

HOUSING COMMITTEE

A meeting of the Housing Committee will be held on **TUESDAY, 5 APRIL 2022** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **7.00 pm**



Kathy O'Leary
Chief Executive

Please Note: The meeting is being held in the Council Chamber at Stroud District Council and will be streamed live on the Council's [YouTube Channel](#). A recording of the meeting will be published onto the [Council's website](#). The whole of the meeting will be recorded except where there are confidential or exempt items, which may need to be considered in the absence of press and public.

If you wish to attend this meeting, please contact democratic.services@stroud.gov.uk.
This is to ensure adequate seating is available in the Council Chamber.

AGENDA

1. **APOLOGIES**
To receive apologies of absence.
2. **DECLARATION OF INTERESTS**
To receive declarations of interest.
3. **MINUTES (Pages 3 - 12)**
To approve the minutes of the meeting held on 1 February 2022.
4. **PUBLIC QUESTION TIME**
The Chair of the Committee will answer questions from members of the public submitted in accordance with the Council's procedures.

DEADLINE FOR RECEIPT OF QUESTIONS Noon on Wednesday, 30 March 2022

Questions must be submitted to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud and can be sent by email to democratic.services@stroud.gov.uk

5. **BUDGET MONITORING REPORT 2021/22 QUARTER 3 (Pages 13 - 22)**
To present the 2021/22 forecast outturn position against the General Fund and Housing Revenue Account (HRA) revenue budgets and Capital Programme that the Committee is responsible for, in order to give an expectation of possible variances against budget.

6. **TENANT ENGAGEMENT STRATEGY (Pages 23 - 38)**
To present the updated Tenant Engagement & Community Strategy to Housing Committee.
7. **DECANT POLICY (Pages 39 - 64)**
To present the updated Decant Policy to Committee.
8. **NEW HOMES AND REGENERATION PROGRAMME UPDATE (Pages 65 - 76)**
To provide an overview of the New Homes & Regeneration Programme included in the Capital Programme within the MTFP and an update on the Extension of Time Claims received on three schemes where additional costs have been incurred.
9. **REVISED CIVIL AND FINANCIAL PENALTIES POLICY (Pages 77 - 104)**
To update the Council's policies in relation to the issuing of civil and financial penalties with regard to certain offences in the private housing sector.
10. **PROGRESS UPDATE ON KEY ACTION PLANS (CLEANER ESTATES AND SERVICE STANDARDS) (Pages 105 - 106)**
To receive an update.
11. **MEMBER / OFFICER REPORTS**
 - (a) Update on the Out of Hours Provisions - Briefing Note (Pages 107 - 108)
 - (b) Tenant Representatives (Verbal Report)
 - (c) Performance Management Q3 (Pages 109 - 116)
 - (d) Retrofit/Carbon Reduction Task and Finish Group Update (Verbal Report)
 - (e) Tenant Engagement and Empowerment Task and Finish Group Update (Verbal Report)
 - (f) Housing Repairs and Voids Task and Finish Group Update (Verbal Report)
12. **WORK PROGRAMME (Pages 117 - 118)**
To consider the work programme.
13. **MEMBERS' QUESTIONS**
See Agenda Item 4 for deadlines for submission.

Members of Housing Committee

Councillor Mattie Ross (Chair)

Councillor Paula Baker
Councillor Laurie Davies
Councillor Katrina Davis
Councillor Colin Fryer
Councillor Lindsey Green

Councillor Christopher Jockel (Vice-Chair)

Councillor Nicholas Housden
Councillor Steve Hynd
Councillor Jenny Miles
Councillor Loraine Patrick
Councillor Lucas Schoemaker

Tenant Representatives

Becky Adams

Mike Ritcher



STROUD DISTRICT COUNCIL

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HOUSING COMMITTEE

01 February 2022

7.00 - 9.13 pm

Council Chamber

Minutes

Membership

Councillor Mattie Ross (Chair)

Councillor Paula Baker
Councillor Katrina Davis
Councillor Colin Fryer
Councillor Lindsey Green
Councillor Laurie Davies

Councillor Christopher Jockel (Vice-Chair)

Councillor Steve Hynd
Councillor Jenny Miles
Councillor Loraine Patrick
Councillor Lucas Schoemaker
* Councillor Nicholas Housden *

* = Absent

Officers in Attendance

Strategic Director of Communities
Head of Housing Services
Housing Manager
Democratic Services & Elections Officer
Operations Manager

Housing Renewal Manager
Project Manager
Service Delivery Manager
New Homes & Regeneration Manager
Head of Strategic Housing Services (Interim)

Tenant Representatives

Mike Richter

Becky Adams

HC.053

Apologies

Apologies for absence were received from Councillors Davies and Housden.

HC.054

Declaration of Interests

There were none.

HC.055

Minutes

RESOLVED That the Minutes of the meeting held on 7 December 2021 were approved.

HC.056

Public Question Time

There were none.

HC.057 **Capital Grant for Temporary Accommodation**

The Head of Strategic Housing Services (Interim) introduced the report and explained that it was for a one-off Capital Grant to Gloucester City Homes (GCH) for the purchase and conversion of a building in Stroud into temporary accommodation. This would be for the primary use of single people and childless couples at risk of homelessness. They further informed the committee of a similar proposal in 2019 for the same project and explained that it had come back to the Committee for approval as the details had since changed.

The Head of Strategic Housing Services (Interim) gave a brief History of the report which included:

- The work that had led to identifying the need for the temporary accommodation.
- The previous work with the Salvation Army to progress the project.
- The need for temporary accommodation to allow pets.

She further informed the Committee the new building would provide 5 rooms for temporary accommodation, one communal kitchen, one communal living room, a staff office on the ground floor and a back yard in order to allow pets to exercise.

The Head of Strategic Housing Services (Interim) gave the following answers in response to questions:

- GCH would be the owners of the building.
- As part of the legal agreement, it would be for the sole use of Stroud District Council (SDC) however, if rooms were frequently available, they could be offered out to other authorities.
- Completing the conversion work in-house would not have been possible due to current capacity.

Councillor Miles questioned whether someone would have to make an application via Homeseeker or whether they would be directly matched into these accommodations. The Head of Strategic Housing Services (Interim) explained that the due to this being classed as temporary accommodation it was dealt with differently to other applications and usually people were directly matched due to lack of options available.

In response to concerns raised from Councillors, the Head of Strategic Housing Services (Interim) confirmed that One Legal would be drafting the legal agreement with GCH and would ensure that the investment would be protected should the property change hands at any point.

Councillor Schoemaker questioned whether this accommodation was similar to that of the former Painswick Inn, Open House. The Head of Strategic Housing Services (Interim) explained that at the start of the pandemic, Open House was fortunately empty which enabled SDC to occupy it's use for longer term accommodation. She further explained that due to the new site being managed by the Salvation Army, this would enable tenants to get the instant support they required in order to move them onto more appropriate accommodation, thus creating a much faster turnaround.

Councillor Fryer raised concerns over the Salvation Army selling the property before SDC had finalised everything to which, the Head of Strategic Housing Services (Interim) explained that the Salvation Army approached SDC first with the intention of selling and GCH are working very closely with them throughout the interim period.

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Councillor Jockel questioned whether the property could be added as an asset of community value, the Head of Strategic Housing Services (Interim) thanked him for the suggestion and advised she would take it back to her team.

Councillor Baker proposed and Councillor Hynd Seconded.

Councillor Green debated the ownership of the property but overall showed support for the application.

Councillor Fryer commended the fact that people could bring their pets with them into the accommodation.

Councillor Baker shared previous experience of GCH purchasing similar properties in the past for the same purpose. She also echoed Councillor Fryer's commendation that pets were allowed.

Councillor Schoemaker raised concerns regarding the location of the property.

Councillor Miles echoed Councillor Green's thought over ownership and expressed support for the application as it could mean homeless persons in Stroud could stay local to friends and family.

Councillor Hynd expressed his support and commended the report for the revenue savings.

After being put to a Vote, the motion was carried unanimously.

- RESOLVED To:**
- a) **Delegate authority to the Head of Strategic Housing Services in consultation with the Council Solicitor, to enter into legal agreement(s) with Gloucester City Homes to set out the terms applicable to the payment and use of the grant.**
- And**
- RECOMMEND TO COUNCIL That:**
- b) **The Temporary Accommodation Capital Grant be added to the Council's Capital Programme.**

HC.058 HRA Delivery Plan Update

The Head of Housing Services introduced the report to the Committee and explained that the HRA delivery plan was previously agreed in December 2019. From that a 12 point action plan was put in place for services to follow. He further explained that a Members' information sheet containing updates on that action plan was circulated in 2020.

He informed the Committee that the need for a new HRA delivery plan was due to the changing nature of the work the Council and the Stakeholders were involved with which included:

- The New Council Plan,
- Governments White Paper on Social Housing,
- Carbon Neutral 2030 (including Retrofit),
- The Impact of Covid.

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Councillor Shoemaker raised a question regarding objective 6 on page 20 of the document pack where it listed the percentages of rented and shared ownership properties. He questioned whether SDC would be looking to procure a higher percentage of shared ownership properties due to their success rate or if it would stay as a 50/50 divide. They agreed to send the necessary data to Councillor Schoemaker outside of the meeting.

The Head of Housing Services gave the following answers in response to questions asked:

- There was a larger piece of work currently being undertaken to look at the age range of Independent Living (IL) tenants which involved further consultation with younger tenants who could be potential future IL tenants.
- In 2019 there were a lot of discussions around opening up the green spaces and working with outside bodies to improve the use. Due to the pandemic that work had been paused however, now that the restrictions were lifting, this would be looked at again as part of the Cleaner Estates project.
- SDC were in a good position coming out of the pandemic, momentum was rising on projects that were unfortunately halted, due to resource being driven elsewhere. Tenant involvement was growing with tenant representatives on the committee and other tenant activities ongoing.

Councillor Jockel proposed and Councillor Miles seconded.

Councillor Schoemaker questioned whether the report would be coming back for an annual review. The Head of Housing Services explained that there was no date in the report for it to return to committee however, Councillors could ask for it to come back anytime. He advised Members to wait until after the summer in order for the consultation to have taken place and for the report to have advanced.

After being put to a Vote, the motion was carried unanimously.

- RESOLVED**
- a) To note the updates
 - b) To agree to review and submit a revised plan in light of the new Council Plan, the 30-year financial plan, the Government White Paper on Social Housing and CN2030 including retrofit.

HC.059 Older Persons Strategy Action Plan

The Service Delivery Manager (Independent Living) presented the report and explained it was a 5 year strategy that had been adopted by Council in. They further explained that this report included the draft proposal for the consultation of a new strategy for 2023-2026. They then provided members with the updates from the report which included:

- Sheltered Housing had transitioned into Independent Living and re-branding was completed.
- A thorough cost analysis across Independent Living Schemes had been completed which was reflected in the tenant costs.
- Awarded 10k in September 2021 from the National Lottery to complete the nature trail in Concord (Community Hub) in partnership with Stroud Valleys. This was aiming to be completed by summer 2022.
- Had undertaken a review of the application process for IL to move towards a housing need rather than meeting an age bracket. The minimum age to qualify for IL had been lowered to 55.

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- Working with Gloucestershire County Council (GCC) to develop their housing with care strategy by using the Community Hubs to host activities and meetings. They had started initially with low numbers due to the pandemic but were hoping to widen that, once restrictions were lifted and tenants felt safer.

The Service Delivery Manager (Independent Living) gave a quick summary of the report and informed the Committee that there would be a wider consultation for the proposed new strategy and an increase in technology. She also informed the Committee that they had started a new programme in the Community Hubs called prehabilitation classes which were for people who were diagnosed with cancer to go to classes to improve their health and wellbeing before undergoing treatment or operations.

Councillor Miles questioned whether there had been a change in the atmosphere since the change to Independent Living. The Service Delivery Manager (Independent Living) confirmed that was the case, especially in the sites that had already undergone modernisation upgrades.

In response to Councillor Green, the Service Delivery Manager (Independent Living) confirmed:

- Hamfallow and Jenner Court both had plans to go through the modernisation upgrade to become smaller hubs that would feed into the main Community Hubs.
- The volunteer Co-ordinator had been working with the Police Commissioner to secure funding for a disabled bus.
- The Volunteer Co-ordinator would also be looking to recruit volunteers who could drive in order to provide transport to those residents who couldn't make it to the larger hubs.

Councillor Miles proposed and Councillor Schoemaker seconded.

Councillor Schoemaker commended the move towards a more inclusive attitude and the great benefits for the community.

After being put to a Vote, the motion was carried.

RESOLVED a) **To note the plan updates,**
b) **To agree that officers consult with residents and stakeholders to draft a new strategy by December 2022 for the period 2023-2026.**

HC.060 **Independent Living Modernisation Programme**

The Project Manager introduced the report and explained that it consisted of two sections, the first included a programme update on ongoing works and the second included the next set of IL schemes proposed for modernisation in the next financial year. He then gave a brief update on section one which included:

- The work at Vizard close had been completed in November 2021 within budget and on schedule.
- Work on Jenner Court commenced immediately afterwards and was on target to be completed in March 2022.
- Despite the effects of Covid and additional strains on supply costs and materials, the project had continued to be delivered on target and within budget.

He then informed the Committee that the Independent Living Modernisation Steering Group, which was made up of Senior Managers and Service Heads, were looking to

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make tenant consultation an ongoing process even after the review of the Older Persons Strategy Action Plan had been completed.

The Project Manager concluded with a summary of section two of the report which included:

- 3 Independent Plus Schemes and 4 Community Hubs would undergo modernisation by the end of March 2022.
- The Hub Coordinator and the Volunteer Coordinator had been doing excellent work promoting the activities taking place in the Community Hubs.
- They had received overwhelmingly positive feedback from both tenants and outside bodies regarding the Community Hubs.
- Grange View in Stroud, Uplands was proposed for the next wave of modernisation and would become a Hub.
- Burdett House in Stonehouse and Hamfallow Court in Newtown were also proposed for modernisation into Independent Plus in the next financial year.

Councillor Miles questioned whether the finance had been set aside for the whole of the programme or if it would need to be revisited at some point in the future. The Project Manager confirmed that there had been a budget set out for the entire programme.

Councillor Fryer questioned whether a few IL tenants could be included on the Steering Group for further tenant involvement. The Project Manger confirmed he would raise that in the next meeting.

Councillor Schoemaker questioned what the net benefit was with regards to the units that had been built and the units that had been demolished. The Project Manager confirmed that there were 16 units lost at Cambridge House and 13 Proposed Units to be built however, the majority of the demolished units were bedsits and the proposed units were 2/3 bed houses. That meant an initial loss of units however, a greater capacity to house more people.

The Chair confirmed that there was a lot of work being put into grading the schemes red, amber and green. Cambridge house had been graded as red due to the condition of the site and the difficulty with letting the bedsits. There had also been a need identified for more family housing in the area as demand for one bedroom accommodation had been sufficient.

Councillor Schoemaker proposed and Councillor Hynd seconded.

Councillors Miles, Jockel and Schoemaker all showed support for the report.

After being put to a Vote, the motion was carried unanimously.

RESOLVED That Grange View in Stroud, Burdett House in Stonehouse and Hamfallow Court in Newtown, Berkeley will have modernisation works carried out in the financial year 2022/23.

HC.061 Progress Update on Key Action Plans (Cleaner Estates and Service Standards)

The Housing Manager circulated a written update to Members prior to the meeting.

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Councillor Patrick requested that the Neighbourhood Warden, Andy Beamish, be named in the report due to the substantial work he had put in to support the service. The Housing Manager agreed.

Councillor Patrick also commended the fact that the Neighbourhood Management Officers were looking to spend more time in the communities to set up surgeries for residents to come and discuss their issues.

In response to Councillor Green, the Housing Manager confirmed that the residents of Oak Drive had been consulted with regards to the new location of the bins.

The Housing Manager agreed to keep Councillor Fryer up to date with the progress of Phillimore Road.

RESOLVED To note the update.

HC.062 Minimum Energy Efficiency Standards (MEES) Policy

The Housing Renewal Manager introduced the report and explained about the MEES regulations history. She informed the Committee that on the 1 April 2020 it had become a legal requirement for private rented landlords to have an EPC certificate above E in order to legally rent the dwelling. There were some exemptions to this however, landlords were required to make a legal claim in order to register their exemption. She further explained that the government had created a fund in order to support Councils with the enforcement of the regulations. SDC and GCC were successful in their joint bid for funding and secured 80k which enabled them to hire a full time member of staff for 6 months and to set up the systems and processes for the project.

The Housing Renewal Manager informed the Committee that all the preparation work had now been completed and most landlords identified had been sent an initial letter. The process involved sending a second letter if there had been no contact after the first letter was sent and then finally the enforcement phase.

The Housing Renewal Manager gave the following answers in response to questions from Councillors:

- The funding was only available until March 2022 and it went towards setting up the processes and systems in order to begin the enforcement work, a data mining company and for a full time member of staff for 6 months to complete the work and train additional Officers in the process.
- Once the funding had ended SDC would not have the resources available to identify landlords however they were hoping to pick up cases as part of their day to day work.

Councillor Schoemaker questioned how to get funding so that the work could be continued as it would support the councils 2030 Carbon Neutral pledge. The Housing Renewal Manager confirmed that this would need to be done as part of the budget setting process.

The Housing Renewal Manager confirmed a lot of the identified properties in Stroud would likely fall under one of the exemptions however, this data would then be collected and could be looked at in the future if needed.

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Councillor Baker asked how they had become aware of the properties. The Housing Renewal Manager confirmed it involved manually looking for them which was why some of the funding went towards data sifting for a company to narrow down the list of properties and identify which ones needed to be contacted.

Councillor Patrick raised concerns with the EPC certificate as they were valid for 5 years regardless of changes in the property. The Housing Renewal Manager explained SDC had no authority over the exemptions they could only work with the information they had been given. She further explained that a lot of the work involved raising awareness of possible funding available to private sector landlords and providing examples of the benefits to completing the works. This was why they had received such positive feedback already.

In response to Councillor Jockel, The Housing Renewal Manager confirmed:

- They had identified around 200 landlords already who had all now received their first letter.
- They didn't have the resources to be able to model some cost examples for landlords however, there was a separate piece of work ongoing from the better care funding to carry out a private sector stock condition survey which would create similar data for landlords to view, this was due later in 2022.

In response to Councillor Hynd, the Housing Renewal Manager confirmed that there was a database of local contractors who would carry out these types of works and they had been given some funding through the Sustainable Warmth Bid in order to update that database.

Councillor Hynd proposed and Councillor Schoemaker seconded.

Councillors Schoemaker, Jockel and Hynd all expressed their support for the report.

After being put to a Vote, the motion was carried unanimously.

RESOLVED a) **To adopt the MEES Regulations Policy contained in Appendix A to this report; and**
b) **To authorise the Head of Environmental Health in consultation with the Chair of Housing Committee to make minor amendments as may be required.**

HC.063 **Member Reports**

a) Tenant Representatives (Verbal Update)

Tenant Representative Becky Adams stated that the meetings were very useful to both tenants and Officers. At their last meeting they discovered the text messaging system had never yielded any responses and it was established that the information was going to the wrong place. This was amended and immediately improved communication for tenants.

At the last meeting they also discussed ways of showing tenants how to take better care of their homes in order to prevent smaller repairs. She had volunteered to be in a few helpful tip videos to educate other tenants which would go out on SDC's social media.

b) Retrofit / Carbon Reduction Task and Finish Group

Councillor Jockel informed the Committee that their last meeting was on the 26 January 2022 within which they discussed the following:

- Progress of the works at Hamfallow with the ground source heat pumps, they were hoping to arrange a site visit soon.
- They were arranging to meet with the manufactures of some of the equipment in order to broaden their knowledge.
- The potential risks to the project and came up with solutions to prevent or slow the chances of the risks affecting the projects. An example of this was the tender for the contract which would come up for renewal next year.
- The struggle to recruit a full team.

The potential to stock pile materials to prevent the need to wait for them to be delivered and speed up the process.

c) Tenant Engagement and Empowerment Task and Finish Group

Councillor Fryer informed the Committee that they welcomed two new tenants onto the Tenant Engagement and Empowerment Task and Finish Group. He also echoed the Housing Manager's earlier news regarding the Neighbourhood Management Officer (NMO) surgeries bringing SDC Officers closer to their tenants.

He informed the Committee that there had been a tenant scrutiny taster day booked with Tpas which the Task and Finish Group was looking forward to.

Finally, he discussed the last meeting where they discussed communication response times. He has requested that the planned meeting with Housing Services to discuss that topic take place as soon as possible.

d) Housing Repairs and Voids Task and Finish Group

Councillor Baker reported that since the last Committee meeting they had shifted their focus from voids to repairs. She then provided the Committee with a brief voids update which included:

- Last year the number of completions were 24% in excess of previous years and averaged 8 a week. The focus of those works were on the work in progress properties which were usually shorter term to bring back into use.
- In November and December 2021 the completion rate increased to 12 properties a week and additional funding of £250k was put into voids to challenge the significant major work properties.
- Since December the Omicron variant of Covid, the current energy crisis, supply chain delays and inflationary costs had all contributed to the slow in completions which were back down to 8 a month.

Councillor Baker then gave an update on Repairs which included the identification of the broken communication line and the introduction of the short clips for tenants to look after their homes.

HC.064 Work Programme

The Chair informed the Committee there had been a few minor changes to the work programme which included:

- The Decant Policy had been moved to following meeting.
- The Play Areas Strategy had been redirected to Community Services & Licencing Committee.

RESOLVED To note the above updates to the Work Programme.

HC.065 Members' Questions

There were none.

The meeting closed at 9.13 pm

Chair

STROUD DISTRICT COUNCIL

HOUSING COMMITTEE

TUESDAY, 5 APRIL 2022

Report Title	BUDGET MONITORING REPORT 2021/22 QUARTER 3			
Purpose of Report	To present the 2021/22 forecast outturn position against the General Fund and Housing Revenue Account (HRA) revenue budgets and Capital Programme that the Committee is responsible for, in order to give an expectation of possible variances against budget.			
Decision(s)	The Committee RESOLVES to note the outturn forecast for the General Fund and HRA revenue budgets and the Capital Programmes for this Committee			
Consultation and Feedback	Budget holders have been consulted about the budget issues in their service areas. The feedback has been incorporated into the report to explain differences between budgets and actual income and expenditure.			
Report Author	Jon Coldridge, Principal Accountant Tel: 01453 754030 Email: jon.coldridge@stroud.gov.uk			
Options	None			
Background Papers	None			
Appendices	None			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	No	No	No

1. INTRODUCTION

- 1.1 The purpose of this report is to notify members of any known significant variations to budgets for the current financial year, highlight any key issues, and to inform members of any action to be taken if required.

2. Summary

- 2.1 The General Fund revenue position shows an expected underspend of (£7k) below budget, as shown in Table 1. The General Fund capital forecast shows an underspend of (£361k).
- 2.2 The HRA is currently expected to have a revenue overspend of £836k and a net capital programme overspend of £59k.

3. General Fund Revenue Budget Position

- 3.1 Council approved the original General Fund revenue budget for 2021/22 in February 2021. The latest budget for Housing Committee, following carry forwards from 2020/21, is £980k.

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- 3.2** The budget monitoring position for the service at Quarter 3 shows an underspend of (£7k), as summarised in Table 1.

Table 1: General Fund Revenue Budgets

Housing Committee	Para Refs	2021/22 Original Budget (£'000)	2021/22 Revised Budget (£'000)	2021/22 Forecast Outturn (£'000)	2021/22 Reserve Transfers (£'000)	2021/22 Outturn Variance (£'000)
Housing Advice		479	519	410	127	17
Housing Strategy		136	303	292	0	(11)
Private Sector Housing		157	157	144	0	(13)
Housing General Fund Total		773	980	846	127	(7)

4. General Fund Capital Programme

- 4.1** The Housing General Fund Capital Programme was approved by Council in February 2021. This has subsequently been revised to £2,721k after slippage from 2020/21.
- 4.2** Spend is currently forecast at £2,360k, with a small overspend of £3k on Better Care Fund projects which will be funded in full by Gloucestershire County Council. The additional grant funding of £11k to Registered Housing Providers will be funded from Section 106 monies from developers.
- 4.3** The Disabled Facilities Grant scheme (£230k) underspend is due to a backlog of referrals for occupational therapists from the County Council for adaptations.
- 4.4** The Green Homes LADS scheme for park homes has been aligned to the current position of the grant. The change relates to the carry forward amount from 2020/21 with the total amount spent of £984k against an initial allocation £1,084k (of which £654k carried forward to 2021/22). There is also an allocation of £950k for 2021/22, which is being used to continue the work.
- 4.5** Green homes Lads 3 £50k relates to a new grant for energy efficiency improvements.
- 4.6** Health through warmth grants (£50k) relates to an underspend on insulation grants.
- 4.7** Home upgrade grant £50k relates to a new grant bid under sustainable warmth,
- 4.8** The Temporary Accommodation budget of £500k within the capital programme as reported in the Budget Setting papers and also at this committee, has been revised to £190k. This is due to the project now being delivered in a different way, but with the same outcome of having additional temporary accommodation in the district.
- 4.9** The following table gives a breakdown of the programme.

Table 2 – Housing Committee Capital Programme

	Para Refs	2021/22 Original Budget (£'000)	2021/22 Revised Budget (£'000)	2021/22 Forecast Outturn (£'000)	2021/22 Outturn Variance (£'000)
Housing Capital Schemes					
Affordable Housing-Support to Registered Providers	4.2	0	39	50	11
Better Care Fund Projects	4.2	0	0	3	3
Disabled Facilities Grant Scheme	4.3	330	330	100	(230)
Green Home LADS Park Homes	4.4	950	1,604	1,409	(195)
Green Homes LADS 3	4.5	0	0	50	50
Health through Warmth Grants	4.6	200	200	150	(50)
Home Upgrade Grant - Sustainable Warmth	4.7	0	0	50	50
Private Sector Housing Loans		15	15	15	0
Temporary Accommodation	4.8	500	190	190	0
Warm Homes		0	343	343	0
Housing General Fund Capital Schemes TOTAL		1,995	2,721	2,360	(361)

5. Housing Revenue Account Budget Position

- 5.1 The original net Housing Revenue Account (HRA) budget for 2021/22 is a transfer to reserves of £281k, as approved by Council in February 2021.
- 5.2 The monitoring position for the service at Quarter 3 shows a projected net overspend of £836k (3.7% of gross spend) against the current budget, following a proposed net transfer to earmarked reserves of £94k, as shown in Table 3 (below).

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Table 3 – HRA Revenue Summary

Housing Committee	Para Refs	2021/22 Original Budget (£'000)	2021/22 Revised Budget (£'000)	2021/22 Forecast Outturn (£'000)	2021/22 Reserve Transfers (£'000)	2021/22 Outturn Variance (£'000)
Dwelling rents and service charges		(22,779)	(22,779)	(22,328)	0	451
Other charges and income		(629)	(629)	(702)	0	(74)
Provision for bad debt		200	200	200	0	0
Total Income	5.4	(23,208)	(23,208)	(22,831)	0	377
Supervision and management	5.5	4,196	4,196	3,809	0	(387)
Repairs and maintenance	5.6	4,482	4,503	5,265	0	762
Independent Living service		637	637	635	0	(2)
Other expenditure	5.7	540	540	601	0	61
Independent Living Modernisation		287	381	383	0	2
Total Expenditure		10,142	10,257	10,693	0	435
Support Service Charges from the GF		2,058	2,058	2,058	0	0
Interest payable/receivable	5.8	3,334	3,334	3,357	0	23
Provision for repaying debt		967	967	967	0	0
Revenue funding of capital programme (Depn & RCCO)		6,947	6,217	6,217	0	0
Total Other Costs and Income		13,306	12,576	12,599	0	23
Total Net Expenditure		240	(375)	461	0	836
Transfers to/(from) HRA earmarked reserves		(521)	94	94	0	0
Transfers to/(from) HRA general reserves		281	281	281	0	0
Total Housing Revenue Account		0	0	836	0	836

Note: table may contain rounding differences

5.3 Income – £377k loss of income

During the course of the financial year the number of empty council house properties undergoing works to make them ready to be let has significantly reduced. The number of properties recorded as work in progress at the start of the year was 164. This was as a consequence of Covid restrictions and labour market pressures. Since April 2021 this position has improved considerably. It is anticipated that by year end this number will have been reduced to 77 and be in line with our forecast to return to pre pandemic levels by the end of the first quarter of 2022/2023.

The number of tenants vacating Council properties still remains high. However the hard work of the Property Care team and its contractors assisted through additional targeted resources (see para 5.6) means we are continuing to reduce the recent historical

backlog. Material and labour supply chains still remains uncertain, and we will continue monitor how this may impact on workstreams.

Garage rents are expected to be higher than budgeted but will continue to reduce in line with the approval to review the use of all garage sites.

An allowance for this non payment of rents is included in the Provision for Bad Debt line. The amount is not yet known, and it is hoped that this can be reduced during the year through proactive support for tenants including sustainable payment arrangements to maintain tenancies.

Income levels will continue to be monitored.

5.4 Supervision and Management – (£387k) underspend

Over the year a number of posts have become vacant and recruited to through due process. While these posts are in the process of recruitment, performance of the service has been strong. Taking not account vacancy and recruitment across the year the underspend is estimated to be (£287k).

There is also an underspend of (£101k) on IT software. This predominantly relates to budget available for a new housing system which is now due for implementation later in the year.

5.5 Repairs and maintenance – £762k overspend

As referenced in para 5.3 above, a targeted resource of £250k has been allocated to provide additional capacity to deliver works on empty properties and bring them back to habitable use. This is reducing the backlog of void properties undergoing works.

Numbers are on track to return to pre Covid levels by the end of Q1 2022/23 however while this work is still ongoing, voids costs are expected to be higher than budget. This is primarily a consequence of an increase in council tax of £100k on empty properties.

Expenditure of £181k is expected for uninsured costs. Predominantly this relates to exceptional costs of making safe, rebuilding the property and reinstating surrounding properties following an incident in Church View, Newport, which have exceeded the insured valued.

There is also an overspend of £167k in Property Care. This predominantly relates to the use of subcontractors for specialist roles such as roofing and drainage.

5.6 Other expenditure - £61k overspend

Fly tipping and contaminated waste continues to be a costly problem within the estates. A cleaner estates action plan has recently been adopted by Housing Committee. This sets out the expectations, aspirations and methodology used in the delivery of the service and will be used to improve the service by looking at hot spots and the consideration of improved waste storage areas.

5.7 Interest payable/receivable – £23k pressure

It is expected that the investment income will be lower than budgeted this year as investment rates remain low, although are starting to rise.

Agenda Item 5

5.8 Transfers to/from Earmarked reserves

The earmarked reserve transfers included in the budget are shown in the table below.

The transfer from the Independent Living Modernisation reserve has been amended in line with the revised revenue and capital budgets. This is only a change in timing and does not change the overall Independent Living Modernisation programme.

Further changes to this position are likely, particularly for the newly created Transformation and Retrofit reserves. This will be reported in later budget monitoring reports.

Table 4 – HRA Earmarked Reserves – budgeted transfers

Earmarked Reserves	Opening Balance (£'000)	Transfer in (£'000)	Transfers out (£'000)	Closing Balance (£'000)
Independent Living Modernisation	2,836	1,000	(885)	2,951
Estate Redevelopment	1,170	0	0	1,170
Staffing	250	0	0	250
HRA General Contingency	100	0	0	100
Provision for repayment of debt	918	967	0	1,885
Transformation	234	0	0	234
Retrofit	139	0	0	139
Carry forwards	21	0	(21)	0
	5,668	1,967	(906)	6,729

6. HRA Capital Programme

- 6.1 The HRA capital programme has been revised to £21,790k for 2021/22. This includes slippage from 2020/21 and the inclusion of the decarbonisation Demonstrator Project at Hamfallow Court (Independent Living Scheme), as detailed in the Outturn Report 2020/21. It also includes revised capital budgets due to reprofiling of capital programmes over financial years as included in the Budget Setting report.

6.2 The following table gives a breakdown of the current capital programme.

Table 5 – HRA Capital

Capital Summary	Para Refs	2021/22 Original Budget (£'000)	2021/22 Revised Budget (£'000)	2021/22 Forecast Outturn (£'000)	2019/20 Outturn Variance (£'000)
Central Heating		855	416	416	0
Disabled Adaptations		150	150	150	0
Kitchens and Bathrooms	6.5	1,318	425	300	(125)
Major Works		450	450	450	0
Compliance	6.6	422	422	575	153
Doors and Windows	6.7	1,288	1,396	1,375	(21)
Electrical Works	6.8	150	150	76	(74)
Environmental Works	6.9	500	450	500	50
Door Entry		180	180	182	2
External Works		3,274	3,419	3,419	0
Lifts		80	0	0	0
Special Projects		500	1,200	1,200	0
Fire Risk Assessments		150	150	150	0
Decarbonisation Project		0	1,104	1,104	0
Total Major Works	6.3	9,317	9,912	9,898	(14)
IT Systems		435	435	435	0
Total Other Capital Works	6.10	435	435	435	0
New Homes Contingency		50	11	11	0
Canal side: Corner of A419/Downton Rd (Former Ship Inn site)		51	27	20	(7)
Glebelands		2,544	48	48	0
Cambridge House		1,395	32	32	0
Broadfield Road, Eastington	6.12	1,494	1,455	1,549	94
Orchard Road, Ebley	6.13	840	108	0	(108)
Queens Drive, Cashes Green		494	10	10	0
Ringfield Close, Nailsworth	6.14	3,302	3,004	3,228	224
Summersfield Road, Minchinhampton		1,024	955	961	6
Gloucester St and Bradley St, WuE	6.15	55	149	13	(137)
Total New Build and Development	6.11	11,249	5,799	5,872	73
Independent Living Housing Modernisation		358	359	359	0
Total Independent Living Modernisation	6.16	358	359	359	0
Acquisitions	6.17	2,000	2,285	2,285	0
Opportunity Land Acquisition Pot		0	3,000	3,000	0
Total Acquisitions		2,000	5,285	5,285	0
Total Capital Expenditure		23,359	21,790	21,848	59

6.3 Major Works – £(14)k Underspend

6.4 The project at Park Road and Park Parade in Stonehouse have been brought forward and the full project is expected to be completed in 2021/22 (rather than being delivered over two years).

6.5 Kitchens and Bathrooms report a (£125k) underspend due to retendering and work being deferred until next year.

Agenda Item 5

- 6.6 The overspend of £153k within compliance relates to additional asbestos containment structures that were not anticipated in the original budget.
- 6.7 Doors and windows underspend of (£21k) is due to outstanding contractor orders at Dryleaze Court and Vizard Close.
- 6.8 Electrical works (£74k) underspend due to resource reprofiling on service delivery for the current year.
- 6.9 Environment works report a £50k overspend due to additional works on cavity wall extract and refill and additional loft insulation

6.10 Other Capital Works – no reported variance

£435k is allocated for the implementation of a new Housing IT system.

6.11 New Build and Regeneration – £73k overspend

Work is progressing well at Broadfield Road, Ringfield Close and Summersfield Road; these sites will deliver a total of 36 affordable properties (31 affordable rent, 3 shared ownership and 2 Older person's shared ownership).

- 6.12 Broadfield Road, Eastington reports a £94k overspend which relates to the latest cost estimate and additional extension of time costs.
- 6.13 Orchard Road, Ebley reports a (£108k) underspend due to preparatory works being delayed with slippage to 2022/23.
- 6.14 Ringfield Close, Nailsworth reports a £224k overspend which relates to extension of time costs due to Covid and material supply delays.
- 6.15 Gloucester Street and Bradley Street reports a (£137k) underspend due to the construction start being delayed until 2022/23.

6.16 Independent Living Housing Modernisation – no variance reported

The Sheltered Modernisation Programme is on target for 2021/22.

Work at Vizard Close that commenced in August was completed in November. Work has now commenced at Jenner Court with completion expected in March 2022.

6.17 Acquisitions – on target

Three properties were purchased in quarter one and three properties in quarter two. Two of these are houses for ex rough sleepers under the Next Steps Accommodation Programme. Further properties have been identified to add to the general needs housing stock and work will continue to find properties and/or land to increase housing offered by the council.

This budget is opportunity led, and may not be used in full in each financial year.

7. IMPLICATIONS

7.1 Financial Implications

There are no financial implications arising from this report as it reports on previous financial activities and expected forecasts.

Lucy Clothier, Accountancy Manager

Tel: 01453 754343 Email: lucy.clothier@stroud.gov.uk

7.2 Legal Implications

There are no legal implications arising from this report, as it looks at current revenue and capital forecasts for this committee's budgets.

One Legal

Tel: 01684 272017 Email: legalservices@onelegal.org.uk

7.3 Equality Implications

There are not any specific changes to service delivery proposed within this decision.

7.4 Environmental Implications

There are no significant implications within this category.

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STROUD DISTRICT COUNCIL

HOUSING COMMITTEE

APRIL 2022

Report Title	Tenant Engagement Strategy			
Purpose of Report	To present the updated Tenant Engagement & Community Strategy to Housing Committee			
Decision(s)	The Committee RESOLVES to adopt the updated Tenant Engagement Strategy			
Consultation and Feedback	Councillors Housing Services Officers 21 Tenants who attended café conversation Event Involved tenants Tenant Voice Representatives			
Report Author	Name Michelle Elliott – Housing Manager Email: michelle.elliott@stroud.gov.uk			
Options	N/A			
Background Papers	None			
Appendices	Appendix A –Tenant Engagement & Community Strategy Appendix B - Equality Analysis Form			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	Yes	Yes	Yes	No

1. Introduction

- 1.1 As a Council we have historically worked with tenants to understand their views. Supporting tenants and improving service delivery through the tenant voice is vital to building strong communities and helping to improve neighbourhoods. Housing Services recognise the benefits of tenant involvement in enhancing the communities in which they live and providing social value to individuals, improving wellbeing, increasing confidence and environmental sustainability and involving tenants in issues which matter and are transparent
- 1.2 The purpose of the strategy is to maximise the opportunities for tenants to engage with SDC and to ensure that the experience of tenants & residents receiving housing services is understood and feedback is acted upon.

2. How the strategy was developed

- 2.1 To develop the strategy tenants were invited to a café conversation to have their voice heard, which was held in 3 sessions on 22 February 2022. Over the three session 21 tenants attended. However, we reached out to tenants through email, SMS messages to all tenants with a mobile, social media, SDC website and posters displayed in the Independent Living sites. These promotional methods had potential to reach 4978 tenants.

Agenda Item 6

3. Policy Purpose

- 3.1 The purpose of this strategy is to develop and maximise the opportunities for tenants to engage with SDC. Through delivery of a more proactive style of engagement we hope to engage with a wider and more diverse group of tenants. We recognise that engaging with harder to reach groups can be extremely difficult but is vital in shaping services that meet a range of needs. In order to maximise potential SDC will work with TPAS to consider new initiatives for the future.
- 3.2 The government have outlined clear intentions for stronger tenant engagement in 'The Charter for Social Housing Residents' and therefore expects a strong commitment to the tenant led approach. In developing this updated strategy this presents an opportunity to review what good tenant engagement looks like and to reflect on areas for Development.

4. Improvements

- 4.1 Improvement to the strategy include the following:
- Dedicated tenant engagement team
 - Community friend
 - Green Champion
 - Focus group involvement
 - Benchmarking our services through TPAS
 - Scrutiny training
 - Present feedback and performance from tenants
 - Asset Based Community Development
 - Housing Hubs

5. Implications

5.1 Financial Implications

There are no significant financial implication arising directly from this report. Any expenditure arising will be met through established budgets. Additional resource that has been allocated to Tenant Engagement is a Resident Involvement Officer for a 2 year period as agreed by Council in February 2022.

Jon Coldridge, Principal Accountant
Tel: 01453 754030 Email: jon.coldridge403@stroud.gov.uk

5.2 Legal Implications

There are no legal implications arising from this report.

One Legal
Tel: 01684 272691 Email: legal.services@onelegal.org.uk

5.3 Equality Implications

There is an EIA attached.

5.4 Environmental Implications

There are no significant implications within this category.



Tenant Engagement Strategy

April 2022

Housing Services

Last updated: *April 2022*

Next document review by: *April 2025*

Reviewed by: *Michelle Elliott, Housing Manager*

Approved by: *Housing Committee*

Agenda Item 6

Appendix A

Tenant Engagement Strategy

Introduction

Stroud District Councils (SDC) housing profile is made up of 5024 properties, which includes 712 Independent Living properties. The tenant involvement programme is promoted across the district in an attempt to encourage cross generational involvement.

Stroud District Council is committed to tenant involvement in line with the governments white paper (The Charter for Social Housing Residents), ensuring that tenants and residents shape, deliver and improve the housing services that we deliver to our communities. Listening to the voices of tenants is placing our tenants at the heart of service delivery.

This strategy is written against the backdrop of the national context in regard to the current issues that we are aware tenants are facing:

- COVID 19 impact
- Cost of living crisis
- Increase in inequalities
- Increase in poor mental health

This has had a significant impact on our tenants which have seen increased numbers of referrals to statutory services such as P3, Weavers Croft, safeguarding and increased levels of antisocial behaviour (including fly tipping) and increased levels of poor mental health.

Purpose of the strategy

The strategy sets out SDC's approach to tenant involvement and has been developed in partnership with tenants, councillors and officers, ensuring that SDC continues to promote tenant involvement through a wide range of opportunities. One of our primary drivers is to address the overall wellbeing of tenants by working together as one Council with an outcome focused approach supported by council services, councillors and other stakeholders

The main benefits of tenant involvement include:

- Enhanced service delivery
- Increased efficiency and value for money
- Increased tenant satisfaction
- Transparency and Accountability
- Holistic understanding between tenants and SDC resulting in more cohesive communities

The strategy informs what information tenants can expect and ways in which tenants can become involved. As we enhance the number of tenants we engage with, aspirations and preferences may develop which may evolve into more practical and fit for purpose ways of engagement that suit as many people as possible.

The Housing White Paper expectations

The Housing White Paper includes the Charter for Social Housing Residents outlining seven key commitments that tenants should expect from their landlord and this underpins all the work we deliver; the charter includes:

1. **To be safe in your home.** Government will work with industry and landlords to ensure every home is safe and secure.
2. **To know how your landlord is performing,** including on repairs, complaints, and safety, and how it spends its money, so you can hold it to account.
3. **To have your complaints dealt with** promptly and fairly, with access to a strong Ombudsman who will give you swift and fair redress when needed.
4. **To be treated with respect,** backed by a strong consumer Regulator, and improved consumer standards for tenants.
5. **To have your voice heard** by your landlord, for example through regular meetings, scrutiny panels or being on its Governance board (Housing Committee). The Government will provide help, if you want it to give you the tools to ensure your landlord listens.
6. **To have a good quality home** and neighbourhood to live in, with your landlord keeping your home in good repair.
7. **To be supported** to take your first step to ownership, so it is a ladder to other opportunities, should your circumstances allow.

The Government have outlined a clear intention that organisations should be looking to continually improve the way they engage with tenants and should be focusing on providing more detailed performance information.

Successful tenant engagement should provide benefits for all involved, including tenants, councillors and officers and should aim to create a respectful partnership, resulting in fewer complaints and higher satisfaction levels.

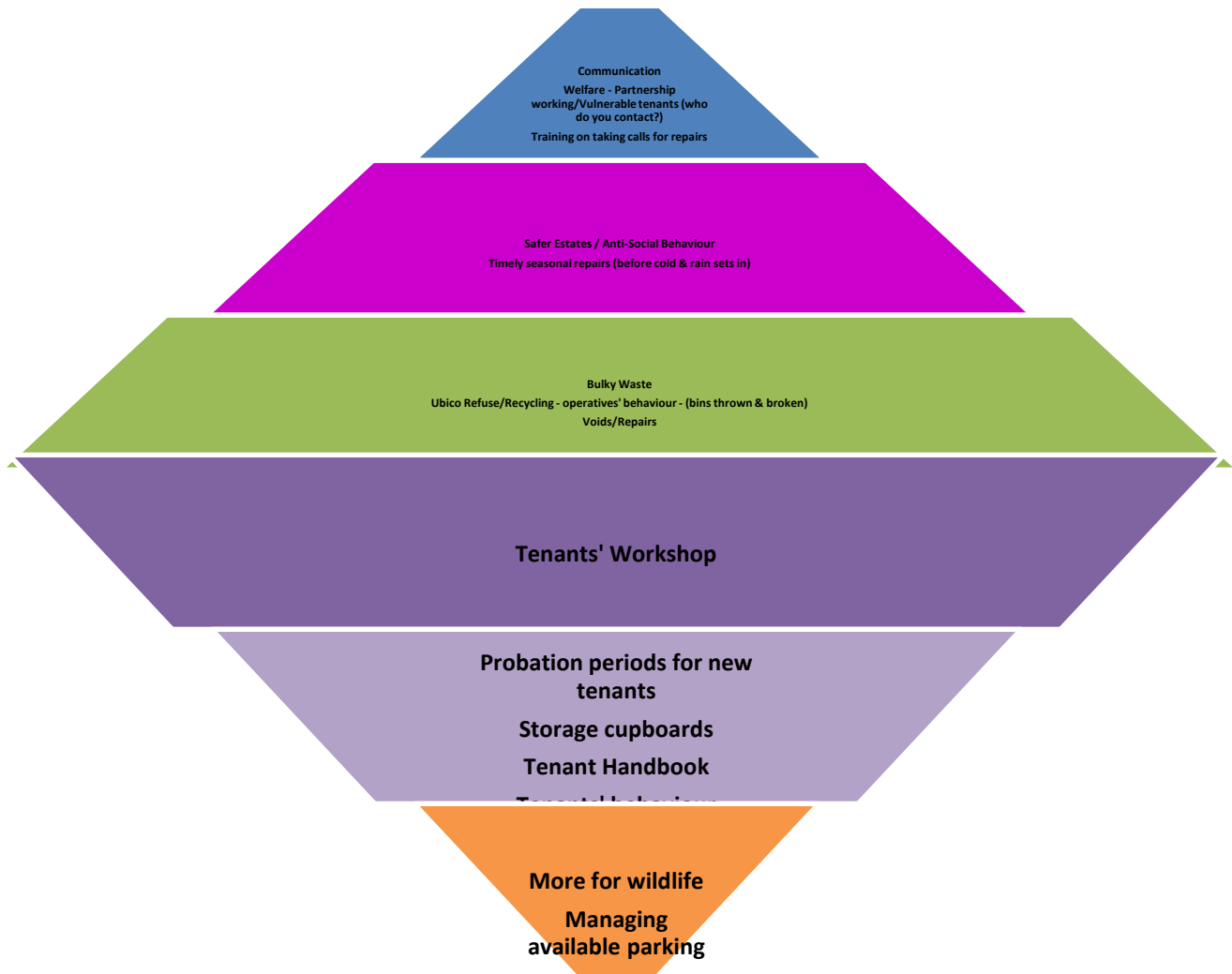
Tenant views should be key to how the service is developed and tenants should be involved in all issues that may affect them. We aim to engage with our tenants by providing a range of different involvement opportunities and to understand the issues that our tenants would like us to consider as a priority, helping to empower our tenants to be involved in all decision making.

Tenant Priorities

At a recent event, tenants considered their priorities for improving the services delivered by Stroud District Council and placed them in order of importance. The information gained from this task will be used to inform the focus group taster sessions and prompt areas to be prioritised by the tenancy scrutiny group.

Agenda Item 6

Appendix A



The priorities listed above as important to tenants have resulted in further investigation and insight into how we can accommodate these requests. It is important that residents feel valued and that their voice has been heard and therefore it is important that we continue to evaluate these priorities and feedback to tenants how their ideas have progressed.

Resources

SDC recognises that that in order to maximise resident involvement adequate resources must be made available, to remove barriers that may prevent residents from becoming involved and has therefore committed to ensure practical solutions are in place to assist residents in a variety of ways, which include:

- A dedicated training budget, to deliver training sessions to support increased confidence and knowledge
- A wide range of involvement methods, to fit in with a variety of lifestyles, including day and evening and child friendly events
- Providing transport or covering financial costs incurred by residents attending training or events
- Arranging meetings and events at times and locations that are easily accessible

- Access to expert organisations, such as the Tenant Participation Advisory Service (TPAS)
- Dedicated SDC staff to support this area of activity

Stroud District Council have committed to invest in new and modern ways of engagement, including digital engagement and enablement with the introduction of a new housing management system (HMS), due Spring 2023, which will improve the way we connect with our tenants and improve the information we hold and also enable tenant access to the systems including rents and repairs.

How will we enhance involvement in tenant engagement

We need to recruit more volunteers and enhance the number of tenants that wish to engage with us. Tenants have told us that they enjoy the 'café conversations', they enjoy 'sharing ideas' 'meeting staff and other tenants' and 'discussing relevant topics'.

As a result of tenant feedback we are in the process of rebranding the Neighbourhood Ambassador role as tenants have advised they believe this name is too formal and have suggested that we change this to 'Community Friend'.

Our identified roles already in place are :

- Two Tenants Voice Representatives to feed information and views into Housing Committee
- Tenants invited to Task & Finish Groups covering three areas including tenant involvement and empowerment, Voids and repairs and energy (including retrofit)
- Neighbourhood Ambassadors

And roles for development are:

- Community Friend – feedback to SDC Officers and/or ward members with concerns in their communities
- Empty Homes Champion- to view our empty properties and report back on the lettable standard
- Green Champion- to work with SDC to find ways of educating tenants and reducing the contaminated waste that we have in our communal refuse
- Focus group involvement – attend focus groups meetings to discuss performance, comment on housing committee reports and feedback on areas that tenants wish to discuss
- Improve links with community hubs and Independent living hubs
- Digital Engagement – many of our tenants will require proactive support to feel confident with digital engagement. We have given tablets to tenants who are currently involved in the task & finish groups. At a further focus group we will be discussing a digital strategy for rollout.

We are also working with TPAS to arrange scrutiny training for our tenants so that tenants can measure how well we are delivering housing services.

Following a successful Independent Living focus group, in addition to the quarterly meetings held on each site, there will now be a quarterly tenants group meeting where tenants can meet across sites to enhance social inclusion and choose topics for discussion.

Agenda Item 6

Appendix A

Community Hubs

We are proud of the community hubs (MOTH & Transform) that have been set up by tenants across the district. Neighbourhood Management Officers, Neighbourhood Wardens, Police and other representatives meet regularly via zoom meetings to share information and resolve outstanding issues in the communities. Attendance at these groups will aid SDC in ensuring we can work smarter together, improve living standards and reduce Anti-social behaviour (ASB) on estates, ultimately increasing health & wellbeing for all.

How will be measure success

Housing Services provided within the Communities Directorate commit to engage with and involve tenants to monitor progress and performance

We will measure the success of tenant engagement through outcomes resulting in feedback and communicate the difference that tenant engagement has made from:

- Feedback from café conversations
- Feedback from Independent Living group meetings
- Maximise the potential of tenants who engage on a regular basis with us
- Understanding why there may be barriers to involvement and addressing these
- Reports from Empty Homes Champions
- Reports from Green Champions
- Feedback on Housing Committee Reports
- Feedback from Estate Walkabouts
- Feedback from Housing Hubs
- Benchmarking our services through TPAS
- Report on services through social media showing 'you said and we did'
- Present performance through the Keynotes newsletter
- Satisfaction surveys
- Implementation of actions from attending Community Hub meetings

All feedback to be fed back to tenants and councillors through social media platforms, annual report and Housing Committee

Equality & Diversity

Stroud District Council have committed to providing services which promote equality and diversity treating all residents with respect and fairness and will ensure that all services are accessible for all. We will ensure that all individuals have equal opportunity to engage with us. These commitments are reinforced by the Councils values and statutory and legislative requirements, ensuring these are embedded in our day to day working practices.

We will continue to ensure that residents feel valued and recognised for the contribution that they make through engagement.

In order to ensure any barriers to engagement are removed we will:

- Ensure meeting venues are easily accessible

- We will pay mileage or arrange transport
- We will use translation services when required
- We will ensure communication aids are available, such as hearing loop
- We will ensure we note communication preferences, such as large print
- Provide training and support where needed



How will we implement the strategy:

- Arrange four 'Love where you Live' events across the district
- Arrange 'Café Conversation' events every quarter throughout the district, each with a theme
- Arrange Scrutiny taster focus group training session with TPAS and will use the themes from the tenant priority diamond to kickstart the topics
- Complete induction for 'Tenants Voice' representatives
- Rebrand tenant involvement roles
- Arrange training for all involved tenants on the governments white paper, ensuring they are aware how their views can inform service delivery.
- Arrange yearly intergenerational event
- Complete digital strategy and rollout
- Promote Estate Walkabout
- Promote Housing Hubs
- Work with Gloucester County Council on their supported families programme

An action plan is to be drawn up to show the full programme of dates for the above.

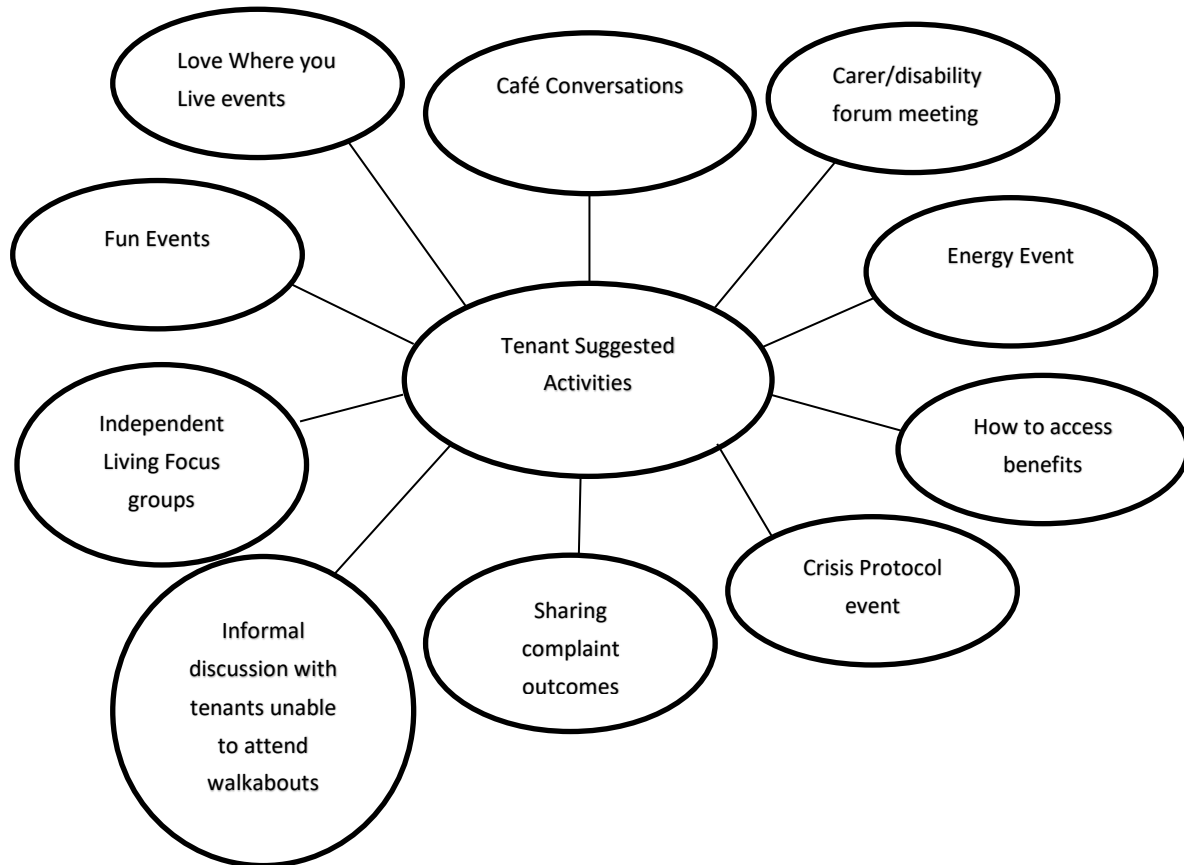
Agenda Item 6

Appendix A



At recent consultation sessions on tenant engagement activities (marketed as café conversations), tenants shared their thoughts (see pictures above) about the sort of future tenants engagement that interested them most. The diagram below shows the depth and wealth of their ideas.





Asset Based Community Development

Stroud District Council is on the precipice of investing in the Asset Based Community Development (ABCD). This approach considers that members of all communities have skills to offer that should be valued and harnessed. This also considers how we can empower communities by investing in tenants and valuing the investment that they can contribute to improve the area where they live. The ABCD approach encourages us to tackle wider social issues by taking a holistic view to community development. Through a tenant led approach we will have a greater understanding of the social issues taking place in our communities.

Housing Hubs

To support the ABCD, Housing Officers will be spending time each month in a 'HUB' on their patch. We will also be promoting this with our external partners, police, pcso's, etc and inviting them to join us. This is to ensure that residents can meet their Housing Officer and other professionals who work in their community, further enhancing the holistic approach.

Future of Tenant Engagement

By 2025 our aims are to:

- To engage with a much wider tenant base and to continue to address any obstacles to involvement activity as highlighted by tenants

Agenda Item 6

Appendix A

- To understand more about the needs of our tenants through profiling and use this to inform event themes.
- To have a greater understanding of the diverse needs of our tenants
- Ensure that tenants are empowered to have their voice heard
- Be able to demonstrate how tenants have shaped service delivery and feedback to tenants these achievements in appreciation of their input
- Complete the digital rollout, giving us greater access to a wider group of people
- Invest in the ABCD approach and therefore be able to demonstrate better outcomes for communities.
- Hold focus groups on a more regular basis to help shape, develop and improve services
- Produce Keynotes every quarter in a paper and digital edition, dependent on tenant's requirements
- Ensure tenants have the skills and knowledge to participate with confidence through bespoke training and induction
- Proactively seek to engage with hard to reach groups

The Council plan also has performance measures specific to resident involvement and these will form part of performance member reports to Housing Committee on a quarterly basis

The strategy will cover the period 2022 – 2025 and will be reviewed annually to ensure it is still fit for purpose. An action plan detailing timescales and outcomes will be developed and monitoring of outcomes from these groups and activities will be fed back to Housing Committee annually.

Equality Analysis Form

By completing this form you will provide evidence of how your service is helping to meet Stroud District Council's General Equality duty:

The Equality Act 2010 states that:

*A public authority must, in the exercise of its functions, have **due regard** to the need to –*

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are listed in Question 9

Stroud District Equality data can be found at: <https://inform.gloucestershire.gov.uk/equality-and-diversity/>

Please see Appendix 1 for a good example of a completed EIA.

[Guidance available on the HUB](#)

1. Persons responsible for this assessment:

Name(s): Michelle Elliott	Telephone:
	E-Mail: michelle.elliott@stroud.gov.uk
Service: Housing Services	Date of Assessment: 15 March 2022

2. Name of the policy, service, strategy, procedure or function:

Tenant Engagement Strategy

Is this new or an existing one? **New**

3. Briefly describe its aims and objectives

SDC's commitment to engaging with tenants to inform service delivery

4. Are there external considerations? (Legislation / government directive, etc)

Housing White Paper / Charter for Social Housing Tenants
1985 Housing Act

Agenda Item 6

Appendix B

5. Who is intended to benefit from it and in what way?

SDC Tenants
Stakeholders working with SDC

6. What outcomes are expected?

Improved communication with tenants
Customer insight used to inform service delivery
An increase in overall tenant satisfaction
Increase the number and diversity of SDC tenants

7. What evidence has been used for this assessment?: (eg Research, previous consultations, Inform (MAIDEN); Google assessments carried out by other Authorities)

Previous Consultations / Survey Monkey/

8. Has any consultation been carried out?

Yes

Details of consultation

Tenant event held 22 February 2022 to listen to views / inform changes / improvements to Tenant Engagement Strategy/ ongoing focus groups

If NO please outline any planned activities

9. Could a particular group be affected differently in either a **negative** or **positive** way?

(Negative – it could disadvantage and therefore potentially not meet the General Equality duty;

Positive – it could benefit and help meet the General Equality duty;

Neutral – neither positive nor negative impact / Not sure)

Protected Group	Type of impact, reason and any evidence (from Q7 & 8)
Age	Tenants of all ages are invited to participate but we will be actively looking at ways to improve participation from a younger age group as this age group is under represented currently. Work commissioned with TPAS to direct target various groups
Disability	A variety of opportunities will be made available to ensure all tenants can share their views and have their voice heard. Work commissioned with TPAS to ensure we are targeting all diverse groups
Gender Re-assignment	As Above

Pregnancy & Maternity	As Above
Race	As Above
Religion – Belief	As Above
Sex	As Above
Sexual Orientation	As Above
Marriage & Civil Partnerships (part (a) of duty only)	As Above
Rural considerations: le Access to services; transport; education; employment; broadband;	Mileage will be paid for tenants to attend events or transport arranged As Above

10. If you have identified a negative impact in question 9, what actions have you undertaken or do you plan to undertake to lessen or negate this impact?


Please transfer any actions to your Service Action plan on Excelsis.

Action(s):	Lead officer	Resource	Timescale

Declaration

I/We are satisfied that an Impact Assessment has been carried out on this policy, service, strategy, procedure or function * (delete those which do not apply) and where a negative impact has been identified, actions have been developed to lessen or negate this impact.

We understand that the Equality Impact Assessment is required by the District Council and that we take responsibility for the completion and quality of this assessment

Completed by: Michelle Elliott	Date:15/3/2022
Role: Housing Manager	
Countersigned by Head of Service/Director: 	Date:25.03.22

Date for Review: Please forward an electronic copy to eka.nowakowska@stroud.gov.uk

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STROUD DISTRICT COUNCIL

HOUSING COMMITTEE

APRIL 2022

Report Title	Decant Policy			
Purpose of Report	To present the updated Decant Policy to Committee			
Decision(s)	The Committee RESOLVES to adopt the updated Decant Policy			
Consultation and Feedback	Head of Property Services, Head of Contract Services, Housing Advice Manager, Housing Manager, Income & Systems Manager, New Homes & Regeneration Manager, Head of Strategic Housing Services.			
Report Author	Michelle Elliott, Housing Manager Email: michelle.elliott@stroud.gov.uk			
Options	N/A			
Background Papers	None			
Appendices	Appendix A – Updated Decant Policy 2022 Appendix B – Equality Analysis Form			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	No	Yes	No

1. Introduction

- 1.1 Decanting is a term used to explain the process where households need to move from their homes because either their landlord or an authority with compulsory purchase powers has redevelopment plans for their home. Decanting is also used when the Council as landlord need to refurbish or carry out emergency repairs which cannot be done safely when the property is in occupation.
- 1.2 This policy sets out the Council's approach for SDC tenants who are asked to leave their home by the Council;
- On a permanent basis in order for neighbourhood regeneration to take place
 - On a temporary basis in order for the Council to carry out substantial works to the property and where it has been agreed by the Council that the property would be unfit for occupation during works
 - This policy also applies to owner occupiers and private landlords whose homes are being purchased by SDC in order to progress neighbourhood regeneration.

2. Policy Purpose

- 2.1 The Council acknowledges that moving home is a challenging and stressful experience, especially where households may feel their options are limited. This policy seeks to ensure that all decants are carried out sensitively, appropriately and efficiently with the minimum

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upset and difficulty to the tenant. The policy also seeks to maximise the accommodation options available to tenants when they are asked to decant on a permanent basis.

2.2 The aims of this policy for households decanting both temporarily and permanently are:-

- To provide choice to residents;
- To ensure decants operate in a fair, equitable and reasonable manner;
- To deliver simple but effective consultation and feedback with decanting households at the earliest opportunity and throughout the process;
- To enable decants to be carried out in a way which minimises the disturbance to households;
- To establish a basis for making offers of support, both financial and practical, to households obliged to decant;
- To enable the Council to make best use of stock through timely access for refurbishment work or where a decision has been made for demolition; and
- That the best use is made of the Council's resources.

Updated elements

All updated elements in the policy are highlighted in bold type

- The Home loss payment as at October 2021 is £7,100 for local authority tenanted properties
- Job titles have been amended to reflect the current structure e.g. there is no longer a tenant liaison officer and this is replaced by the lettings officer in Tenancy Management
- Tenants may be considered for a direct match to comparable Independent Living or other properties considered for a direct match in line with Homeseeker Plus Allocation Policy
- If more than one tenant is interested in being direct matched as part of this process an assessment will be made by appropriate officers based on suitability e.g. mobility issues
- In exceptional circumstances, grant an exception to policy for bedroom needs. For example, where there is a proven medical need for an extra bedroom or to enable best use of stock
- Recognition of managing the process sensitively and take account of any specific factors including (but not limited to) disability and vulnerability
- In cases where there is suspected coercive behavior including financial control from one of the joint tenants (subject to Home Loss payment where payments are made to one tenant in a joint tenancy), the Council will fully investigate through a safeguarding process to ensure this is properly considered before any payments are made.

3. Implications

3.1 Financial Implications

There are no direct financial implications arising from this report.

The decant policy however, could affect the New House programme which in turn would have an impact on the Housing Revenue Account.

Jon Coldridge, Principal Accountant

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3.2 Legal Implications

There are no significant legal implications arising from this report.

One Legal

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3.3 Equality Implications

An EIA has been submitted, see appendix B.

3.4 Environmental Implications

There are no significant implications within this category.

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Decant Policy

April 2022

Tenant Services

Next document review by: February 2024

Reviewed by: Kevin Topping, Head of Housing Services

Last approved by: Housing Committee on 10 April 2019

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1. Introduction

- 1.1 This policy sets out the approach Stroud District Council takes to moving residents from its housing stock in order for work to be carried out to their property and where it is not safe or possible for the resident to remain while work is carried out or where it is damaged in an emergency such as fire or flood or where a decision has been made to remodel, redevelop or dispose of the property (decants for tenants or in some circumstances, rehousing home owners).
- 1.2 A decant is where a resident moves from their current home to another one, either temporarily or permanently.
- 1.3 Rehousing owner-occupiers will only be considered in limited circumstances where the Council acquires the property using compulsory purchase powers for example the Acquisition of Land Act 1981 and the Land Compensation Act 1973.
- 1.4 The property that the resident moves to may be Council owned or a Registered Provider (RP) property or, privately owned. The resident may also decide to arrange their own accommodation on a temporary basis with friends or family.

2. Aims

- 2.1 The aims of this policy for residents decanting both temporarily and permanently are:
 - To ensure decants operate in a fair, equitable and reasonable manner, in accordance with the current allocations policy.
 - To deliver simple but effective consultation and feedback with decanting residents at the earliest opportunity and throughout the process.
 - To enable decants to be carried out to minimise disturbance to residents.
 - To establish a basis for making offers of support, both financial and practical, to residents obliged to decant.
 - To enable the Council to make best use of stock through timely access for improvement, development and remodelling work or where a decision has been made for disposal
 - To minimise rent loss to the Council by having a joint approach to decants in line with current allocations policy and the development/ refurbishment process.
 - That the best use is made of the Council's resources.

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3. Eligibility

- 3.1 In line with the legislation and existing best practice, the following people will be eligible for assistance and possible rehousing: Tenants, their family members, partners and spouses living in the affected property 12 months prior to the date of agreement for the regeneration or development scheme, (including children).
- 3.2 The Council will not rehouse unauthorised occupants, sub-tenants, lodgers, licensees and other non-secure occupants. Those ineligible persons within the criteria of s160ZA of the Localism Act 2011 and those deemed ineligible by the Secretary of State.
- 3.3 Owner occupiers within a designated scheme may be given assistance to find alternative accommodation; the options available to them are dependent on their individual circumstances and the equity available to them. The eligibility criteria also apply to owner occupiers.

4. Consultation and Communication

- 4.1 The Council acknowledges that moving home is a stressful experience, especially where the resident may feel their options are limited. This Decant Policy ensures that decants are carried out sensitively, appropriately and efficiently with the minimum upset and difficulty to the tenant.
- 4.2 If a decant is necessary, the Council has a legal obligation under Section 105 of the Housing Act 1985 to consult with tenants when they are substantially affected. Consultation must be at a time when proposals are still at an early stage and the Council will consult with all affected persons sensitively and take account of any specific factors including (but not limited to) disability and vulnerability.
- 4.3 Under this policy, all consultation, feedback and communication will be termed Tenant Liaison - this covers all aspects of working with affected persons during re-development, refurbishment and improvement work, remodelling and disposal including engaging with other linked services such as Neighbourhood Management, Income Management, Contract Services, Property Services, Housing Benefits, Housing Advice and Council Tax.
- 4.4 Provision of Information
- 4.5 ***Every qualifying person(s) will be visited by the Lettings Officer from the Tenancy Management Team and, if required, the Neighbourhood Management Officer or Support Co-ordinator as appropriate at the start of a project to discuss:***
 - What the proposed project is and why it is being undertaken.
 - When it will be done.
 - The decant policy and process (tenants and qualifying owner occupiers only).

- What choices there are and how these can be made.
- What we will do to help tenants prepare for any work and support whilst this work is being carried out.
- Whether there are any requirements for aids and adaptations to support the move.
- Any specific support that the tenant requires for the move.
- Named contact officer for the duration of the programme.
- Owner occupiers will be given specific advice on how the Council wishes to involve their properties in any scheme and the process that will be followed.

4.6 Resident Feedback

4.7 Feedback from residents about their preferences, expectations and opportunities to influence is sought mainly through individual visits and site meetings. Information may also be received from local tenants' representatives, The Tenants Voice, Neighbourhood Ambassadors, leaseholders (as appropriate) and Councillors.

4.8 In addition to the initial home visit from the Lettings Officer each household will, if required, have a home visit from the Housing Advice Team to discuss their options and choices (this may not be necessary/appropriate for all owner occupiers). Ongoing feedback throughout the duration of the development will be primarily through the Lettings Officer whose contact details will be provided. Further group and individual feedback will be carried out as required.

4.9 Working Together

4.10 Any redevelopment or refurbishment requires tenants, home owners, officers and Councilors to work together. Co-ordination of communication and consultation will be carried out by the Lettings Officer who will be the main point of contact for residents. For larger schemes, consultation work and support may be provided by a specialist Tenant Liaison Officer either employed by the Council or a contractor.

4.11 This officer will work closely with the appropriate officers in Tenancy Management, Contract Services and Housing Advice to make sure information is shared and to assist in providing the necessary support and advice to the tenant.

5. Needs Assessment

5.1 As set out above, every qualifying person(s) will have an initial home visit from the Lettings Officer where their preferences, expectations and options will be discussed. ***This home visit will include an assessment of support needs and a property inspection.***

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- 5.2 Each resident (tenants and qualifying homeowners) will, where new council homes are being replaced, have the option to choose whether they move temporarily or permanently – this will be discussed and may be decided at the initial home visit or later in the process. Where the scheme is to be redeveloped for another tenure or sold then only a permanent move will be possible.
- 5.3 Current Tenants who are moved from their home which is being sold, repaired, refurbished, demolished and rebuilt by the Council as part of a planned maintenance programme, development programme or due to an emergency leaving the home uninhabitable will:
- 5.4 (If refurbished or repaired) remain tenants of their original home. Where tenants are moving temporarily and can return to their existing home, a Decant license will be signed.
- (If demolished or sold) remain secure tenants.
 - Where appropriate, have a license to occupy their decant property.
 - Pay the lower of the two property rents i.e. the current property and the decanting property rent) until either the new home is built or they return to their refurbished home.
 - Have the right to return to their original home on completion of the work or a new home on the development site if there is a suitable property to return to.
- 5.5 They may also be allowed if they choose, to remain in their decant property subject to room size qualifications.
- 5.6 In very exceptional circumstances properties may be purchased by the Council, for decants. These will not be available for permanent stays, only for temporary decants for the purposes of relevant schemes.
- 5.7 Allocations Policy Assessment
- 5.8 This section of the decant policy deals with helping tenants have choice and control over where they move to, whilst supporting the Council's ability to improve, intensify and regenerate our properties and estates in a timely and cost-effective fashion.
- 5.9 Once a decision has been made which will result in the need to decant residents, representatives from Property Services, Housing Advice and Tenant Services will meet to agree the timescales and approach to supporting residents to move to a new location.
- 5.10 All tenants needing to move, whether temporarily or permanently, will be required to register on Homeseeker Plus. This is to ensure fairness and choice, as well as equity with other residents in the district seeking accommodation and to ensure stock remains available for the Council to discharge its duties under current Homelessness Legislation. Tenants registering due to the need for a decant will be banded in accordance with their personal circumstances and the terms of the

Homeseeckerplus allocation policy. The banding will reflect the urgency of the individual circumstances, once a decision has been made to remodel, redevelop, dispose or refurbish the property. **An offer of a direct match to a vacant property will be considered where required to facilitate a timely move.**

5.11 For those properties identified for redevelopment or disposal as part of the Independent Living Modernisation Project or the New Homes and Regeneration programme the following process will apply:

- Tenants can be direct matched to comparable Independent Living properties.
- Other properties may be considered for a direct match providing this is applicable in accordance with the Homeseeckerplus policy
- **If more than one tenant is interested in being direct matched to a property, the Tenant Liaison Officer in conjunction with the Support Co-ordinator or Neighbourhood Management Officer, as appropriate.**
- **will decide who is to be offered the property. This will be decided firstly on suitability (e.g. ground floor may be prioritised for person with mobility problems), and then by the length of tenancy i.e. if two people are interested in a particular property and there is no difference in suitability, then the person with the longest tenancy will be**
- offered the property.
- Where a home owner qualifies for rehousing by the Council they will also be required to register on Homeseecker Plus and their options for shared ownership and privately renting will be explored.

5.12 The Lettings Officer will liaise closely with the Housing Advice Manager to allocate properties under this process. Where a property is required for other urgent cases, as determined by the Housing Advice Manager, then agreement will be reached between the two parties as to the most suitable allocation of that property.

5.13 By following this process, decanting tenants will have first choice to remain in the local area and will have a high priority for all other properties. This will result in tenants being able to move quickly whilst also giving other urgent cases the opportunity to be housed.

5.14 It is in a qualifying person(s) interests to take advantage of the bidding system as early as possible and support will be provided by the Housing Advice Team to maximise their opportunity for success.

5.15 If required, as soon as a resident is registered they will have an appointment with a member of the Housing Advice Team. This appointment will provide the resident with detailed, bespoke advice and information on:

- Their areas of choice.
- The property types selected Historical lettings information.
- Details of stock availability.
- Likelihood of rehousing under their selected preferences.
- Options and alternatives if first preference not available in the time scale.

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5.16 Bedroom Needs Assessment

5.17 All applicants on Homeseeker Plus are subject to a bedroom needs assessment – residents decanting will also be subject to this.

5.18 ***The Council may, in exceptional circumstances, grant an exception to policy for bedroom needs. For example, where there is a proven medical need for an extra bedroom or to enable best use of stock. Exception may also be granted for applicants bidding on bungalows or hard to let properties. All decisions regarding exception to policy are made by the Housing Advice Manager, in consultation with the Housing Manager and input from the Lettings Officer. In all cases an assessment of financial viability will be made and consideration given to whether recent welfare reforms will impact on the ability of the tenant to maintain the tenancy and what support (if any) can be provided or signposted to the tenant.***

5.19 Where a resident is subject to a Final Offer (see below) this will be made by the Council and will be in accordance with the household's bedroom needs assessment, there will be no under-occupancy granted in this case, regardless of the size of the original home.

5.20 Property Inspection

5.21 All decant properties will be inspected in line with the Council's voids process to make sure they are in an acceptable and safe condition. Where a new kitchen or bathroom is required this will be carried out as part of the void works following validation from the contract team. Taking and recording of electrical, gas and water meter readings are part of this process. As tenants will be dealing with their utility providers directly, they should also make sure they take their own meter readings to avoid any later dispute. If any tenants have particular issues with taking their own readings (e.g. disability) the Lettings Officer may support or liaise with any person/agencies providing support to the tenant with the tenant's consent.

6. Rehousing Options

6.1 Each resident will be responsible for bidding for properties on Homeseeker Plus. Bidding patterns will be monitored by the Housing Advice Team. The Lettings Officer and the Housing Advice Team will provide advice and assistance to enable residents to maximise their bids and chances of rehousing. Residents will be expected to bid on all property types in the areas of choice, including those with Registered Providers.

6.1 Choice of area and accommodation type

6.2 Every resident will have the option to choose the geographical area in which they wish to move to within the district. However, there is no guarantee that properties will become available within the timescale in the area of their choice. Residents may have to consider alternative areas as the time for development/ disposal approaches.

6.3 Every resident will be able to specify the type of property they prefer e.g. flat, house, bungalow etc. however, there can be no guarantee that the first choice property type will be available.

6.4 Offers

6.5 It is the Council's aim to make sure all residents (tenants and qualifying homeowners) are made suitable offers based on their requirements and within a reasonable timescale to enable work to proceed. Where the Council has accepted that an owner occupier qualifies to go on the housing register they may also be subject to this offer process. Residents will be made 3 reasonable offers of suitable accommodation with the option of a 4th at the discretion of the Head of Housing Services. "Reasonable" and "suitable" will take into account the preferences of the resident as well as the availability of stock and demands from other households whom the Council has a legal duty to accommodate.

6.6 Where a resident has not bid within the timescale and has had the support to do so the Council retains the right to bid on their behalf and make suitable offers of accommodation on this basis.

6.7 The resident has the right to refuse an offer, however, after 3 refusals of suitable properties the Council will provide 1 Final Offer which will be the first available property that meets the household's bedroom needs assessment and is as close to their areas of preference as possible. Residents will have the opportunity to discuss all suitable properties before a formal offer is made to minimise the possibility of refusal.

6.8 The Council can as a last resort commence legal proceedings (see below) if the tenant refuses the Final Offer but would in all cases seek to achieve a successful allocation before invoking its legal rights under Ground 10 or 10a of Schedule 2 of the Housing Act 1985 to commence possession proceedings. For owner occupiers, (subject to the offer process), the Council may use its compulsory purchase powers to acquire property as a last resort. This process would commence at the earliest stage to ensure all options are identified quickly and are time sensitive to both the Council and the affected person(s).

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6.9 Multiple Households

6.10 In the case of grown up children living with their parents, the option will be available at the discretion of the Housing Manager or Housing Advice Manager to split households and offer two separate tenancies to free up family accommodation and allow independent living. This will only be considered if it does not result in a net loss of bed spaces for the Council. A tenant freeing up family accommodation as a result of a separate tenancy being offered to a member of their household will not be entitled to the incentive described in this policy.

6.11 Non-Social Housing

6.12 Residents may wish to move into privately rented property – the Housing Advice Team will provide support to achieve this, for example:

- Conducting property search.
- Negotiating with landlords/agents.
- Arranging housing benefit forms.
- Support with deposit and fees if eligible.

6.13 Options for shared ownership and market renting will also be explored if required.

7. Tenants returning to a new Housing Development

7.1 All tenants who have been decanted from their homes retain the option to return to the new development site, if a suitable property is available.

7.2 The right to return will be granted to tenants who were in occupation at the time of the initial home visit and who have made it clear to the Lettings Officer that they may want to return to the area that they were supported to decant from.

7.3 Returning tenants will be able to choose the property they wish to return to (subject to clauses regarding bedroom needs) in accordance with their length of tenancy prior to being decanted.

7.4 Tenants returning to a new housing development will pay the social rent for the new property that they are returning to.

7.5 The tenants with the longest tenancy will be given first choice, and so on until all returning tenants have been rehoused.

7.6 Remaining properties will be allocated in accordance with the Council's current allocations policy, giving regard to s106 and local lettings plans where they exist.

7.7 In the case of specialist accommodation this will be assessed and allocated according to need and will not be subject to the tenant choice above.

7.8 Refusal to Move

7.9 In the event that a tenant does not wish to move but the level of work means that decanting is necessary, the Housing Manager has discretion to: -

- Try to accommodate the tenant into another property within the project
- Use a mobile home within the curtilage of their home if this is available and feasible.
- Reduce the scope of the project to allow essential work to take place, whilst the tenant continues to live in their home.

7.10 If the tenant still refuses to move after the above options have been considered; the Head of Contract Services has the discretion to remove a property from a project. This could only happen if the work is not urgently required and it does not adversely impact upon other parts of the project.

7.11 The Council retains the legal right under Ground 10 or 10a of Schedule 2 of the Housing Act 1985 to commence possession proceedings as a last resort, once all other alternatives have been explored and reasonable offers of rehousing rejected. Possession will only be granted by a Court with the provision of suitable alternative accommodation.

8. Compensation and Costs

8.1 The Council has discretion to provide financial assistance towards tenants' removal expenses under the Housing Act 1985 when tenants are temporarily decanted to other Council property.

8.2 ***There are two types of payments that tenants will be entitled to under this policy:***

- ***Disturbance Payments***
- ***Home loss Payments***

8.3 Disturbance Payments (for both Temporary and Permanent Moves)

8.4 Disturbance payments cover 'reasonable expenses' involved in moving. For Tenants and qualifying owner occupiers that are being moved permanently, these payments should still be made in addition to Home loss payments.

8.5 The Council will accept disturbance allowance costs based on:

- One off moves: invoices and receipts supplied by the tenant or contractor, or by approved estimates from the contractor.

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8.6 Based on each resident identified needs, the Lettings Officer will arrange for specialised contractors to carry out:

- a) The removal of furniture and effects from and back to the tenant's permanent home and any necessary storage and supply of storage boxes. A full packing service will be available for elderly, frail or disabled tenants to allow them to move, with on the day support as necessary. This includes clearing items out of lofts and sheds subject to a reasonable determination by the Lettings Officer. In exceptional circumstances temporary storage of items may be required. If this is the case, then Stroud District Council would consider meeting these costs for a time limited period of not greater than three months from the tenants moving date.
- b) The lifting and refitting of carpets at the permanent address only.
- c) The relaying (not fitting) of carpets at the decant address or their storage.
- d) The provision and fitting of new good serviceable carpets at the permanent address from an approved supplier up to an approved upper limit if carpets are damaged (for example when foam backed carpets are lifted) or are unable to be cut down/re-used to fit this property. Tenants can get an upgraded carpet by paying the additional costs themselves.
- e) The replacement and fitting of laminate flooring if tenants' existing flooring is unable to be re-used – payment will be up to the same approved upper limit per metre as set for carpets. Tenants can get upgraded flooring by paying the additional costs themselves.
- f) The provision of new curtains up to a reasonable cost per pair where the existing curtains do not fit due to different window sizes.
- g) The removal and refitting of existing curtain tracks.
- h) The disconnection and reconnection of any existing telephones, television aerials and satellite dishes (providing Council permission had been given for their original installation).
- i) The redirection of post (following the tenants' completion of the postal redirection form).
- j) The disconnection and reconnection of existing kitchen appliances, or room heaters using Gas Safe or equivalent registered plumbers or electricians.

- 8.7 If tenants prefer to make arrangements themselves they can use their own supplier (for example, for removals, carpets and curtains). The Council will reimburse all reasonable costs in line with the policy above, provided that:
- It is supplied with details of the proposed costs prior to work being ordered.
 - The costs are in line with what the Council would have paid had it made the arrangements itself.
- 8.8 Tenant requests for the payment of goods and services will need to be made within six months of their moving date. Payments will only be made against receipts.
- 8.9 Tenants who incur extra travelling expenses for work or educational travel only (not including social travel) as a direct result of being relocated out of their current area are entitled to make a claim for this additional cost for the period in which they are temporarily displaced (up to 12 months) at an Approved Mileage Allowance (HMRC) payment if using a car, motorbike or moped or by providing bus/rail tickets. The Council has discretion to meet other reasonable expenses based on individual circumstances.
- 8.10 It is essential that tenants have adequate support to be able to move without having to meet costs themselves upfront or being out of pocket. However, in particular circumstances where excessive costs may apply for the moving of exceptional flora or specific animals such as (and not limited to) fish or birds we would only make payments if tenants have previously received written permission for a pond or garden works. Where permission has not been granted this is less likely and will remain the final decision of the Head of Housing Services. N.B Council Tax and Utility bills will not be included.
- 8.11 Where tenants are permanently decanted to another social housing property they may be entitled instead to a statutory disturbance payment under the Land Compensation Act 1973. Such a payment must be claimed from the Council and follows the principles set out in the Council's discretionary policy for temporary decants above.
- 8.12 Tenants staying in their home whilst work is carried out
- 8.13 Tenants who wish to remain in their home when major refurbishment work is taking place (such as the dismantling and replacement of external walls, external or internal cladding of their walls and are not at risk as deemed by a qualified Health and Safety specialist) will get a disturbance payment equivalent to a full week's rent per week of the work.
- 8.14 Tenants will be expected to continue to pay their rent during the refurbishment work and will receive a lump sum payment upon completion. Arrears, court costs, rechargeable repairs, Council Tax arrears and Housing Benefit Overpayments will usually be deducted from this payment.

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8.15 Home Loss Payments for Council Tenants

8.16 A Home Loss Payment is a statutory payment made to compensate tenants for having to **permanently** move out of their home and may be given in addition to the statutory disturbance payment referred to above. It is **not** payable for tenants who temporarily move out of their home and are able to return to their original property once the work is completed. However, if their area is being demolished and rebuilt and they return, they would be entitled to Home Loss as they would be returning to a totally new home.

8.17 This mandatory lump sum payment is fixed by Section 30 of the Land Compensation Act 1973. **The Government reviews the figure annually in October and at the time of drafting this document the figure is £7,100.** Tenants would become eligible for Home Loss payment following a formal decision to demolish, remove or dispose of their homes having been made by Housing Committee. Tenants have the option of transferring prior to this based on their rehousing needs. However, if they do so, they would not be entitled to any form of compensation (Home Loss or Disturbance).

8.18 This Home Loss payment is for an eligible tenant/joint tenants who has lived in their property as their principal home for at least 12 months prior to the date of agreement for the scheme and is required to move out of their home permanently as a result of the property being demolished, sold or the scheme remodelled to remove their property. See section 3 for information on eligibility, in all circumstances the home loss payment is limited to one per household, not per tenant – joint tenants will therefore receive one payment between them. ***In circumstances where there is suspected coercive behavior including financial control from one of the joint tenants, the Council will fully investigate through a safeguarding process to ensure this is properly considered before any payments are made.***

8.19 If a decision in principle has been agreed to refurbish, remodel, redevelop or dispose of a property, the Council may assist a tenant to move prior to a formal Committee decision. In this situation where the Council has asked the tenant to move and the Lettings Officer is assisting a tenant to move the tenant will be eligible for disturbance payments. Also once Committee has made a formal decision then the tenant will become eligible for a Home Loss payment.

8.20 A tenant who has succeeded to the tenancy of the property cannot count the previous length of residence of the deceased tenant towards their qualifying period.

8.21 In the case of joint tenants, the sum will be divided equally between them. A claim must be made within 6 years of the move and paid within 3 months of the claim. In line with good practice, the Council will aim to make payments within 10 working days of receipt.

8.22 Tenants who have any other housing related debt such as rent arrears, Council Tax arrears, Housing Benefit overpayment, court costs and rechargeable repairs will have these deducted directly from this lump sum payment.

8.23 Home Owners

8.24 The Council may wish to buy privately owned properties where, for example, adjacent (and sometimes attached) properties are being repaired, refurbished or demolished and rebuilt or sold by the Council.

8.25 The Council will always seek to purchase private properties through negotiation; however, it may consider the use of compulsory purchase powers where appropriate.

8.26 Negotiated Purchases

8.27 Where the Council is seeking to purchase the home of a private resident whose property would be part of a redevelopment, refurbishment or remodelling scheme or where a block has been agreed for disposal, the purchase price offered will be based on market value and terms will be agreed by the Head of Property Services.

8.28 Compulsory Purchase

8.29 Where the Council is unable to acquire a property through negotiation at a reasonable cost and decides to pursue the use of compulsory purchase powers the value of the property will be assessed at market value, but the homeowner may also be entitled to other payments (Heads of Claim) as set out in the relevant legislation. These may include home loss payments and disturbance.

8.30 In addition, the Council may also have a duty to rehouse the home owner, where no suitable alternative accommodation is available on reasonable terms.

8.31 Homeowners are referred to the Council's Corporate Asset Management Plan for its policies on acquisition and the use of compulsory purchase powers and the sources of advice and information set out in paragraph 12 below, as this is outside the scope of this policy.

8.32 Discretionary Payments

8.33 Discretionary payments are payments made over and above the Council's legal obligations and can be used as an incentive to move, for example, where a tenant does not qualify to receive a Homeless payment as they have been resident for less than a year. The costs/benefits of making a discretionary payment will be balanced against those of taking legal action to secure a move.

8.34 The Council needs to be satisfied that making a discretionary payment is a reasonable approach and will therefore balance the costs of the discretionary payment against the costs of legal action.

8.35 A discretionary payment can only be authorised by the Head of Housing Services.

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9. The Tenant's Role

- 9.1 Where a tenant is being decanted, they will be expected to pack up their own belongings unless they are vulnerable or have special needs in which case, a packing service will be arranged. Tenants must ensure that they have taken steps to ensure that their fridges and freezers are cleaned, having been emptied and defrosted, if necessary, before the removal company is due to arrive.
- 9.2 If the tenant is being transferred to alternative accommodation, they will be responsible for clearing their belongings from the property and for giving vacant possession of that property. Any items left behind will be cleared and there will not be any opportunity to reclaim them, or to claim compensation to the value of them. The cost of clearance and disposal of any such items will be recharged.
- 9.3 The tenant is required to provide access to contractors, as necessary. They must also take responsibility for their own fixtures and fittings or DIY improvements, unless the property is to be demolished, in which case they must sign a disclaimer stating that they do not require any compensation for the loss of these items. There will be a pre-void visit where such items will be identified and the tenant informed about the work that is required before they move out. Failure to undertake such work could result in the tenant being recharged.
- 9.4 The tenant is expected to make other members of their household aware of the decant arrangements and to move on the agreed date. In addition, they must make appropriate arrangements for any pets and ensure that they are not abandoned in the property after they have moved out.
- 9.5 If the household has home contents or other insurance, the tenant is advised to notify their insurance company/ies about the change of address.
- 9.6 Tenants are expected to take appropriate steps to clear any areas where work is to be undertaken. If there are issues caused by disability etc. these will be discussed with the Lettings Officer to seek an appropriate supported outcome
- 9.7 To support the move, the Lettings Officer will visit to help resolve any minor issues which may arise. He / she will visit again, periodically and definitely, within six weeks of the move. If necessary, where there has been a temporary move, he / she will visit periodically whilst the tenant lives in the decant property.

10. Emergency Decanting

- 10.1 Our tenants are advised to take out their own home contents insurance. In the event that there is a fire, flood or storm damage, the tenant would be expected to check their own insurance policy to see if this would support a temporary move to Bed and Breakfast accommodation. The Housing Service will liaise with family and friends or assist with making the necessary arrangements, as appropriate. If the tenant does not have their own insurance, they may be rehoused in temporary accommodation by the Council, as is deemed to be appropriate. Once the extent of the damage has been assessed, a decant plan can be devised taking account of relevant circumstances and this will set out all appropriate arrangements. Where damage has been caused by the actions or inactions of the tenant resulting in

decanting, the tenant(s) will be recharged for any costs associated with the refurbishment in line with the income and recharge policy

11. Decanting where another landlord is carrying out work

11.1 Residents may be moved from their home to allow the area to be redeveloped or properties repaired by a Registered Provider (RP). In cases where this involves Small Scale Voluntary Transfer to the RP, decanting arrangements will be governed by the particular RP's decant policy. This issue will be built into any formal offer negotiated between the RP, Council and tenants. A transfer can only take place following a ballot of affected tenants with the majority who vote agreeing to the transfer.

11.2 In such a case all decanting arrangements and Home Loss payments would be the responsibility of the new RP landlord.

12. Disputes/Appeals Procedure

12.1 If a resident is not satisfied with the amount recompensed through this policy, they should write a complaint to Stroud District Council. In addition, they may have the right of appeal under the Land Compensation Act 1973 and any claims should be made to the Upper Tribunal. Its address is: -

**Lands Chamber
45 Bedford Square
London
WC1B 3DN
Tel: 020 7612 9710
Fax: 020 7612 9723
Email: lands@tribunals.gsi.gov.uk**

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Appendix A

13. **Equality and Diversity**

- 13.1 This policy aims to show that all tenants' and owners' differing needs and preferences are taken into account. Central to this is the personal visit to carry out a needs assessment at the beginning of the process, which allows the Council to: -
- Identify those who may need more support, such as a full packing service or on the day help.
 - Ensure tenants are kept informed in the way most appropriate to them.
 - Make suitable rehousing offers, with full consideration made of adaptations required.
- 13.2 The disturbance policy aims to make sure that no-one is out of pocket or disadvantaged as a result of being required to move out of their home. Tenants can choose to take advantage of the Council making the arrangements and paying directly to the contractor, or if they wish, they can organise their move themselves.
- 13.3 By aligning this policy with the current allocations policy the Council is ensuring there is no advantage or detriment to residents affected by the decanting process and that decanting residents are treated fairly and equitably alongside applicants on the housing register, including those the Council has a statutory duty to rehouse.

14. **Statutory Home Loss Payments and Disturbance Payments – General Information**

- 14.1 It should be noted that the information set out in this policy note regarding statutory Home Loss and Disturbance payments is not exhaustive. It is a simplified guide and cannot cover every situation that may arise. It is not intended to be a complete guide to the law and should not be regarded as a substitute for professional legal advice.
- 14.2 Further guidance for both home owners and occupiers on matters such as statutory Home Loss and Disturbance payments is available in 'Compulsory Purchase and Compensation – Compensation to Residential Owners and Occupiers (Department of Communities and Local Government 2008). This is available from the Ministry of Housing Communities and Local Government website. This notes that applicants should seek advice from a professionally qualified person such as a surveyor or solicitor. To be referred to a local experienced chartered surveyor for up to 30 minutes free advice, applicants can contact the Compulsory Purchase Helpline on 0870 3331600.

Equality Analysis Form

By completing this form you will provide evidence of how your service is helping to meet Stroud District Council's General Equality duty:

The Equality Act 2010 states that:

*A public authority must, in the exercise of its functions, have **due regard** to the need to –*

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are listed in Question 9

Stroud District Equality data can be found at:

<https://inform.gloucestershire.gov.uk/equality-and-diversity/>

Please see Appendix 1 for a good example of a completed EIA.

[Guidance available on the HUB](#)

1. Persons responsible for this assessment:

Name(s): Michelle Elliott	Telephone:
	E-Mail: michelle.elliott@stroud.gov.uk
Service: Housing Services	Date of Assessment: 20/01/22

2. Name of the policy, service, strategy, procedure or function:

Decant Policy

Is this new or an existing one? **Existing / Updated**

3. Briefly describe its aims and objectives

This policy sets out the Council's approach for SDC tenants who are asked to leave their home by the Council;

- On a permanent basis in order for neighbourhood regeneration to take place
- On a temporary basis in order for the Council to carry out substantial works to the property and where it has been agreed by the Council that the property would be unfit for occupation during works

4. Are there external considerations? (Legislation / government directive, etc)

- Housing Act 1985
- Housing Act 1988
- Land compensation Act 1973
- Planning & Compensation Act 1991

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Appendix B

5. Who is intended to benefit from it and in what way

Tenants & Residents on our Estates

6. What outcomes are expected?

Provide safe homes
Protect and enhance the reputation of SDC

7. What evidence has been used for this assessment?: (eg Research, previous consultations, Inform (MAIDEN); Google assessments carried out by other Authorities)

Research carried out by other authorities

8. Has any consultation been carried out?

Yes
Consultation has been carried out with :
Head of Property Services
Head of Contract Services
Housing Advice Manager
Housing Manger
Income & Systems Manager
New Homes & Regeneration Manager
Strategic Head of Housing Services

If NO please outline any planned activities

9. Could a particular group be affected differently in either a **negative** or **positive** way?

(Negative – it could disadvantage and therefore potentially not meet the General Equality duty;

Positive – it could benefit and help meet the General Equality duty;

Neutral – neither positive nor negative impact / Not sure)

Protected Group	Type of impact, reason and any evidence (from Q7 & 8)
Age	The Council will work with families to ensure that the disruption to children and young people who attend school and college is minimised
Disability	The Council will ensure that tenants living in adapted properties, can move to a property which continues to meet their needs.
Gender Re-assignment	It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Pregnancy & Maternity	The Council will ensure that additional support with moving is provided to someone who is pregnant or has young children.

Race	It is not anticipated that the Council will need to take any further action in order to enable access for this group.
Religion – Belief	It is not anticipated that the Council will need to take any further action in order to enable access for this group. Religion and Belief: It is not anticipated that the Council will need to take any
Sex	It is not anticipated that the Council will need to take any further action in order to enable access for this group. Religion and Belief: It is not anticipated that the Council will need to take any
Sexual Orientation	It is not anticipated that the Council will need to take any further action in order to enable access for this group. Religion and Belief: It is not anticipated that the Council will need to take any
Marriage & Civil Partnerships (part (a) of duty only)	It is not anticipated that the Council will need to take any further action in order to enable access for this group. Religion and Belief: It is not anticipated that the Council will need to take any
Rural considerations: le Access to services; transport; education; employment; broadband;	The Council will work with families to understand their needs of areas that may and may not be suitable for them to move to

10. If you have identified a negative impact in question 9, what actions have you undertaken or do you plan to undertake to lessen or negate this impact?


Please transfer any actions to your Service Action plan on Excelsis.

Action(s):	Lead officer	Resource	Timescale

Declaration

I/We are satisfied that an Impact Assessment has been carried out on this policy, service, strategy, procedure or function * (delete those which do not apply) and where a negative impact has been identified, actions have been developed to lessen or negate this impact.

We understand that the Equality Impact Assessment is required by the District Council and that we take responsibility for the completion and quality of this assessment

Completed by: Michelle Elliott	Date: 20/01/22
Role: Housing Manager	
Countersigned by Strategic Director of Communities: 	Date: 25.03.22

Date for Review: Please forward an electronic copy to eka.nowakowska@stroud.gov.uk

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STROUD DISTRICT COUNCIL

HOUSING COMMITTEE

TUESDAY, 5 APRIL 2022

Report Title	New Homes and Regeneration Programme Update			
Purpose of Report	To provide an overview of the New Homes & Regeneration Programme included in the Capital Programme within the MTFP and an update on the Extension of Time Claims received on three schemes where additional costs have been incurred.			
Decision(s)	<p>The Committee RESOLVES to:</p> <p>a) Note the outcome of the delivery of the current New Homes Programme in particular the position with regard to the schemes at Summersfield Road, Broadfield Road & Ringfield Close.</p> <p>b) Note the update provided on the programme of new council homes, with budget already approved in the MTFP, for delivery during 2022 to 2025.</p>			
Consultation and Feedback	Consultation with stakeholders is undertaken at the relevant stages of a project. Consultation has taken place with Ward Councillors and Town/Parish Councils on schemes included within the current Capital Programme. Consultation with the majority of Ward Councillors and Town/Parish Councils has been undertaken on new schemes which are currently being explored as part of the future programme. Those Ward Councillors who have been consulted are supportive of the programme and the response from Town/Parish Councils is mainly positive. Updates have been provided to the Chair/Vice Chair of Housing Committee.			
Report Author	Kimberley Read, New Homes & Regeneration Manager Email: kimberley.read@stroud.gov.uk			
Options	To not borrow further funding in the HRA to deliver new homes and to stop the programme or specific schemes within the programme.			
Background Papers	None			
Appendices	Appendix A - Summary of New Homes & Regeneration Programme sites including number and mix of tenure.			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	Yes	No	No	Yes

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1. INTRODUCTION

- 1.1 Stroud District Council has a strong and successful track record of delivering good quality affordable housing within the district, having delivered 244 new affordable homes across the original programme. A further 7 new homes have been delivered within our current New Homes & Regeneration Programme and a further 94 new homes are planned and budgeted for delivery by 2025.

This report provides an update on the delivery of new homes through the current programme and touches on the location of sites which may be included within the future programme beyond 2025.

The past two years have seen challenging circumstances within all sectors, however the pandemic has had a profound impact on the construction industry and subsequently the delivery of the programme, due to a combination of labour and material shortage. The successful delivery of new housing during these challenging times is a reflection of the determination of the Council to achieve its targets and support delivery of affordable housing across the district to help address the acute housing need which is compounded by increasing property prices.

- 1.2 The report sets out background to the Extension of Time claims received from the contractor at Ringfield Close, Nailsworth, Summersfield Road, Minchinhampton and Broadfield Road, Eastington. The factors which resulted in the claims as well as the mitigation considerations and resolution to address the additional costs are set out in further detail within the section 3.0 of the report.

2. OVERVIEW - NEW HOMES AND REGENERATION PROGRAMME 2019 - 2025

- 2.1 The current New Homes and Regeneration Programme has funding secured for the delivery of 101 affordable homes across the district. The details of these schemes including the tenure and mix can be found within **Appendix A**. In order to achieve efficiencies and increase speed of delivery across the programme, SDC opted to procure a contractor through a Dynamic Purchasing System (DPS Framework). The successful contractor was E.W. Beard who are based in Swindon. To mitigate risk, the programme was divided into tranches with the first tranche awarded to E.W. Beard with the contract being managed robustly through the use of monthly KPI's under an umbrella FAC-1 Contract. The framework enables the award of subsequent tranches of schemes subject to satisfactory performance.

The tranches have been divided as follows:

Tranche 1	Delivery by Year				
	2021/22	2022/23	2023/24	2024/25	Scheme Total
Ringfield Close, Nailsworth	5	15			20
Summersfield Road, Minchinhampton	7				7
Broadfield Road, Eastington		9			9
Tranche 2					
Orchard Road, Ebley			5		5
Gloucester Street/Bradley Street, W-U-E			8		8
Cambridge House, Dursley			13		13
Glebelands, Cam				23	23
Tranche 3					
Site at Canalside adjacent to A419, Stonehouse				9	9
Queens Drive, Cashes Green				7	7
TOTALS	12	24	26	39	101

3. TRANCHE 1 SCHEME UPDATES AND EXTENSION OF TIME CLAIMS

- 3.1 SDC entered into a JCT Design & Build Contract with E.W. Beard for the delivery of Summersfield Road, Broadfield Road and Ringfield Close. The total contract sum for these works is £5,354,702.10.

During March this year, SDC accepted handover of 7 of these new affordable homes at Summersfield Road, Minchinhampton. A detailed scheme by scheme update is set out for Tranche 1 below with a dedicated section detailing the key information in relation to the Extension of Time claims.

- 3.1.2 Summersfield Road in Minchinhampton is a former Multi Use Games Area (MUGA) and the development opportunity was identified during the garage asset review. Start on site was achieved on 1st March 2021 and completion of the seven new homes (all affordable rent) took place on 15th March 2022. This was 27 weeks after the contract completion date. This new development has provided 4 x 1 bedroom 2 person flats, 2 x 2 bedroom 4 person houses and 1 x 3 bedroom 5 person house housing up to 21 people in total. The energy efficiency of all of the new homes

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exceeded our own ambition of achieving a minimum SAP rating of 86 with the homes scoring 101-105 respectively which resulted in an EPC A rating.

3.1.3 Broadfield Road in Eastington is an existing Independent Living scheme which has recently been rebranded as part of the Independent Living Modernisation Programme. The development opportunity was identified following the review of SDC's sheltered housing assets undertaken by Ark in 2016. The communal building which was underused was demolished and the nine new bungalows have been designed in and around the communal areas of the site. Start on site was achieved on 29th March 2021 and completion of the nine new bungalows (all affordable rent) are due to take place on 7th April 2022. This will be 25 weeks after the contract completion date. This new development has provided 7 x 1 bedroom 2 person bungalows and 2 x 2 bedroom 3 person bungalows housing up to 20 people in total.

3.1.4 Ringfield Close in Nailsworth is a former sheltered housing scheme which was categorised as 'red' in the Ark Report. The site was due to be sold however SDC were able to retain and develop the site when the Government lifted the borrowing cap. Start on site was achieved on 25th January 2021. The three shared ownership and two older persons shared ownership homes are due to handover on 31st March 2022 which will enable SDC to claim the Homes England funding by the deadline of the 2016 – 2021 Affordable Housing Programme. Currently there is a small chance that this deadline may slip by a week, however SDC are in close contact with Homes England to ensure this does not impact our funding. The remaining fifteen affordable rented homes are due to complete at the end of May which will be 23 weeks after the contract completion date. The new development will provide 4 x 1 bedroom 2 person flats, 2 x 2 bedroom 3 person bungalows, 8 x 2 bedroom 4 person houses and 6 x 3 bedroom 5 person houses. In total this will provide additional housing for up to 76 people.

3.2 As highlighted in section 1.2 of this report, the three developments detailed above were significantly impacted by COVID-19 and Brexit. The impact of these two significant events has been felt across the construction sector with multiple examples of contracts exceeding the original budget, in some cases by as much as £1 million or above. The following points highlight the key issues which directly affected the programme of these three sites.

3.2.1 Cost of labour and materials with construction costs increasing above market predictions.

3.2.2 Material supply and lead in times - as a specific example, the inability to procure bricks due to manufacturers being unable to obtain the supply of raw materials. This was not an isolated event and our contractor also struggled to obtain other construction materials, such as roof tiles where orders had already been placed but the manufacturers were unable to provide the supply required within the agreed timescales.

- 3.2.3 Labour was hard to secure with sub-contractors able to pick and choose where they worked due to high demand across the sector.
- 3.2.4 COVID-19 regulations resulted in limits being placed on the number of labourers who were able to work in enclosed spaces at any one time.
- 3.2.5 Sickness absence was high due to COVID-19 and this was further impacted by the requirement of some staff to self-isolate.
- 3.3 In addition to the impact of COVID-19 and Brexit, additional delays were incurred across all three projects which were attributed to party wall and statutory matters, both of which fall under the responsibility of the employer (SDC).
- 3.4 Due to the impacts on the programme set out in 3.2 and 3.3, which resulted in the contractor being unable to complete the homes by the contract completion date, the contractor under the terms of the contract is entitled to make an Extension of Time (EoT) claim which also includes the ability to claim loss and expense costs. The contractor issued an EoT claim to SDC in October 2021.
- 3.5 SDC's contract with E.W. Beard is administered and monitored by Kendall Kingscott who are the appointed Employer's Agent for the New Homes and Regeneration Programme. As part of this role, Kendall Kingscott are required to administer the contract, undertake monthly valuations of work on site and provide monthly cost reports against the contract sum. They are therefore required to review and evaluate any EoT claims submitted during the contract and form their own assessment of the validity of the claim.
- 3.6 Kendall Kingscott reviewed the claims and set out two options for SDC's consideration.
 - 3.6.1 Option 1 was to take a contractual approach which would involve the exchanging of letters/information requesting detail to evidence each and every element of the claim, leading to the back and forth between parties as the information is challenged/questioned. Whilst this would essentially achieve a 'true' outcome, the cons to this scenario result in a protracted process, potentially litigious which will likely fracture the relationship with the contractor and potentially attract additional costs in legal fees.
 - 3.6.2 Option 2 was to reach a commercial agreement where both parties seek to agree a sum to settle upon in a collaborative manner. The benefits are a quicker agreed position, unlikely to be litigious, less dispute driven and relationships are likely to be maintained. The cons are that it is less focussed on extensive detailed evidence and based more on professional judgement.

It was agreed with the Strategic Director of Resources and senior officers that we would proceed with option 2 and reach a commercial settlement; on the basis that option 1 would be progressed if a satisfactory agreement could not be achieved.

- 3.7 Kendall Kingscott reached a settlement below the cost originally sought by the contractor and the impact of these additional costs will be reported in a future budget monitoring report.

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- 3.8 On final completion of the contract an outturn report will be presented to the Strategic Director of Resources and will be reported into Committee at budget monitoring. The New Homes & Regeneration team will also be undertaking a review of outcomes from the project to help strengthen contract management protocols and mitigation measures for delivery of future projects.

4.0 TRANCHE 2 & 3 SCHEME UPDATES

- 4.1 As detailed in section 2.1 tranches 2 and 3 will see the delivery of 65 new affordable homes. The performance of E.W. Beard has been monitored through the use of KPI's throughout the delivery of the tranche 1 sites. SDC are currently satisfied with the performance of the contractor and the intention is to deliver the tranche 2 sites through the existing DPS framework with E.W. Beard.
- 4.2 In order to realise the benefits of the framework, the detailed design stage will be progressed through a Pre-Contract Services Agreement (PCSA) in partnership with our appointed contractor. One of the many benefits of this preferred route is that the contractor will be addressing risks throughout the design stage and therefore exposure to costs associated with unknown risks will be reduced. It will also encourage a collaborative approach strengthening the partnership, encouraging innovation and building on lessons learnt in tranche 1.
- 4.3 As stated within section 2.3.1 of this report, the construction sector has seen a significant increase in build costs over the past year. In order to reduce risk to SDC, Kendall Kingscott undertook a review of the pre-tender estimates that were undertaken approximately 6+ months ago and were asked to apply the latest BCIS inflation percentages to see what impact this had on the viability of schemes. Across the four sites within tranche 2 it is likely that the cost of building the new homes will have increased by approximately £500k or more. It should be noted that these cost increases will not be exclusive to these four sites, but will likely be replicated across the entirety of the programme. There do appear to be signs of the market stabilising in the interim, though there may be additional impacts which are yet to be seen as a result of the conflict in Ukraine.
- 4.4 The following points will provide an update on the Tranche 2 and 3 sites.
- 4.4.1 Gloucester Street/Bradley Street, Wotton-Under-Edge - SDC secured planning permission for the construction of eight affordable homes for rent. The site includes four empty properties, two located on Gloucester Street and two on Bradley Street. The homes would have required significant investment to improve the standard of accommodation and during the exploration of options for the homes; an opportunity arose to provide additional new affordable housing on the site. SDC will be progressing this scheme with E.W. Beard through a PCSA and aim to start on site in late summer this year with completion anticipated in early Summer of 2023.
- 4.4.2 Orchard Road, Ebley - is a former garage site owned by SDC and planning permission has been secured to construct five new affordable homes for rent. The garages have been demolished; however, the site has not been fenced off due to rights of access to surrounding properties which need to be retained. SDC will be progressing this scheme with E.W. Beard through a PCSA alongside the Gloucester

Street/Bradley Street project and aim to start on site in late summer this year with a completion anticipated in Spring 2023.

- 4.4.3 Cambridge House, Dursley – is an existing sheltered housing scheme which is now empty. SDC have secured planning permission for thirteen new affordable homes for rent and plan to progress this site through a PCSA alongside the Glebelands scheme. It is hoped that a start on site can be achieved in late 2022 with a completion in Autumn 2023.
- 4.4.4 Glebelands, Cam - is an existing sheltered housing scheme which is now empty. SDC have submitted a planning application for twenty-three new affordable homes, to provide a mix of affordable rent and shared ownership. Subject to securing full planning consent, the intention is for this scheme to be progressed through a PCSA. SDC's appointed contractor will provide a programme setting out the key milestones, but it is hoped that a start on site can be achieved in early 2023 with a completion in Spring 2024.
- 4.4.5 Queens Drive, Cashes Green - is a former garage site owned by SDC. The site is fenced off ready for development. There are some access issues which need to be resolved before the scheme can be progressed further. Ward Councillors are aware of the proposals and will be consulted further as the plans progress.
- 4.4.6 Land adjacent to the A419 Canalside (previously known as the former Ship Inn Site) - Members will be aware that this site remains in the new build programme and that it was hoped that a further report on the future proposals for the site and wider area, which could include community facilities, would be brought back to the committee in the Spring. This was dependent on the co-operation of a private landowner, who is currently unwilling to discuss their site, so this is not possible.

Officers are continuing to review the options for the site and senior officers have contacted the Town Council to request a meeting to establish whether there are any alternative sites within Stonehouse which could be developed for affordable homes.

5.0 FUTURE PROGRAMME

- 5.1 SDC is keen to actively progress a number of pipeline projects to increase the delivery of more new council homes beyond the existing schemes outlined in sections 3 & 4. The Council has limited land opportunities remaining and so the Council has committed £3 million towards the acquisition of new development land to assist with future delivery including some of the sites identified in 5.3. SDC's Development Surveyors continue to review our existing estates including through the garage disposal programme and actively explore opportunities to acquire land for development which includes a regular review of the Brownfield Land Register.
- 5.2 The team work closely with the Housing Strategy team to identify opportunities for the delivery of new homes across the district. SDC have also joined the Gloucestershire Rural Housing Partnership (GRHP) to identify any rural housing opportunities through exception

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site policy. A few schemes have already been identified through the group and are being explored further by the team.

- 5.3 The key areas where future development opportunities are currently being considered are Dursley, Stinchcombe, Stone, Stonehouse, Uley & Whiteshill. This is not an exclusive list; new opportunities continue to arise and their suitability assessed for potential development.
- 5.4 The New Homes team will consult with Ward Councillors, Parish/Town Councils as opportunities arise to ensure they are aware of any new sites under consideration. Sites which are viable will be progressed through the feasibility stage and budget will need to be secured within the MTFP for the delivery of these sites. Housing Committee approvals will be sought at the relevant stage.

6.0 SUBSIDY AND FUNDING

- 6.1 Due to the very nature of developing affordable housing and rental income which is significantly below market levels, subsidy is required to support the delivery of new affordable housing.
- 6.2 SDC have developed a partnership with Homes England's Growth team to explore any opportunities for securing funding from the latest Affordable Homes Programme which would be secured through the Continuous Market Engagement (CME) route. Any opportunities for funding need to be considered alongside the need to use Right to Buy receipts and therefore discussions are undertaken alongside SDC's Accountancy Manager.
- 6.3 SDC were also successful in securing additional funding from the Brownfield Land Release Fund (BLRF) to support the infrastructure costs associated with developing brownfield land. Funding was secured for the four sites in tranche 2 to the value of £421k.

7.0 KEY RISKS TO DELIVERY OF THE PROGRAMME

- 7.1 New build sites generally have a large number of associated risks which can differ from site to site. The key risks to delivering the programme within the timescales are:
 - 7.1.1 Failure to obtain planning permission – delays are currently being experienced due to the slow response from statutory bodies.
 - 7.1.2 Increasing build costs in addition to supply of labour and materials.
 - 7.1.3 Unknown ground conditions which affect the drainage strategy/costs to deliver the site.
 - 7.1.4 Legal agreements and statutory authorities such as utility suppliers.
 - 7.1.5 Ecology (including surveys which are time specific, and any associated licences which may be required from Natural England).

7.2 The team are aware of these risks and seek to actively manage them throughout the duration of the project, though sometimes they can be beyond the Council's control.

8.0 CONCLUSION

8.1 Committee are requested to note the update on the New Homes Programme which includes an update on the Extension of Time Claims received at Ringfield Close, Nailsworth, Summersfield Road, Minchinhampton and Broadfield Road, Eastington. Committee are also requested to note the update on the Tranche 2 and 3 schemes and future programme.

9. IMPLICATIONS

9.1 Financial Implications

Costs associated with the building of new homes will continue to be monitored against the budget approved in the MTFP and reported within the Housing Committee report.

Additional funding will be sought through the Homes England's Growth team via the latest Affordable Homes Programme and the Brownfield Land Release Fund (BLRF).

Jon Coldridge, Principal Accountant

Tel: 01453 754030 Email: jon.coldridge@stroud.gov.uk

9.2 Legal Implications

There are no significant implications within this category.

One Legal

Tel: 01684 272691 E-mail: legalservies@onelegal.org.uk

9.3 Equality Implications

There are not any specific changes to service delivery proposed within this decision.

9.4 Environmental Implications

The following sets out details of significant implications identified by officers:

The specification for SDC's new homes aims to achieve a minimum SAP rating of 86 resulting in an EPC B rating. As set out in 3.1.2 SDC achieved a much higher SAP rating at the new homes at Summersfield Road and it is hoped that this will be replicated across the programme. This is a significant step towards meeting the targets set in SDC's Carbon Neutral 2030 Strategy and we will continue to work with contractors to develop ways of meeting our 2030 Stretch goals. The specification of our new homes is above Building Regulations standard and complies with Local Plan policy.

Some of the features which have been included within the specification to support the environmental aspects are: the inclusion of air source heat pumps; recyclable kitchens; and ecological enhancements, including bird/bat boxes, bug hotels and hedgehog holes in all fencing.

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New Homes & Regeneration Programme

Key Project Milestones	Feasibility/Legal/Design/Pre-Planning Consultation/Surveys	Planning Submission & Determination	Detailed Design/Procurement/Mobilisation/Discharge Planning Conditions	Start on Site & Construction	Practical Completion
Summersfield Road	Complete	Complete	Complete	Complete	Complete
Broadfield Road	Complete	Complete	Complete	Mar-21	Apr-22
Ringfield Close	Complete	Complete	Complete	Jan-21	May-22
Gloucester Street/Bradley Street	Complete	Complete	In Progress	Aug-22	Jul-23
Orchard Road	Complete	Complete	In Progress	Aug-22	May-23
Cambridge House	Complete	Complete	In Progress	Nov-22	Oct-23
Glebelands	Complete	Determination due Apr-22	Detailed design will commence when planning permission secured	Jan-23	Apr-24
Queens Drive	Legal issues regarding access to the site are currently delaying progress - delivery forecast towards the end of the programme in 2024/25				
Land Adjacent to Canalside A419 (formerly known as the former Ship Inn)	Officers are continuing to reiew options for the site - delivery forecast towards the end of the programme in 2024/25				

Proposed Mix of Units	Affordable Rent	Shared Ownership	Older Person's Shared Ownership	Total No of Units	Total No of Persons
Summersfield Road	4 x 1 bed 2 person flat 2 x 2 bed 4 person house 1 x 3 bed 5 person house (Total 7)	0	0	7	21
Broadfield Road	7 x 1 bed 2 person bungalow 2 x 2 bed 3 person bungalow (Total 9)	0	0	9	20
Ringfield Close	4 x 1 bed 2 person flat 7 x 2 bed 4 person house 4 x 3 bed 5 person house (Total 15)	1 x 2 bed 4 person house 2 x 3 bed 5 person house (Total 3)	2 x 2 bed 3 person bungalow (Total 2)	20	76
Gloucester Street/Bradley Street	5 x 2 bed 4 person house 3 x 3 bed 5 person house (Total 8)	0	0	8	35
Orchard Road	2 x 1 bed 2 person flat 2 x 2 bed 4 person house 1 x 3 bed 5 person house (Total 5)	0	0	5	17
Cambridge House	6 x 2 bed 4 person house 7 x 3 bed 5 person house (Total 13)	0	0	13	59
Glebelands	6 x 1 bed 2 person flat 8 x 2 bed 3 person flat 6 x 2 bed 4 person house 1 x 3 bed 5 person house (Total 18)	3 x 2 bed 4 person house 2 x 3 bed 5 person house (Total 5)	0	23	87
Queens Drive	2 x 1 bed 2 person flat 2 x 2 bed 4 person house 3 x 3 bed 5 person house (Total 7)	0	0	7	27
Former Ship Inn	2 x 1 bed 2 person flat 3 x 2 bed 4 person house 1 x 3 bed 5 person house (Total 6)	2 x 2 bed 4 person house 1 x 3 bed 5 person house (Total 3)	0	9	34
Totals	88	11	2	101	376

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STROUD DISTRICT COUNCIL

HOUSING COMMITTEE

TUESDAY, 5 APRIL 2022

Report Title	Revised Civil and Financial Penalties Policies			
Purpose of Report	To update the Council's policies in relation to the issuing of civil and financial penalties with regard to certain offences in the private housing sector.			
Decision(s)	<p>The Committee RESOLVES to:</p> <p>a) Adopt the revised Policy on the Implementation of Financial Penalties for Certain Housing Offences Attached in Appendix 1; and</p> <p>b) Adopt the Electrical Safety Standards Policy attached in Appendix 2;</p> <p>c) Adopt the Redress Schemes for Lettings Agency Work and Property Management Work Policy Attached in Appendix 3; and</p> <p>d) Adopt the revised Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Policy attached at Appendix 4</p>			
Consultation and Feedback	None			
Report Author	Maria Hickman, Housing Renewal Manager Email: maria.hickman@stroud.gov.uk			
Options	If SDC does not have an up to date policy in place then civil and financial penalties cannot be applied.			
Background Papers	None			
Appendices	Appendix 1 – Policy on the Implementation of Financial Penalties for Certain Housing Offences Appendix 2 – Electrical Safety Standards Policy Appendix 3 – Redress Schemes for Lettings Agency Work and Property Management Work Policy Appendix 4 – Policy and Statement of Principles for Determining Financial Penalties the Smoke and Carbon Monoxide Alarm (England) Regulations 2015			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	Yes	No	No

1. BACKGROUND

- 1.1 In 2018 the Council adopted a Gloucestershire wide policy to implement new powers introduced under the Housing & Planning Act 2016 to allow financial penalties to be issued to landlords and letting and managing agents where there is a breach of duty under the relevant legislation. Known as Penalty Charges, a single breach could attract a financial penalty of up to £30,000 depending on the particular circumstances.

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- 1.2 In 2014 the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order was introduced. The Order made it a legal requirement for all lettings and property managers in England to belong to a government redress Scheme. Failure to comply with the requirement to belong to a Government approved redress scheme can attract a financial penalty of up to £5,000 which is issued by the relevant Local Authority.
- 1.3 In 2018 the Council adopted a policy and statement of principles for determining financial penalties against landlords and letting agents under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. The regulations required private sector landlords to ensure that their properties contain a smoke alarm on each floor of the building and a carbon monoxide alarm where there is solid fuel heating. Where a landlord is in breach of these regulations the Council can issue a financial penalty of up to £5,000.

2. MAIN POINTS

- 2.1 It has been some time since these financial penalty policies have been updated and several changes have occurred which now need to be incorporated.
- 2.2 Additional powers were introduced within the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. The Regulations set out a number of duties for private landlords in relation to electrical installations in rented properties and imposes duties on both the Local Authority and landlord with regards to remedial notices. When a Local Authority is satisfied that a private landlord has breached one of the duties set out in the regulation, a financial penalty can be applied.
- 2.3 The maximum financial penalty that can be applied is £30,000.
- 2.4 Therefore, in order for the Council to be able to apply electrical safety standard financial penalties the current Financial Penalties policy must be amended to include these regulations. Appendix 1 attached to this report is a recommended revised version of the civil penalties policy with the changes highlighted in yellow.
- 2.5 Since the introduction of the civil penalties policy best practice now recommends the offer of a discount to encourage prompt payment of penalties. Paragraph 39 of the policy in Appendix 1 highlighted in yellow introduces such a discount scheme.
- 2.6 Appendix 2 is a policy recommended for adoption outlining the procedure the Council will follow when enforcing the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
- 2.7 The Council has not adopted a policy with regard to the Redress Schemes for Lettings Agency Work and Property Management Work (..) (England) Order 2014 as this is a duty for Trading Standards Officers to enforce but only a power for Environmental Health Officers. In reviewing the current financial penalties policy consideration has been given to incorporating this into the financial penalties policy. It is particularly timely as Nationally Trading Standards are offering to share intelligence with Local Authorities to improve detection of unregistered agencies.
- 2.8 Appendix 3 is a policy recommended for adoption with regard to the implementation of the Redress Schemes Order and the application of financial penalties.
- 2.9 As part of this review of financial penalties, the policy and statement of principles with regard to implementation of financial penalties under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 has also been reviewed.

- 2.10 When the regulations and policy were first introduced generous discounts of 50% were offered for prompt payment of fines. Given the length of time that this requirement has now been in place, all landlords should now be aware of the requirement for this essential safety equipment. Given that failure to comply could lead to the death of the occupying tenants, it is recommended that such generous discounts are reduced.
- 2.11 A 20% discount is still recommended for a first offence to encourage prompt payment. Appendix 4 contains the Smoke and Carbon Monoxide Regulations policy with these recommended changes highlighted in yellow.
- 2.12 The Council will continue to support and encourage the private rented sector in the district, with advice, assistance and signposting to ensure improvements. We will consider each case on its merits in line with our enforcement policy, the regulators compliance code and the evidence available, so as to take the appropriate enforcement action be it informal, financial penalty, simple caution or prosecution.
- 2.13 This informal approach does mean that to date no financial penalties have been issued under the current policies. However, having these updated policies in place will enable the Council to take the more punitive action of financial penalties where other options have failed.

3. CONCLUSION

- 3.1 The Council will continue to work to support the private rented sector but where appropriate the adoption of these policies will enable financial penalties to be applied in accordance with our enforcement policy and the evidence available.

4. IMPLICATIONS

4.1 Financial Implications

There are no significant financial implication arising directly from this report.

Any penalty income imposed would only come to fruition if alternative avenues of assistance and compliance have failed.

Jon Coldridge, Principal Accountant

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4.2 Legal Implications

The report above sets out details of significant implications in *Section 2*. Through the use of financial penalties, Local Authorities have been tasked with regulating the private rented sector and these penalties should be used as a means to do so.

Rachael Baldwin, Lawyer

Tel: 01684 272694 Email: rachael.baldwin@onelegal.org.uk

4.3 Equality Implications

There are not any specific changes to service delivery proposed within this decision.

4.4 Environmental Implications

There are no significant implications within this category.

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GLOUCESTERSHIRE

Policy on the Implementation of Financial Penalties for Certain Housing Offences

Background

1. Civil Penalties were introduced by the Housing and Planning Act 2016 under Section 126 and Schedule 9 of that Act. The powers enable Local Authorities to impose Civil Penalties of up to £30,000 in respect of the following offences:
 - a) Failure to Comply with an Improvement Notice under Section 30 of the Housing Act 2004;
 - b) Offences relating to Licensing of HMOs under Section 72 of the Housing Act 2004;
 - i Section 72 (1) being in control or managing an HMO which is required to be licensed but is not so licensed;
 - ii Section 72 (2) being in control or managing an HMO which is licensed but knowingly permitting occupation over and above the number authorised by the licence;
 - iii Section 72 (3) being a licence holder who fails to comply with any condition of a licence.
 - c) Offences in relation to Licensing of Houses under Part 3 of the Act (Selective Licensing);
 - i Section 95 (1) being in control or managing a house which is required to be licensed but is not so licensed;
 - ii Section 95 (2) being a licence holder who fails to comply with any condition of a license.
 - d) Contravention of an overcrowding notice under Section 139 of the Housing Act 2004;
 - e) Failure to comply with management regulations in respect of HMOs under Section 234 of the Housing Act 2004.
2. Statutory guidance has been issued by the Secretary of State under s23(10) and Schedules 1- 9 of the Housing and Planning Act 2016. Local Authorities must have regard to this when exercising its functions in respect of civil penalties.
3. Additional powers were introduced within the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 which imposes penalties of up to £30,000 for a breach of a duty under regulation 3 of the regulations which set out the duties of a private landlord in relation to electrical safety.

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4. The maximum penalty that can be set is £30,000. A minimum penalty level has not been set and the appropriate amount of penalty is to be determined by the Local Housing Authority. Only one penalty can be imposed in respect of the same offence.

Decision making

5. Ultimately, it is for the Local Authority to decide which option it wishes to pursue but as a general principle, local authorities should normally prosecute where an offence is particularly serious or where the offender has committed similar offences in the past.
6. Prosecution in serious cases demonstrates that the Local Authority will not hesitate to take formal action where needed and is likely to act as a strong deterrent both to the offender and other rogue landlords. A prosecution also enables the Local Authority to apply for a banning order following a successful conviction.
7. All Gloucestershire Councils have adopted an enforcement matrix developed by Oxford City Council which is used to determine the most appropriate course of action in enforcement cases. The principle of the enforcement matrix is to provide a score based on a number of factors, both negative and positive. Bands are provided to reflect the score produced and the appropriate courses of action for dealing with the identified situation.

Bands	Score	Recommended Action
1	Plus to minus 10	Advisory letters Invitation to Landlord events Charge confidence in management revisit fee
2	Minus 11 to minus 30	Revoke accreditation Informal letter Charge confidence in management revisit fee
3	Minus 31 to minus 40	Commence investigation Serve Section 16 and 235 notices Revoke accreditation Consider revoking licence Formal action
4	Greater than minus 41	Formal action

8. The enforcement matrix provides guidance to officers carrying out investigations and ensures that enforcement is being carried out in a fair, proportionate and consistent way.

Factors in determining penalty levels

10. Clearly, a single level penalty will not be appropriate in all cases and when assessing the level of penalty to be imposed it is expected that the maximum amount would be reserved for the worst offenders. The actual amount levied should reflect the severity of the case and local authorities should have regard to the following.
 - a) The seriousness of the offence

- i The more serious the offence, the more likely it is that prosecution will be the more appropriate course of action
- b) Culpability of the landlord – Factors to take into account when determining the culpability include where the offender –
 - i Has the **intention** to cause harm, the highest culpability where an offence is planned.
 - ii Is **reckless** as to whether harm is caused, i.e. the offender appreciates at least some harm would be caused but proceeds giving no thought to the consequences, even though the extent of the risk would be obvious to most people.
 - iii Has **knowledge** of the specific risks entailed by his actions even though he does not intend to cause the harm that results.
 - iv Is **negligent in their actions**.

Examples of Culpability

High (Deliberate Act)	Intentional breach by landlord or property agent or flagrant disregard for the law, i.e. failure to comply with a correctly served improvement notice
High (Reckless Act)	Actual foresight of, or willful blindness to, risk of offending but risks nevertheless taken by the landlord or property agent; for example, failure to comply with HMO Management Regulations
Medium (Negligent Act)	Failure of the landlord or property agent to take reasonable care to put in place and enforce proper systems for avoiding commission of the offence; for example, part compliance with a schedule of works, but failure to fully complete all schedule items within notice timescale.
Low (Low or no culpability)	Offence committed with little or no fault on the part of the landlord or property agent; for example, obstruction by tenant to allow contractor access, damage caused by tenants

- c) Harm or potential for harm

In determining the level of harm the Local Housing Authority will have regard to:

- i The person: i.e. physical injury, damage to health, psychological distress
- ii To the community; i.e. economic loss, harm to public health
- iii Other types of harm; i.e. public concern/feeling over the impact of poor housing condition on the local neighbourhood

- 11. The nature of the harm will depend on the personal characteristics and circumstances of the victim, e.g. tenant.
- 12. Where no actual harm has resulted from the offence, the Local Housing Authority will consider the relative danger that persons have been exposed to as a result of the offender’s conduct, the likelihood of harm occurring and the gravity of harm that could have resulted.
- 13. Factors that indicate a higher degree of harm include:

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- i Multiple victims
- ii Especially serious or psychological effect on the victim
- iii Victim is particularly vulnerable

Examples of Harm Categories

High	Defect(s) giving rise to the offence poses a serious and substantial risk of harm to the occupants and/or visitors; for example, danger of electrocution, carbon monoxide poisoning or serious fire safety risk.
Medium	Defect(s) giving rise to the offence poses a serious risk of harm to the occupants and/or visitors; for example, falls between levels, excess cold, asbestos exposure.
Low	Defect(s) giving rise to the offence poses a risk of harm to the occupants and/or visitors; for example, localised damp and mould, entry by intruders.

Rationale for Action

14. Punishment of the offender

- a) A Civil Penalty should not be regarded as an easy or lesser option compared to prosecution.
- b) The penalty should be proportionate and reflect the severity of the offence.
- c) The penalty should be set high enough to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.

15. Deter the offender from repeating the offence

- a) The ultimate goal is to prevent further offending and help ensure the landlord fully complies with all their legal responsibilities in future.
- b) The level of penalty should be set at a high enough level to deter repeat offending.

18. Deter others from committing similar offences

- a) Important part of deterrence is the realisation that the Council is proactive in levying Civil Penalties where the need exists and that the level of Civil Penalty will be set high enough to punish the offender and deter repeat offending.

19. Remove any financial benefit the offender may have obtained as a result of committing the offence.

- a) Ensure that the offender does not benefit as a result of committing an offence i.e. it should not be cheaper to offend than to ensure a property is well maintained and managed.

Determining the amount of Civil Penalty

20. The Council has adopted a spreadsheet developed by Oxford City Council for assessing the level of Civil Penalty that should be charged when offences have been committed and highlighted through the enforcement matrix as appropriate for a Civil Penalty.

21. The idea of the spreadsheet is that it takes into account all elements set out in guidance provided by DCLG and the approach the Council adopts through its enforcement policy and procedures.

22. The table below sets out the interrelation between harm and culpability as a determinant of the Civil Penalty banding.

Low Culpability/High Harm Band 4	Medium Culpability/High Harm Band 5	High Culpability/High Harm Band 6
Low Culpability/Medium Harm Band 3	Medium Culpability/Medium Harm Band 4	High Culpability/Medium Harm Band 5
Low Culpability/Low Harm Band 1	Medium Culpability/Low Harm Band 2	High Culpability/Low Harm Band 3

23. The assumed starting point (ASP) in each band will be the mid-point, i.e. for Band 3 the mid-point will be £12,500.

Band 1 = £0 to £4,999 Assumed Starting Point of £2,500	Low Culpability/Low Harm
Band 2 = £5,000 to £9,999 Assumed Starting Point of £7,500	Medium Culpability/Low Harm
Band 3 = £10,000 to £14,999 Assumed Starting Point of £12,500	Low Culpability/Medium Harm OR High Culpability/Low Harm
Band 4 = £15,000 to £19,999 Assumed Starting Point of £17,500	Low Culpability/High Harm OR Medium Culpability/Medium Harm
Band 5 = £20,000 to £24,999 Assumed Starting Point of £22,500	Medium Culpability/High Harm OR High Culpability/Medium Harm
Band 6 = £25,000 to £30,000 Assumed Starting Point of £27,500	High Culpability/High Harm

24. This approach ensures that the assessment of the level of Civil Penalty reflects the factors to be considered in the statutory guidance provided by the Secretary of State and takes into account the requirement to determine the appropriate sanction by using the score produced by the enforcement matrix as a guiding principle.

Aggravating Factors

25. The penalty may be increased by £1,000 for each aggravating factor up to a maximum of the top of the band level determined above.

26. In order to determine the final penalty, the Council will consider any aggravating factors relevant to the case.

27. Below is a list which will be considered as part of the determination. This is not an exhaustive list and other factors may be considered depending on the circumstances of each case.

- Previous convictions having regard to the offence to which applies and time elapsed since the offence
- Motivated by financial gain
- Obstruction of the investigation

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- Deliberate concealment of the activity/evidence
- Number of items of non-compliance – greater the number the greater the potential aggravating factor
- Record of non-compliance
- Record of letting substandard accommodation
- Record of poor management/ inadequate management provision
- Lack of a tenancy agreement/rent paid in cash
- Already a member of an accreditation scheme or letting standard – so should know better

Mitigating Factors

28. The penalty may be decreased by £1,000 for each mitigating factor to a minimum of the bottom of the band level determined above.

29. In order to determine the final penalty the Council will consider any mitigating factors relevant to the case.

30. Below is a list which will be considered as part of the determination. This is not an exhaustive list and other factors may be considered depending on the circumstances of each case.

- Co-operation with the investigation
- Voluntary steps taken to address issues e.g. submits a licence application
- Willingness to undertake training
- Willingness to partake in the Gloucestershire Fit To Rent landlord accreditation scheme
- Evidence of health reasons preventing reasonable compliance – mental health, unforeseen health issues, emergency health concerns
- No previous convictions
- Vulnerable individual(s) where their vulnerability is linked to the commission of the offence.
- Good character and/or exemplary conduct

31. When considering aggravating and mitigating factors the Civil Penalty imposed must remain proportionate to the offence.

32. Reference will be made to Magistrates Court Sentencing Council guidelines when considering relevant aggravating and mitigating factors.

33. An offender will be assumed to be able to pay a penalty up to the maximum amount unless they can demonstrate otherwise.

Civil Penalties – Multiple Offences

34. Where the Local Housing Authority are satisfied that more than one offence is being committed concurrently in respect of a single property, they may issue multiple Civil Penalty notices, (for example, where there are multiple breaches of the HMO Management Regulations).

35. However, where satisfied on the merits of the case and/or where the authority considers that issuing multiple penalties at the same time would result in an excessive cumulative

penalty, nothing in this policy shall require the authority to do that. The authority may take action in respect of one or some of the offences and warn the offender that future action in respect of the remaining offences will be taken if they continue.

Maximum Levels

36. The Council takes the enforcement of housing conditions in the Private Rented Sector extremely seriously and proactively pursues enforcement action where it is considered to be necessary and appropriate.
37. There may be circumstances when the Council is dealing with offences that it considers will warrant a maximum penalty.

Recording of the decision

38. A record of each decision and the reasons for the financial penalty will be made and how the amount of the penalty was obtained and the reasons for imposing it.

Discount

39. To encourage prompt payment of penalties (within 28 days) a discount will be offered as follows:-

Penalty Range	Discount
Up to £10,000	10%
£10,000 to £20,000	15%
£20,000 to £30,000	20%

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

2020 Policy

Scope

These regulations are designed to ensure the safety of the fixed electrical installation within private rented properties within England and provide additional powers to local housing authorities (LHAs) to enforce the requirements of the regulations.

Legislation

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

Summary

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (ESSPRS) came into force on 1 June 2020 (although the requirements apply to new tenancies from 1 July 2020 and existing tenancies from 1 April 2021). The regulations are designed to ensure electrical safety within the private rented sector in England by requiring landlords to have the fixed electrical installation within rented properties inspected at least every five years.

General Procedures

1. A private landlord (as defined in section 122(6) of the Housing and Planning Act 2016) who grants or intends to grant a specified tenancy must ensure that the fixed electrical installation is safe during the period of the tenancy.
2. A specified tenancy is one that:
 - a. Grants one or more persons the right to occupy all or part of the premises as their only or main residence
 - b. Provides for the payment of rent (whether at market value or not)
 - c. Is not an excluded tenancy.
3. The ESSPRS Regulations apply to HMOs (where they meet the foregoing requirements) and the requirements relating to electrical safety in the Houses in Multiple Occupation (England) Regulations 2006 have been repealed. Where HMOs are licensable, then a new mandatory condition is required on the licence relating to the safety and testing of the electrical installation.
4. The ESSPRS Regulations also apply to additional licensing schemes (Part 2) and licensable houses situated in designated landlord licensing areas (Part 3). Schedule 4 of the Housing Act 2004 has been amended to include a new mandatory condition required on a licence relating to the safety and testing of the electrical installation.
5. Excluded tenancies are:
 - a. Tenancies where the landlord is a registered social landlord
 - b. Where the tenant shares the property or part with the landlord or a member of the landlord's family

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Appendix 2

- c. Long leases of seven years or more
- d. Student halls of residence
- e. Hostels and refuges
- f. Care homes
- g. Hospitals, hospices and other healthcare-related accommodation.

Duties of a landlord (section 3)

6. For new, specified tenancies granted or intended to be granted on or after 1 July 2020, the electrical installation must be inspected before the tenancy begins, and for existing tenancies the first inspection must take place before 1 April 2021.

7. Once the first inspection has been undertaken, a repeat inspection is required at least every five years but sooner if the inspection report recommends a lesser period (where it must be within that lesser period).

8. Each inspection examines the installation against the electrical safety standard laid down in the 18th Edition of the Wiring Regulations and reports against this standard.

9. The person undertaking the inspection of the installation must be competent and be part of the electrical safety industry competent-person scheme. The person undertaking the inspection will certify their competence as part of the issue of the inspection certificate.

10. Where an existing inspection certificate is available (which is not more than five years old), as the property is a new build or the electrical installation has been renewed, then this can be relied upon (until the five years expires).

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

- a. Safe and no further action is required
- b. 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
- c. The installation poses a potential danger (Code 2 (C2))
- d. Further investigation is required without delay (FI)
- e. Improvement to the installation is recommended (Code 3 (C3)); however this is not sufficient to deem the installation as unsatisfactory.

12. 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.

13. A copy of the inspection certificate must be provided by the landlord to:

- a. Each existing tenant within 28 days of the inspection
- b. A new tenant before they occupy the property, or
- c. A prospective tenant within 28 days of receiving a request for the report
- d. The LHA within seven days of receiving a Notice requesting a copy of the Electrical Safety Inspection Certificate in writing.

14. A copy of the report must be kept by the landlord until the next report is due; then a copy of the existing report should be provided to the person undertaking the next inspection.

15. Where work is required, this should be completed within 28 days or a shorter period where the inspection certificate requires this.

16. Where the work undertaken reveals further issues that require either further remedial work or further investigation, this should be addressed within a further period of 28 days (or shorter period, where this is required).

17. The person completing the works should supply the landlord with a confirmation that the works have been completed (so the installation is now safe) or further work/investigation is needed. The landlord must provide a copy of this confirmation together with the original inspection certificate to each tenant and to the LHA within 28 days of the work being undertaken.

18. Where further work or investigation is required, the requirements to complete work and provide the necessary confirmation are repeated (as per the original inspection).

Duties of an LHA (Section 4)

19. Where the LHA believes that the landlord has breached one or more of their duties under:
- a. Regulation 3(1)(a) – electrical safety standards have not been met during the period of a tenancy, or
 - b. Regulation 3(1)(b) – that the electrical installation has not been inspected at regular intervals (5 years or shorter as required), or
 - c. Regulation 3(1)(c) – that the first inspection was carried out before the tenancy began (for new tenancies) or by 1st April 2021 (for existing tenancies), or
 - d. Regulation 3(4) – that remedial or investigative work was required to the electrical system and that this was not undertaken within 28 days (or a shorter period where required), or
 - e. Regulation 3(6) – that remedial or investigative work was required to the electrical system as a result of further investigations and that this was not undertaken within 28 days (or a shorter period where required) of the further investigations; and
 - f. The most recent inspection report does not indicate that urgent remedial action is required

then the LHA must serve a remedial notice on the landlord within 21 days of deciding that it has reasonable grounds for service.

Remedial notice

20. The remedial notice must:

- a. Specify the premises to which the notice relates
- b. Specify the duty or duties that the LHA considers have been breached
- c. Specify the remedial action required
- d. Require the action to be taken within 28 days of service
- e. Explain that the landlord is able to make representations in relation to the notice within 21 days of service and the process for doing this
- f. Set out the address and contact details for the receipt of representations, and
- g. Explain the penalties (including the potential maximum penalty) that may result from non-compliance.

21. If the landlord makes written representations, then the notice is suspended until the representations have been considered. The LHA must consider any representations and confirm that outcome of those considerations within seven days of the end of the period specified in paragraph 20e (above).

22. The outcome of the considerations may be one of the following:

- a. Withdrawal of the remediation notice
- b. To confirm the notice and lift the suspension on the notice.

23. The outcome of the considerations should be provided in writing.

Duties of a landlord to comply with a remedial notice (section 5)

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Appendix 2

24. 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. Where the landlord (or electrician) has tried to gain access to the property to undertake the work and the tenant has prevented this, then this may be considered to be reasonable steps.

25. If a landlord makes representations and the notice is confirmed, works must be completed within 21 days from when the landlord is told the remedial notice has been confirmed.

26. Where a landlord fails to comply with a remedial notice, they may be subject to a financial penalty, and the LHA will need to apply its financial penalty policy to the facts of the case to determine whether a penalty is justified and the extent of that penalty (if applicable). The imposition of a financial penalty is a two-stage process. The first stage is to issue a notice of intention with a period (28 days) for the receipt of representations. The second stage, having taken into account any representations, is to issue the financial penalty (assuming that it is still appropriate to do so).

Power of LHA to arrange remedial action (section 6) **Notice of intention to take remedial action**

27. Failure to comply with a remedial notice also allows the LHA to undertake remedial works in default, with the consent of the tenants. Before doing so, the LHA must be satisfied on the balance of probability that there has been a breach of the remedial notice.

28. Before undertaking such works, the LHA must serve a notice of intention to take remedial action (NIRA) on the landlord. The NIRA must:

- a. Specify the premises where the remedial work is to be undertaken
- b. Describe the nature of the proposed remedial work
- c. Detail the legal power that is being used to pursue the work
- d. Specify the date when the work will be undertaken
- e. Give information on the right of appeal against the decision to do the work.

29. The tenants must be given at least 48 hours' notice of the remedial works, and the electrician should be provided with evidence of identity and authority to carry out the work.

Appeals (section 7)

30. A landlord may appeal against a NIRA to the First-tier Tribunal within 28 days of service (although the tribunal may allow appeals outside of this time period where there is a good reason). The basis of the appeal can be that reasonable steps have been taken to comply or reasonable progress has been made before the NIRA was served.

31. An appeal suspends the NIRA until the appeal has been determined. The tribunal may affirm, vary or quash the NIRA.

32. The remedial works must be undertaken within 28 days from either the end of the appeal period or, if an appeal is made, once the appeal has been determined (as long as it supports the notice).

Recovery of costs by the LHA (section 8)

33. The LHA may recover costs relating to works undertaken in accordance with the NIRA. A demand must be issued with details of the costs being recovered and this money becomes payable after 21 days from the day of issue, unless an appeal is submitted.

Appeals against recovery of costs (section 9)

34. An appeal can be made to the First-tier Tribunal within 21 days of the date of issue (although later appeals may be allowed – see above). The basis of the appeal can be that reasonable steps have been taken to comply with the remedial notice, or reasonable progress has been made towards compliance before the NIRA was served. An appeal against a demand cannot be used to raise issues that should have been raised in an appeal against the remedial notice. The tribunal can confirm, quash or vary the decision to recover the costs.

Urgent remedial action (section 10)

35. Where an electrical report indicates that urgent action is required and the LHA 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 and the electrician should be provided with evidence of identity and authority.

36. The LHA must issue an urgent remedial action notice (URAN) either prior to or up to seven days from the date when the remedial action commences. A copy of the URAN must be served on the landlord and either all known residents of the premises or affixed in a conspicuous position at the premises.

37. The URAN must explain:

- a. The nature of the urgent remedial action required
- b. The premises where the urgent work is to or has been taken
- c. The power being used to justify the urgent work
- d. The date when the urgent work is or has been started
- e. The right of appeal
- f. The appeal period
- g. The provisions relating to the issue of financial penalties.

38. A landlord may appeal against a URAN to the First-tier Tribunal within 28 days of either the date that the work was started or was planned to start (whichever was the first date). A URAN is not suspended on appeal.

39. An LHA can recover the costs associated with a URAN in the same way as with a NIRA.

Power of Entry

40. Powers provided under section 239 of the Housing Act 2004.

41. In accordance with section 11 of the regulations, where the Local Authority is satisfied beyond reasonable doubt that the landlords has breached a duty under regulation 3, the authority may impose a fine of up to £30,000 in accordance with its financial penalties policy.

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Redress Schemes for Lettings Agency Work and Property Management Work Policy

Introduction

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 made it a legal requirement for all lettings agents and property managers in England to join a Government-approved redress schemes by 1 October 2014, which is required to publish a list of their members on their websites.

This means that tenants, prospective tenants, landlords dealing with lettings agents in the private rented sector; as well as leaseholders and freeholders dealing with property managers in the residential sector can complain to an independent person about the service received. This makes it easier for tenants and landlords to complain about bad service and prevent disputes escalating.

Stroud District Council is an enforcement authority under the Order with the power to act.

LETTINGS AGENTS

‘Lettings agency work’ is defined in the [Enterprise and Regulatory Reform Act 2013](#) as things done by an agent, in the course of a business, in response to instructions from:

- a private rented sector landlord who wants to find a tenant: or
- a tenant who wants to find a property in the private rented sector.

It applies where the tenancy is an assured tenancy under the Housing Act 1988 except where the landlord is a private registered provider of social housing or the tenancy is a long lease.

In the Act, lettings agency work does not include the following things when done by a person who only does these things:

- publishing advertisements or providing information;
- providing a way for landlords or tenants to make direct contact with each other in response to an advertisement or information provided; and
- providing a way for landlords or tenants to continue to communicate directly with each other.

All “high street” and web based letting agents, and other organisations, including charities, which carry out lettings agency or property management work in the course of a business are subject to the duty to belong to an approved redress scheme.

The following are excluded from the requirement to belong to a redress scheme:

- A local authority

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- Employers who find homes for their employers or contractors
- Higher and further education establishments
- Legal professionals

PROPERTY MANAGEMENT

In the Enterprise and Regulatory Reform Act 2013, property management work means things done by a person in the course of a business in response to instructions from another person who wants to arrange services, repairs, maintenance, improvement, or insurance or to deal with any other aspect of the management of residential premises.

It does not include things done by registered providers of social housing.

For there to be property management work, the premises must consist of, or contain:

- a) a dwelling-house let under a long lease - "long lease" includes leases granted for more than 21 years, leases granted under the right to buy, and shared ownership leases;
- b) an assured tenancy under the Housing Act 1988; or
- c) a protected tenancy under the Rent Act 1977.

Property management work would arise where a landlord instructed an agent to manage a house let to a tenant in the private rented sector. It would also arise where one person instructs another to manage a block of flats (often with responsibility for the common areas, corridors, stairwells etc.) that contains flats let under a long lease or let to assured or protected tenants.

The legislation applies to people who in the course of their business manage properties, for example, high street and web based agents, agents managing leasehold blocks and other organisations who manage property on behalf of the landlord or freeholder.

The following are excluded from the requirement to belong to a redress scheme;

- Managers of commonhold land even if one of the units is subsequently let on an assured tenancy.
- Managers of student accommodation
- Managers of refuge homes
- Receivers and insolvency practitioners
- Other authorities
- Right to Manage companies who have taken direct management of their block of flats from the landlord.
- Legal professionals
- Managers instructed by local authorities and social landlords
- Head tenant as a manager where a leaseholder receives a reduced service charge in exchange for maintenance work around the property for example gardening in a

block of flats, or cleaning and maintains common areas such as stairwells, car parks and corridors.

Landlords are not explicitly excluded by the Order but are not generally caught by the Enterprise and Regulatory Reform Act as they are not acting on instructions from another party.

Resident management companies are not explicitly excluded by the Order although, in many cases, these are not caught by the Enterprise and Regulatory Reform Act 2013. Resident management companies can arise in different circumstances, but where the residents' management company owns the freehold and manages the block itself there is no requirement for the company to join a redress scheme. This is because, under the definition in the Act, property management work only arises where one person instructs another person to manage the premises and, in this case, the person who owns the block (and is responsible for its management) and the person managing the block are one and the same.

Likewise, where a resident management company does not own the freehold but is set up and run by the residents and manages the premises on behalf of the residents this would also be excluded as the work is only in respect of the residents' own premises and would not be operating in the normal course of business.

in the course of business

The requirement to belong to a redress scheme only applies to agents carrying out lettings or property management work 'in the course of business'. The requirement will therefore not apply to 'informal' arrangements where a person is helping out rather than being paid for a role which is their usual line of work. Some examples of 'informal arrangements' which would not come under the definition of 'in the course of business' are set out below:

- someone looking after the letting or management of a rented property or properties on behalf of a family member or friend who owns the property/properties, where the person is helping out and doesn't get paid or only gets a small thank you gift of minimal value;
- a friend who helps a landlord with the maintenance or decoration of their rented properties on an ad hoc basis;
- a person who works as a handyman or decorator who is employed by a landlord to repair or decorate their rented property or properties when needed;
- a landlord who occasionally looks after a friend's property or properties whilst they are away and doesn't get paid for it;
- a joint landlord who manages the property or properties on behalf of the other joint landlords.

When deciding what could be considered an 'informal arrangement' is whether the person doing the letting or property management work is offering their services to genuinely helping out a friend or acquaintance, instead of being paid for their services.

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The Order does not exclude charitable organisations because any charity that is not operating as a business will already be exempt from the requirement, Charities which find accommodation for homeless people in the private rented sector often deliberately mirror the activities of a letting agent but only work with homeless people. Unless they are charging a fee for this service it is likely that the charity could argue that is not operating in the course of a business and therefore be excluded from the duty.

ENFORCEMENT

The enforcement authority for the purposes of this Order includes a district council, this does not limit the enforcing role to housing officers. Where Trading Standards services sit within one of these enforcing authorities, trading standards officers will be able to enforce the regulations and issue the penalty notices, as well as housing officers.

For failure to publish prices on a website, the enforcement authority will be the local authority in whose area the head office of the lettings agent or property manager who has not complied with the requirement.

Penalty for breach of requirement to belong to a redress scheme

The enforcement authority 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.

The two government approved redress schemes are:

Property Redress Scheme (www.theprs.co.uk/)

The Property Ombudsman (www.tpos.co.uk)

Each scheme will publish a list of members on their respective websites so it will be possible to check whether a lettings agent or property manager has joined one of the schemes.

Because this requirement has now been in place for a number of years and to reflect the fact that all Lettings and Managing Agents are expected to be aware of their obligations, the applicable fine will be £5,000. A lower fine will only be charged if the Head of Environmental Health is satisfied that there are extenuating circumstances. It is up to the Head of Environmental Health to decide what such circumstances might be, taking into account any representations the lettings agent or property manager makes during the 28 day period following the authority's notice of intention to issue a fine. It is open to the authority to give a lettings agent or property manager a grace period in which to join one of the redress schemes rather than impose a fine.

The enforcement authority can impose further penalties if a lettings agent or property manager continues to fail to join a redress scheme despite having previously had a penalty imposed. There is no limit to the number of penalties that may be imposed on an individual lettings agent or property manager, so further penalties can be applied if they continue to be in breach of the legislation.

The penalty fines received by the enforcement authority may be used by the authority for any of its functions.

Where an enforcement authority intends to impose a penalty they must follow the process set out below.

Enforcement process:

Step 1: Notice of Intent

The enforcement authority must give written notice of their intention to impose a penalty, setting out:

- i) the reasons for the penalty;
- ii) the amount of the penalty; and
- iii) 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.

This written notice must be served within 6 months of the date on which the enforcement authority is in the position to issue the fine (have gathered sufficient evidence and satisfied any internal requirements that a fine is appropriate). It is up to each local authority to decide who should serve the notice.

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

Step 2: Representations and Objections

The person who the notice of intent was served on has 28 days starting from the day after the date the notice of intent was sent to make written representations and objections to the enforcement authority in relation to the proposed fine.

Step 3: Final Notice

At the end of the 28 day period the enforcement authority must decide, having taken into account any representations received, whether to impose the fine and, if so, must give at least 28 days for payment to be made. When imposing a fine, the enforcement authority must issue a final notice in writing which explains:

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- i) why the fine is being imposed;
- ii) the amount to be paid;
- iii) how payment may be made;
- iv) the consequences of failing to pay;
- v) that there is a right to appeal against the penalty to the First-tier Tribunal and that any appeal must be made within 28 days after the imposition of the fine.

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

Step 4: Appeals

If an appeal is lodged the fine cannot be enforced until the appeal is disposed of. Appeals can be made on the grounds that:

- i) the decision to impose a fine was based on a factual error or was wrong in law;
- ii) the amount of the fine is unreasonable; or
- iii) that the decision was unreasonable for any other reason.

The First-tier Tribunal may agree with the enforcement authority's notice to issue a penalty or may decide to quash or vary the notice and fine.

Step 5: Recovery of the penalty

If the lettings agent or property manager does not pay the fine within the period specified, the authority can recover the fine with the permission of the court as if payable under a court order. Where proceedings are necessary for the recovery of the fine, a certificate signed by the enforcement authority's chief finance officer stating that the amount due has not been received by a date stated on the certificate will be taken as conclusive evidence that the fine has not been paid.



Policy and Statement of principles for determining financial penalties

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Introduction

Purpose of the 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 of 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.

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

- that 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.

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

If the landlord, then fails to take the remedial action specified in the notice within specified timescale, the Council can require a landlord to pay a penalty charge. The power to charge a penalty arises from Regulation 8 of these Regulations

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 at the address given at the bottom of this document within 28 days of when the remedial notice is served.

Stroud District Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

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The purpose of imposing a financial penalty

The purpose of the Council exercising its regulatory powers is to protect the interests of the public.

The aims of financial penalties on landlords are to:

- Lower the risk to tenant's health and safety
- Reimburse the costs incurred by the Council in arranging remedial action in default of the landlord
- Change the behaviour of the landlord and aim to prevent future non-compliance
- Penalise the landlord for not installing alarms after being required to so, under notice
- Eliminate financial gain or benefit from non-compliance with the regulations.
- Be proportionate to potential harm outcomes, the nature of the breach, and the cost benefit to comply with these legal requirements.

Criteria for the imposition of a financial penalty

A failure to comply with the requirements of a remedial notice allows the Council to require payment of a penalty charge.

In considering the imposition of a penalty, the authority will look at the evidence concerning the breach of the requirement of the notice. This could be obtained from a property inspection, or from information provided by the tenant or agent that no remedial action had been undertaken.

For example, landlords can demonstrate compliance with the Regulations by supplying dated photographs of alarms, together with installation records or confirmation by the tenant that a system is in proper working order.

Landlords need to take steps to demonstrate that they have met the testing at the start of the tenancy requirements. Examples of how this can be achieved are by tenants signing an inventory form and that they were tested and were in working order at the start of the tenancy. Tenancy agreements can specify the frequency that a tenant should test the alarm to ensure it is in proper working order.

In deciding whether it would be appropriate to impose a penalty, the authority will take full account of the particular facts and circumstances of the breach under consideration.

A financial penalty charge will be considered appropriate if the Council is satisfied, on the balance of probabilities, that the landlord who had been served with remedial notice under Regulation 5 had failed to take the remedial action specified in the notice within the time period specified.

Criteria for determining the amount of a financial penalty

The Regulations state the amount of the penalty charge must not exceed £5,000.

The penalty charge comprises two parts, a punitive element for failure to comply with the absolute requirement to comply with a remedial notice and a cost element relating to the investigative costs, officer time, administration and any remedial works arranged and carried out by the Council's contractors.

The penalty charge is payable within 29 days beginning with the day on which the penalty charge notice is served.

The Council has discretion to offer an early payment reduction if a landlord pays the penalty charge within 14 days beginning with the day the penalty charge notice is served.

As these regulations have now been in force for some time and Landlords should therefore be aware of their obligations, the fines SDC will apply are as follows:

- £5,000 for the first breach to comply with a remedial notice
- £4,000 for early payment, representing a 20% reduction, for the first breach to comply with a remedial notice
- £5,000 for each subsequent breach to comply with a remedial notice
- No reduction will be offered for each subsequent breach to comply with a remedial notice

Procedural matters for Penalty Charge Notices

The Regulations impose a number of procedural steps which must be taken before the Council can impose a requirement on a landlord to pay a penalty charge

When the Council is satisfied that the landlord has failed to comply with the requirements of the remedial notice, all penalty charge notices will be served within 6 weeks.

Where a review is requested within 29 days from when the penalty charge notice is served, the council will consider any representations made by the landlord. All representations are to be sent to the address at the bottom of this document. The Council will notify the landlord of its decision by notice, which will be either to confirm, vary or withdraw the penalty charge notice.

A landlord who has requested a review of a penalty charge notice and has been served with a notice confirming or varying the penalty charge notice, may appeal to the First-tier Tribunal against the Council's decision. Appeals should be made within 28 days from the notice served of the Council's decision on review.

If the penalty charge notice is not paid, then recovery of the penalty charge will by an order of the court and proceedings for recovery will commence after 30 days from the date when the penalty charge notice is served.

However, in cases where a landlord has requested a review of the penalty charge notice, recovery will not commence until after 29 days from the date of the notice served giving the Council's decision to vary or confirm the penalty charge notice. Where landlords do make an appeal to the First-tier Tribunal, recovery will commence after 29 days from when the appeal is finally determined or withdrawn.

Remedial Action taken in default of the landlord

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.

Smoke Alarms – In order to comply with these Regulations, smoke alarms will be installed at every storey of residential accommodation. This may provide only a temporary solution as the property may be high risk because of:

- its mode of occupancy such as a house in multiple occupation or building converted into one or more flats,
- having an unsafe internal layout where fire escape routes pass through a living rooms or kitchens, or
- is 3 or more storeys high.

A full fire risk assessment will subsequently be undertaken, with regards to LACORS Housing - fire safety guidance. This will consider the adequacy of the type and coverage of the smoke alarm

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system, fire escape routes including escape windows and fire separation measures such as fire doors and protected walls and ceilings. Any further works required to address serious fire safety hazards in residential property, that are not undertaken through informal agreement, will be enforced using the Housing Act 2004, in accordance with each Council's Enforcement Policy.

Carbon Monoxide Alarms – In order to comply with these Regulations, a carbon monoxide alarm will be installed in every room containing a solid fuel combusting appliance.

All communications for representations made against the Remedial Notice (regulation 5) or the Penalty Charge Notice (regulation 8) are to be sent to:

Stroud District Council
Housing Renewal Manager
Environmental Health
Stroud District Council
Ebley Mill, Ebley Wharf
Stroud
GL5 4UB

E-mail: environmental.health@stroud.gov.uk

April 2022 - Feedback to Housing Committee

Cleaner Estates Strategy

- Installation of CCTV cameras in Chapel Street has made a significant difference to fly-tipping and refuse issues.
- Work has started on phase 2 of the bin stores at Oak drive



- The skip at Acacia Drive is working well and keeping the area clear

Service Standards Action Plan

- Consultation has been completed regarding the green space at Allen Drive. Tenants have asked for the space to be maintained by SDC and not by tenants. We are in the process of advising tenants of this decision and arranging for Site Officers to take over maintenance of the land.
- The café conversations took place in February, we gained excellent feedback from tenants which have helped to inform the Tenant Engagement Strategy.

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STROUD DISTRICT COUNCIL

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HOUSING COMMITTEE OFFICER REPORT

BRIEF REPORT: UPDATE ON THE OOH PROVISIONS

On 24th November 2021 Stroud District Council were given 90 days’ notice of termination of the Out of Hours by Civica UK Limited.

A new contract has now been successfully procured through The Efficiency East Midlands (EEM) framework, and our new Out of Hours Contract with Orbis Protect went live on 1st March 2022.

On 8th February 2022, an updated update was provided to Audit and Standards Committee about the progress being made against the action plan developed to strengthen the Councils out of hours’ provision. The action plan was developed to address the service failures identified following receipt of the internal Audit OOH Report (September 2021).

At Housing Committee in November we promised to provide and update at April Housing Committee about the progress being made against the objectives set out within the Audit Report.

I am pleased to report that all actions with the exception of “10A OOH Audit Acceleration of the insourcing of OOH repairs” have been completed. Subject to agreement with colleagues in our HR Team we anticipate this final action being completed by late April 2022, as this relates to a change in pay and conditions of those oncall.

The procedures manual is now fully developed and embedded into the contract management process.

Property Care currently liaise with Orbis Protect on a daily basis, whilst processes are bedded in. The first formal review and monthly contract meeting is to be held on 6 April 2022.

REPORT SUBMITTED BY	Joe Gordon, Head of Contract Services
DATE	March 2022

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Housing Committee Monitoring Report 3rd Quarter 21/22



STROUD DISTRICT COUNCIL

Ebley Mill • Ebley Wharf • Stroud • Gloucestershire • GL5 4UB

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Draft Performance Monitoring Report Q3: Housing Committee

Date of Meeting		
Attendees	Members: Lindsey Green & Stephen Davies Officers: Keith Gerrard	
Performance Update (See report below)		
Council Plan Priorities (see performance management system)	Summary:	Progress & RAG Status
	Action Plans:	6 On Target
	See detailed report below.	2 Not started
	<i>Actions where no information has been provided will be highlighted</i>	0 Overdue
		Total 8
Council Plan Performance Indicators or Milestones (see performance management system where applicable)	Summary:	Progress & RAG Status
	Milestones: (6)	1 On Target
		2 Completed
	Performance Indicators:	3 Not started
		2 Reported
		14 Not yet available
	Total 22	
Reports being presented to this Committee associated with Council Plan:	CW2.4 - Review of Tenant Engagement & Empowerment Strategy Update on Tenant Handbook Revised Civil and Financial Penalties Policy CW2.1 - New Homes and Regeneration Programme Update	
Service Area Indicators (not covered in Council Plan)		

Agenda Item 11c
Housing Committee Monitoring Report 3rd Quarter 21/22

Risks	Corporate Risk Register presented to Audit & Standards Committee. <i>List any relevant Service specific risks.</i>
Relevant finance issues	See Q3 Budget monitoring report
Any other service issues considered at the meeting (eg staffing / resources)	
Follow up (any issues for consideration at the next meeting)	

Any issues of significant concern to be reported to Audit and Standards	
Any actions/recommendations for the Committee	
Report submitted by	
Date of report	

Please complete and return to the Democratic Services ASAP for circulation to the Committee





Housing Committee Monitoring Report 3rd Quarter 21/22

Action Plans, Milestones & Indicators (30)



CW2: Affordable homes: Build affordable, energy efficient homes and deliver high quality services for all tenants by investing in the renovation of existing council homes and meet a range of housing needs for those who experience disadvantage and creating a culture of tenant engagement and empowerment.

Code	Action Required / Description	Deadline	% Complete	Lead Officer	Status	Comments
CW2.1	Deliver new affordable homes across the District through planning policy and work with partners, including community-led housing groups, housing associations and via our own New Homes Programme, which will deliver EPC-A rated properties in line with our Strategy for New Council Homes 2020-2024.	31/03/2024	20	Pippa Stroud	On Target	22/03/2022: Quarter 3: Work on this element of delivery is composed of three elements; the first being the element relating to affordable housing policy formation which takes place via the Local Plan process. The new Local Plan has been submitted and is awaiting examination and adoption. The second element of delivery relates to responding to planning applications to secure the quantum, design and tenure of new affordable homes as part of market housing applications. The third element relates to our work with the Gloucestershire Rural Housing Partnership which aims to deliver new affordable housing in rural areas, usually utilising rural exception planning polices.
» CDPCW2.1a	Number of new affordable Council homes completed p.a.	N/A	N/A	Alison Fisk	Target: Actual:	
» CDPCW2.1b	Number of new affordable homes completed p.a. by partners	N/A	N/A	Pippa Stroud	Target: 120 Actual:	Annual figures not available until June 22
CW2.2	Invest £30m over the next 5 years to repair, maintain and invest in current council housing stock and bring empty council homes back into use as soon as possible.	31/03/2026	15	Joe Gordon	On Target	22/03/2022: Quarter 3: Rolling programme to invest in properties as they become vacant is in place. Repairs and maintenance programmes remain on track to deliver outcomes for stakeholders, and planned delivery programmes are developed and be implemented on a rolling programme

Housing Committee Monitoring Report 3rd Quarter 21/22

» CW2.2.1	A rolling 5-year investment plan is agreed (as part of the MTFP) • Quarterly actual delivery tracks 5-year investment plan	31/03/2026	100	Joe Gordon	Completed 	22/03/2022: Quarterly monitoring will be reported at Housing Committee
» CDPCW2.2a	Spend per council property in upper quartile compared with peers	N/A	N/A	Joe Gordon	Target: Actual:	
» CDPCW2.2b	Empty property (void) ready to let turnaround time in upper quartile compared with peers	N/A	N/A	Joe Gordon	Target: Actual:	
CW2.3	Prioritise the prevention of homelessness by delivering the Next Steps Accommodation Programme and invest in temporary accommodation and specialist support, including working with partners countywide to develop the specialist housing and support needed.	31/03/2024	25	Pippa Stroud	On Target 	22/03/2022: Quarter 3: Council agreement received to provide capital funding to support the purchase of the former Minister's House Gloucester City Homes has applied for change of use planning permission to convert to temporary accommodation.
» CW2.3.1	Financial investment in support and temporary accommodation (C)	31/03/2024	0	Pippa Stroud	Not Started 	22/03/2022: Council consent received to grant fund Gloucester City Homes to purchase a vacant property for conversion to temporary accommodation.
» CDPCW2.3a	Increase the number of homeless cases prevented by 25% p.a.	N/A	N/A	Pippa Stroud	Target: Actual: 62	
» CDPCW2.3b	Reduce the number of households in temporary accommodation after 56 days by 25% pa	N/A	N/A	Pippa Stroud	Target: Actual: 49	
CW2.4	Provide more opportunities for resident involvement in housing decisions through delivery of the Charter for Social Housing Residents and our continuing commitment to build on resident involvement opportunities.	31/03/2023	25	Kevin Topping	On Target 	22/02/2022: Quarter 3: February has shown interest from 3 tenants, 2 from general needs and one from independent living

Housing Committee Monitoring Report 3rd Quarter 21/22

» CW2.4.2	Cross service tenants' scrutiny panel established with half yearly report to HC on work programme delivery.	30/12/2022	10	Kevin Topping	On Target 	22/02/2022: Resourcing has caused delays in this activity, as the service redesign comes into effect and the Task and Finish group recommendations are reflected in further work regarding the tenant involvement and empowerment standard
» CDPCW2.4a	80% of tenants are satisfied with the training they receive	N/A	N/A	Kevin Topping	Target: Actual:	
» CDPCW2.4b	80% of tenants are satisfied with the quality and relevance of SDC tenant events they attend	N/A	N/A	Kevin Topping	Target: Actual:	
» CDPCW2.4c	10% increase in the overall number of tenants engaged, including all consultation events, scrutiny panels and performance management activity. Baselines to be confirmed	N/A	N/A	Kevin Topping	Target: Actual:	February has shown interest from 3 tenants, 2 from general needs and one from independent living
» CDPCW2.4d	Increase the number of tenants engaged who are under 30 years old, including all consultation events, scrutiny panels and performance management activity. Baselines to be confirmed	N/A	N/A	Kevin Topping	Target: Actual:	
CW2.5	Continue to invest and deliver the programme to modernise our Independent Living homes for older people.	31/03/2026	50	Alison Fisk	On Target 	27/01/2022: Quarter 3: see update on programme to HC 1st Feb 2022
» CDPCW2.5	Number of Independent Living Schemes modernised	N/A	N/A	Alison Fisk	Target: Actual:	

Housing Committee Monitoring Report 3rd Quarter 21/22

EC3: Sustainable Construction and Retrofit: Work with partners to retrofit our council housing stock and other public sector buildings, and investing in the skills and capacity in the local economy so all buildings across the district can become energy efficient

Code	Action Required / Description	Deadline	% Complete	Lead Officer	Status	Comments
EC3.1	Agree a costed plan to retrofit all council homes as necessary and begin the first phase of delivery to realise optimum emission reductions and achieve an average Energy Performance Certificate (EPC) rating C across all council homes by 2030.	31/03/2024	10	Joe Gordon	On Target	22/03/2022: Quarter 3: Costed action plan agreed at September 2021 Housing Committee. First phase of delivery will commence in April 2022
» EC3.1.1	Agree an investment plan to retrofit council homes	31/03/2023	100	Joe Gordon	Completed	
» CDPEC3.1	Number of homes retrofitted each year (Average 470 / year)	N/A	N/A	Joe Gordon	Target: Actual:	
» CDPEC3.1(C)	Tonnes of carbon saved through council home retrofit i) cumulative since April 2019, ii) in previous quarter	N/A	N/A	Joe Gordon	Target: Actual:	
EC3.3	Develop partnerships, provide advice, and support local action to help private home owners and businesses meet the retrofit challenge (CN2030 BE2, BE7 and BE8)	31/03/2023		Maria Hickman	Not Started	
» EC3.3.1	Annual reporting on capacity to service the district's businesses and homes with support for retrofit. Baseline drawn from the first annual report due Feb 2022.	31/03/2022	0	Maria Hickman	Not Started	

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» EC3.3.2	Establish a working group to consider Retrofit Centre for Excellence and establish aims, objectives and identified projects (working group in place Summer 2022, work plan identified by Jan 2023).	30/01/2023	0	Maria Hickman	Not Started	
» CDPEC3.3	Number of successful projects and schemes in the district to help private home owners and businesses meet the retrofit challenge	N/A	N/A	Maria Hickman	Target: Actual:	
» CDPEC3.3a (C)	Number of enquiries to Warm & Well Advice line	N/A	N/A	Maria Hickman	Target: Actual:	
» CDPEC3.3b (C)	Number of measures installed through Warm & Well Scheme	N/A	N/A	Maria Hickman	Target: Actual:	

EC6: Renewable energy: Increase the proportion of energy generated by renewable sources in the district and work on decarbonizing existing networks.

Code	Action Required / Description	Deadline	% Complete	Lead Officer	Status	Comments
EC6.4	Deliver key low carbon demonstrator projects, including a project for 7 homes in Draycott, Cam.	31/03/2023		Joe Gordon	Not Started	

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HOUSING COMMITTEE

5 APRIL 2022

WORK PROGRAMME 2022/23

Date of meeting	Matter to be considered	Notes (e.g. lead Member/Officer)
21.06.2022	Progress update on Key action plans (Cleaner Estates & Service Standards)	Housing Manager
	Member/Officer Reports a) Tenant Representatives b) Retrofit/Carbon Reduction Task and Finish Group Update c) Tenant Engagement and Empowerment Task and Finish Group Update d) Housing Repairs and Voids Task and Finish Group Update	Lead Members
13.09.2022	Progress update on Key action plans (Cleaner Estates & Service Standards)	Housing Manager
	Revised HRA Delivery Plan Update	Head of Housing Services
06.12.2022	Progress update on Key action plans (Cleaner Estates & Service Standards)	Housing Manager
	Older Persons Strategy 2023-26	Service Delivery Manager (Independent Living)
	Housing Committee Estimates and – Revised 2022/23 and Original 2023/24, and HRA Medium Term Financial Plan	Principal Accountant
31.01.2023		
28.03.2023		

Items to be considered at a future meeting

- De-pooling Rent and Service Charges - General Needs – Head of Housing Services, Principal Accountant
- Corporate ASB Policy – Head of Housing Services / Head of Community Services
- Empty properties delivery plan
- Update of Tenant Handbook – Housing Manager

Future Information Sheets:

- Updated Local Plan Affordable Housing Policies (Spring 2022)– Head of Strategic Housing Services (interim)

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