for Bad Debts	138,660	-	138,660	-
NW1133	Interest on Loans	1,746,630	-	1,746,630	-
NW1133	Revenue Set Aside	2,350,000	-	2,350,000	-
NW1133	New Borrowing	(1,500,000)	-	(1,640,000)	(140,000)
NW1133	Revenue Funding for Capital Spend	3,709,270	-	3,849,270	140,000
NW1133	Revenue Funding for New Build	1,331,890	-	1,331,890	-
NW1133	Gross Rents	(13,865,940)	-	(13,865,940)	-
NW1133	Garage rents	(315,650)	-	(290,700)	24,950
NW1133	Service Charges Leaseholders	(46,470)	-	(46,470)	-
NW1133	Service Charges Council Tenants	(72,300)	-	(69,720)	2,580
NW1133	Interest on Balances	(122,080)	-	(122,080)	-
NW1133	Contribution to the Repairs Fund	3,721,410	-	3,721,410	-
					-
	Surplus for the year	(399,380)	2,222,569	(360,157)	39,223

Appendix B

Housing Repairs Fund (April - July 2024)	Budget	Actuals	Forecast	Variance
	£	£	£	£
Employees	1,367,520	446,286	1,371,693	4,173
Premises-Related Expenditure	622,770	548,609	622,770	-
Supplies & Services	744,220	197,084	739,579	(4,641)
Transport-Related Expenditure	119,840	31,217	136,072	16,232
Income	(8,490)	(11,195)	(8,490)	-
Balance Sheet	(44,150)	-	(44,150)	-
Central Support Charges	919,700	919,070	919,700	-
Housing Repairs Fund	3,721,410	2,131,071	3,737,174	15,764
Housing Revenue Account (April - July 2024)	Budget	Actuals	Forecast	Variance
	£	£	£	£
Employees	70,590	68,898	77,248	6,658
Premises-Related Expenditure	325,340	74,351	333,971	8,631
Supplies & Services	4,208,530	337,351	4,208,530	-
Transport-Related Expenditure	12,640	1,956	9,044	(3,596)
Third Party Payments	(1,500,000)	-	(1,640,000)	(140,000)
Income	(14,573,440)	(47,746)	(14,545,910)	27,530
Balance Sheet	9,276,450	-	9,416,450	140,000
Central Support Charges	1,780,510	1,787,760	1,780,510	-
Housing Revenue Account - Surplus in year	(399,380)	2,222,569	(360,157)	39,223

Agenda Item No 13

Resources Board

3 September 2024

**Report of the
Interim Corporate Director – Resources
(Section 151 Officer)**

Internal Audit Progress Report

1 Summary

- 1.1 The purpose of this report is to present the internal audit activity and findings for the period 1 April to 31 July 2024. The detailed report from the Head of Internal Audit (Head of Central Midlands Audit Partnership CMAP) is attached at **Appendix A**.
- ...

Recommendation to the Board

To note the audit activity and findings detailed in the Audit Progress Report in Appendix A.

2 Background

- 2.1 The internal audit capacity had reduced below the PSIA standards since the shared audit arrangement ended December 2022. To address this risk on 17th July 2023, the Council's Special Sub-Group agreed for the Central Midlands Audit Partnership to provide internal audit services to supplement our inhouse audit function for a period of 6 months; since that agreement members have agreed for the 2024/25 audit plan to be delivered under this agreement and a review in terms of the future arrangement will be considered at the Resources Board in November 2024.
- 2.3 The Interim Corporate Director of Resources (Section 151 Officer) met with CMAP's Head of Audit Partnership to agree a new audit plan that was fit for purpose together with a health check around the key areas of governance, risk management, the counter fraud framework and information technology were required. The audit plan for 2024/25 was agreed and this report at Appendix A details the progress and findings to date.

3 Findings

- 3.1 The audit plan is presented with progress up to 7 August 2024. In this period a number of audits are in progress but only two are complete with final reports issued. Both received a Reasonable Assurance with the recommendations detailed in the report.

4 Report Implications

4.1 Risk Management Implications

4.1.1 Failure to provide an effective Internal Audit Service may adversely affect the level of internal control operating within the Council.

4.1.2 Non-conformance with the PSIAS, which is a mandatory requirement, will attract criticism from external assessors.

4.2 Links to Council's Priorities

4.2.1 The audit programme agreed and delivered are aligned to both the priorities of the Council and the requirements of external assessors.

The Contact Officers for this report are Alison Turner/Richard Boneham (719374).

North Warwickshire Borough Council – Audit Progress Report

Resources Board: 3rd September 2024

Date Report Produced: 19th August 2024



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RECOMMENDATION TRACKING	10
HIGHLIGHTED RECOMMENDATIONS	11

Our Vision

To bring about improvements in the control, governance and risk management arrangements of our Partners by providing cost effective, high quality internal audit services.

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North Warwickshire Borough Council – Audit Progress Report

AUDIT PLAN

Progress on Audit Assignments

The following tables provide Resources Board with information on how audit assignments were progressing as at 19th August 2024.

2024-25 Assignments	Status	% Complete	Assurance Rating
Information Governance	Not Started	0%	
Unit 4 System	Not Started	0%	
Key Financial Systems	Not Started	0%	
Contract Management	Not Started	0%	
Data Quality	Not Started	0%	
Equality Diversity and Inclusion (EDI)	Not Started	0%	
Business Continuity & Disaster Recovery	Draft Report Reviewed	90%	
Capital Programme	In Progress	70%	
Fly-tipping	In Progress	70%	
Hackney Carriage (Taxi) & Private Hire Vehicle Licensing	Allocated	0%	
Corporate Health and Safety	In Progress	50%	
Cyber Security	Allocated	0%	
Information Security	Allocated	0%	
Follow-Up of 2022/23 Procurement Audit	Follow up Deferred		
Follow-up of 2023/24 Elections & Electoral Registration Audit	Initial Follow up completed		
Follow-up of 2023/24 Civil Parking Enforcement Audit	Initial Follow up completed		
Follow-up of 2023/24 Commercial Properties & Industrial Units Audit	Initial Follow up completed		
Follow-up of Health & Safety - Waste & Transport Audit	Initial Follow up completed		
Follow-up of 2023/24 Housing Repairs – Annual Gas Safety Checks Audit	Initial Follow up completed		

B/Fwd Assignments	Status	% Complete	Assurance Rating
Key Financial Controls	Final Report Issued	100%	Reasonable
IT Health Check	Final Report Issued	100%	Reasonable
Corporate Governance	Draft Report Reviewed	90%	
Risk Management	Draft Report Reviewed	90%	
Counter Fraud	Draft Report Reviewed	90%	
Income Collection – Leisure Centres	Final Report Issued	100%	Limited
Homelessness	In Progress	60%	

North Warwickshire Borough Council – Audit Progress Report

Plan Changes

At the request of the Interim Corporate Director - Resources (Section 151 Officer) and the Interim Corporate Director (Streetscape) an audit of Corporate Health and Safety has been added to the internal audit plan This will replace the Procurement Cards audit specific to Housing Services. The Housing Services Procurement Card audit was included in the original 2024/25 Internal Audit Plan as it was identified as a risk area following an audit a few years go. However, the Director of Housing has confirmed that they are no longer using procurement cards in Housing Services.

The follow-up on the progress being made with the implementation of the recommendations in the 2022/23 Procurement Audit has been deferred until later in the year to take account of the work being done in preparation for the new Procurement Regulations that come into effect in October 2024.

North Warwickshire Borough Council – Audit Progress Report

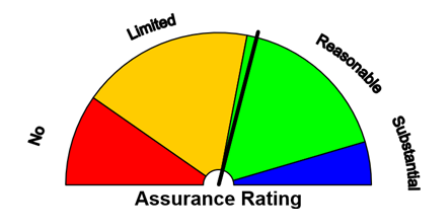
AUDIT COVERAGE

Completed Audit Assignments

Between 1st April 2024 and 19th August 2024, the following audit assignments have been finalised.

Audit Assignments Completed in Period	Assurance Rating	Recommendations Made				% Recs Closed
		Critical Risk	Significant Risk	Moderate Risk	Low Risk	
Key Financial Controls	Reasonable	0	1	1	7	33%
IT Health Check	Reasonable	0	0	2	6	25%
Income Collection – Leisure Centres	Limited	0	0	6	12	5%

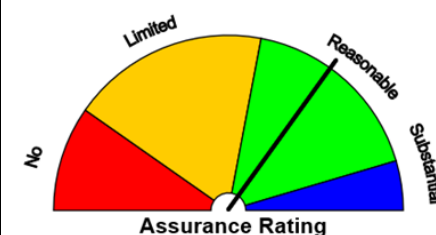
Details of each completed audit assignment are given below:

Key Financial Controls				
Control Objectives Examined	Controls Evaluated	Adequate Controls	Partial Controls	Weak Controls
Key control account reconciliations are carried out on a regular basis, reconciling items are cleared and the reconciliation is subject to independent review.	5	1	3	1
Suspense accounts are monitored and cleared on a regular basis, with prompt supervisory review.	3	1	2	0
That there are robust budget monitoring systems in place to ensure that the Council's aims are achieved.	7	5	2	0
There are appropriate controls over journals which are input manually to the general ledger.	5	4	1	0
TOTALS	20	11	8	1

North Warwickshire Borough Council – Audit Progress Report

Rec No.	Summary of Weakness	Risk Rating	Original Action Date	Action Status	Revised Action Date
1	Reconciliations had not been completed for Council Tax and NDR and the Finance Team did not have a central list or control log of the Council's Balance Sheet control accounts which should be subject to regular reconciliation.	Significant Risk	01/09/2024	Future Action	
2	There was no established process for escalating non-completion of Balance Sheet control account reconciliations to Senior Officers.	Moderate Risk	01/08/2024	Closed - Implemented	
3	Information in support of the values used in reconciliation calculations had not been attached in all the cases we reviewed.	Low Risk	01/08/2024	Closed - Implemented	
4	Not all reconciliations had been signed and dated by the preparer and reviewer.	Low Risk	01/08/2024	Closed - Implemented	
5	Collection Fund suspense account contained transactions dating back to April 2022.	Low Risk	01/08/2024	Action Due	
6	A check to review the Council's general suspense account was not being evidenced to confirm it had taken place.	Low Risk	01/08/2024	Action Due	
7	The Council's Financial Regulations had not been updated since 2018.	Low Risk	01/04/2025	Future Action	
8	No training had been provided on the use of the Council's financial management system and, more specifically, budget monitoring.	Low Risk	01/09/2024	Future Action	
9	Documents to support journal transfers were not available in all cases subject to our review.	Low Risk	01/08/2024	Action Due	

IT Health Check

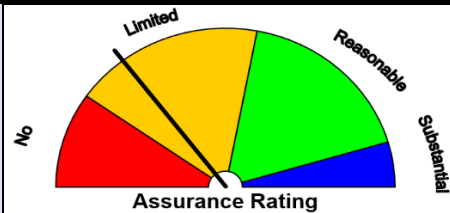


Control Objectives Examined	Controls Evaluated	Adequate Controls	Partial Controls	Weak Controls
Ensure that the Councils file server population is secured and configured in line with recognised best practice and data protection principles.	17	8	0	9

North Warwickshire Borough Council – Audit Progress Report

Ensure that the Council's email system and Internet facing services are secured and configured in line with current recognised best practices.		6	4	0	2
TOTALS		23	12	0	11
Rec No.	Summary of Weakness	Risk Rating	Original Action Date	Action Status	Revised Action Date
1	The latest security patches had not been installed on either file server reviewed. This included one file server whereby no patches had been installed since November 2023. Other devices in the domain with no recent patching activity were also running operating systems no longer covered by general security support and would require purchasing extended security updates (ESU) agreements.	Low Risk	31/01/2025	Future Action	
2	A small number of users regular 'day to day' accounts had been granted local administrator privileges on production servers and workstations, including users not in the Information Services department.	Low Risk	31/10/2024	Future Action	
3	All user accessible shares on a Council file server may be revealing sensitive information (corporate gold images), that could expose software licence keys and administrative credentials to unauthorised access and compromise.	Low Risk	Risk Accepted	Closed	
4	Employees were inappropriately saving highly personal and sensitive data files on the all-user accessible shared files directory, exposing the Council to serious data breaches. Other confidential data was also vulnerable to all user access on other directories.	Moderate Risk	31/08/2024	Future Action	
5	A data matching exercise, comparing the access control lists protecting a sample of sensitive directories against Human Resources reports, found not all current access permissions granted were appropriate.	Low Risk	30/09/2024	Future Action	
6	The Council did not have a formal vulnerability scanning process in place to identify known vulnerabilities in their network environment.	Low Risk	Risk Accepted	Closed	
7	The current Active Directory default domain password policy settings did not enforce all of the expected password standards defined in the Council's Information Security Policy (2022), specific to minimum length and complexity enabled status.	Low Risk	30/09/2024	Future Action	
8	The National Cyber Security Centres (NCSC) Mailcheck assessment tool identified some Anti-Spoofing (DMARC), and Email Privacy (MTA-STX) settings that did not align with cyber security best practices.	Moderate Risk	30/09/2024	Future Action	

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Income Collection - Leisure Centres						
Control Objectives Examined			Controls Evaluated	Adequate Controls	Partial Controls	Weak Controls
Atherstone Leisure Centre - Cash and any other credits on hand agreed to establishment's records and is kept secure with access restricted.			18	8	5	5
Coleshill Leisure Centre - Cash and any other credits on hand agreed to establishment's records and is kept secure with access restricted			17	8	7	2
Polesworth Leisure Centre - Invoices are accurate and authorised appropriately with payment monitoring undertaken and the Leisure Centres are safe and secure.			15	9	4	2
TOTALS			50	25	16	9
Rec No.	Summary of Weakness	Risk Rating	Original Action Date	Action Status	Revised Action Date	
1	There was a lack of separation of duties with only one officer undertaking the cash handling duties of counting and storing the cash at Atherstone Leisure Centre.	Moderate Risk	30/09/2024	Future Action		
2	There were no process notes for undertaking the Leisure Centre reconciliations so no other Officer could undertake the task and the cash reconciliation for Atherstone and Coleshill was not checked or signed by the relevant Officers.	Low Risk	30/09/2024	Future Action		
3	The number of safe keys and the location of safe keys with some left overnight at the Atherstone Leisure Centre was not declared to the Council's Insurer, and there were no policies detailing the security of safe keys or record of total number of keys.	Moderate Risk	30/09/2024	Future Action		
4	There was no key transfer register for Atherstone Leisure Centre that detailed when keys were transferred between officers.	Low Risk	30/09/2024	Future Action		
5	There was no visitors book except for visiting schools and the auditor was not required to sign in as a visitor when they attended the centre.	Low Risk	Implemented	Closed		
6	Regular reports were not obtained or examined regarding paid and unpaid invoices for Atherstone Leisure Centre.	Moderate Risk	30/11/2024	Future Action		

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7	Refunds at Atherstone could be processed without authorisation from Duty Officers with no evidence retained of authorisation and discrepancies between the bank and Gladstone were due to refunds.	Low Risk	30/11/2024	Future Action	
8	The document retention period of three years was not being adhered to for Atherstone Leisure Centre documents.	Low Risk	30/11/2024	Future Action	
9	Cash takings, and their verification against actual takings, were confirmed using initials on a spreadsheet, as opposed to a signature at Coleshill Leisure Centre.	Moderate Risk	30/09/2024	Future Action	
10	No key safe register was in place for Coleshill Leisure Centre to monitor the use of building keys held in the reception key safe.	Low Risk	30/11/2024	Future Action	
11	ID badges were not provided to official visitors and the visitor log was not always fully completed for each visitor at Coleshill Leisure Centre.	Low Risk	30/11/2024	Future Action	
12	The status of invoices had to be manually checked with Finance and services were occasionally provided without evidence of the associated invoice being paid at Coleshill Leisure Centre.	Moderate Risk	30/11/2024	Future Action	
13	Contractor Control Forms were held indefinitely at the time of audit at Coleshill Leisure Centre, with no specific reference to them in the document retention schedule.	Low Risk	30/11/2024	Future Action	
14	There was no separation of duties at Polesworth Leisure Centre when undertaking refunds on the Leisure Centre system as only one officer completed the process.	Low Risk	30/11/2024	Future Action	
15	At the Polesworth Leisure Centre visitor identification was not provided and there was no visitors book.	Low Risk	30/11/2024	Future Action	
16	There was no formal procedure or process guide for processing invoices. Also, it was apparent that process for raising invoices was undertaken by a single officer, representing a single point of failure risk.	Moderate Risk	30/11/2024	Future Action	
17	There were no periodic Finance reports to be able to identify invoices had been paid before activities took place at Polesworth Leisure Centre.	Low Risk	30/11/2024	Future Action	
18	There were no regular reports sent to Polesworth Leisure Centre regarding unpaid invoices and debts	Low Risk	30/11/2024	Future Action	

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RECOMMENDATION TRACKING

Final Report Date	Audit Assignments with Open Recommendations	Assurance Rating	Recommendations Open			
			Action Due	Delayed Action Due	Delayed Future Action	Future Action
19/08/2024	Income Collection – Leisure Centres	Limited				17
02/07/2024	Key Financial Controls	Reasonable	3			3
28/06/2024	IT Health Check	Reasonable				6
25/08/2023	Electoral Registration & Elections	Substantial			1	
Sept 2023	Civil Parking Enforcement (Off-Street Parking)	Substantial			1	
Sept 2023	Commercial Properties & Industrial Units	Reasonable			5	
02/02/2024	Housing Repairs - Annual Gas Safety Checks	Substantial			1	
26/01/2024	Health & Safety - Waste & Transport Audit	No			1	
		TOTALS	3		9	26

Action Due = The agreed actions are due, but Internal Audit has been unable to ascertain any progress information from the responsible officer.

Delayed Action Due = The original action date has now passed and Internal Audit has obtained status update comments from the responsible officer and a revised action date. This revised action date has now passed, but Internal Audit has been unable to ascertain any progress information from the responsible officer.

Delayed Future Action = The original action date has now passed and Internal Audit has obtained status update comments from the responsible officer and a revised action date which is in the future.

Future Action = The agreed actions are not yet due, so Internal Audit has not followed the matter up.

Audit Assignments with Recommendations Due	Action Due				Delayed Action Due				Delayed Future Action			
	Critical Risk	Significant Risk	Moderate Risk	Low Risk	Critical Risk	Significant Risk	Moderate Risk	Low Risk	Critical Risk	Significant Risk	Moderate Risk	Low Risk
Key Financials Controls				3								
Electoral Registration & Elections											1	
Civil Parking Enforcement (Off-Street Parking)											1	
Commercial Properties & Industrial Units											4	1
Housing Repairs - Annual Gas Safety Checks											1	
Health & Safety - Waste & Transport Audit											1	
TOTALS				3							8	1

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HIGHLIGHTED RECOMMENDATIONS

Critical, Significant or Moderate Risk Recommendations Passed Their Original Action Date

The following moderate risk rated recommendations, that have passed their original action date and not yet been implemented, are detailed for the Board's scrutiny.

Job Name	Electoral Registration & Elections	Original Action Date	31/10/2023
Risk Rating	Moderate Risk	Revised Action Date	30/09/2024
Recommendation Number	1	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
Lack of supporting documentation to evidence the Council's consideration, on a case-by-case basis, to requests for disclosure of personal / sensitive electoral registration data from third-party organisations such as the Police, HMRC or other local authorities that have a crime prevention, law enforcement or tax collection function, under the DPA 2018, exemptions, (such as a Schedule 2: Part 1, Section 2 request for the disclosure of personal information).	<p>That consideration be given to whether, under the Data Protection Act [DPA] 2018, there is a need to implement a 'formal request form' for all 'third-party organisations seeking disclosure of personal information held by Democratic Services; (and other Council departments) to complete, for example, from the Police, HMRC or other local authorities that have a crime prevention, law enforcement or tax collection function, under the DPA 2018, exemptions, (such as a Schedule 2: Part 1, Section 2 request for the disclosure of personal information).</p> <p>It is understood the decision to disclose personal / sensitive data (including any personal / sensitive electoral registration data) should be considered on a case-by-case basis.</p> <p>Appendix A shows a 'DPA 2018 Schedule 2 Request Form', template adopted by North Lincolnshire Council, to consider as an example of best practice</p>	The Head of Elections has agreed to consider adopting the Data Protection Act 2018 Schedule 2 Request Form', template used by North Lincolnshire Council	Action delayed due to priority being given by the Head of Elections to overseeing: a) the Police & Crime Commissioner Elections in May 2024; and b) the snap Parliamentary Election in July 2024, and the additional workloads with staging these elections. Revised action date is 30 th September 2024.

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Job Name	Civil Parking Enforcement (Off-Street Parking)	Original Action Date	30/11/2023
Risk Rating	Moderate Risk	Revised Action Date	30/09/2024
Recommendation Number	1	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
The Council could be left exposed to the potential loss of its external civil parking enforcement officer service and thereby being unable to effectively patrol its off-street parking facilities in the Borough. This could, in turn, result in the Council's inability to issue Penalty Charge Notices for the contravention of parking enforcement restrictions at off-street parking facilities to offending vehicles and thereby result in loss of income from Penalty Charge Notice fines.	To safeguard service provision and formalise relevant terms and conditions, consideration be given to agreeing and putting in place a formal contract / Service Level Agreement with Euro Car Parks Ltd, as soon as is practicable, which includes the following detail: a) the contract start, review and end dates of the contract / SLA; b) the standard weekly working hours of the Civil Enforcement Officer [CEO]; c) the main duties the Council can expect to be covered by the CEO; and d) who at the Council, the CEO will report to.	As per recommendation.	This has not been implemented due to the Head of Legal Services leaving his employment in January 2024, and two replacement Interim Head of Legal Services leaving their post in April and June 2024, respectively.

Job Name	Commercial Properties & Industrial Units	Original Action Date	31/03/2024
Risk Rating	Moderate Risk	Revised Action Date	31/12/2024
Recommendation Number	1	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
The Council lacks a formal documented Corporate Asset Management Plan / Strategy to provide a corporate integrated framework and strategic governance regime to monitor how the Council's CP portfolio is performing and identify where improvements can be made in the most economic, effective, and efficient manner to achieve value for money within the constraints of manpower resources and budget	That consideration be given to compiling a formal documented Corporate Asset Management Plan / Strategy [CAMPS], incorporating the suggested parameters / control measures highlighted in s2.2 of the main body audit report , (with particular emphasis to a 'Property Investment Strategy' which is balanced, realistic and affordable), to provide a corporate integrated framework and strategic governance regime to monitor how the Council's CP portfolio is performing and identify where improvements can be made in the most economic, effective and efficient manner to achieve value for money within the constraints of manpower resources and budget, in an economic climate of increasing borrowing costs	Agreed – as per the audit recommendation - To be the key focus of a newly formed Corporate Asset Management Group [CAMG] to be chaired by the – Interim Corporate Director (Streetscape as the Corporate Property Officer), - membership to comprise key relevant officers across Council functions. The terms of reference for this CAMG are being drafted. The Group will compile a CAMPs for NWBC based on best practice determined from considering the CAMPs of other local authorities to incorporate best practice.	To create a Corporate Asset Management Plan for the Council's commercial property portfolio, including leisure properties, to incorporate: <ul style="list-style-type: none"> • A centralised spreadsheet of all the main lease terms for each property • To scan all property legal documents (including leases) and to store them electronically with suitably restricted access and back-up arrangements and

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			<p>consider linking these to the GIS system.</p> <ul style="list-style-type: none"> • Creation of Property Management Plans for each commercial property • Cross check tenancy details information (including annual rents due £) with Legal, Facilities Management and Financial Services. <p>Work-In-Progress - To Re-assess progress as of 31st December 2024</p>
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Job Name	Commercial Properties & Industrial Units	Original Action Date	31/03/2024
Risk Rating	Moderate Risk	Revised Action Date	31/03/2025
Recommendation Number	2	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
Lack of up-to-date Property Management Plans for each commercial property. Therefore, the Council lacks key up to date information about each building, such as: age, location, condition of building and roof structure, assessment of their useful economic lifespans, safety risk assessment, energy efficiency, environmental performance, Equality Act compliance and net controllable expenditure.	That consideration be given to reviewing the 'Property Management Plans' for each of the Council General fund building assets to provide up to date management information about each building, such as: age, location, condition of building and roof structure, assessment of their useful economic lifespans, safety risk assessment, energy efficiency, environmental performance, Equality Act compliance and net controllable expenditure.	Agreed – as per the audit recommendation – to update 'Property Management Plans' for the General Fund commercial property portfolio – comprising mainly industrial units.	Ideally to create a Property Management Plan [PMP] for each commercial property - by prioritising each property in the worse condition and working towards the properties in better condition systematically, that can be kept up to date by the Facilities Management team working in conjunction with the Property and Legal teams, as required. - Each PMP will be stored centrally and be updated by our FM team. Work-In-Progress - To Re-assess progress as of 31st March 2025

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Job Name	Commercial Properties & Industrial Units	Original Action Date	31/03/2024
Risk Rating	Moderate Risk	Revised Action Date	31/12/2024
Recommendation Number	6	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
<p>In recent years only very limited cyclical stock condition surveys to assess the physical condition of the external building structure and fabric / roofs of its General Fund CP portfolio have been undertaken. Thus, oversight to help determine the useful economic lifespan and planned preventative maintenance of the majority of the Council's CP portfolio is essentially lacking. This is primarily put down to disruption from the Covid-19 pandemic over recent years, as well as capacity issues as to who is ultimately responsible for this activity and how it is resourced</p>	<p>That ideally, consideration be given undertaking cyclical stock condition surveys of the Council's General Fund and HRA commercial property [CP] assets, ensuring that responsibility for this is clearly defined and that this important role is adequately resourced.</p> <p>Findings from cyclical stock condition surveys should be used to determine priorities for:</p> <ul style="list-style-type: none"> bidding for capital funding from the Capital Programme for essential planned preventative maintenance and repairs to the Council's commercial properties portfolio assessing the useful economic lifespans of the CP buildings informing the Council's overall Property Investment Strategy (as is referred to in s2.2 of the main body audit report above, (as part of an overall Corporate Asset Management Plan / Strategy). 	<p>Agreed – as per the audit recommendation - Cyclical Stock condition surveys of the General Fund commercial properties to be undertaken as part of a rolling programme, to give priority to the higher value properties first and then cascade down to the lower value properties. The surveys will be used to inform the Council's Capital Programme and Property Investment Strategy.</p> <p>The Director of Housing has agreed to stock condition surveys to be undertaken in 2023 for the HRA shops.</p>	<p>Cyclical Stock condition surveys of the General Fund commercial properties - "a more detailed understanding of a properties repair condition is required, to inform the decision on how to proceed. In this instance, it may be necessary to instruct a condition survey of a property:</p> <ul style="list-style-type: none"> It is proposed that for each property that the Council has repair concerns about, it be, in the first instance, inspected by our Facilities Management team to identify areas of concern. If it is clear, a letter identifying the works required to remedy the repairing breach be sent to the tenant. Then to be followed up by actions required to see the breach remedied. If, however, after initial inspection, condition surveys are required to inform the remedial action, it will be ordered. The intention is to systematically work through the commercial property portfolio, prioritising the worse cases and working towards the better cases last until all properties have been assessed." <p>Work-In-Progress - To Re-assess progress as of 31st December 2024</p>

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Job Name	Commercial Properties & Industrial Units	Original Action Date	31/03/2024
Risk Rating	Moderate Risk	Revised Action Date	31/12/2024
Recommendation Number	7	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
<p>Potential for uncertainty and confusion as to legal responsibilities for important aspects of Health & Safety at the Council's leasehold commercial property buildings i.e., which aspects rest with the Council as the landlord, and which aspects rests with the leaseholder (tenant).</p>	<p>That consideration be given to discussion between the Facilities Manager, Head of Legal Services and the Council's Management Team with regards to determining legal responsibilities for important aspects of Health & Safety at the Council's leasehold commercial property buildings and for communicating to all leaseholders / tenants, those aspects which the Council (as the landlord and knowledgeable owner') is legally responsible for and those which the leaseholders / tenants of the CPs are responsible for themselves.</p> <p>Also refer to s2.8 of the main body audit report.</p>	<p>Agreed – First stage is for the Corporate Asset Management Group to review the lease templates to ensure that going forward they are 'fit for purpose' for all lease renewals and new leases.</p> <p>Furthermore, consideration will be given to providing written clarity to current leaseholders with regards to responsibility for health & safety matters, i.e. which aspects the Council (as the landlord) is responsible for and which aspects the leaseholders are responsible for themselves.</p>	<p>Legal responsibilities for important aspects of Health & Safety at the Council's leasehold commercial property buildings</p> <ul style="list-style-type: none"> - "Initial considerations suggest that the Council is mainly acting in line with their statutory obligations in this regard. - However, this information is not currently summarised centrally, nor stored centrally. Our intention is to summarise and store centrally this information. <p>Work-In-Progress- To Re-assess progress as of 31st December 2024</p>

Job Name	Housing Repairs – Annual Gas Safety Checks	Original Action Date	31/05/2024
Risk Rating	Moderate Risk	Revised Action Date	31/10/2024
Recommendation Number	2.2	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
<p>The Council's Head of Legal Services was unable to trace to a signed contract with Sure Maintenance Ltd, which is an important document in case of the need to resolve contractual disputes.</p>	<p>That a signed and dated contract with Sure Maintenance Ltd be obtained and held in Legal Services, in case any disputes arise about agreed terms and conditions of contract.</p>	<p>Agreed – as per the audit recommendation</p>	<p>Director of Housing has stated that the signed contract did not come light. The assumption is that the former Head of Legal Services had it to sign, but somehow that did not happen and so did not arrive with Sure Maintenance Ltd for signature. The Director of Housing is going to follow this up again with Sure Maintenance Ltd</p>

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Job Name	Health & Safety - Waste & Transport Audit	Original Action Date	30/06/2024
Risk Rating	Moderate Risk	Revised Action Date	31/03/2025
Recommendation Number	8	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
<p>The Assistant Manager – Transport currently uses a yearly paper wallchart, held in the Council's Vehicle Workshop (Garage) to keep a schedule of six weekly periodic planned safety inspection for the Waste Services HGV / LGV vehicles. This is not a secure method of storing information as there is a risk that the paper wall-planner could be easily damaged/destroyed, and all the information lost.</p>	<p>To consider introducing an electronic spreadsheet to record the schedule for planned preventative maintenance / periodic safety inspections of the Council's Waste Services - HGVs / LGVs and other fleet vehicles to complement or replace the manual wall-planner currently used by the Assistant Manager Transport in the Vehicle Workshop. The spreadsheet could then be saved either onto TRIM, or other 'electronic document storage and retrieval system', introduced through the assistance of the [Head of Corporate Services. In this way, it will be possible to maintain a permanent management / audit trail of scheduled planned periodic safety inspections of the Waste Services vehicles, including a field on the spreadsheet to record:</p> <ul style="list-style-type: none"> the date each vehicle has been safety inspected / serviced, notes of any Vehicle Workshop observations about any vehicle / safety-critical equipment faults identified and remedial action taken to resolve these. <p>This should serve to electronically preserve the vehicle maintenance record-keeping of Waste Services vehicles, necessary to ensure compliance with Operator 'O' Licence requirements and also DVSA requirements.</p> <p>Ideally, the 'electronic document storage and retrieval system' should also be linked to the Council's routine systems back-up arrangements / servers to help protect against human error, hardware failure, virus attacks and power failure and to preserve the permanent management / audit trail of such records. (The advice of the Head of Corporate Services should be sought in this regard).</p>	<p>As per the audit recommendation.</p> <p>The new Interim Head of Streetscape will aim to replace the manual wall-planner currently used by the Assistant Manager Transport in the Vehicle Workshop with an electronic spreadsheet, if it transpires that introducing a 'Transport Compliance – Vehicle Management System' is not feasible.</p> <p>The advice of the Head of Corporate Services as to adequate back-up arrangements for any electronic system / solution introduced will be sought as part of any implementation.</p>	<p>We do not have the resources to scan fleet vehicle maintenance documents. So, a request has been put forward as part of the Streetscape Services Plan 2024/25 for a new Transport System' with an incorporated fleet vehicle 'maintenance module'. This is therefore a delayed action for future implementation subject to funding for a new Transport system being made available</p>

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Low Risk Recommendations Over 12 Months Passed Their Original Action Date

There are currently three low risk recommendations made in the Key Financial Controls audit that are overdue for implementation, but at the time of writing this report, they were less than one month passed their original action date and therefore not considered for further scrutiny. There is currently one low risk recommendation made as part of the Commercial Properties and Industrial Units audit that was due to be implemented by 31st March 2024, but now has a revised date of 31st December 2024 and is also not 12 months passed its original action date.

Agenda Item No 14

Resources Board

3 September 2024

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that 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 15

Irrecoverable Debts – Report of the Interim Corporate Director – Resources (Section 151 Officer)

Paragraph 1 - Information relating to an individual.

Agenda Item No 16

Garage Matter - Report of the Director of Housing

Paragraph 1 - Information relating to an individual.

Agenda Item No 17

Middleton Report - Report of the Director of Housing

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

In relation to the items listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Marina Wallace (719226)