



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **REGULATORY SERVICES COMMITTEE**
TIME: 4.30pm
DATE: 5th November 2018
VENUE: Council Chamber, Nutholt Lane, Ely
ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes
DIRECT DIAL: (01353) 665555 EMAIL: adrian.scaites-stokes@eastcamb.gov.uk

Membership:

Conservative Members

Cllr Anna Bailey (Chairman)
Cllr Julia Huffer (Vice Chairman)
Cllr Elaine Griffin-Singh
Cllr Neil Hitchin
Cllr Chris Morris

Cllr Hamish Ross
Cllr Carol Sennitt
Cllr Jo Webber

Liberal Democrat Member

Cllr Sue Austen

Substitutes:

Cllr David Ambrose Smith
Cllr Mike Bradley

Cllr Stuart Smith

Substitutes:

Cllr Lorna Dupré
Cllr Christine Whelan

Lead Officers:

Jo Brooks, Director Operations

Quorum: 5 Members

A G E N D A

- 1. Public Question Time**
The meeting will commence with up to 15 minutes public question time
- 2. Apologies and Substitutions**
- 3. Declarations of Interest**
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct.
- 4. Minutes**
To confirm as a correct record the Minutes of the meetings of the Committee held on 10th September 2018

5. **Chairman's Announcements**
6. **Private Sector Housing Enforcement Policy**
7. **Performance Management - Six Month Report Updates**
8. **Quarter 2 Performance Report for the Waste and Street Cleansing Services**
9. **Budget Monitoring Report**
10. **Forward Agenda Plan**

NOTES:

1. Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal hours you should report to main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.

This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.

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There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question time and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.
2. Fire instructions for meetings:
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 - The fire assembly point is in the front staff car park by the exit barrier.
 - This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.
The Committee Officer will sweep the area to ensure that everyone is out of this area.
3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
5. If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:
"That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

REGULATORY SERVICES COMMITTEE

Minutes of the meeting of the Regulatory Services Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on 10 September 2018 at 4.30 p.m.

PRESENT

Cllr Anna Bailey (Chairman)
Cllr David Ambrose Smith (as a Substitute)
Cllr Lorna Dupre (as a Substitute)
Cllr Elaine Griffin-Singh
Cllr Julia Huffer
Cllr Chris Morris
Cllr Stuart Smith (as a Substitute)
Cllr Jo Webber

ALSO PRESENT

Cllr Lis Every
Emma Grima – Director Commercial
Adrian Scaites-Stokes – Democratic Services Officer
Hetty Thornton – Performance Management Officer
Cathy White – Senior Trees Officer
Nick Wyatt – Sustainability Officer

27. **PUBLIC QUESTION TIME**

There were no public questions.

28. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors Sue Austen, Hamish Ross and Carol Sennitt.

Councillors David Ambrose Smith, Lorna Dupre and Stuart Smith attended as Substitute Members.

29. **DECLARATIONS OF INTEREST**

Councillor Anna Bailey declared an interest in agenda item 6, as she was a Director of East Cambs Street Scene.

30. **MINUTES**

It was resolved:

That the minutes of the Regulatory Services Committee meeting held on 23rd July 2018 be confirmed as a correct record and be signed by the Chairman.

31. **CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

Cllr Anna Bailey left the meeting at this point and the Vice Chairman, Cllr Julia Huffer took the Chair.

32. **NEIGHBOURHOOD RECYCLING CENTRE PROVISION**

The Committee considered a report, reference T88, previously circulated, about the future of neighbourhood recycling centres.

The Sustainability Officer reminded the Committee that the current providers of the bring banks were not willing to carry on doing so. The Committee had seen the results of the original consultation, where three possible options were suggested. The original consultation had been a bit ambiguous so officers had been instructed to consult with the parish councils that had responded. As a result of feedback from this consultation Option 2 was recommended, an in-house service for a limited number of high performing sites. If this option were agreed there would be a cost implication of £6000 plus rental costs of £990. Including the estimated income of recycling credits, this would result in an overall cost of over £4000. Potential costs could increase on those sites, therefore it was recommended that the impact be reviewed after 12 months.

Councillor Julia Huffer queried why rent had to be paid to some parish councils for their bring banks. This should be negotiated so no rent had to be paid. Councillor Elaine Griffin-Singh, in picking up that point, noted that it was not a significant amount of money but if the parish councils wanted that service then it should continue without the Council contributing financially. The Sustainability Officer thought this was historic but could be reviewed.

Councillor Stuart Smith thought that most of the banks took textiles so wanted to know how much income parish councils got from that. The Sustainability Officer reckoned that the amount would fluctuate, though it was much less cost effective than before.

Councillor Lorna Dupre suggested that the review should include information about the rents paid as well as how the sites had performed. With reference to the figures in paragraph 3.11, it was unclear what the figures included for. Were capital and revenue figures included together? If these were the only costs and income then this should be paid off over 3 years. But it was not clear whether there would be any other costs or income. A complete picture of the financial situation was needed. How many recycling credits did the Council

receive and would the Council be losing recycling credits as a result of the proposed changes?

The Sustainability Officer considered this a fundamental issue, though the value of recycling credits had substantially reduced. The Performance Management Officer stated that the current level of recycling credits meant the Council was not taking anything from it. The one-off cost of £6000 was for 20 bring banks with £2322 coming in-house. It might be possible to increase the size of the bring banks providing this was a viable option. The current level of recycling credits could be worked out on the tonnages collected, however it was not cost effective to keep some banks.

Councillor Julia Huffer did not want the abandoned sites to become fly tips so suggested that appropriate signage be installed to inform people where they should go. This must be done properly and the relevant parish councils could be asked to contribute to the costs. Councillor David Ambrose Smith concurred stating that people would still dump rubbish at those sites so signage would be needed. Councillor Lorna Dupre acknowledged that this was important and stressed that the signs had to be official looking conveying the necessary information quickly. Councillor Huffer duly proposed this and this was agreed.

It was resolved:

- (i) That the results of the additional consultation process be noted;
- (ii) That all bring banks be removed across East Cambridgeshire, apart from the ones located in high performing areas, with appropriate signage being installed;
- (iii) That the bring banks located in the high performing areas be reviewed in 12 months' time.

Councillor Anna Bailey returned to the meeting and resumed the Chair.

33. TREE STRATEGY 2018-2028

The Committee considered a report, reference T89, previously circulated, that detailed the draft Tree Strategy.

The Senior Trees Officer advised the Committee that the Tree Strategy had come about as it was part of the Planning Department's Service Delivery Plan. The Strategy set out clear aims, reflected the Council's Corporate Objectives and met the needs of customers. It would be a 'working document' and demonstrated how the Tree Service linked into national and local policies including the Local Plan. It also followed national, county and district guidance. The Performance Plan within it set out the objectives to be delivered, how it would be measured and the actions to be taken. The actions in the Strategy were colour-coded so users could hone in on the relevant topics. The Action Plan would be reviewed annually, which would be reported via the Service Delivery Plan.

AGENDA ITEM NO. 4

Councillor Lis Every, the Planning Service Delivery Champion, thought that production of this Strategy was fantastic and would include the key policy challenges. It was easily accessible to lots of different people, which was the result of the tremendous amount of pre-research work completed. It had been carefully thought through and was practical and workable.

Councillor Stuart Smith asked which parish councils had Tree Wardens. The Senior Trees Officer stated that these were dealt with via Parish Clerks and the Wardens were volunteers. Unfortunately there were no resources available to promote this scheme. The volunteers did as much or as little as they wished. Councillor Anna Bailey thought that this could be followed up to gain more volunteers.

Councillor Lorna Dupre strongly supported the use of Information Technology to gather data. How much work do tree surgery companies do for the Council? People did not always know where to go for help so the service ought to be promoted.

The Committee was informed that tree surgeons had done very little and the Council were lucky to have the Open Spaces team on hand if necessary. Other landowners were aided when storm damage was suffered with advice offered. Some information about the service was available on the Council's website and further promotion would be considered.

Councillor Anna Bailey thought the Tree Service was critical to ensure trees in the district were properly valued and the Senior Trees Officer was commended on her work and the production of this comprehensive Strategy. It was acknowledged that the Service had a large workload, particularly relating to Tree Preservation Orders.

Councillor Chris Morris noted that a member of staff had left the Service and questioned how many officers were expected to run the Service in the future. The Senior Trees Officer suggested that two officers was the minimum requirement due to the number of trees in the district and the area that had to be covered.

It was resolved:

That the Tree Strategy 2018-2018, attached at Appendix 1, be approved.

34. **FORWARD AGENDA PLAN**

The Committee received its forward agenda plan.

The meeting concluded at 5:07pm.

TITLE: PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

Committee: Regulatory Services Committee

Date: 5th November 2018

Author: Julia Atkins, Senior Environmental Health Officer

[T130]

1.0 ISSUE

1.1 The Private Sector Housing Enforcement Policy 2018 has been reviewed to take into account new legislation and enforcement powers.

2.0 RECOMMENDATION(S)

2.1 Members are recommended to

- (1) Approve the draft Private Sector Enforcement Policy
- (2) Agree the Penalty matrix on page 34
- (3) Agree in principle to introduce a charge to cover the cost of administration and service of notices
- (4) Agree a consultation period of 12 weeks from 19th November 2018

3.0 BACKGROUND/OPTIONS

3.1 Private sector housing plays a significant part in housing provision within East Cambridgeshire. We recognise that the majority of this housing is in good condition and well managed, however in some circumstances this is not the case and where appropriate, enforcement action needs to be taken. The Council has a Statutory duty to deal with unsatisfactory housing.

3.2 This policy has been updated to include new legislation and summarises the types of enforcement and legislation, ranging from informal action, to the service of Notices, Civil Penalties and prosecution. The policy aims to clearly set out the Council's approach to enforcement to provide consistency and transparency. It is designed to be both fair to responsible landlords but deal effectively with uninformed or rogue landlords to maintain and improve housing conditions within East Cambridgeshire.

Main Updates

3.3 In recent years changes to legislation have enabled local authorities the power to enforce penalty charges as a tool to tackle non-compliance where appropriate as an alternative to prosecution. Any income raised from the issue of civil penalties can be retained by the local authority to off-set the cost of enforcement and improve private sector housing working practices.

- 3.4 **Housing and Planning Act 2016:** Allows local authorities to impose a civil penalty of up to £30,000 for certain offences, including overcrowding, failure to licence an HMO or breach of an Improvement Notice. Before the use of penalty charges are permitted, local authorities are required to produce a penalties matrix, that clearly sets out the considerations as to the level of the penalty for particular offences. The penalty matrix within the policy demonstrates the minimum tariff for a particular offence. Charges are proportionately higher for 'professional landlords' who manage larger portfolios, than they are for less experienced landlords.
- 3.5 **Housing Act 2004 Section 49:** Allows the local authority to charge for the service of housing enforcement notices. The aim of introducing this charge for specific notices within the policy is to act as a deterrent to landlords where their properties are found to be below standard. The charge will be to cover the officer costs for administering and serving such a notice. Appropriate charges will be added to the fees and charges register for the usual Committee approval to start 1st April 2019.
- 3.6 **Smoke and CO Alarm Regulations:** These penalty charges are already used where appropriate by Environmental Services (Domestic Team) having previously been approved by Committee but have been included within the Policy to ensure transparency of all powers and penalty charges issued by the team in a single policy and reference tool.
- 4.0 ARGUMENTS/CONCLUSIONS
- 4.1 Environmental Services are committed to improve enforcement procedures whilst responding to new legislation.
- 4.2 The policy aims to clearly outline the options open to the Environmental Services (Domestic Team) for Housing Enforcement to ensure consistency and transparency for the public, landlords and officers.
- 4.3 Introducing charges for specific notices and civil penalties as an alternative to prosecution, where appropriate, will be an additional deterrent to rogue landlords where good housing standards are not maintained.
- 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT
- 5.1 Implementation of this policy will have a positive effect. Increased civil penalty fines will be able to be charged resulting in increased income to offset the cost of enforcement and enable more improvements for the Environmental Services (Domestic Team).
- 5.2 Equality Impact Assessment (INRA) attached.

6.0 APPENDICES

6.1 Appendix 1-Private Sector Housing Enforcement Policy (with Appendices)
Appendix 2-INRA

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Housing Act 2004	Room SF203	Julia Atkins/Karen See
Housing and Planning Act 2016	The Grange, Ely	Position: Senior Environmental Health Officer (01353) 616304
Smoke and Carbon Monoxide Alarm Regulations		E-mail: Julia.atkins@eastcambs.gov.uk or Karen.see@eastcambs.gov.uk



APPENDIX 1

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

DRAFT

Private Sector Housing Enforcement Policy

November 2018



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1. Purpose

This Policy details how the Council will regulate standards in Private Rented Housing and tackle empty homes in East Cambridgeshire. It also provides a background to the legislation and guidance on which it is based.

It is important for local authorities to have an enforcement policy to ensure consistency of approach among Council Officers and for members of the public to know what to expect from the service.

An enforcement policy also provides clarity if the Council takes legal proceedings or enforcement action is appealed against.

Our aim is to raise standards in Private Sector Housing throughout East Cambridgeshire, working with owners, landlords, letting agents and tenants to achieve this. However, it is recognised that if there is an offence, then enforcement action may be necessary to protect the public and the environment.

In developing this policy, the Council must remain impartial to both landlord and tenant to be fair to both sides and give help and advice to achieve our aim but we must also be firm in taking enforcement action, if appropriate.

2. Introduction

The Domestic Team which includes Private Sector Housing Enforcement is part of Environmental Services. The service aims to protect and improve lives by ensuring private rented homes are safe and warm.

The **Private Sector Housing Enforcement Policy** outlines the Council's general approach to enforcement across a wide range of activities. This policy provides details of the Council's specific approach to regulating housing standards in East Cambridgeshire.

The Private Sector Housing Enforcement Policy confirms that:

- The Council will provide awareness, advice and assistance whenever possible to the public, businesses and organisations to help them meet their legal obligations in relation to the relevant legislation before embarking on the enforcement process
- The Council is committed to carrying out its duties in a fair and consistent manner, ensuring that enforcement action is proportional to the seriousness of failure to comply with statutory requirements
- The decision to use enforcement action will depend on the severity of the non-compliance

Effective and well targeted regulation is essential in promoting fairness and protection from harm. The Regulators' Compliance Code is a statutory code of

practice for regulators hereafter referred to as 'The Code'.
www.gov.uk/government/publications/regulators-code

From 6 April 2014, the Council has been required to comply with the Code when regulating private rented housing standards and its specific obligations have been included in this policy. The overriding principle of the Code is that regulation and its enforcement should be ***proportionate and flexible enough to allow or even encourage economic progress.***

3. What to expect from us

3.1 Landlords

1. We will advise you of the legislation and help you understand how you can comply with it
2. We will advise you of any action you need to take to comply with the legislation and will ask you to respond with your proposal of how you intend to comply with any requirements of any Notice
3. If we are satisfied with your proposal, we will work with you to comply within agreed timescales
4. If we are not satisfied with your proposal or how the work is progressing, we will initiate formal action in a proportionate manner as appropriate to the circumstances
5. In making any decision to prosecute we will have regard to how serious the offence is, the benefit of enforcement action and whether some other action would be appropriate
6. A charge will be made for the service of the Notice

3.2 Tenants

1. We will expect you to advise your landlord of any issues within your property, preferably in writing, before contacting us. For further advice and guidance go to; <https://www.eastcamb.gov.uk/housing/private-housing-accreditation>
2. We will advise you as to what action we can take
3. We will expect you to cooperate with the landlord to get the works carried out and to advise us of any action taken by the landlord

3.3 Owners

1. We will expect owners to maintain the properties they live in.

3.4 Owners of Empty Homes

1. We will work proactively with owners of empty homes to encourage the bringing of their empty homes back into use
2. Where an empty property is having a detrimental impact on the neighbouring area enforcement action will be considered if appropriate
3. If owners fail to take responsibility for their properties, are not willing to engage or negotiations have failed, and where there is little prospect of a property being brought back into use voluntarily, enforcement action (Enforced Sale Compulsory Purchase Order, Empty Dwelling Management Order, and) may be considered

4. Enforcement Policy and Principles

4.1 Role of the Private Rented Sector

The supply of good quality, affordable, privately rented accommodation is essential to meeting local housing need and this is acknowledged in the Council's Housing Strategy.

http://www.eastcambs.gov.uk/sites/default/files/housing/housing_strategy_24583.pdf

A key priority for this strategy is to provide professionally managed and well maintained homes. We will work with landlords to improve and sustain good quality accommodation and will intervene when there is a risk to the health and safety of occupants, neighbours or visitors to a property.

4.2 Risk Assessment

The Domestic Team use risk assessments to concentrate resources in the areas that need them most and on the properties in the worst condition. In doing so, we also take account of any safeguarding issues and vulnerability of the occupant referring to other appropriate agencies or services if appropriate.

Suitably trained Officers routinely use the Housing Health and Safety Rating System (HHSRS), which is a statutory, evidence-based, risk assessment method for assessing and dealing with poor housing conditions under the Housing Act 2004.

Following the receipt of a service request or complaint about poor housing conditions, an initial risk assessment will normally be carried out. Follow-up advice or action will be dependent on the outcome of the initial risk assessment and may not always involve a visit to the property.

Complaints about Social Housing properties will be referred to the Providers to investigate in the first instance. However, where it is necessary that intervention is required, we will do so.

4.3 Housing Health & Safety Rating System (HHSRS)

The Housing Act 2004 introduced the **Housing Health & Safety Rating System (HHSRS)**. It is a calculation of the effect of 29 possible hazards on the health of occupiers. The legislation provides a range of actions for addressing identified hazards. It is a two-stage calculation combining the likelihood of an occurrence taking place and then the range of probable harm outcomes that might arise from that occurrence which would result in a numerical rating. This is repeated for each of the hazards present. The assessment is not based upon the risk to the actual occupant but upon the group most vulnerable to that particular risk. Once scored, any action that is then considered will take into account the effect of that risk upon the actual occupant.

The scores for each hazard present are then banded from A to J. Bands A to C (ratings of 1,000 points and over) are the most severe, and are known as **Category 1 hazards** when considering action. Bands D to J, the less severe (rating less than 1,000 points) are known as **Category 2 hazards**.

HHSRS provides a combined score for each hazard identified and does not provide a single score for the dwelling as a whole. It is applied to all residential premises, whether owner-occupied or rented.

This Policy takes account of guidance provided by the Government and sets out how the Council will use its powers and reach its decisions in relation to the Housing Health & Safety Rating System (Part 1 of the Housing Act 2004).

The Council has a duty to take appropriate action in response to a **Category 1 hazard**. (When a Category 1 hazard is identified, the Council must decide which of the available enforcement options it is most appropriate to use. These are explained in more detail below.)

The Council will exercise its discretion and consider individual cases and circumstances when deciding whether to take action in response to **Category 2 hazards**.

4.4 Advice and Guidance

The Domestic Team will provide authoritative, accessible advice around Private Sector Housing. The Council's website is used to provide general information, advice and guidance to make it easier for landlords, agents, home owners and others to understand their obligations, is provided in clear, concise and accessible language, using a range of appropriate formats and media. General information for Landlords and Tenants is available under the following links:-

General information

<http://www.eastcambs.gov.uk/search/site/housing%20information>

Damp and Mould

http://www.eastcambs.gov.uk/sites/default/files/housing/condensation_information_1_eafet_english_version_19190.pdf

Caravan/Mobile Home Sites

<http://www.eastcambs.gov.uk/licensing/caravan-site-licence> etc.

The service will consult with landlords' associations and other appropriate stakeholders when developing the content and style of this guidance.

When offering compliance advice, the Domestic Team will distinguish between statutory requirements and advice or guidance aimed at improvements above minimum standards. Advice will be confirmed in writing, if requested.

The Domestic Team welcomes enquiries from home owners and landlords about complying with minimum standards and ensuring homes are safe and warm. However, the Service will not act as a consultant for home owners or landlords and is not able to complete non-statutory, detailed assessments for specific properties (such as fire safety risk assessments; confirming in detail the work that would be required to let a property in multiple occupation; or detail the work required to reduce the risk from significant hazards in a property to an acceptable level).

4.5 Inspections, Other Visits and Information Requirements

No inspection will take place without reason. Inspections and other visits will take place in response to a reasonable complaint or request for service or where poor conditions have been brought to our attention;

- In accordance with statutory inspection requirements (such as for mandatory licensing of houses in multiple occupation, HMOs)
- Or on receipt of relevant intelligence

Unless the visit is intended for advice purposes only, the landlord or his or her agent will be contacted and given prior warning that an inspection will be carried out.

Following an inspection, positive feedback will be given wherever possible to encourage and reinforce good practices.

The Domestic Team will focus its resources on the highest risk properties, those in worst condition and properties owned by landlords who regularly fail to comply with regulations or frequently have properties with poor conditions.

4.6 Compliance and Enforcement Actions

The Domestic Team will seek to identify landlords, agents, property owners or businesses that persistently break regulations and ensure that they face proportionate and meaningful sanctions. By facilitating compliance through a positive and proactive approach, the Service aims to achieve higher compliance rates and reduce the need for reactive enforcement actions. However, those who deliberately or persistently break the law will be targeted.

When considering formal enforcement action the Service will, where appropriate, discuss the circumstances with those suspected of a breach and take these into account when deciding on the best approach. This will not apply where immediate action is required to prevent, or respond to a serious breach or to deal with an imminent risk to health or safety, or where to do so is likely to defeat the purpose of the proposed enforcement action.

The Service will ensure that clear reasons for any enforcement action are given and complaints and appeals procedures are explained at the same time.

4.7 Accountability

The Service will be accountable for the efficiency and effectiveness of its activities, while remaining independent in the decisions that it takes. Employees will provide a courteous and efficient service.

Complaints about our service will be handled in line with the Council's corporate complaints procedure which is outlined here:

<https://www.eastcambs.gov.uk/customer-services/customer-feedback-complaints>

5. Tenure

The Housing Health and Safety Rating System (HHSRS) outlined at Section 7 of this policy applies all tenures of housing. Furthermore, it does not specify that particular approaches or solutions should be used on the basis of ownership or the occupier's status. All enforcement options are available to the Council regardless of whether the premises in question are owner-occupied, privately rented or belong to a Social Housing Provider.

Generally, however, the Council considers that owner-occupiers are usually in a position to take informed decisions concerning maintenance and improvement issues that might affect their welfare and are then able to set their financial priorities accordingly; tenants however, are not usually able to do so.

For this reason, the Council proposes that it is appropriate for its powers to be used according to tenure, as follows:

5.1 Owner-Occupiers

The Council considers that as mentioned above, owner occupiers are usually in a position to take decisions regarding their own property and although advice may be sought from the service, Enforcement Action would not usually be appropriate.

In the rare circumstance that it is considered appropriate, Hazard Awareness Notices may be the appropriate course of action. However, the use of Improvement Notices, Prohibition Notices and their emergency equivalents will be considered in cases involving:

- Vulnerable elderly people who are judged incapable of making informed decisions about their own welfare
- Vulnerable individuals who require the intervention of the Council to ensure their welfare is best protected
- Hazards that might reasonably affect persons other than the occupants
- Serious risk of life-threatening harm such as electrocution or fire

Unless an identified hazard is judged to pose an imminent risk of serious harm, the Council will contact the owner to confirm its involvement, explain the nature of the hazard and confirm the action it is intending to take. The Council will take account of any proposals or representations made by, or on behalf of the owner. The Council will solicit and take account of the opinion of the relevant Welfare Authority in considering both the vulnerability and capability of such persons as well as in determining what action it will then take.

5.2 Social Landlords

Housing Providers exist to provide suitable and properly maintained accommodation for their tenants. They are managed by Boards (which typically include tenant representatives) and their performance is scrutinised by the Homes and Communities Agency (HCA). Housing Providers normally employ staff to both manage and maintain their properties and will usually have written arrangements for reporting problems, setting out the response times they aim to achieve, and also for registering any complaints about service failure.

On this basis, the Council will not normally take formal action against Housing Provider unless:

- It is satisfied that the problem in question has been properly reported to the Housing Provider and
- The Housing Provider has then failed to take appropriate action

If the Council determines that it is appropriate to take action, it will then normally notify the Housing Provider that a complaint has been received and/or a hazard identified and seek the Housing Provider's comments and proposals. Only in cases where it judges that an unsatisfactory response has been received will the Council take further action and will then determine which of the available enforcement options is the most appropriate, considering the facts of the case.

5.3 Private Landlords

The Council will have regard to the principles of statutory guidance and relevant guidance from the First-tier Tribunal (Property Chamber) decisions and will initially seek to proceed informally.

Formal action may be initiated immediately if a hazard in question is judged by the Council:

- To pose an imminent risk of serious harm to any person (whether or not immediate action is required, and whether the hazard(s) in question is likely to affect a tenant, an employee or a member of the public), or

- The landlord in question is known to have failed, on a previous occasion, to take appropriate action in response to an informal approach.

When arranging an inspection, the Council will write/email or telephone the landlord (or his/her relevant agent) to confirm an inspection will be carried out. Following the inspection, the Council will explain the nature of any hazard(s) identified in writing and seek the landlord/agent's proposals for remedying the problem.

Where ownership is unclear, a Requisition for Information Notice (s16) may also be served.

Following the inspection, the Council will not normally need to take any further action to discharge its duties as long as:

- Satisfactory proposals and timescales for the work to be carried out are received and agreed and
- The work is carried out to a satisfactory conclusion within the agreed timescales

Landlords are expected to either:

- Provide any agent acting for them with sufficient authority to act on their behalf, in the event that they are contacted by the Council, or
- To ensure that they maintain appropriate communication with their agent in order that appropriate decisions and responses can be provided to the Council

The failure of an agent to respond to communication from the Council or any failure to take appropriate action may be treated as a failure by the landlord.

If the Council receives:

- No response from the landlord/agent or
- A response it judges inadequate or
- Proposals that were judged acceptable but which are not then followed through (for example if works fail to start when agreed, fail to make proper progress or are completed to an inadequate standard)

it will proceed with formal action by taking the most appropriate enforcement action in accordance with this Policy.

5.4 What is expected of Tenants

Before considering taking any action in respect of a tenanted property, the tenant(s) will normally be required to contact their landlord about the problems (preferably in writing), allowing a reasonable time period for the landlord to make representation.

Legislation covering landlord and tenant issues requires that tenants notify their landlords of any problems with the property. This is because it is more difficult for landlords to carry out their obligations under the legislation, unless they have been made aware of the problem.

Where the matter appears to present an imminent risk to the health and safety of the occupants, it is expected that tenants will continue to try to contact their landlord, even if this is after they have contacted the Domestic Team. Copies of correspondence between the landlord and tenant may be required by Officers.

In certain situations, tenants, will not be required to write to their landlord first, for example:

- Where there is a history of harassment/threatened eviction/poor management practice
- Where the tenant appears to be vulnerable or where there are vulnerable members of the household
- Where the tenant could not for some other reason be expected to contact their landlord/managing agent
- Where the property is a House in Multiple Occupation which appears to fall within HMO licensing

Tenants are responsible for keeping Officers informed of any contact they have had with their landlord (or the landlord's agent or builder, etc.) which may affect the action the Council is taking or considering taking. Tenants should also consider seeking independent legal advice about their own individual powers to resolve any dispute with their landlord.

Housing Provider tenants have standard procedures to follow if their landlord does not carry out repairs in a satisfactory manner and also a final right of appeal to the Housing Ombudsman Service. However, if the Housing Provider has not taken appropriate action to deal with problems with the property, then the Council will investigate and take appropriate action.

5.5 Retaliatory Evictions

Retaliatory eviction is where a tenant makes a legitimate complaint to their landlord about the condition of their property and, in response, instead of making the repair, their landlord serves them with an eviction notice. On 1st October 2015, a number of provisions in the Deregulation Act 2015 came into force. These provisions are designed to protect tenants against unfair eviction.

Where a tenant makes a genuine complaint about the condition of their property that has not been addressed by their landlord, their complaint has been verified by a local authority inspection, and the local authority has served either an improvement notice or a notice of emergency remedial action, a landlord cannot evict that tenant for 6 months using the 'no fault' eviction procedure (a section 21 eviction). The landlord is also required to ensure that the repairs are completed.

In order to rely on the protection against retaliatory eviction that the Deregulation Act 2015 provides, a tenant must approach the landlord in writing in the first instance. If, after 14 days from the tenant making a complaint, the landlord does not reply, that reply is inadequate, or they respond by issuing a Section 21 eviction notice, the tenant should approach the Domestic Team and ask them to carry out an inspection to verify the need for a repair. We will then undertake an HHSRS inspection. If the inspection verifies the tenant's complaint, the enforcement officer will take

appropriate action.

If the council serves an Improvement Notice or Notice of Emergency Remedial Action, the landlord cannot evict the tenant for 6 months using the no-fault eviction procedure.

We will work with landlords to understand their obligations and the implications of this legislation, and will work alongside the Housing Options team to provide support, advice and guidance to the tenant in these circumstances.

6. Situations where a Service may not be Provided

Where any of the following situations arise, consideration will be given to not provide or cease to provide a service:

- Where the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, to arrange or carry out works
- Where the tenant(s) have, in the opinion of the Council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair
- Where there are claims by the tenant for compensation
- Where the tenant's only reason for contacting the Domestic Team, in the opinion of the Council, is in order to pursue a position on the housing register or by means of a contrived homeless application. The Council will aim to bring their present accommodation up to standard as a first priority
- Where the tenant(s) have requested a service and then failed to keep an appointment and not responded to a follow-up appointment
- Where the tenant(s) have been aggressive, threatening, verbally or physically abusive towards Officers
- Where there is found to be no justification for the complaint, on visiting the property
- Where the tenant unreasonably refuses to provide the Council with relevant documentation

7. Specific Enforcement Policies

7.1 Authority to Investigate or Enforce

The Housing Act 2004 and associated secondary legislation sets out the duties and powers that East Cambridgeshire District Council has in relation to regulating housing standards in its capacity as the Local Housing Authority. Powers are also contained in the Housing Act 1985, as amended, and other legislation, such as the Environmental Protection Act 1990, the Town and Country Planning Act 1990, the Public Health Acts 1936 and 1961, the Mobile Home Act 2013 and the Housing and Planning Act 2016. This is not a complete list of the powers available.

7.2 Authorisation of Officers

Only Officers who are competent by training, qualification and/or experience will be authorised to undertake enforcement action. The Council's Scheme of Delegation

sets out the delegated powers given to Officers.

Officers who undertake criminal investigations will be conversant with the provisions of all relevant criminal investigation law.

7.3 Powers of Entry and Power to Require Information

The Council has the power of entry to properties at any reasonable time to carry out its duties under Section 239 of the Housing Act 2004 provided that:

- The Officer has written authority from an appropriate Officer stating the particular purpose for which entry is authorised
- The Officer has given 24 hours' Notice to the owner (if known) and the occupier (if any) of the premises they intend to enter

No Notice is required where entry is to ascertain whether an offence has been committed under Sections 72 (offences in relation to licensing of HMOs), 95 (offences in relation to licensing of houses) or 234(3) (offences in relation to HMO Management Regulations).

If admission is refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry, then a warrant may be granted by a Justice of the Peace on written application. A warrant under this section includes power to enter by force, if necessary.

The Council also has power under Section 235 of the Housing Act 2004 to require documentation to be produced in connection with:

- Any purpose connected with the exercise of its functions under Parts 1-4 of the Housing Act 2004
- Investigating whether any offence has been committed under Parts 1-4 of the Housing Act 2004

The Council also has powers under Section 237 of the Housing Act 2004 to use the information obtained above and Housing Benefit and Council Tax information obtained by the authority to carry out its functions in relation to these parts of the Act.

7.4 Choice of Appropriate Enforcement Action

Unless there is an imminent risk to the health and safety of the occupant or visitors to the property, the Council will attempt to secure the required improvements informally and within a reasonable amount of time.

Where this approach fails, the Council will determine which of the specific enforcement options it will use, taking into account the facts and circumstances in each individual case.

A statement of reasons will be provided with any Notice it serves, explaining why the Council has decided to take a particular course of action.

7.5 Enforcement Action

In accordance with the Enforcement Policy, the decision to use enforcement action will depend on the severity of the non-compliance. Factors that will be taken into consideration include:

- The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals
- The culpability of the responsible party
- Evidence that suggests that there was premeditation in the commission of an offence
- Whether the alleged offence involves a failure to comply in full or in part with the requirements of a statutory Notice or order
- Whether there is a history of previous warnings or the commission of similar offences
- Aggravated circumstances such as aggressive or violent behaviour

Enforcement action will be consistent with the Council’s overall Housing Strategy and the Service will adopt a coordinated approach with other Council services and other relevant agencies, in particular with preventing and dealing with homelessness.

7.6 Power to Charge for Enforcement Action

The Local Authority has the power under Section 49 of the Housing Act 2004 to make a reasonable charge as a means of recovering certain administrative and other expenses incurred in serving an Improvement Notice, Hazard Awareness Notice, making a Prohibition, Emergency Prohibition or Demolition Order or taking Emergency Remedial Action. The Council will charge under the following:

Housing Act 2004	
Section	Type of Notice
Section 11 and 12	Improvement Notices
Section 20 and 21	Prohibition Notice
Section 40	Emergency Remedial Action
Section 43	Emergency Prohibition Order
Section 64	Licence for House in Multiple Occupation
Section 265 HA 1985	Demolition Order

7.7 Charges for Notices & Orders

Where a charge is made, the Council can recover a reasonable amount for expenses incurred in connection with officer time spent gaining entry, visiting and inspecting the premises to determine appropriate action and the administration costs for the production of a Notice, Order or Remedial Action.

Costs incurred carrying out Work in Default or Remedial Action will be charged separately.

When the charge demand becomes operative, the sum recoverable will be a local land charge.

7.8 Failure to Comply with Notices

If a Notice is complied with, no further action will be taken. However, if the Notice is not complied with, the Council will consider the following options:

- Prosecution;
- Carrying out the works in default;
- Carrying out the works in default and prosecution;
- Whether a simple caution is appropriate;
- Civil Penalty

Failure to comply with an Improvement Notice or a Prohibition Order is an offence punishable by an unlimited fine. Following conviction, it is an offence to carry on using the premises in breach of the Prohibition Order, attracting a daily fine.

The Council will take action to recover its costs in connection with works in default. The Council will also take action to recover the costs incurred in carrying out works associated with Emergency Remedial Action.

As a charge on the property, the costs give the Authority the same powers and remedies as a Mortgagee under the Law of Property Act 1925 (Enforced Sale).

7.9 Revocation and Variation of Notices

The Council must revoke an Improvement Notice once the Notice has been complied with.

If part of the work required within the Notice is carried out, then the Notice can be varied.

7.10 Review of Enforcement Action

If there is a change in the occupation of a premises (leading to either an increase or decrease in the apparent risk to occupiers) the current state of any outstanding enforcement action should be reviewed by the investigating officer, in consultation with his or her line manager, to ensure that it is still appropriate and proportionate to the risk posed from the identified hazard(s).

7.11 Recovery of Debts

Where charges for enforcement action are levied, they will be registered as a local land charge against the owner's property. This means that when the property is sold the debt has to be repaid including any interest accrued on the initial charge. The Council will vigorously pursue all debts owed to it as a result of enforcement charges or charges for carrying out works in default (as well as any other charges). This includes smaller debts where the cost of recovery is greater than the debt owed. To recover debts the Council will use some of the following means;

- The enforced sale procedure under the Law and Property Act 1925. This allows the Council to force the owner to sell their property in order to recover its costs
- Use tracing services to track down debtors and secure judgments to recover debts
- Demand rents are paid to the Council instead of the landlord to recover outstanding debts (where the legislation allows and it is appropriate to do so).

7.12 Improvement Notices

It is anticipated that Improvement Notices are a practical remedy for Category 1 hazards.

Where the Council determines that it is appropriate for an Improvement Notice to be served in respect of a Category 1 Hazard, it will:

- Require works that will either remove the hazard entirely or
- Will reduce its effect so that it ceases to be a Category 1 hazard,

The Council will take whichever of these two options it considers appropriate, having considered the circumstances of the case.

If the Council determines that the hazard can only be reduced to a Category 2 hazard rather than removed, it will require works to be carried out as far as is reasonably practical to reduce the likelihood of harm.

7.13 Suspended Improvement Notice

The Council has the power to suspend an Improvement Notice once served and will consider this course of action where it is reasonable in the circumstances, to do so.

The following are situations in which it may be appropriate to suspend an Improvement Notice:

- The need to obtain planning permission (or other appropriate consent) that is required before repairs and/or improvements can be undertaken
- Works which cannot properly be undertaken whilst the premises are occupied

and which can be deferred until such time as the premises falls vacant or temporary alternative accommodation can be provided

- Personal circumstances of occupants; for example, temporary ill health, which suggests that works ought to be deferred

When deciding whether it is appropriate to suspend an Improvement Notice, the Council will have regard to:

- The level of risk presented by the hazard(s)
- The turnover of tenants at the property
- The response or otherwise of the landlord or owner
- Any other relevant circumstances (e.g. whether the vulnerable age group is present)

Suspended Improvement Notices will be reviewed on an ongoing basis, at least every 6 months.

7.14 Prohibition Orders

Prohibition Orders can be used in respect of both Category 1 and Category 2 hazards for all or part of a dwelling and are likely to be used if repair and/or improvement appear inappropriate on grounds of practicality or excessive cost (i.e. the cost is unrealistic in terms of the benefit to be derived). Examples include:

- A dwelling or part of a dwelling where adequate natural lighting or adequate fire escape cannot realistically be provided
- In an HMO, to prohibit the use of specified dwelling units or of common parts. This might, for example, be used if the means-of-escape is unsatisfactory
- To specify the maximum number of persons who can occupy a dwelling where it is too small for the household's needs, in particular in relation to the number of bedrooms
- In relation to premises lacking certain facilities but which are nonetheless suitable for a reduced number of occupants

In addition to prohibiting all uses in relation to the whole or part of the premises in question (other than uses specifically approved by the Council), Prohibition Orders can prohibit specific uses (Section 22 (4)(b) Housing Act 2004); this option may be employed to prevent occupation by particular descriptions of persons. Use of this power may be appropriate in situations such as the following:

- Premises with steep staircases or uneven floors which make them particularly hazardous to elderly occupants
- Premises with open staircase risers or widely spaced balustrades that make them particularly unsuitable for infants

7.15 Suspended Prohibition Order

The Council has the power to suspend a Prohibition Order once served and will consider this course of action where it is reasonable in the circumstances to do so.

Suspended Prohibition Orders will be reviewed on an ongoing basis, at least every 6 months.

The Council will consider any written requests made for alternative uses of premises or part-premises which are subject to a Prohibition Order, and will not withhold its consent unreasonably. Any such consent will be confirmed in writing.

7.16 Hazard Awareness Notice

Hazard Awareness Notices may be served to notify owner-occupiers of the existence of hazards (for example where the risk from the hazard is mitigated by the long-standing nature of the occupancy). It might also be applicable where:

- It is judged appropriate to draw a landlord's attention to the desirability of remedial action
- To notify a landlord about a hazard as part of a measured enforcement response

7.17 Emergency Remedial & Prohibition Action

The situations in which Emergency Remedial Action and Emergency Prohibition Orders may be used are specified by Sections 40 to 45 of the Housing Act 2004. Specifically, the Council must be satisfied that:

- A Category 1 hazard exists, and that
- The hazard poses an imminent risk of serious harm to health or safety, and that
- Immediate action is necessary

Situations in which emergency action may be appropriate include:

- Residential accommodation located above commercial premises which lack a safe means of escape in the event of fire because there is no independent access
- Risk of electrocution, fire, gassing, explosion or collapse

7.18 Demolition Orders

The Housing Act 2004 provides the Council with the power to make Demolition Orders. Demolition Orders are a possible response to a Category 1 hazard (where they are judged the appropriate course of action). In determining whether to issue a Demolition Order, the Council will take account of Government guidance and will consider all the circumstances of the case.

7.19 Clearance Areas

The Council can declare an area to be a Clearance Area if it is satisfied that each of the premises in the area is affected by one or more Category 1 hazards (or that they are dangerous or harmful to the health and safety of inhabitants as a result of a bad arrangement or narrowness of streets). In determining whether to declare a Clearance Area, the Council will act only in accordance with Section 289 of the

Housing Act 1985 (as amended) and having had regard to relevant Government guidance on Clearance Areas and all the circumstances of the case.

7.20 Simple Cautions

Officers may use Simple Cautions where someone has committed a less serious offence. Simple Cautions warn people that their behaviour has been unacceptable and makes them aware of the legal consequences should they commit further offences. Simple cautions can only be issued where:

- There is evidence an offender is guilty
- The offender is eighteen years of age or over
- The offender admits they have committed the crime
- The offender agrees to be given a caution – if the offender does not agree to receive a caution then they are likely to be prosecuted instead

Simple cautions are normally not appropriate where there is history of offending within the last 2 years or where the same type of offence has been committed before. In these circumstances prosecution is more appropriate.

7.21 Works in Default

Works in Default will be considered in certain cases. In determining if work in default is appropriate, Officers will consider the following information;

- The effects of not carrying out the work on the health and safety of the occupant of the property concerned
- The wishes of the tenant where the Notice has been served in respect of a rented property
- The reason for the work not being carried out in the first place
- Any other factors that are specific to individual properties
- The Council will normally seek to recover all of the costs associated with undertaking work in default (including time spent by its Officers, administrative costs, contractors costs, the cost of any specialist reports, supervisory costs etc.)

In the case of Officer time, the Council will calculate costs as follows:

- The actual time spent by Council Officers on the chargeable activities and recorded using file notes and database
- Time spent will be converted into a monetary figure using the appropriate hourly rate set for the Officer(s) concerned.

The expenses incurred are to be recovered from the person(s) on whom the Notice or Order is/are served (“the relevant person”). Where the relevant person receives the rent on behalf of another, the expenses are also to be recovered from that other person. The recoverable expenses, are a charge on the premises.

8. Civil Penalties

The Housing & Planning Act 2016 introduces a range of measures to crack down on rogue landlords including the power for Councils to issue Civil Penalties of up to £30,000 as an alternative to prosecution for certain specified offences. This power came in to force on 6 April 2017 and was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016.

The primary aims of any financial penalty will therefore be to:

- Change the behaviour of the landlord / agent concerned.
- Deter future non-compliance by landlords / agents.
- Eliminate any financial gain or benefit from non-compliance with the regulations.
- Be proportionate to the nature of the breach of the regulations and the potential harm outcomes.
- Reimburse the cost incurred by the Council in undertaking work in default and fulfilling its enforcement duties.

Income received from a Civil Penalty can be retained by the local housing authority provided that it is used to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector.

A civil penalty may be imposed as an alternative to prosecution for the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72)
- Offences in relation to licensing of houses under Part 3 of the Act (section 95)
- Offences of contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)

The amount of penalty is to be determined by the Council in each case. In determining an appropriate level of penalty, the Domestic Team will have regard to statutory guidance given in the DCLG publication 'Civil Penalties under the Housing and Planning Act 2016'.

Only one penalty can be imposed in respect of the same offence and a civil penalty can only be imposed as an alternative to prosecution. However, a civil penalty can be issued as an alternative to prosecution for each separate breach of the House in Multiple Occupation management regulations. Section 234(3) of the Housing Act 2004 states that a person commits an offence if he fails to comply with a regulation. Therefore, each failure to comply with the regulations constitutes a separate offence for which a civil penalty can be imposed.

The same criminal standard of proof is required for a civil penalty as for prosecution. This means that before taking formal action, the Council must satisfy itself that if the case were to be prosecuted in a magistrates' court, there would be a realistic

prospect of conviction. In order to achieve a conviction in the magistrates' court, the Domestic Team must be able to demonstrate beyond reasonable doubt that the offence has been committed.

8.1 Determining the Sanction

The following principles will apply to each case to be considered in relation to a Civil Penalty;

- Each case will be considered on its own merits
- There must be sufficient, reliable evidence to justify the action taken
- The action taken must be in the public interest
- Any mitigating circumstances will be considered
- The decision to prosecute an individual is a serious step and has serious implications for all involved. Decisions to prosecute should always be fair and consistent.

8.2 Factors to be taken into consideration when Determining the Penalty

In accordance with the statutory guidance, the Council will consider the following factors to help ensure that the civil penalty is set at an appropriate level:

- **Severity of the offence.** The more serious the offence, the higher the penalty should be.
- **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
- **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
- **Punishment of the offender.** A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.
- **Deter the offender from repeating the offence.** The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the

penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

- **Deter others from committing similar offences.** While the fact that someone has received, a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.
- **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here should be to 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 properly managed.

8.3 Penalties Structure

For the purpose of the offence, a fine will usually be calculated using the financial penalty notice matrix Appendix 1. The selection of the relevant fine range, and the position of the individual offence within that range, is determined by the seriousness of the offence. The following factors will be considered;

In assessing seriousness there is a need to consider both culpability and harm

There can be an imbalance for example:

- Harm that results is greater than the harm intended by the offender
- Culpability may be at a higher level than the harm resulting from the offence

Culpability will be greater if;

- The offender deliberately causes more harm than necessary
- The offender targets a vulnerable victim (old age, youth, disability)
- The culpability of the offender should be the initial factor in determining the seriousness of the offence

8.4 Procedure

The Council will issue the person deemed to have committed a relevant offence a notice of its proposal ('notice of intent') to impose a financial penalty. This will set out;

- The amount of the proposed financial penalty;
- The reasons for proposing to impose the penalty;
- Information about the right of the landlord to make representations.

The notice of intent must be given no later than 6 months after the Council has sufficient evidence of the conduct to which the penalty relates, or at any time when the conduct is continuing.

A person who is given a notice of intent may make written representations to the Council about the intention to impose a financial penalty within 28 days from the when the notice was given.

Where written representations are made, a senior officer not previously involved with the case will consider the appeal. This will usually be the Environmental Services Manager or another relevant officer at this level within the Council's structure. The decision of the senior officer will set out their reasons for making their decision clearly and the following options will be available to them;

- Withdraw a notice of intent or final notice; or
- Reduce the amount specified in a notice of intent or final notice
- Uphold the original decision to issue the notice of intent

At the end of the 28-day period, the Council will decide whether to impose a penalty and, if so, will set the amount of the penalty. If the decision is made to impose a financial penalty, we will give the person a final notice requiring that the penalty is paid within 28 days. The final notice will include the following information;

- The amount of the financial penalty;
- The reasons for imposing the penalty;
- Information about how to pay the penalty;
- The period for payment of the penalty (28 days);
- Information about rights of appeal; and
- The consequences of failure to comply with the notice.

A person who receives a final notice may appeal to the First-tier Tribunal (Property Chamber) against:

- The decision to impose a penalty; or
- The amount of the penalty.

In these circumstances, the final notice is suspended until the appeal is determined or withdrawn.

9. Rent Repayment Orders

In addition to the powers provided by the Housing Act 2004 to apply Rent Repayment Orders (RROs) in regard to offences related to HMOs as outlined at section 73 and 74 of Housing Act 2004, the Housing and Planning Act 2016 extended the power to apply RROs in respect of the following offences committed after 6th April 2017;

- Failure to comply with an Improvement Notice under Section 30 of the Housing Act 2004
- Failure to comply with a Prohibition Order under Section 32 of the Housing

Act 2004

- Breach of a banning order made under Section 21 of the Housing and Planning Act 2016
- Using violence to secure entry to a property under Section 6 of the Criminal Law Act 1977
- Illegal eviction or harassment of the occupiers of a property under Section 1 of the Protection from Eviction Act 1977

The maximum amount of rent that can be recovered is capped at 12 months.

A criminal standard of proof is required. The Council must apply to the First Tier Property Tribunal for an RRO.

East Cambridgeshire District Council will consider application for RROs in all cases where a successful prosecution has been achieved.

10. Banning Order Offences

The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017 introduced a list of banning order offences;

- Failing to comply with an Improvement Notice
- Failing to comply with a prohibition order
- Offences in relation to licensing of Houses in Multiple Occupation
- Offences in relation to licensing under Part 3 of the Act
- Contravention of an overcrowding notice
- Failure to comply with the management regulations in respect to Houses in multiple occupation
- False or misleading information
- Fire Safety offences
- Gas safety offences-duties on landlords

Rogue landlords who flout their legal obligations and rent out accommodation which is substandard following prosecution will be referred to the First-tier Tribunal for application of a banning order.

A banning order will last a minimum of 12 months. There is no statutory maximum period for a banning order. The most serious offences will be considered for a banning order in line with our overall enforcement policy and the guidance issued by the Ministry of Housing and Communities. When considering whether to apply for a banning order the local authority should consider the sentence imposed by the Court in respect of the banning order offence itself.

11. Houses in Multiple Occupation

The Housing Act 2004 introduced a mandatory licensing system for certain types of Houses in Multiple Occupation (HMO). The aim of licensing is to ensure that every licensable HMO is safe for the occupants and visitors and is properly managed.

From April 2006 owners of certain types of HMOs must apply to the Council to have their properties licensed. The responsibility for applying for a licence rests with the person having control of or the person managing the property.

From October 1ST 2018 a new lower criteria was introduced for mandatory licensing, whereby a mandatory license is required where there are 2 or more households, with 5 or more residents, irrespective of the number of storeys. The room sizes for occupation were also changed. More information can be found at <http://www.eastcambs.gov.uk/licensing/houses-multiple-occupancy-hmo-licence>

The Housing Act 2004 also provides the Council with the power to apply Discretionary Licensing, either by way of Additional or Selective Licensing based on specific conditions being met. Should an area within East Cambridgeshire District Council ever become subject to discretionary licensing, a specific enforcement policy will be developed to accompany any designation.

When considering the Amenities required in a House in multiple occupation regard will be made to the East Cambridgeshire District Council Amenity Standards. These include minimum room sizes along with bathing facilities and cooking amenities. The Amenity Standards can be found at Appendix 2.

11.1 Licensing Offences

The Housing Act 2004 sets out a number of licensing related offences all of which carry an unlimited fine, including:

- Operating an unlicensed HMO or allowing an HMO to be occupied by more persons than a licence allows
- Breach of licence condition
- Supplying incorrect information in a licence application

In addition to the above, a landlord who operates an unlicensed HMO can be subject to a Rent Repayment Order (RRO) by a First-tier Tribunal (Property Chamber) under sections 96 and 97 of the Housing Act 2004. The Council may also decide to apply a Civil Penalty for certain offences using the Housing and Planning Act 2016.

A RRO requires repayment of rent received by the landlord over a period of up to 12 months. The Council will usually consider applying for such a measure if the landlord has received rent that has been paid by Housing Benefit.

Where an unlicensed HMO is identified, the Council will assess whether there are good reasons why an application has not been received. If there are no good reasons, the Council will look to take formal proceedings with a view to prosecution in the courts or by way of issuing a Civil Penalty.

If a landlord of an unlicensed HMO approaches the Council for licensing and the landlord fully cooperates with the Council, including addressing any management, safety or amenity issue within an agreed timescale, the Council would not normally take enforcement action.

Generally, initially, any breach of licence condition will be dealt with informally.

However, if the breach is serious and affects the safety of the occupants or the responsible person does not carry out necessary works within an agreed timescale, the Council will pursue legal proceedings.

11.2 Interim and Final Management Orders

An Interim Management Order (IMO) transfers the management of a residential property to the Council for a period of up to twelve months. The circumstances in which an order can be made are discussed below. In particular, the IMO allows the Council possession of the property against the immediate landlord, and subject to existing rights to occupy can;

- Do anything in relation to the property, which could have been done by the landlord, including repairs, collecting rents etc.
- Spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the property
- To create new tenancies (with the consent of the landlord).

Under an IMO the Council must pay to the relevant landlord (that is the person(s) who immediately before the order was made was entitled to the rent for the property) any surplus of income over expenditure (and any interest on such sum) accrued during the period in which the IMO is in force. It must also keep full accounts of income and expenditure in respect of the house and make such accounts available to the relevant person.

The Council must take enforcement action in respect of a licensable property (which means an HMO subject to Part 2, or other residential property subject to Part 31) by making an IMO if:

- The property ought to be licensed, but is not, and the Council considers there is no reasonable prospect of it granting a licence in the near future. An IMO may not, however, be made on these grounds if an effective application is outstanding with the authority for the grant of a licence or a temporary exemption notice or if such a notice is in force
- The Domestic Team is satisfied that the Health and Safety Condition isn't met and, therefore, it would not have granted an application for a licence
- The Domestic Team intends to revoke the licence on one or more of the grounds specified in Parts 2 or 3 of the Act, other than the property has ceased to be licensable, and upon revocation there will be no reasonable prospect of the property being licensed in the near future (e.g. to another suitable person)
- The Domestic Team is satisfied that when the licence is revoked the Health and Safety Condition test will be met.

11.3 Final Management Orders

In exceptional circumstances the Council can also apply for a Final Management Order (FMO) which can last for up to five years. Such powers will only be used in exceptional circumstances and will be agreed by the Manager of Environmental Services.

A FMO cannot be made unless an IMO or another FMO was already in force. An FMO transfers the management of the house to the Domestic Team for the duration of the order. In particular, the FMO allows the Council;

- Possession of the property against the immediate landlord, but subject to existing rights of occupation
- To do anything in relation to the property, which could have been done by the landlord, including repairs, collecting rents etc.
- To spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the property;
- To create new tenancies (without the consent of the landlord).

11.4 Management Order Management Schemes

The Council must adopt a management scheme for a property subject to an FMO. The scheme must set out how the Council intends to manage the house. In particular, the management scheme must include:

- The amount of rent it will seek to obtain whilst the order is in force
- Details of any works which the Council intends to undertake in relation to the property
- The estimate of the costs of carrying out those works
- Provision as to the payment of any surpluses of income over expenditure to the relevant landlord, from time to time
- In general terms how the authority intends to address the matters that caused the Council to make the order. The Council must also keep full accounts of income and expenditure in respect of the house and make such accounts available to the relevant landlord.

11.5 Temporary Exemption Notices

Where a landlord is, or shortly will be taking steps to make an HMO non-licensable, the Council may serve a Temporary Exemption Notice (TEN). A TEN can only be granted for a maximum period of three months. In exceptional circumstances a second TEN can be served for a further three-month period. A TEN will be served where the owner of the HMO states in writing that steps are being taken to make the HMO non- licensable within 3 months.

11.6 Raising Standards in HMOs

Under current legislation many HMOs still do not currently require a licence. These include houses containing some self-contained flats and smaller HMOs. Many of these still pose a significant degree of risk to occupants and/or have a history of being poorly managed. The Council will continue to regulate such HMOs through using the Housing Health and Safety Rating system and other appropriate legislation e.g. the HMO Management Regulations when complaints are received.

11.7 Fire Safety in HMOs

Statistically, HMOs have one of the highest incidents of deaths caused by fire in any type of housing. It is therefore essential that any HMO possesses an adequate means of escape in event of a fire and adequate fire precautions. The actual level of fire protection and detection required will be determined by a risk assessment.

The Domestic Team (Environmental Services) is generally the lead enforcing authority for fire safety in HMOs, however where an HMO contains communal areas, or is above a commercial property a Fire Risk Assessment is carried out in accordance with the Regulatory Reform Order which is administered by Cambridgeshire Fire Authority in line with the Memorandum of Understanding and Joint Enforcement Protocol 2015.

For clarification, and/or general fire safety guidance, contact the Domestic Team (Environmental Services) or visit <http://www.eastcambs.gov.uk/housing/hmo-licencing-information>

11.8 General Management of HMOs

The Management of Houses in Multiple Occupation (England) Regulations 2006 require the person having control of the house to ensure that: -

- All services, furnishings, fixtures and fittings are maintained in good, sound, and clean condition
- The structure is kept in good order
- All communal areas of the interior are regularly cleaned and redecorated as necessary
- All yards, boundary walls, fences, gardens and outbuildings are maintained in a safe and tidy condition
- Satisfactory arrangements for the disposal of refuse and litter have been made
- At the commencement of all tenancies the lettings are clean, in a satisfactory state of repair and decoration, and comply in all respects with these standards
- All staircases and multiple steps should be provided with suitable handrails
- All Tenants should fulfil their tenancy obligations.

12. Empty Homes

Empty homes can be a blight on our community as well as a wasted housing resource. Our approach will be to work alongside owners of empty homes with a solution based approach to support and encourage voluntary action. However, we are also committed to using appropriate enforcement action where owners fail to take responsibility for their properties, reasonable negotiations fail or there is little prospect of the property being bought back into use voluntarily.

A number of factors will be considered in deciding the best course of action for an empty home. For more information please see the East Cambridgeshire Empty
Agenda Item 6 – Enforcement Policy – page 29

Homes Strategy 2006 or contact the Domestic Team.

The Council will provide advice and assistance to the owners of empty properties to help bring the home back into use. It will however also consider using any of the following enforcement options:

- **Empty Dwelling Management Orders**
Where a property has been left empty for over two years and is attracting anti-social behaviour, the Council may seek an EDMO, the provisions for which are contained in the Housing Act 2004. An EDMO allows the Council to take over full management of the property for up to seven years, reclaiming any management and refurbishment costs from the rental income.
- **Compulsory Purchase Orders**
CPOs can be made under s17 of the Housing Act 1985 or s226 of the Town & Country Planning Act 1990. They allow local authorities to purchase properties in specific circumstances without the owner's consent. This is only carried out in extreme circumstances and if resources allow.
- **Statutory nuisance provisions**
If a property is unsafe, causing or is likely to cause a nuisance to the locality, there are several legislative tools available to the Council to ensure that the condition of the property is improved. These include provisions to ensure the property is safe, secure and not adversely affecting the amenity of the area.
- **Enforced sale procedure**
The Law of Property Act 1925 allows the recovery of debt secured by a registered charge by forcing the sale of a property. In situations where the Council has served notices requiring the owner to ensure that their property is not unsafe or having a negative impact, but they have failed to act, the Council may be forced to carry out the works in default. If the costs incurred are not paid, the Council will register any 'relevant' charges (charges that can be legally applied) against the property and should the owner still not pay this debt, the Council can commence legal proceedings to sell the property to recover the costs.

13. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

The regulations impose obligations upon landlords to ensure that tenanted properties are provided with smoke alarms and carbon monoxide alarms. This has been publicised in the Council's Statement of Principles.

Reg 4(1) says; A relevant landlord in respect of a specified tenancy must ensure that

-

- (b) *during any period beginning on or after 1st October 2015 when the premises are occupied under the tenancy-*
 - (i) *a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;*

- (ii) *a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and*
- (c) *checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.*

Where the Council has reasonable grounds to believe that the requirements of these Regulations have not been met by a landlord, there is a duty on the Council to serve a 'remedial notice'.

A remedial notice must-

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

The remedial notice will confirm the provisions for a review, and the appeal procedures.

Failure to comply with a remedial notice imposes a further duty on the Council to arrange remedial action and a power to require payment of a penalty charge. Penalty charges for non-compliance are currently as follows:

First offence	£500	Reduced to £400 if paid within 14 days
Second offence	£1,000	No reduction for early payment
Any additional offences	£5,000	No reduction for early payment

In determining the level of the fixed penalty notice the Council has considered the likely costs it will incur and the amount required sufficient to provide a deterrent to non-compliance. Increasing the fine for a second or third offence reflects the seriousness of the offence and is designed to deter repeat offending.

14. Monitoring and Review

The Service will keep its regulatory activities and interventions under review, with a view to considering the extent to which it would be appropriate to remove or reduce the regulatory burdens they impose, where the Council has direct control of these matters.

Changes will be introduced into this document where necessary to accommodate new legislation, guidance and local needs.

Fees will be reviewed annually.

15. Other legislation.

Where housing or other related legislation is introduced which is enforced by the Council and permits the imposition of any monetary penalty or penalty charge the Council will seek to fully implement any duty or power conferred upon it.

16. Application of the Policy

All Officers must have regard to this policy when making enforcement decisions.

If you have any comments or queries on this policy, please contact:

Senior Environmental Health Officers Julia Atkins or Karen See Domestic Team Leaders (job share)

By Email: julia.atkins@eastcambs.gov.uk or Karen.see@eastcambs.gov.uk

By telephone: 01353 665555

Or at this address: Domestic Team, East Cambridgeshire District Council, Nutholt Lane, Ely CB7 4EE

17. Related policies and documents

- Previous Housing Enforcement Policy
<http://www.eastcambs.gov.uk/sites/default/files/housingenfpol.pdf>
- East Cambridgeshire Private Sector Housing Policy 2017
<https://www.eastcambs.gov.uk/sites/default/files/%2821%20MAR%2017%29--The%20Housing%20Adaptations%20Policy%202017%20%282%29.pdf>
- Carbon Monoxide Statement Of Principles
<https://www.eastcambs.gov.uk/sites/default/files/Statement%20of%20Principles.pdf>
- Housing Strategy
http://www.eastcambs.gov.uk/sites/default/files/housing/housing_strategy_24583.pdf
- East Cambridgeshire Housing Adaptations Strategy 2018 (to be placed on line once agreed)
- Empty Homes Strategy 2006
<http://www.eastcambs.gov.uk/sites/default/files/ehstrat.pdf>

- Homelessness Strategy
<http://www.eastcambs.gov.uk/sites/default/files/ECDC%20Homelessness%20Strategy-%20Action%20Plan.pdf>

Printed copies or translated/braille/ copies of this policy can also be also available by emailing :-

domesticteam@eastcambs.gov.uk

DATA PROTECTION

In line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, East Cambridgeshire District Council is fully committed to protect the privacy of our constituents, staff and members. We ensure the safe processing of personal data through strict guidelines for collection, storage and retention of information. Where appropriate, data sharing protocols are entered into and robust security measures are in place. The council maintains its Public Services Network (PSN) compliance, demonstrating its on-going commitment to supporting best practice in the maintenance and handling of data.

For further information contact: The Data Protection Officer, The Grange, Nutholt Lane, Ely, Cambs., CB7 4EE (email: dataprotection@eastcambs.gov.uk)

Appendix 1					
Financial Penalty Matrix					
	Score =1	Score = 5	Score = 10	Score =15	Score = 20
FACTORS					
1. Severity of offence and culpability	No previous enforcement history. Single low level offence.	Minor previous enforcement. Single offence.	Recent second time offender. Offence has moderate severity or small but frequent impact(s).	Multiple offender. Ongoing offence of moderate to large severity or a single instance of a very severe offence.	Serial offender. Multiple enforcement over recent times. Continuing serious offence.
2. Deterrence of offender and others	High confidence that a financial penalty will deter repeat offending. Informal publicity not required as a deterrence.	Medium confidence that a financial penalty will deter repeat offending. Minor informal publicity required for mild deterrence in the landlord community.	Low confidence that a financial penalty will deter repeat offending (e.g. no contact from offender). Some informal publicity will be required to prevent similar offending in the landlord community.	Little confidence that a financial penalty will deter repeat offending. Likely informal publicity will be required to prevent similar offending in the landlord community.	Very little confidence that a financial penalty will deter repeat offending. Informal publicity will be required to prevent similar offending in the landlord community.

<p>4. Removal of financial benefit</p>	<p>No significant assets. No or very low financial profit made by offender.</p>	<p>Little asset value. Little profit made by offender.</p>	<p>Small portfolio landlord (between 2-3 properties). Low asset value. Low profit made by offender.</p>	<p>Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender.</p>	<p>Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.</p>
<p>3. Harm to the tenants (x2 weighting)</p>	<p>Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.</p>	<p>Likely some low-level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact</p>	<p>Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no primary or secondary evidence</p>	<p>High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants. more than likely exposed. Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.</p>	<p>Obvious high level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants. exposed. Large HMO (5+occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).</p>

Score range	Penalty				
<6	£250.00				
6<11	£500.00				
11<21	£750.00				
21<31	£1,000.00				
31<41	£2,500.00				
41<51	£5,000.00				
51<61	£10,000.00				
61<71	£15,000.00				
71<81	£20,000.00				
81<91	£25,000.00				
91+	£30,000.00				

East Cambridgeshire District Council

The Grange, Nutholt Lane, Ely, Cambridgeshire. Tel: 01353 665555

**Appendix 2
(Revised Sept 2018)**

Adopted Standards for Houses in Multiple Occupation

The following standards and guidance notes have been compiled to comply with the requirements contained in the Housing Act 1985 as amended by the Local Government and Housing Act 1989, and the Housing Act 2004 and all associated Regulations. These standards may be varied at the discretion of the Environmental Services Manager and relate to Licensable and other Categories of HMO.

A House in Multiple Occupation is defined by the Housing Act 2004 and means:

- a house, hostel or flat occupied by more than one household where sharing of amenities and rent or other amounts are payable, or
- a converted building where one or more of the units of living accommodation do not consist of a self-contained flats.

A HMO may be considered a house converted into self-contained flats, which does not meet 1991 Building Regulations and less than two thirds of the flats are long leases (i.e. more than a third are tenanted).

A HMO must be in good repair, safe and meet East Cambridgeshire District Council's Minimum Standards.

Licensable HMO's must meet the following space standards as laid down by Regulations, that is:

- To ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 m²
- To ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 m²
- To ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 m²
- To ensure that any room with a floor area less than 4.64 m² is not used as sleeping accommodation.

What dwellings are not considered Houses in Multiple Occupation for the purposes of these adopted Minimum Standards?

Exclusions include:

- People living together as one household
- Purpose built self-contained accommodation that complies with Building Regulations 1991
- Homes registered under the Registered Homes Act 1984
- Properties registered under the Children's Act 1989

The Environmental Services Manager may amend this from time to time, as necessary.

1. **Standards for Houses in Multiple Occupation in Categories A, B and G**

Category A

Houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant lives otherwise independently of all others.

Category B

Houses occupied on a shared basis. These would normally be occupied by members of a defined social group e.g. students or a group of young single adults. The occupiers each enjoy exclusive use of a bedroom but would share other facilities.

N.B. Houses of more than 6 people are not likely to fall in this Category.

Category G

Houses with some degree of shared facilities, occupied by people whose occupation is connected to their employment or education and is made available through their employer or in connection with a recognised educational establishment.

1.1 **Personal Washing Facilities**

- a.** Every water closet compartment shall be provided with a wash hand basin together with its own supply of hot and cold water.
- b.** Where practicable each separate occupancy shall be provided with a wash hand basin together with its own supply of hot and cold water.
- c.** Each occupancy is to be provided with its own bath or shower in a proper room. Where this is impracticable a readily accessible and suitably located bathroom or shower room not more than one floor distance from any user to be provided in the following ratios:-

1 - 5 persons - 1 bathroom or shower room
6 - 10 persons - 2 bathrooms or shower rooms
11 - 15 persons - 3 bathrooms or shower rooms
- d.** Every bath, shower and wash hand basin shall be properly plumbed with adequate hot and cold water supplies and waste drainage. Immediately adjacent walls should be non-porous and easily cleanable.

1.2 **Drainage and Sanitary Conveniences**

- a.** Each separate occupancy shall be provided with its own water closet compartment, but when not practicable, satisfactory and readily accessible water closet accommodation shall be provided in the following ratios:

1 - 5 persons - 1 water closet
6 - 10 persons - 2 water closets
11 - 15 persons - 3 water closets

- b.** The nearest water closet shall not be more than one floor distant from a unit of accommodation. Each bath/shower or W.C. room should have easily cleansable surfaces.
- c.** All above and below ground drainage shall comply with current Building Regulations

1.3 Facilities for Storage, Preparation and Cooking of Food and for the Disposal of Waste Water

If all meals are not provided then;

Each occupancy shall have its own kitchen facilities within their letting, as below, except suitably located shared kitchens may be provided where cooker and sink and associated facilities are shared by not more than five persons.

The kitchen shall be not more than one floor distance from any user unless a communal dining room is provided.

Separate kitchens whether shared or used exclusively in connection with a particular single tenancy must be of sufficient size for their purpose. The following sizes are a guide.

Kitchen used by	Area of floor
1 – 3 persons	5m ²
4 persons	6m ²
5 persons	7m ²
9 persons	9m ²

a. *Storage of Food*

Each separate occupancy shall be provided with a refrigerator for the storage of perishable food (minimum capacity 0.15m³) and dry goods storage space (minimum 0.15m³) which may be within the unit accommodation or within the kitchen where kitchens are shared.

In shared kitchens the scale of such provision must be a minimum of 0.08m³ dry goods space and 0.075m³ refrigerator space per occupant, either in the kitchen or in an adjacent readily accessible position.

b. *Preparation of Food*

A suitable fixed worktop shall be provided being of a minimum size of 500mm x 1000mm with a smooth, durable, impervious surface, capable of being easily cleaned. In the case of shared kitchens, worktops shall be provided in a ratio of one to every three persons sharing the kitchen. Immediately adjacent walls to be non-porous and easily cleanable.

c. *Kitchen Appliances*

Two power points shall be provided, positioned immediately adjacent to any

worktop. In the case of shared kitchens power points shall be provided in the ratio

of two power points for every three persons.

d. Cooking of Food

A suitable cooking appliance which includes an oven, grill and four cooking rings shall be provided in each occupancy. In the case of shared kitchens cooking appliances that include an oven, grill and four cooking rings shall be provided in a ratio of one set for every five persons. Where there are up to eight persons the second cooking appliance may be a combination microwave rather than a traditional cooker.

Where there is single person occupancy an oven grill and two cooking rings will be acceptable.

1.4 Natural Lighting

- a.** All habitable rooms shall be provided with an area of clear glazing equivalent in total area of not less than 1/10th of the floor area of the room. Please note that all glazing within the common escape route (in case of fire) must comply with fire protection standards.
- b.** Where practicable, all kitchens, bathrooms and W.C. compartments shall comply with 4(a) above, although in the case of bathrooms and W.C. compartments, glazing shall normally be obscure. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirement of part (b).

Artificial Lighting

- c.** All habitable rooms, kitchens, bathrooms, W.C. compartments, staircases, landings and passages shall be adequately lit by electricity.

All artificial lighting on landings, stairs and passageways must be operated by sufficient switches. Any time switches must stay on for an adequate time to allow persons to travel the distance and have entered the next lighting area.

1.5 Ventilation

- a.** All habitable rooms shall be ventilated directly to the external air by a window with an opening area of at least 1/20th of the floor area of the room.

A door giving access directly to the external air will not be acceptable for the purpose of this requirement.

- b.** Where practicable, kitchens, bathrooms and W.C. compartments shall comply with 1.5(a) above. Where not practicable, mechanical ventilation shall be provided which is capable of providing 3 air changes per hour. The installation must be fitted with an over-run device for a minimum of 15 minutes and connected to the lighting circuit of the room.

1.6 Space Heating

The main living room of each occupancy shall be provided with a fixed heating appliance capable of heating the room to a temperature of 21 °C when the outside temperature is -1°C. All appliances should be of a sufficient output so as to adequately heat the rooms they serve.

Bedrooms should be able to be maintained at 18 °C when the outside temperature is -1°C. This provision should be efficient, safely designed, sited and guarded as to minimise the risks to health and safety.

1.7 Prevention of Overcrowding Space Standards

a. For the purpose of setting space standards:-

a child under 1 year is excluded (*this also applies to the provision of amenities and facilities*)

a child over 1 year and under 10 years is classed as ½ a person,

a child over 10 years or an adult is classed as 1 person.

b. The number of persons permitted to occupy each habitable room will be calculated according to the requirements of the Housing Act 1985 as follows:-

<u>Floor Area of Room</u>	<u>Max Number</u>
19.5 m ²	4 persons
15 m ²	3 persons
10.22 m ²	2 persons
6.51 m ²	1 person

- A single bedroom with a separate living room = 6.51 m² for 1 person
- A single bedroom with **no** separate living room = 10.22 m² for 1 person
- A double bedroom with a separate living room = 10.22 m² for 2 persons
- A double bedroom with **no** separate living room = 15 m² for 2 persons
- For each additional person there should be an additional 4.5m² floor area.

c. Where a unit of accommodation includes kitchen facilities and a separate living room, then minimum room sizes need to be increased.

<u>Floor Area of Room</u>	<u>Max Number</u>
13.5 m ²	2 persons
10.22 m ²	1 person

For each additional person there should be an additional 4.5m² floor area.

1.8 Refuse Storage and Disposal

Refuse storage containers shall be provided sufficient for the needs of the house of the type acceptable to the Local Authority. On average one bin should be provided for every three single persons.

All containers are to be located on a hard standing with suitable access for cleaning the area and the removal of containers. Bulk storage bins may be acceptable in certain circumstances.

1.9 Means of Escape in the Case of Fire

There must be an adequate means of escape in case of fire and other fire precautions within the property. The type of precautions required is dependent on the type of Category and the number of stories. Detailed requirements can be found in the Fire Standards Document.

The following are general requirements that may be required:-

- A fire warning system. Heat detectors in the kitchen areas. Hard wired smoke alarms in each dwelling.
- Fire doors with 30 minutes fire resistance with self-closing devices, smoke seals and intumescent seals.
- Walls and ceiling with 30 minutes fire resistance.
- Basement ceilings to have 60 minute fire resistance.
- Electrical meters in the escape route to be in a cupboard.

All cupboards in the escape route to have 30 minutes fire resistance.

1.10 Fire Safety of Furniture

All upholstered furniture in an HMO shall meet the current fire retardancy standard.

Upholstered furniture and furnishings includes chairs, three piece suites, beds, headboards, scatter cushions and pillows.

1.11 Gas Safety

Gas appliances, boilers and flues must be safe at all times and inspected annually by a registered installer or competent person on the Gas Safe Register.

A certificate confirming that an annual gas safety check has been carried out must be available for inspection by authorised officers of the Council and the Health and Safety Executive at their request.

A copy of the Certificate must be handed to any incoming tenant before the tenant occupies the premises.

There is a duty to retain a copy of the record of inspection for a period of two years.

1.12 Electrical Wiring and Appliances

Electrical wiring to lighting, power circuits and electrical appliances must be safe at all times. These should be checked and certified as being safe by a qualified electrician who is a member of an approved association and an Electrical Installation Condition Report, no more than 5 years old, shall be available for inspection. PAT testing of appliances must be undertaken.

1.13 Management

Every HMO must have a Manager. The Manager is the owner or the lessee of the premises who receives the rents paid by tenants. The person who collects the rents on his/her behalf may also be responsible as a Manager. A notice giving the name and address of the Manager should be on display in the premises.

The Housing (Management of Houses in Multiple Occupation) Regulations 2006 cover aspects relating to good management of the premises.

The Manager is required by the Regulations to ensure the repair, maintenance, cleansing or good order of the property including making sure the property remains safe, the water supply is sufficient, common parts and fixtures and fittings are in good order, the gas and electric supply is safe and that waste disposal options are sufficient. The Manager is also required to provide relevant information to the occupiers. The Regulations also imposes duties on persons who live in the house for the purpose of ensuring that the Manager can effectively carry out the duties imposed on him by the Regulations.

2. Standards Required for Houses in Multiple Occupation in Category C

Houses let in lodgings i.e. catering for lodgers on a small scale but not living as part of the main household normally with a resident/occupier. This is the traditional “house let in lodgings” where meals are provided in a dining room and would be typified by a family or household who might take in a small number of students or other individuals away from their primary residence.

2.1 Personal Washing Facilities

- a** Each bedroom/study room not occupied by the owner and his/her family shall be provided with a wash hand basin.
- b** Shared facilities will be accepted where there are 2 or less occupiers in addition to the owner-occupier and his/her family except where the total number of occupants exceed 6, when separate facilities as in (a) above will be required.
- c** Each occupancy to be provided with its own bath or shower in a proper room, but where this is impracticable a readily accessible and suitably located bathroom or shower room not more than one floor distance from any user to be provided in the following ratios:-
 - 1 - 5 persons - 1 bathroom or shower room
 - 6 - 10 persons - 2 bathrooms or shower rooms
 - 11 - 15 persons - 3 bathrooms or shower rooms

- d.** Every bath, shower and wash hand basin shall be properly plumbed with adequate hot and cold water supplies and waste drainage. Immediately adjacent walls to be non-porous and easily cleansable.

2.2 Drainage and Sanitary Conveniences

- a.** Each separate occupancy shall be provided with its own water closet compartment, but when not practicable, satisfactory and readily accessible water closet accommodation shall be provided in the following ratios:
 - 1 - 5 persons - 1 water closet
 - 6 - 10 persons - 2 water closets
 - 11 - 15 persons - 3 water closets
- b.** The nearest water closet shall not be more than one floor distance from a unit of accommodation. Each bath/shower or W.C. room should have easily cleansable surfaces.
- c.** All above and belowground drainage shall comply with current Building Regulations.

2.3 Natural Lighting

- a.** All habitable rooms shall be provided with an area of clear glazing equivalent in total area of not less than 1/10th of the floor area of the room. Please note that all glazing within the common escape route (in case of fire) must comply with fire protection standards.
- b.** Where practicable, all kitchens, bathrooms and W.C. compartments shall comply with above, although in the case of bathrooms and W.C. compartments, glazing shall normally be obscure. Where this is not practicable, adequate artificial lighting shall be provided.

Artificial Lighting

- c.** All habitable rooms, kitchens, bathrooms, W.C. compartments, staircases, landings and passages shall be adequately lit by electricity.

All artificial lighting on landings, stairs and passageways must be operated by sufficient switches. Any time switches must stay on for an adequate time to allow persons to travel the distance and have entered the next lighting area.

2.4 Ventilation

- b.** All habitable rooms shall be ventilated directly to the external air by a window with an opening area of at least 1/20th of the floor area of the room.

A door giving access directly to the external air will not be acceptable for the purpose of this requirement.

- c.** Where practicable, kitchens, bathrooms and W.C. compartments shall comply with 5(a) above. Where not practicable, mechanical ventilation shall be provided which is capable of providing 3 air changes per hour. The installation must be fitted with an over-run device for a minimum of 15 minutes and connected to the lighting circuit of the room.

2.5 Space Heating

The main living room of each occupancy shall be provided with a fixed heating appliance capable of heating the room to a temperature of 21 °c when the outside temperature is -1°C. All appliances should be of a sufficient output so as to adequately heat the rooms they serve.

Bedrooms should be able to be maintained at 18 °C when the outside temperature is -1°C. This provision should be efficient, safely designed, sited and guarded as to minimise the risks to health and safety.

2.6 Prevention of Overcrowding Space Standards

a. For the purpose of setting space standards:-

a child under 1 year is excluded (*this also applies to the provision of amenities and facilities*)

a child over 1 year and under 10 years is classed as ½ a person,

a child over 10 years or an adult is classed as 1 person.

b. The number of persons permitted to occupy each habitable room will be calculated according to the requirements of the Housing Act 1985 as follows:-

<u>Floor Area of Room</u>	<u>Max Number</u>
19.5m ²	4 persons
15m ²	3 persons
10.22m ²	2 persons
6.51m ²	1 person

- A single bedroom with a separate living room = 6.51m² for 1 person
- A single bedroom with **no** separate living room = 10.22m² for 1 person
- A double bedroom with a separate living room = 10.22 m² for 2 persons
- A double bedroom with **no** separate living room = 15 m² for 2 persons
- For each additional person there should be an additional 4.5m² floor area.

c. Where a unit of accommodation includes kitchen facilities and a separate living room, then minimum room sizes need to be increased.

<u>Floor Area of Room</u>	<u>Max Number</u>
13.5m ²	2 persons

10.22m²

1 person

For each additional person there should be an additional 4.5m² floor area.

2.7 Refuse Storage and Disposal

Refuse storage containers shall be provided sufficient for the needs of the house of the type acceptable to the Local Authority. On average one bin should be provided for every three single persons.

All containers are to be located on a hard standing with suitable access for cleaning the area and the removal of containers. Bulk storage bins may be acceptable in certain circumstances.

2.8 Means of Escape in the Case of Fire

There must be an adequate means of escape in case of fire and other fire precautions within the property. The type of precautions required are dependent on the type of Category and the number of stories. Detailed requirements can be found in the Fire Standards Document.

The following are general requirements that may be required:-

- A fire warning system. Heat indicators in the kitchen areas. Hard wired smoke alarms in each dwelling.
- Fire doors with 30 minutes fire resistance with self-closing devices, smoke seals and intumescent seals.
- Walls and ceiling with 30 minutes fire resistance.
- Basement ceilings to have 60 minute fire resistance.
- Electrical metres in the escape route to be in a cupboard.

All cupboards in the escape route to have 30 minutes fire resistance.

Fire Safety of Furniture

All upholstered furniture in an HMO shall meet the current fire retardancy standard.

Upholstered furniture and furnishings includes chairs, three piece suites, beds, headboards, scatter cushions and pillows.

Gas Safety

Gas appliances, boilers and flues must be safe at all times and inspected annually by a Gas Safe registered installer.

A certificate confirming that an annual gas safety check has been carried out must be available for inspection by authorised officers of the Council and the Health and Safety Executive at their request.

A copy of the Certificate must be handed to any incoming tenant before the tenant occupies the premises.

There is a duty to retain a copy of the record of inspection for a period of two years.

Electrical Wiring and Appliances

Electrical wiring to both lighting, power circuits and electrical appliances must be safe at all times. These should be checked and certified as being safe by a qualified electrician who is a member of an approved association and an Electrical Installation Condition Report, no more than 5 years old, shall be available for inspection. PAT testing of appliances must be undertaken.

2.9 Management

Every HMO must have a Manager. The Manager is the owner or the lessee of the premises who receives the rents paid by tenants. The person who collects the rents on his/her behalf may also be responsible as a manager. A notice giving the name and address of the Manager should be on display in the premises.

The Housing (Management of Houses in Multiple Occupation) Regulations 2006 cover aspects relating to good management of the premises.

The Manager is required by the Regulations to ensure the repair, maintenance, cleansing or good order of the property including making sure the property remains safe, the water supply is sufficient, common parts and fixtures and fittings are in good order, the gas and electric supply is safe and that waste disposal options are sufficient. The Manager is also required to provide relevant information to the occupiers. The Regulations also imposes duties on persons who live in the house for the purpose of ensuring that the Manager can effectively carry out the duties imposed on him by the Regulations.

3. Standards Required for Houses in Multiple Occupation in Category D

(Hostels, guest houses, bed and breakfast)

Houses generally referred to as “hostels”, “guesthouses” and “bed-and-breakfast hotels” or the like. These will provide accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to an area. This category would include establishments used by Local Authorities to house homeless families pending permanent placement and similar establishments which provide accommodation for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes, even on a casual basis and hotels housing. Foods must be prepared and served to tenants. The property will otherwise be classed as Category A or B.

3.1 Personal Washing Facilities

- a.** Every water closet compartment shall be provided with a wash hand basin together with its own supply of hot and cold water.
- b.** Each separate occupancy shall be provided with a wash hand basin together with its own supply of hot and cold water.
- c.** Each occupancy to be provided with its own bath or shower in a proper room, but where this is impracticable a readily accessible and suitably located bathroom or shower room not more than one floor distance from any user to be provided in the following ratios:-
 - 1 - 5 persons - 1 bathroom or shower room
 - 6 - 10 persons - 2 bathrooms or shower rooms
 - 11 - 15 persons - 3 bathrooms or shower rooms
- d.** Every bath, shower and wash hand basin shall be properly plumbed with adequate hot and cold water supplies and waste drainage. Immediately adjacent walls to be non-porous and easily cleansable.

3.2 Drainage and Sanitary Conveniences

- a.** Each separate occupancy shall be provided with its own water closet compartment, but when not practicable, satisfactory and readily accessible water closet accommodation shall be provided in the following ratios:
 - 1 - 5 persons - 1 water closet
 - 6 - 10 persons - 2 water closets
 - 11 - 15 persons - 3 water closets
- b.** The nearest water closet shall not be more than one floor distance from a unit of accommodation. Each bath/shower or W.C. room should have easily cleansable surfaces.
- c.** All above and belowground drainage shall comply with current Building Regulations.

4. Standards Required for Houses in Multiple Occupation in Category

E

(Registered Homes)

Registered (care) homes have increased considerably in number since the advent of Community Care policies. Many thousands of such premises now exist in both the public and increasingly the private sector. They are diverse in size and nature and cater for a wide range of clients, their common characteristic being their need for personal care.

These premises are subject to inspection by Registration Authorities (i.e. Social Services Authorities) and to regulation according to the Registered Care Homes Regulations 1984. These specify standards which not only cover the physical environmental pertinent to the care of the client (including standards for amenities) but requirements too for management systems including provisions for record keeping, complaints procedures etc.

5. Standards Required for Houses in Multiple Occupation in Category

F

Most houses or other buildings which by erection or conversion comprise of dwellings which are self-contained and which have access via a single “front door” from any common area. Such dwellings would normally contain all the standard amenities for the exclusive use of the occupants of that dwelling.

This category of HMO would under normal circumstances be created having regard to the provisions of the Building Regulations and therefore the following standards would be of use at design stage.

Each unit of accommodation should have exclusive amenities

The following space standards are recommended.

1 person, three roomed flat:

Bedroom	7m ²
Living Room	11.5 m ²
Kitchen	5.5 m ²

Total habitable area 24m²

1 person flatlet with separate kitchen:

Bed/Living room	14m ²
Kitchen	5m ²

Total habitable area 21.5m²

2 person one bedroom flat:

Bedroom	10.5m
Living room	13m ²
Kitchen	5.5m ²

Total habitable area 31.5²

- C Each occupancy shall be provided with its own bath or shower in a proper room, but where this is not practicable a readily accessible and suitably located bathroom or shower room not more than one floor distant from any user to be provided in the following ratios:-

1 - 5 persons	-	1 bathroom or shower room
6 - 10 persons	-	2 bathrooms or shower rooms

An owner-occupier and his/her family will be reckonable for this purpose.

- D Every bath, shower and wash hand basin shall be properly plumbed with hot and cold water supplies and waste drainage.

5.1 **Drainage and Sanitary Conveniences**

- a Each separate occupancy shall be provided with its own water closet compartment, but when not practicable satisfactory and readily accessible water closet accommodation shall be provided in the following ratios:-

1 - 5 persons	-	1 water closet
6 - 10 persons	-	2 water closets
11 - 15 persons	-	3 water closets

- b Such water closets shall be not more than 1 floor distant from the letting.

5.2 **Natural Lighting**

- a All habitable rooms shall be provided with an area of clear glazing equivalent in total area of not less than 1/10th of the floor area of the room.
- b Where practicable, all kitchens, bathrooms and W.C. compartments shall comply with (a) above, although in the case of bathrooms and W.C. compartments, glazing shall normally be obscure.

Artificial Lighting

- c All habitable rooms, kitchens, bathrooms, W.C. compartments, staircases, landings and passages shall be adequately lit by electricity.

5.3 **Ventilation**

- a All habitable rooms shall be ventilated directly to the external air by a window with an opening area of at least 1/20th of the floor area of the room.
- b Where practicable, kitchens, bathrooms and W.C. compartments shall comply with (a) above. Where not practicable, mechanical ventilation shall be provided which is capable of providing 3 air changes per hour. The installation must be fitted with an over-run device and connected to the lighting circuit of the room.

5.4 **Space Heating**

The main living room of each occupancy shall be provided with a fixed heating appliance capable of heating the room to a temperature of 21 °C when the outside temperature is -1°C. This provision should be efficient, safely designed, sited and guarded as to minimise the risks to health and safety.

5.5 **Permitted Occupation**

In order to prevent overcrowding and over occupation the following shall apply:-

Bedrooms

1 person	6.51 m ²
2 persons	10.22 m ²
3 persons	16.5 m ²
4 persons	21.0 m ²

Enforcement

The Environmental Services (Domestic Team) will use discretion to vary these standards in exceptional circumstances where appropriate, also taking into account Lacor's Guidance and new and emerging legislation. Enforcement will be carried out in line with the **Housing Enforcement Policy 2018 and the East Cambridgeshire District Council Enforcement Concordat.**

CATEGORIES OF HMO

- Category A Houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant lives otherwise independently of all others.
- Category B Houses occupied on a shared basis. These would normally be occupied by members of a defined social group e.g. students or a group of young single adults. The occupiers each enjoy exclusive use of a bedroom but would share facilities.
- Category C Houses let in lodgings, i.e. catering for lodgers on a small scale but not living as part of the main household normally with a resident owner/occupier. This is the traditional “house let in lodgings” where meals are provided in a dining room and would be typified by a family or household who might take in a small number of students or other individuals away from their primary place of residence.
- Category D Houses generally referred to as “hostels”, “guesthouses” and “bed-and-breakfast hotels” or the like. These will provide accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to an area. This category would include establishments used by local authorities to house homeless families pending permanent placement and similar establishments which provide accommodation for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes, even on a casual basis and hotels housing a mixture of homeless households and visitors.
- Category E Houses which require registration under the Registered Homes Act 1984 as amended, providing board and personal care for persons in need by reason of old age, disability, past or present drug or alcohol dependence or past or present mental order.
- Category F Most houses or other buildings which by erection or conversion comprise dwellings which are self-contained, all such dwellings comprising accommodation to which access is had via a single “front door” from any common area. Such dwellings would normally contain all the standard amenities but where any might not and be in an “improved” state – there would nevertheless be no sharing amenities with the occupiers of neighbouring dwellings.
- Category G Houses with some degree of shared facilities, occupied by people whose occupation is ancillary to their employment or education and is made available through their employer or in connection with a recognised educational establishment.

EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING TEMPLATE (IST)

Initial screening needs to take place for all new/revised Council policies. The word ‘policy’, in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an EIA for this activity.

Name of Policy:	Draft Private Sector Housing Enforcement Policy
Lead Officer (responsible for assessment):	Senior Environmental Health Officer
Department:	Environmental Services
Others Involved in the Assessment (i.e. peer review, external challenge):	Environmental Services Manager
Date Initial Screening Completed:	16 th October 2018

(a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

East Cambridgeshire District Council authorises officers to carry out statutory functions in the Private Rented Sector in the Council’s district. Officers enforce housing legislation under the Housing Act 2004 amongst other pieces of legislation.

The draft Private Sector Housing Enforcement Policy is good practice to clearly set out the Council’s approach to enforcement to provide consistency and transparency. It is designed to be both fair to responsible landlords but deals effectively with uninformed or rogue landlords to maintain and improve housing conditions within East Cambridgeshire.

Where the option of Civil Penalties are to be adopted, local authorities are also required to produce a penalties matrix, which is attached to the policy.

The draft policy also proposes charging for the service of certain housing notices when deemed appropriate.

The draft is being submitted to the Regulatory Services Committee on 5th November 2018.

(b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

Existing and proposed landlords and private sector tenants.

(c) **Is this assessment informed by any information or background data?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

The Council must conform to statutory functions.

The draft has been prepared having regard to East Cambridgeshire Equality framework.

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics (please tick all that apply):

Ethnicity	x	Age	x
Gender		Religion or Belief	
Disability	x	Sexual Orientation	
Gender Reassignment		Marriage & Civil Partnership	
Pregnancy & Maternity		Caring Responsibilities	

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

This is an updated document.

The Private Rented Sector houses a higher proportion of vulnerable groups and in East Cambridgeshire District the private rental market is slightly higher than the national average. The draft policy aims to have a positive impact on vulnerable groups by providing officers with more enforcement options to encourage a good standard of housing throughout the district. There will also be a positive impact on responsible landlords within the district and act as a deterrent to rogue landlords.

Age

An authorised officer will need to evaluate cases and deal with these especially sensitively where necessary. Officers will also use the policy and feed into other appropriate groups where necessary i.e. Age UK to ensure the best outcome for the occupant.

Disability

These cases again will need to be evaluated appropriately.

Legislation dictates that some applications must be made in writing or online for example a Houses in Multiple Occupation Licence etc. An applicant may be visually impaired and therefore unable to complete the application forms his/herself. A physically or mentally disabled person may have special needs. Where a person with a disability is invited to attend a recorded interview under the rules of PACE (Police and Criminal Evidence Act 1984), they may need special support or, need to have the interview conducted at another premises and not the Council Offices.

Ethnicity

Where English is not be the first language of the landlord or tenant, translation services may be required and can be provided. Letters etc. can also be provided in the appropriate language where necessary.

- (e) Does the policy affect service users or the wider community?
- (f) Does the policy have a significant effect on how services are delivered?
- (g) Will it have a significant effect on how other organisations operate?
- (h) Does it involve a significant commitment of resources?
- (i) Does it relate to an area where there are known inequalities, e.g. disabled people’s access to public transport etc?

NO
NO
NO
NO
NO

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment (EIA). If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council’s Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to the Principal HR Officer.

Signatures:

Completing Officer: Julia Atkins **Date:** 16/10/18

Head of Service: Liz Knox **Date:** 22.10.18

TITLE: Performance Management – Six month report updates

To: Regulatory Services Committee

Date: 5th November 2018

From: Hetty Thornton – Performance Management Officer

[T131]

1.0 Issue

1.1 To update Regulatory Services Committee on the progress made over the previous six months within the Service Delivery Plans (2018/2019) for the following:

- Building Control Services
- Environmental Services
- Licensing
- Housing and Community Safety
- Planning
- Waste

2.0 Recommendations

2.1 Regulatory Services Committee are asked;

- To note the progress made against the priorities of the Council including areas where the service has been under achieving and where outstanding performance was delivered.
- To note the comments made by Service Delivery Champions.

3.0 Background

3.1 Performance management continues to play a key role within the Council.

3.2 All services are required to highlight outcomes and outputs against the Council's Corporate Priorities and service level performance measures.

3.3 The six month update reports provide Councillors with the opportunity to understand how each service is achieving against their priorities.

4.0 Argument and Conclusions

4.1 Monitoring performance enables the Council to highlight key outcomes against the main priorities. It provides an opportunity to identify under and over performance and forward plan effectively.

5.0 Financial Implications

5.1 There are no financial implications other than officer time attributed to this report and assessing the Service Delivery Plans.

6.0 Equality Impact Assessment

6.1 All Service Delivery Plans, where there are direct impacts on equality and diversity will have corresponding equality impact assessments against them.

7.0 Appendices

Appendix A- Building Control Services

Appendix B- Environmental Services

Appendix C- Licensing

Appendix D- Housing and Community Safety

Appendix E- Planning

Appendix F- Waste

Background documents- None

Contact officer







Hetty Thornton

Performance Management Officer

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Building Control Service Plan 2018-2019- Six month update

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
To actively market and promote the building control service to maintain market share	A customer driven efficient Council with a "can do" attitude and pro business approach and commercially focused to ensure financial self sufficiency for the tax payer.	Local authority building control (LABC) services used on a large proportion of all applications submitted in the East Cambridgeshire District	64%	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor Duncan Hones-Building control surveyor John Jeffery-Building control surveyor Darren King- Building control administrator Jeannie Ambrose – Trainee Building Control Surveyor		75% 379 Local Authority applications 108 Approved Inspector applications
		75% of all Building Control applications submitted use Local Authority Building Control				
		Achieve a break-even budget for the fee earning account and be self sufficient	Balanced budget achieved	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor		Figures at present would indicate a balance budget will be achieved
		Review/improve the Building Control area of the Council website to ensure the information available is up to date and relevant for all customers	Completed	Jason Johnson- Senior Building Control surveyor		On-going
To ensure the provision of a safe and healthy environment	Making East Cambridgeshire an even better place to live	To ensure the provision of a responsive dangerous structures service by attending: <ul style="list-style-type: none"> 100% of reports of a dangerous structure within 2 hours if after a desktop assessment it is determined the structure may cause immediate danger to the public 100% of reports of a dangerous structure within 24 hours if after a desktop assessment it is determined the structure will not cause immediate danger to the public 	100% Attended	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor Duncan Hones-Building control surveyor John Jeffery-Building control surveyor Jeannie Ambrose – Trainee Building Control Surveyor		4 Dangerous structure call outs attended within required timescales
		To respond to 100% of demolition notices within 4 weeks (statutory requirement 6 weeks) in order to ensure compliance with statutory legislation and support customer needs	100%	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor Duncan Hones-Building control surveyor John Jeffery-Building control surveyor Darren King- Building control administrator Jeannie Ambrose – Trainee Building Control Surveyor		3 Demolition notices processed within required timescales
		Attend and provide technical guidance at all applicable Safety Advisory Group meetings both internally and externally	100%	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor Duncan Hones-Building control surveyor John Jeffery-Building control surveyor		All meetings attended






Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
To provide a dedicated high quality technical service to our customers	A customer driven efficient Council with a “can do” attitude and pro business approach and commercially focused to ensure financial self sufficiency for the taxpayer	Register 80% of building regulations applications within 3 working days of submission	92%	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor Darren King- Building control administrator	↑	91% 368 Applications received 334 Registered within 3 days of deposit date
		To ensure compliance with building regulations by carrying out plan checking within 3 working weeks Check 70% of applications for compliance within 3 working weeks	74%	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor Duncan Hones-Building control surveyor John Jeffery-Building control surveyor Jeannie Ambrose – Trainee Building Control Surveyor	↑	75% 150 Full Plans applications checked 112 Checked within 3 weeks
		To identify training needs across the service by following effective performance management processes. To ensure succession planning is in place. To maintain a full professionally qualified (applicable to post) team	Completed	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor	↔	Completed
To maintain a full and professionally qualified team that is technically up to date with current and emerging legislative changes		Appraisals to be completed annually	100%	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor Duncan Hones-Building control surveyor John Jeffery-Building control surveyor	↔	Completed
To determine building regulations applications and carry out site inspections within specified statutory timescales	Making East Cambridgeshire an even better place to live	To examine and determine 100% of applications within statutory period of 5 weeks or 2 months where an extension of time agreed too.	100%	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor Duncan Hones-Building control surveyor John Jeffery-Building control surveyor Jeannie Ambrose – Trainee Building Control Surveyor	↔	100% All full plans applications checked within the statutory time period
		Carry out 90% site inspections on same day if requested before 10am and within 5 days for completion inspections 90% carried out on day of request	98%	Nigel Harper-Senior Building Control surveyor Jason Johnson- Senior Building Control surveyor Duncan Hones-Building control surveyor John Jeffery-Building control surveyor Jeannie Ambrose – Trainee Building Control Surveyor	↑	98% 1790 Inspections booked 1759 Inspections carried out on the same day

<p>Ensure that the Council's corporate risks are managed effectively and mitigations are put in place to reduce impact</p>	<p>A customer driven efficient Council with a "can do" attitude and pro business approach and commercially focused to ensure financial self sufficiency for the taxpayer</p>	<p>To regularly review risks associated with Building Control, including:</p> <p>Carrying out site inspections</p> <ul style="list-style-type: none"> - Possible impact to the health & safety of the public resulting from incorrect decision making by Surveyor - Possible impact to reputation of the Authority <p>Attending dangerous structures calls</p> <ul style="list-style-type: none"> - Possible impact to the health & safety of the public and Council employees resulting from incorrect dangerous structure management - Possible impact to reputation of the Authority 		<p>Nigel Harper- Senior Building Control Surveyor Jason Johnson- Senior Building Control Surveyor Duncan Hones- Building Control Surveyor John Jeffery- Building Control Surveyor Jeannie Ambrose – Trainee Building Control Surveyor</p>		<p>*See below</p>
<p>*Although not a direct risk, the Grenfell disaster will impact the Building Control Service in relation change. It is anticipated there will be wholesale changes to fire safety regulations and associated guidance. In addition all surveyors may be required to take diploma courses matching their experience and knowledge. We have already carried out a competency audit and submitted a training budget request for the relevant diplomas.</p>						




<p>Name of Service Delivery Champion: Councillor Neil Hitchin</p>
<p>Comments</p> <p>The Building Control team are clearly operating in a very effective way. I have been especially struck by the number of site inspections, and that they always get these done on the same day. That is a significant work load in itself.</p> <p>I find the targets they have set to be both ambitious and realistic, and this is reflected in the consistency with which they are met. Not everything about the work is within the control of the team, so it is impressive to find that they have been able to respond to unpredictable situations without dropping the ball on the regular demands.</p>




Commitments towards our Vision

Environmental Services 2018-2019- Six month update




Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
To consider opportunities to increase income through the provision of added value services to	A customer driven efficient Council with a "can do" attitude and pro business approach and commercially focused to ensure financial self-sufficiency for the tax payer. Making East Cambridgeshire an event better place to live.	To Continue to work with Sanctuary Housing and get commitment to provide £100,000 towards disabled adaptations in their stock. By the 1 st April 2019	£100,000	Marie Beaumont- Senior Case Worker Liz Knox- Environmental Services Manager		£100,000 secured from Sanctuary for 18/19
		To Increase fee income for Care and Repair by £10,000. To increase fee income to £93,000 by 1 st April 2019.	£120,000	Marie Beaumont – Senior Case Worker Martine D’Antonio- Case Worker Stephen Presland- Technical Officer (Care and Repair) Wendy Gammon- Administration Officer		Current fees paid £33,500.00 fees committed £40,745.00 total potential fee at the six month stage £74,245.00
		To Introduce a charge of £130 to food businesses for re-rating visits. Estimated target income .£1,500	N/A	Jenny Winslet- Senior Environmental Health Officer Patricia Christie- Food Safety Officer Louise Wright- Environmental Health Officer		7 x requests £910.00
		The % of regulatory compliance and monitoring inspections of aspects of the built and natural environment that can have an adverse impact on the quality of the environment or the health and welfare of the population (for the following);		Karen See- Senior Environmental Health Officer Julia Atkins- Senior Environmental Health Officer Chris Smith- Environmental Health Practitioner Peter Ord- Scientific Officer Rick Warren- Technical Officer		
To carry out statutory programmed inspections of businesses to safeguard the health and wellbeing of residents visitors and employees		<ul style="list-style-type: none"> 100 % of all permitted industrial processes inspected 	100%			0% None at present but these are not due until March 2019
		<ul style="list-style-type: none"> 100 % of large mobile home sites inspected 	100%			100% inspected (10 sites)



Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)	
		<ul style="list-style-type: none"> 100 % Private water supplies inspected 	100%			None at present. 12 to be inspected but these are not due until January 2019	
		<ul style="list-style-type: none"> 95% of total air quality data capture obtained 	96%			99%	
		<ul style="list-style-type: none"> 68 % of potentially contaminated land that has been remediated 	71%			74.5%	
		Demonstrate the Council's compliance with statutory requirements for which the Local Authority is the enforcing authority by undertaking at least 1 project from the Health and Safety Executive's priorities.	NEW		Jenny Winslet-Senior Environmental Health Officer Food Safety Officer Environmental Health Officer Graduate EHO		2 x HSE Priority areas : 41 visits
		Demonstrate ECDC's compliance with Statutory requirements of official controls for food and food hygiene. Carry out inspections of (the following);			Jenny Winslet-Senior Environmental Health Officer Food Safety Officer Environmental Health Officer Graduate EHO Administration officer		
		<ul style="list-style-type: none"> 100% of all A and B rated food premises 	100% (47/40)			76% due to businesses deliberately abstracted for the Poor Performer's project (19/25)	
		<ul style="list-style-type: none"> 90% of C and D rated food premises 	92% (201/218)			>100% (includes new businesses or where rating has changed) 103/69	
		<ul style="list-style-type: none"> 90% low risk E food premises sent out questionnaires 	100% (131/131)			100% (42/42)	
		<ul style="list-style-type: none"> 100% of Approved food businesses inspected 	100% (7 inspected)			Total 9 approved establishments. 2x due inspection, one inspected one day late so 50% achieved	
		<ul style="list-style-type: none"> 100% of food businesses contacted within 7 days of sample results being received from the laboratory 	100% (101 samples)			85% 5 sampling exercises, 39 total samples. 6 sample results went out beyond the 7 day target	

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
To reduce the incidence and effects of pollution and to promote environmental stewardship		The percentage of requests for advice or statutory investigations and intervention by Officers, resolved within 90 days and within 180 days; 94% within 90 days 98% within 180 days	87% 94%	Karen See- Senior Environmental Health Officer Julia Atkins- Senior Environmental Health Officer Peter Ord- Scientific Officer Chris Smith- Environmental Health Officer Rick Warren- Technical Officer		82%* (There is a slight increase in the number of days as we have also been without a permanent staff member for a long period and have only recently recruited a suitable candidate. The team has also taken on additional work load with regards to serving FPN's etc.) 92%*
		Undertake a targeted environmental crime promotional campaign aimed at reducing the incidence of fly tipping, littering and dog fouling. By December 2018. Issue 100% of Fixed Penalty Notices in cases where the evidence is sufficient to do so.	NEW	Karen See/Julia Atkins – Senior Environmental Health Officer Domestic Team Officers		PSPO for dog fouling across whole District has been adopted. Signs being developed and communications to inform wider public about adoption of PSPO currently in progress. Social media campaigns have been carried out for littering, fly tipping, dropping cigarette butts and dog fouling. Officers have been involved in fly tip clearance with Street Scene and Envirocrime Officers have patrolled Ely. Soham, Littleport, Burwell and across the district will follow. 100% issued. 8 Fixed Penalty Notices Issued (3 for fly tipping) where good evidence has been provided.
To ensure that the residents of ECDC are adequately housed in a dwelling that is safe and suited to their needs		75 of Disabled Facilities Grants delivered (DFG's)	110	Marie Beaumont- Senior Case Worker Stephen Presland- Technical Officer (Care and Repair) Martine D'Antonio- Case Worker Karen See- Senior EHO Julia Atkins- Senior EHO Annie Chitambo- TO		59 completed 43 approved

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
				Barbara Mitcham-EHO		
		100% of Minor works Grants approved within 28 days	100% 28	Marie Beaumont-Senior Case Worker Stephen Presland-Technical Officer (Care and Repair) Martine D'Antonio-Case Worker Karen See- Senior EHO Julia Atkins- Senior EHO Annie Chitambo -TO Barbara Mitcham-EHO		100% 17 completed
		The average time from referral to grant approval for DFG's under £10,000 to be within 16 weeks	29 weeks	Marie Beaumont-Senior Case Worker (Care and Repair) Stephen Presland-Technical Officer (Care and Repair) Martine D'Antonio-Case Worker Karen See- Senior EHO Julia Atkins- Senior EHO Annie Chitambo -TO Barbara Mitcham-EHO		28wks qtr 2, 45 wks qtr 1 the six month average is 36.5 wks
		The average time from referral to grant approval for DFG's over £10,000 to be within 32 weeks	48 weeks	Marie Beaumont-Senior EHO Stephen Presland-Technical Officer (Care and repair) Martine D'Antonio-Case worker Karen See- Senior EHO Julia Atkins- Senior EHO Annie Chitambo -TO		32wks qtr 2 , 33 wks qtr 1, six month average 32.5 wks

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
To provide education/advice and information to businesses and ensure compliance				Barbara Mitcham-EHO		
		Prior to commencement of the new HMO licensing regime provide advice and liaise with landlords to ensure full understanding of the forthcoming statutory changes, to help achieve good compliance levels within required timescales, and reporting to Committee by December 2018 on actions and progress.	New Target	Karen See/Julia Atkins - Senior Environmental Health Officer	↔	Information placed on the website and information passed to the Comms team
		To submit a bid under the warmer homes grant by September 2018	New Target	Nick Wyatt Sustainability Officer	↔	Submitted (results due end of Nov 18)
		To provide energy efficiency advice to 75 households by March 2019	50	Nick Wyatt Sustainability Officer	↔	37
		To ensure a high standard of service is delivered to all our customers by ensuring that appropriate and timely responses are provided to all formal consultations and enquiries for advice or assistance (for the following)		Karen See-Senior EHO Julia Atkins- Senior EHO Chris Smith- Graduate EHO		
		<ul style="list-style-type: none"> 96% of customer enquiries responded to within 5 days 	95%		↓	90% - 137 received in 1 st 6 months. The ones outside the 5 days were waste/littering/allegations of commercial waste being placed in domestic waste/AV's.
		<ul style="list-style-type: none"> 96% of Planning/Building Regulation consultations responded to within 14 days 	97%		↓	89% - 312 planning consultations received in 1 st 6 months. 95% responded to within the statutory 21 day period.
		<ul style="list-style-type: none"> 94% of Temporary Event Notice consultations responded to within 3 days 	95%		↓	93% - 208 received in 1 st 6 months. Only 14 assessed outside of the 3 day period.
		<ul style="list-style-type: none"> 97% of general Licensing consultations responded to within 14 days 	97%		↓	93% - 14 received, 13 within 14 days although all reviewed within the statutory 21 day time period required.

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
		Support our customers by organising or being involved in 5 promotional activities that engage with local businesses and the public, to build on and encourage good working relationships and assist people to have a better understanding of the role of the Domestic Team.	4 (stall on market square, radio appearance for Dog Warden, careers fair at Ely Cathedral, attendance at 3 safety zone events in Oct)	Karen See- Senior EHO Julia Atkins- Senior EHO Peter Ord- Technical Officer (care and repair) Claire Braybrook- EHO Rick Warren- Technical Officer Chris Smith- Graduate EHO Jenessa Springhall- Dog Warden		3 promotions. Promotion regarding housing with Care and Repair on Market Stall and with Street Scene to deal with Fly tipping, and Careers Fair at Ely Cathedral. We have also been involved in various press releases regarding Houses in Multiple Occupation, fly tipping, dog fouling Public Spaces Protection Order.
		Evaluate customer needs to assist with meaningful development of procedures to improve customers experience of our delivery of statutory services. Use survey results to inform future planning of what our customers require. Future action plan by December 2018 for implementation in 2019/20.	N/A	Karen See- Senior EHO Julia Atkins- Senior EHO		Web survey carried out. 100% said 'very satisfied' with clear advice but only small response. Website served needs 50% said very well but there is room for improvement. Completed but to be continued. Improvement to the web pages has already been put in place and this will be continued.
		Responding to complaints/ enquiries/ requests for advice/ Reporting of Injuries, Diseases and Dangerous Occurrence Statutory Notifications/skin piercing registrations/infectious diseases notifications. Issue of Export Certificates <ul style="list-style-type: none"> 100% First contact in 3 working days 100% Export certificates issued in 7 working days Provide advice requested to 100% of businesses within 3 working days (food and health and safety) 	98% (666/679) 100% 100% (197)	Jenny Winslet- Senior EHO Patricia Christie- Food safety officer Louise Wright- EHO (Commercial) Wendy Page- Administrator		99% Combined complaints /enquiries/ service requests and RIDDOR within 3 days (591/593) 100% export health certificates sent out within 7 working days (18/18)

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
		Respond to our customer survey (<u>What do our customers want?</u>) Use this information to inform future planning. <ul style="list-style-type: none"> Undertake a "Poor Performer" Project to work intensely with premises rated 0-2 by June 2018 	1	Jenny Winslet- Senior EHO Patricia Christie- Food Safety Officer Louise Wright- EHO		Poor performers project still underway, still working on 3 premises. One business changed hands and second pulled out of project
Trained staff and comprehensive understanding of service by Service Delivery Champions		100% of Appraisals undertaken	100%	Liz Knox- Environmental Services Manager Karen See- Senior EHO Julia Atkins- Senior EHO Jenny Winslet- Senior EHO Marie Beaumont- Senior Case Worker		
		To update Service Delivery Champion with progress within Environmental Services, how the service is being operated and budgetary updates. Service Delivery Champion to act as critical friend to meet at least bi-monthly	6	Liz Knox- Environmental Services Manager		3 meetings undertaken to date
Ensure that the Council's corporate risks are managed effectively and mitigations are put in place to reduce impact.		To regularly review higher level corporate risks, including: Retention and recruitment of staff in both the commercial and Domestic section	4 staff 17/18 2 staff 18/19	Liz Knox Environmental Services Manager		<i>Recruited to 2 posts in Domestic team – these have been covered by agency workers over the summer 1 post vacant in food section</i>
		Reduced resource in Commercial team will lead to inspection rates not reaching level required by Food Standards Agency	<i>FSA targets met</i>	Liz Knox Environmental Services Manager		<i>FSA targets on track</i>







Name of Service Delivery Champion: Councillor Carol Sennitt

The whole team have worked hard to deliver on performance without compromising customer satisfaction. As well as achieving good performance over the past 6 months I would also like to highlight other areas of work that have been covered by the teams and should be recognised.

- Environmental Crime was transferred from the Waste Team into Environmental Services in June 2017. Officers have exemplified the “**can do**” attitude and currently to give you an idea of what’s been happening numbers wise they have investigated 58 cases of littering, waste dumping, and dog fouling. This has resulted in 8 FPN’s being served and a number of PACE interviews being undertaken. Payments have been received for the FPN’s and are looking to bring a prosecution in the coming months. Our aim is to increase public awareness of the unacceptable nature of littering, dog fouling and rubbish dumping in 2018/19 and to help encourage compliance.
- This year the number of contaminated land and environmental impact consultation responses required for planning applications, is again high at 312 consultation requests received.
- The new HMO licensing regime was introduced in October this year and so far we have received an additional 9 HMO applications.
- Noise complaints from domestic and licensed premises this year increased drastically. The hot summer and the world cup seemed to have brought the continental outdoor lifestyle to East Cambs, Well done to all officers covering the monitoring of these events and getting some good outcomes
- Air quality remains high on the national and local agenda and In June this year we again reported to DEFRA on the status of our air quality for 2017. Air quality in East Cambs remains relatively good with the annual mean NO2 concentration declining at 13 of the 17 long term monitoring locations but rose slightly at 3. Relatively poor air quality at Station Road Ely but it will be interesting to monitor what happens to NO2 levels once bypass opens. Next round of assessment and report writing begins in the New Year for 2018 results.
- Market project has been lead by Jenny Clare working with Markets, to ensure that all food stalls that come to our markets are from out of the area are meeting the standards we expect. Not all stalls come from ECDC so contact with 31 other local authorities to liaise on inspections of “visiting” food businesses. This involved additional out of hours inspections on Saturdays and additional Thursday market visits
- One Healthier Options premises signed up (The Hive), officers encouraging other food businesses to sign up
- Patricia working with low performing businesses to help them improve Food Hygiene ratings and celebrating 5 star achievers
- Bids submitted by Nick Wyatt for Warm Home funding and Litter innovation funding.

Commitments towards our Vision

Licensing Services 2018-2019-Six month update

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
Maximise income from fees and charges To approve applications for licences, permits and registrations within specified timescales	A customer driven efficient Council with a “can do” attitude and pro business approach and commercially focused to ensure financial self-sufficiency for the tax payer	To support the Council’s growth agenda and undertake a fees and charges review	Completed- as part of the annual review.	Stewart Broome- Senior Licensing Officer		Completed and presented to Cttee 10/10/2018
		95% of valid new licensed vehicle applications to be processed within 48 hours	100% (22 total)	Stewart Broome- Senior Licensing Officer Caroline Littleboy- Licensing Support Officer Lin Bagwell- Licensing Officer		100% (26 total)
		100% of valid licensed vehicle renewal applications to be processed within 72 hours of receipt, or by the expiry date of the license (where an applicant submits their application more than 72 hours in advance of their expiry date). N.B- target reworded from similar target for 2016/2017	100% (100 total)	Stewart Broome- Senior Licensing Officer Caroline Littleboy- Licensing Support Officer Lin Bagwell- Licensing Officer		100% (54 total)
		100% of valid licensed vehicle variation applications to be processed within 24 hours.	100% (26 total)	Stewart Broome- Senior Licensing Officer Caroline Littleboy- Licensing Support Officer Lin Bagwell- Licensing Officer		100% (8 total)
		100% of valid Temporary event notices processed within the statutory period.	99% (274 total – 2 overdue)	Stewart Broome- Senior Licensing Officer Caroline Littleboy- Licensing Support Officer Lin Bagwell- Licensing Officer		100% (200 total)
		100% of valid Personal Licences (to sell alcohol) processed with the statutory period	100% (52 total)	Stewart Broome- Senior Licensing Officer Caroline Littleboy- Licensing Support Officer Lin Bagwell- Licensing Officer		100% (21 total)

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
Investigate complaints relating to licensed premises		100% of complaints received will be responded to within 72 hours.	100% (1 total)	Stewart Broome- Senior Licensing Officer Caroline Littleboy- Licensing Support Officer Lin Bagwell- Licensing Officer		100% (2 total)
To carry out statutory programmed inspections of businesses to ensure the safety, well-being and protection of residents, visitors and employees	Making East Cambridgeshire an even better place to live	Annual inspection of licensed animal boarding establishments, dangerous wild animal establishments, dog breeding establishments, pet shop premises, riding establishments and zoo premises.	100% (48 total)	Stewart Broome- Senior Licensing Officer Caroline Littleboy- Licensing Support Officer Lin Bagwell- Licensing Officer		100% of those required (5 total) majority of animal welfare renewals take place in 2 nd half of year.
		Gambling Act 2005 licensing policy – update	N/A	Stewart Broome- Senior Licensing Officer		Completed – awaiting Full Council signoff
		Annual inspection of licensed taxi operator bases.	100% (15 total)	Stewart Broome- Senior Licensing Officer Lin Bagwell- Licensing		N/A - all inspections fall in 2 nd half of year
Offer advice and guidance on licensable activities	A customer driven efficient Council with a “can do” attitude and pro business approach and commercially focused to ensure financial self-sufficiency for the tax payer	Taxi licensing trade meeting.	100% (2 total)	Stewart Broome- Senior Licensing Officer		50% (1 total)
Trained staff and comprehensive understanding of the service by the service delivery Champion		% of Appraisals undertaken	100% (2 total)	Stewart Broome- Senior Licensing Officer	0%	0%
		Service awareness briefings for Service Delivery Champion.	100% (4 total)	Stewart Broome- Senior Licensing Officer		50% (2 total)
		To review all website pages to ensure that they meet with the needs of our customers.	On-going	Stewart Broome- Senior Licensing Officer		On-going
Ensure that the Council's corporate risks are managed effectively and mitigations are put in place to reduce impact.		To regularly review risks associated with performance management, including: reputational risk, legal challenges, budgetary control.	On-going	Stewart Broome- Senior Licensing Officer		On-going






Name of Service Delivery Champion: Councillor Sue Austen

Comments:

The results from the first six months of the 18/19 year continue to show that the department is performing incredibly well, with all targets being met or being exceeded. It has been a challenging start to the year due to a number of new implementations, but the hard work of the team has again shone through

Commitments towards our Vision

Housing & Community Safety 2018-2019-Six month update

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at the 6 month stage)	Outcome or output (at 6 month stage)
Maximising income via the re charging policy an reduce the risk of temporary accommodation	A customer driven efficient Council with a “can do” attitude and pro business approach and commercially focused to ensure financial self sufficiency for the tax payer.	To avoid the use of B&B accommodation where possible unless in an absolute emergency and there is no other accommodation available to the client.	100%	All Officers		100%
		To prioritise emergency homeless presentations and where possible deal with the situation on the day of presentation to the Council.	100%	All Officers		100%
		To ensure that every effort is made by the Income Recovery Officer (IRO) to recoup monies loaned to clients for deposits, storage & removals and full recharge for any time spent in B&B with a collection rate of 75%	95%	Income & Recovery Officer		83%
Provide an holistic Housing Options Service with the emphasis on preventing homelessness	Making East Cambridgeshire an even better place to live	To ensure we use 100% of Discretionary Housing Fund	100%	All officers		62% Spent £77,708 of the allocated £124,784
		To prevent or relieve at least 250 households from becoming homeless per year.	248			127 prevented & 89 relieved **

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at the 6 month stage)	Outcome or output (at 6 month stage)
		To effectively engage with landlords by undertaking 2 landlord forums per year.	1	All Officers		New Private Landlord Liaison Officer has now been recruited.
		To undertake a rough sleeper estimate.	yearly	All Officers		Booked in for 19 th November 2018
Adapting the service to meet the needs of the customer	A customer driven efficient Council with a "can do" attitude and pro business approach and commercially focused to ensure financial self sufficiency for the taxpayer	Update websites and ensure plethora of leaflets distributed across the district. Reviewed annually. Conduct Customer Satisfaction surveys. To carry out home visits to those who need them. To carry out a full review of our Gypsy and Traveller Sites	Yearly 50% 100% April 2018	All Officers All Officers Traveller Liaison Officer		Ongoing 50% 100% Completed
To maintain a full and professionally qualified team that is technically up to date with current and emerging legislative changes	Delivering a financially sound & well managed council	Ensure all officers attend all mandatory council training courses in policy and procedures for child safeguarding, quality & diversity, health & safety etc.	100%	All officers		All officers are attending training as and when required
		Appraisals to be completed annually	100%	Housing & Community Safety Manager		At year end
		Service awareness briefings for Service Delivery Champion.	100%	All Officers		100%
		All officers to be up to date with changes to benefits/Universal Credit and Benefit Caps being introduced in from November 2016 and Universal Credit roll out to all new applicants from October 2018	100%	All Officers		100%
Ensure that the Council's corporate risks are managed effectively and mitigations are put		To regularly review risks associated with Housing and Community Safety, including the implementation of the new Homeless Reduction Act coming into force from April 2018. This could bring an increase in customers accessing the service, including the risk of using B&B accommodation which will have a financial risk to the authority.	New target	Housing & Community Safety Manager All Officers		Ongoing – no significant impact at this stage

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at the 6 month stage)	Outcome or output (at 6 month stage)
in place to reduce impact		Roll out of full Universal Credit from October 2018 could also see an increase of homelessness and the risk of using B&B accommodation, this risk is unknown, the impact will be on the existing capacity of the team.	New target	Housing & Community Safety Manager All Officers		Ongoing – no significant impact at this stage
Ensuring people feel safe in their home and neighbourhood	Making East Cambridgeshire an even better place to live	To ensure 5% more rents collected than in 2017/2018 from the Traveller Sites.	£86,214	Traveller Liaison Officer		£56,934 collected 132%
		To attend meetings and conferences for MARAC, MAPPA and ASB, make sure housing team are aware of any impending homelessness relating to domestic violence/abuse, crime and disorder or ASB.	100%	All Officers		100%
		To deliver refresher safeguarding training to all front line staff	Annually	Housing & Community Safety Manger		Completed 2018
		Deliver the Community Safety Partnership (CSP) Board meeting twice annually and lead development of annual Action plan and all performance measures	Twice annually	Neighbourhood Officer		One held
		To sign up at least 20 Parish Council members/clerks as Eyes and Ears volunteers and roll out more multi agency events	100%	Neighbourhood Officer		Re-launched Sept 18 th – 30 champions signed up so far
		Prevent awareness raising sessions at the secondary schools in East Cambridgeshire involving video presentation.	Annually	Neighbourhood Officer		Completed








Name of Service Delivery Champion: Cllr Mike Rouse







Comments: I am satisfied that our Housing team continues to meet the challenges in an efficient and understanding way and I'm particularly pleased with the accreditation for the White Ribbon and the re launch of the 'Eyes and Ears Campaign to protect vulnerable people within our communities. The team have risen to the challenge of new legislation and continue to focus on prevention and early intervention.







** under the new Homeless Reduction Act we now have 56 days to prevent someone from becoming homeless, 56 days to relieve someone's homelessness (once already homeless) before we accepted a main duty (Band A Statutory Homeless). Since April 2018 we have accepted a main duty 11 households.









Commitments towards our Vision





Planning Service 2018-2019 Six month update

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
To deliver statutory functions within specified timescales and within budget constraints	A customer driven efficient Council with a "can do" attitude and pro business approach and commercially focused to ensure financial self-sufficiency for the tax payer.	90% of major applications determined within 13 weeks (or within an agreed timescale) N.B this is an increase of 10% from last years' target	96%	Rebecca Saunt- Planning Services Manager Andrew Phillips- Planning Team Leader Barbara Greengrass- Planning Team Leader All Planning Officers and Conservation Officer		95% 18 out of 19 applications on time
		80% of minor applications to be determined within 8 weeks (or within an agreed timescale)	92%	Rebecca Saunt Andrew Phillips Barbara Greengrass All Planning Officers and Conservation Officer		94% 204 out of 218 applications on time
		90% of householder applications determined within 8 weeks (or within an agreed timescale)	97%	Rebecca Saunt Andrew Phillips Barbara Greengrass All Planning Officers and Conservation Officer		99% 243 out of 245 applications on time
		90% of all other applications to be determined within statutory timescales (or within an agreed timescale)	93%	Rebecca Saunt Andrew Phillips Barbara Greengrass All Planning Officers and Conservation Officer		100% 62 applications on time
		100% of Tree Preservation Order applications and Conservation Area Notices (trees) to be determined within statutory timescales.	100%	Cathy White Rebecca Saunt		100% 251 applications on time
		100% of planning applications determined within 26 weeks of validation unless a planning performance agreement or extension of time has been agreed.	99.8%	Rebecca Saunt Andrew Phillips Barbara Greengrass All Planning Officers and Conservation Officer		99.7% 584 applications out of 586 applications
		90% of planning applications validated within 5 working days	75%	Lucy Flintham Rebecca Saunt Sarah Parisi All Support Team Members		73% within 5 working days (766 out of 1045 apps) 91% within 7 (952 apps)

		80% of discharge of condition applications determined within 8 weeks unless an extension of time has been agreed. N.B this is a decrease of 10% from last year's target	61%	Rebecca Saunt Andrew Phillips Barbara Greengrass All Planning Officers and Conservation Officer		70% 107 out of 154 applications on time
		10% increase in planning and pre-application fees from current budget	This year we have budgeted to bring in: £895,166 from planning fees- 10% increase would be £89,516.60 £49,783 from pre-app fees- 10% increase would be £4,978.30	Rebecca Saunt Andrew Phillips Barbara Greengrass All Planning Officers and Conservation Officer		Planning 17% Pre-app 7% Equating to: Planning £524,049 Preapp: £26,728
		To re-invest the statutory 20% planning fee increase to deliver efficiencies for the Planning Department – The budget for 18/19 is expected to be £179,033	n/a	Rebecca Saunt Lucy Flintham		Purchase of High Hedges module and Appeal documents on Public Access and on-site apps for Planning & Enforcement
		Implementation of further electronic working processes and procedures within 1 year – to include reduction of paper documents held on a planning file, emailing decision notices and correspondence	n/a	Rebecca Saunt Lucy Flintham Sarah Parisi		Starting Decision Notice review following legislation update on pre-commencement conditions.
To take a proactive approach to enhancing and improving the places in which people live: balancing economic,	Making East Cambridgeshire an even better place to live	Develop a toolkit based upon the CABE building for life criteria as part of Design Guide review within 12 months.	In progress (50%) – to be completed by 04/05/2018	Rebecca Saunt Lorraine Brown Andrew Phillips Barbara Greengrass		Outstanding – due to workloads & vacant posts
		Carry out a scoping exercise for establishing Design Review panel to assess completed development schemes within 1 year.	Attended meeting with Cambridge City Design Panel to take Design Panel forward.	Rebecca Saunt Lorraine Brown Andrew Phillips Barbara Greengrass		Outstanding – due to workloads & vacant posts

environmental and social needs		To help facilitate the successful delivery of North Ely through the planning process	Redrow Homes and Hopkins reserved matters taken to Committee. Care Home to go to Committee in April. Discharge of condition applications are expected to be progressed as far as possible by end of Feb 2018	Rebecca Saunt		First phases on each development, Hopkins and Redrow Homes have now commenced. Care Home granted approval and subsequent discharge of condition applications received. Ongoing discussions/pre-app for North Ely
		To work proactively with any Enterprise Zone within the district to bring forward appropriate development in order to provide a range of jobs to the district in a timely manner. Quarterly meetings between the Enterprise Zone and a Senior Planning Officer (as well as other relevant professionals) in order to mitigate problems and find solutions to significant problems at the earliest opportunity. Biannual meetings with Planning Manager and Enterprise Zone to cover any strategic problems or concerns	n/a	Rebecca Saunt Andrew Phillips Barbara Greengrass		Regular meetings are being held. Internal meetings are being held to tackle any foreseeable hurdles. Applications received are dealt with as priority.
		To meet with the Police, Fire Brigade, Lead Local Flood Authority and other key stakeholders on a quarterly basis to increase the level of service we are able to provide to our customers.	Carried out on a monthly basis	Rebecca Saunt Barbara Greengrass Andrew Phillips		Carried out on a monthly basis
To improve the quality of the built & natural environment throughout the district	Making East Cambridgeshire an even better place to live	Undertake review & update Design Guide SPD for adoption within 12 months	In progress (50%) – to be completed by 04/05/2018	Rebecca Saunt Andrew Phillips Barbara Greengrass Cathy White All Planning Officers and Tree Officers		First draft completed and to be circulated to officers for comment once a full complement of staff
		Monitor 20% of approved tree works	20% 35 inspections	Cathy White Rebecca Saunt		20% 50 inspections
		80% of enforcement complaints to have preliminary investigation completed within 10 working days of receipt and the complainant contacted within 15 working days to advise of findings	100% 100%	Rebecca Saunt All Enforcement Officers		100% 147 inspections 100% 246 responses

		Undertake visits during works to listed buildings for 25% of approved consents N.B. this is an increase from last years' target.	24% 10 out of 41 applications	Rebecca Saunt Conservation Officer		0% Due to not having a full time Conservation Officer for the period
		Develop a Tree Strategy within 12 months to link with the new Local Plan	Ongoing – on track with preparation	Cathy White Rebecca Saunt Catherine Looper Zoe Boyce-Upcraft		Completed and published
		Proactively identify unauthorised adverts and satellite dishes in Soham within 6 months	Enforcement officers currently making contact with premises displaying unauthorised advertisements/satellite dishes. Proactive work very much in progress.	Rebecca Saunt All Enforcement Officers		Initial survey completed and all properties contacted. Review is ongoing
		Proactively identify unauthorised adverts and satellite dishes in Ely within 12 months.	Meeting held with Ely Councillors and town centre manager in November 2017. Traders are working with the East Cambridgeshire Access Group on voluntary code of contact. Enforcement team due to receive an update from Ely Councillors in February 2018. Decision will be taken thereafter as to nature of proactive work to be carried out.	Rebecca Saunt All Enforcement Officers		Survey of Ely carried out and work in progress
To Improve staff motivation, participation and involvement in service provision and encourage staff development	A customer driven efficient Council with a “can do” attitude and pro business approach and commercially focused to ensure financial self-sufficiency for the tax payer	20 hrs of CPD to be identified and to be provided annually	35.6 hrs/person 855 hours completed	Rebecca Saunt All Officers		321hours completed by 24 members of staff Resulting in 13.4hrs/person
		Hold quarterly working party meetings to look at IT processes and systems for planning and enforcement	1 meeting held to date. IT currently going through another Review process.	Rebecca Saunt Andrew Phillips Barbara Greengrass Lucy Flintham Cathy White Oli Haydon		IT recently been through review process.
		Meet quarterly with the Planning Service Delivery Champion	100%	Rebecca Saunt		100%
		Introduce information videos on our website for a minimum of 3 topics	Outstanding	Rebecca Saunt Andrew Phillips Barbara Greengrass Oli Haydon		Outstanding – due to workloads




Ensure that the Council's corporate risks are managed effectively and mitigations are put in place to reduce impact.		To regularly review higher level corporate risks, including: <ul style="list-style-type: none"> Judicial review- the decision making process has not been carried out lawfully, which could lead to a financial risk on the Authority and judicial review by aggrieved party 	n/a	Rebecca Saunt	New Target	1 judicial review received in last 6 months, implications discussed with officers at team meeting – decision quashed and re-issued, addressing matters raised.
To provide excellent customer services at all times and to improve communication with all customers	A customer driven efficient Council with a “can do” attitude and pro business approach and commercially focused to ensure financial self-sufficiency for the tax payer.	Proactively engage with Parish Councils and Agents through: <ul style="list-style-type: none"> Parish meetings (to attend at least one meeting per Parish request, per year)and e-newsletters (x 4 a year) Agent Forums/Newsletters At least one evening/breakfast agents meeting a year 	<ul style="list-style-type: none"> Parish meetings attended Letters produced Letters produced Breakfast meeting 	Rebecca Saunt Lucy Flintham Sarah Parisi Andrew Phillips Barbara Greengrass All Planning Officers		Parish meetings attended, Newsletters produced, Agents forums arranged
		Produce new guidance/general information leaflets and review current leaflets and publish a minimum of 2 on website every 6 months	2 leaflets produced: Satellite Dishes and Boundary treatment and available on website	Rebecca Saunt Andrew Phillips Barbara Greengrass Cathy White		Tree leaflet in final stages
		Use feedback from customer surveys to inform improvements in the planning service	Comments being summarised to highlight areas of improvement	Rebecca Saunt Lucy Flintham		Comments being summarised to highlight areas of improvement
		Expand further the use of social media (Facebook and Twitter) into the planning service to support the planning process and keep customers and the general public up to date with news and information.	Twitter now reports all validated and decided applications. Regular updates from RS and OH about planning news and advice sessions on Tues/Thurs. Facebook picking up slowly.	Rebecca Saunt Oli Haydon		Validated and decided applications reported and regular planning updates about planning news. Will look to expand further in the next 6 months




Name of Service Delivery Champion: Cllr Lis Every
Comments No comments received at this time



Commitments towards our Vision

Waste Services 2018-2019-Six month update



Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
To increase recycling of waste, with a target of 60% recycling, and reduce waste sent to landfill	Delivering a Financially sound and well managed Council	To achieve European recycling targets Target – 65% by 2030 Reported - Annually	55% (full year estimate based on April – December results)	Jo Brooks-Director Operations Sharon Knight-Operations Manager (Waste & Street Cleansing) James Khan-Waste Minimisation & Fleet Manager		See Below
		To achieve East Cambridgeshire target for recycling (60%). Target 60% Reported - Annually	55% (full year estimate based on April – December results)	Jo Brooks-Director Operations Sharon Knight-Operations Manager (Waste & Street Cleansing) James Khan-Waste Minimisation & Fleet Manager		The cumulative recycling rate for the five months from April to August 2018 is 59.68% with a peak in May of 63.65. Ongoing work is currently being carried out with Amey surrounding their sampling method to reduce contamination levels. ECDC and ECSS are revamping the awareness and promotional activities to reduce contamination and to target areas with lower levels of participation in recycling.
To keep the environment of East Cambridgeshire clean through a combination of high quality cleansing services		Street cleansing works carried out to standard. Target - 70% Reported - Annually	New indicator from 18/19 onwards	Sharon Knight-Operations Manager (Waste & Street Cleansing) Martin Norman-Assistant		Following the insourcing of the services a new regime for street cleansing has had to be introduced with the requirement to recruit and train staff to deliver the significantly enhanced service. Positive verbal and written reports from residents and

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
				Manager (Waste & Street Cleansing) Darren Hughes_Client Officer (Waste)		Councillors have been received and there is a clear noticeable upward shift in street cleansing standards. This will be consolidated over the coming months and the improvements in performance will be validated by formal auditing against the standards within the Environmental Protection Act.
Trained, helpful staff working with the Service Delivery Champion to deliver service improvements	Delivering a Financially sounds and well managed Council	To develop staff by completing annual appraisals, including personal development plans to agreed timescales. Target – 100% Reported - annually	100%	Sharon Knight- James Khan Martin Norman Shane Cooper- Acting Assistant Manager (Waste & Street Cleansing)		An independent pay review of ECSS's frontline staff roles has been completed and an annual appraisal procedure has been drafted. The procedure includes targets for each employee to work towards that will be directly linked to their performance and attendance and performance of the company. Implementation of this procedure is subject to Union consultation.
		To provide regular updates to the Member Service Delivery Champion. Target – Quarterly Reported - Annually	Quarterly	James Khan Sharon Knight		Regular meetings, phone calls and email updates with Service Delivery Champion. In addition, the Service is planning to supplement this with a quarterly newsletter to all Members and Parish Councils that confirms the quarterly performance of ECSS against its annual stretch targets.
To resolve reported issues within target timescales	Delivering a Financially sounds and well managed Council	Percentage of missed collections resolved by the end of the next working day. Target - 90% Reported – Annually	80%	Sharon Knight Martin Norman James Khan Shane Cooper		Domestic waste collections are at 72%; Recycling waste collections are at 69.42%; and Green waste collections are at 72.83%. This is against the annual stretch target of 80%. However, there has been improvement evidenced in performance outputs since the

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
						insourcing of the collection services. ECSS are continuing to work on improved processes and procedures to reduce the frequency of missed bins occurring and to ensure appropriate and timely actions are taken to resolve any that are reported.
To provide high quality information to enable residents to make full use of waste services provided		<p>To run awareness campaigns & attend promotional events to increase knowledge of waste issues, resolve service issues & encourage more sustainable attitudes to waste.</p> <p>Target – 5 events</p> <p>Reported - Annually</p>	5 events	James Khan Nick Wyatt- Recycling Support Officer Darren Hughes		<p>Since the first of April 2018, 15 campaigns or events have taken place.</p> <p>These cover a wide variety of waste related issues ranging from the reduction of plastic, to promoting ECDC's second blue bin to give residents the capacity they require to recycle everything they can.</p> <p>ECDC officers have attended large public events fielding questions and queries from members of the public and have used a mixture of social media to share information about waste.</p> <p>Some of the campaigns we have been involved in are:</p> <p>Metal Matters Ely Aqua Fest Purge on Plastics Environment Day</p>
To provide Best Value services through East Cambs Street Scene Limited	Delivering a Financially sound and well managed Council	<p>To reconfigure waste collection rounds to take account of current & planned growth within the District.</p> <p>Target – 1st April 2019</p>	New indicator	James Khan Sharon Knight Martin Norman Shane Cooper		Major round reconfiguration is necessary across all waste streams. This will be an arduous task. Measures have been put in place to ensure all efficiencies possible can be made while working towards a complete overhaul of the waste collection service. A reduction in green waste rounds during

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners	Status (at 6 month stage)	Outcome or output (at 6 month stage)
						the "off season" will ensure resources can be redeployed to assist other areas or removed to make savings.
Ensure that the Council's corporate risks are managed effectively and mitigations are put in place to reduce impact.	Delivering a financially sound & well managed council	<p>To annually review corporate risks related to the delivery of services through East Cambs Street Scene Limited, & put in place appropriate mitigation measures.</p> <p>The following risks are both service risks and corporate risks:</p> <ul style="list-style-type: none"> The MRF contract with Amey- The contract for dry recyclates will be coming up for renewal in April 2019. Discussions are currently being carried out with other local authorities within Cambs with a view to extend for an additional 5 years (year on year). Appropriate staffing levels- If staffing levels fall below an agreed risk/tolerance level this would impact on the ability to meet the performance outputs leading to both financial and reputational risk <p>Reported - annually</p>		Jo Brooks James Khan Sharon Knight		<p>The Board of ECSS is receiving quarterly reports on the following to ensure the Company is delivering against its performance and financial targets while effectively managing its business risks:</p> <ul style="list-style-type: none"> An update of its Risk Register; A quarterly performance report containing actual performance against the adopted stretch targets; A quarterly profit and loss statement. Regular meetings with Amey and RECAP are currently being undertaken for renewal of the MRF contract Staffing levels are reviewed on a daily basis and mitigations are put in place to ensure essential performance outputs are met

Name of Service Delivery Champion	Councillor Julia Huffer
Comment from Service Delivery Champion:	
These are very impressive and encouraging set of figures. Can you pass my thanks to all of the management team and the hard working frontline staff who are striving to make this service as good as possible , and special thanks to James who has worked tirelessly to remedy the many problems we inherited , he should feel very proud .	

TITLE: Quarter 2 Performance Report for the Waste and Street Cleansing Services

Committee: Regulatory Services Committee

Date: 5th November 2018

Author: Director – Operations & Strategic Advisor to East Cambs Street Scene Ltd

[T132]

1.0 ISSUE

1.1 To provide the Quarter 2 (July to September 2018) performance report for the delivery of the waste and street cleansing services by East Cambs Street Scene (ECSS) after the insourcing of the services on 1 April 2018.

2.0 RECOMMENDATION(S)

2.1 Members are requested to note the progress made to date to consolidate and begin to improve the services being delivered; and the impact that the enhanced management arrangements put in place by the Director – Operations have made to accelerate the improvement progress within ECSS.

3.0 BACKGROUND/OPTIONS

3.1 The Quarter 1 report presented to the Committee in July 2018 confirmed the issues and challenges that had been experienced following the insourcing of the waste and street cleansing services on 1 April 2018 that were negatively impacting on performance. To address the key drivers of current performance the Director – Operations initiated the following remedial action:

- a) To accelerate the required improvement enhanced leadership and direction has been provided in Street Scene by the Waste Minimisation and Fleet Manager taking on the line management responsibility for the Operations Manager (Street Scene). This has allowed for the direct application of the Waste Minimisation and Fleet Manager's experience and skill set to address the areas required for improvement within the Operational Management Team.
- b) The Waste Minimisation and Fleet Manager has reviewed and revised the resourcing arrangements for the delivery, removal and replacement of wheeled bins, bulky collections and clear sacks to optimise the productivity of the resources being deployed. This will reduce the number of repeat calls to resolve the service requests.
- c) The Waste Minimisation and Fleet Manager has led the introduction of the new round sheets for waste collections which has seen a reduction in the number of missed collections that are occurring that require residents to make service requests.

- d) The Waste Minimisation and Fleet Manager is leading the implementation of the new street cleansing regimes and performance management arrangements. This has included standards and frequencies for litter and dog bin emptying. To support the new street cleansing regimes a programme of deep cleansing activities has been carried out to recover selected areas to a standard when they can then be maintained. This has been done through the deployment of additional resources on a one off basis. This is not reflected in the performance outturn for street cleansing because the work was not generated by customer service requests.
 - e) The Waste Minimisation and Fleet Manager is embedding new arrangements for clearing flytipping and graffiti.
 - f) The Waste Minimisation and Fleet Manager has led the engagement with frontline staff and their trade union representatives to build more productive relationships.
 - g) The Customer Services Manager has continued to provide on-going support to the Operational Management Team of ECSS to help them manage the interface with customers, including further refinements of the CRM System to provide performance management data for the services for the Operational Management Team to proactively use. This has included creating a new performance report of service requests resolved by ECSS rather than closed off because the latter in 30.2% of cases requires the customer to close of the service request as part of the self-service function within the CRM system and this has distorted the actual performance reported for ECSS.
- 3.2 The following sections of this report confirm the positive impact that this remedial action has had on the performance of ECSS in the delivery of the waste and street cleansing services.

4. PERFORMANCE UPDATE

- 4.1 Detailed overleaf in Table 1 is an update on ECSS performance in relation to the management and resolution of service requests since the introduction of the new management arrangements and implementation remedial action plan outlined in Section 3 above. This is based on the resolution of the service requests by ECSS and confirmation on the CRM system of the action taken by ECSS staff. This is to reflect that frequently the 30.2% of service requests generated through the self-service function of the CRM system are not closed off by the customer within the 10 day timeframe.

Table 1: Update on ECSS Performance in Relation to the Management and Resolution of Service Requests within the Time Specified Resolution (as a %)

Service	April				May				June				July				Aug				Sep			
	Month	Month	Cum	Trend	Month	Cum	Trend	Month	Cum	Trend	Month	Cum	Trend	Month	Cum	Trend	Month	Cum	Trend					
Refuse	46	63	54	▲	68	58	▲	87	66	▲	82	69	▲	85	73	▲								
Recycling	53	44	48	▼	40	45	▼	75	53	▲	82	58	▲	85	62	▲								
Garden	49	61	57	▲	50	55	▼	74	58	▲	81	62	▲	88	66	▲								
Bulk & Clinical	79	74	76	▼	74	75	▼	82	77	▲	84	79	▲	92	81	▲								
Street Cleansing	17	13	15	▼	16	15	▼	42	23	▲	33	25	-	55	30	▲								

Note: The RAG rating relates to the month on month cumulative performance trend.

- 4.2 The significant improvement in performance evidences the impact the Waste Minimisation & Fleet Manager has had with the target of 80% of service requested being resolved within the set timeframes for all waste activities. There has also been an upturn in street cleansing service requests, but the implementation of the new street cleansing regimes is still being fully introduced. This is because of the requirement to recruit and train additional staff. Members will be aware that the previous provider left the service under resourced and unstructured with no coherent cleansing regimes to meet the standards of the Environmental Protection Act. This will be finally resolved over the coming months.
- 4.3 Appendix 1 contains a summary of ECSS's performance against the set standards and the annual stretch targets for resolving service requests which is a fundamental performance measure for the efficiency and customer focus of the services.
- 4.4 **Sickness Absence:** Over 50% of the costs of the waste and street cleansing services are staffing related costs and the failure to control and properly managing particularly the frontline staff has a fundamental impact on productivity, performance against service standards and management with the budgets set for the services. Consequently, a key measure of the services is the levels of sickness absence and the proactive and effective management of sickness absence when it occurs. Outlined in Table 2 below are the targets for sickness absence set for the waste and street cleansing services. The targets that have been set for the different categories of staff and these reflect that the majority of staff work outside in all weathers carrying out physically arduous work. These targets reflect the targets set in high performing waste and street cleansing service delivery organisations.

Table 2: Sickness Absence Targets Set for the Waste and Street Cleansing Services

Staffing Category	Number of Staff	Annual Sickness Target (Days)	Monthly Sickness Absence Target (Hours)
Driver/Team Leaders (Waste)	18	9	6
Loaders (Waste)	28	9	6
Class 2 Drivers (Street Cleansing)	4	9	6
Driver/Operatives (Street Cleansing)	6	9	6
Ops Management & Admin (Street Cleansing)	5	9	6
Waste Management Team (Street Cleansing)	4	5	3

- 4.5 The summary sickness report contained in Table 3 overleaf does confirm performance against these targets with the sickness absence policy being robustly applied in respect to the following:
- a) The levels of short term sickness absence amongst the Loaders (11.3% over the cumulative target), with return to work interviews taking place and subsequent sickness absence meetings also taking place with individuals when trigger points have been met.
 - b) The levels of sickness absence in the ECSS operational management and administration team is the result of long term sickness absence of one member of staff with two chronic conditions. However, the individual is now back at work having been managed in accordance with the sickness absence policy.
 - c) The sickness absence in the Waste Management Team has resulted from an individual being involved in a car accident that was not their fault.

Table 3: Monthly Sickness Absence Report for the Waste and Street Scene Services – 2018/19

Staff Category & Monthly Target (Hrs)	Driver/ Team Leaders (6 hrs per employee)	Loaders (6 hrs per employee)	Class 2 Drivers (SC) (6 hrs per employee)	Driver/ Operatives (SC) (6 hrs per employee)	Operatives (SC) (6 hrs per employee)	Ops Mgmt. & Admin Staff (3 hrs per employee)	Waste Mgmt. Team (3 hrs per employee)
Number of Staff	18	28	4	6	4	5	4
April	Target = 108 hours Actual = 66 hours	Target = 168 hours Actual = 162 hours	Target = 24 hours Actual = 0 hours	Target = 36 hours Actual = 54 hours	Target = 24 hours Actual = 0 hours	Target = 15 hours Actual = 0 hours	Target = 15 hours Actual = 0 hours
May	Target = 108 hours Actual = 138 hours	Target = 168 hours Actual = 108 hours	Target = 24 hours Actual = 0 hours	Target = 36 hours Actual = 24 hours	Target = 24 hours Actual = 0 hours	Target = 15 hours Actual = 0 hours	Target = 15 hours Actual = 0 hours
June	Target = 108 hours Actual = 54 hours	Target = 168 hours Actual = 204 hours	Target = 24 hours Actual = 0 hours	Target = 36 hours Actual = 0 hours	Target = 24 hours Actual = 6 hours	Target = 15 hours Actual = 0 hours	Target = 15 hours Actual = 0 hours
July	Target = 108 hours Actual = 24 hours	Target = 168 hours Actual = 318 hours	Target = 24 hours Actual = 30 hours	Target = 36 hours Actual = 0 hours	Target = 24 hours Actual = 0 hours	Target = 15 hours Actual = 54 hours	Target = 15 hours Actual = 0 hours
August	Target = 108 hours Actual = 24 hours	Target = 168 hours Actual = 372 hours	Target = 24 hours Actual = 18 hours	Target = 36 hours Actual = 0 hours	Target = 24 hours Actual = 24 hours	Target = 15 hours Actual = 69 hours	Target = 15 hours Actual = 0 hours

Staff Category & Monthly Target (Hrs)	Driver/ Team Leaders (6 hrs per employee)	Loaders (6 hrs per employee)	Class 2 Drivers (SC) (6 hrs per employee)	Driver/ Operatives (SC) (6 hrs per employee)	Operatives (SC) (6 hrs per employee)	Ops Mgmt. & Admin Staff (3 hrs per employee)	Waste Mgmt. Team (3 hrs per employee)
Number of Staff	18	28	4	6	4	5	4
September	Target = 108 hours Actual = 66 hours	Target = 168 hours Actual = 276 Hours	Target = 24 hours Actual = 0 Hours	Target = 36 hours Actual = 6 Hours	Target = 24 hours Actual = 0 Hours	Target = 15 hours Actual = 48 Hours	Target = 15 hours Actual = 21 Hours
October	Target = 108 hours Actual = hours	Target = 168 hours Actual = hours	Target = 24 hours Actual = hours	Target = 36 hours Actual = hours	Target = 24 hours Actual = hours	Target = 15 hours Actual = hours	Target = 15 hours Actual = hours
November	Target = 108 hours Actual = hours	Target = 168 hours Actual = hours	Target = 24 hours Actual = hours	Target = 36 hours Actual = hours	Target = 24 hours Actual = hours	Target = 15 hours Actual = hours	Target = 15 hours Actual = hours
December	Target = 108 hours Actual = hours	Target = 168 hours Actual = hours	Target = 24 hours Actual = hours	Target = 36 hours Actual = hours	Target = 24 hours Actual = hours	Target = 15 hours Actual = hours	Target = 15 hours Actual = hours
January	Target = 108 hours Actual = hours	Target = 168 hours Actual = hours	Target = 24 hours Actual = hours	Target = 36 hours Actual = hours	Target = 24 hours Actual = hours	Target = 15 hours Actual = hours	Target = 15 hours Actual = hours
February	Target = 108 hours Actual = hours	Target = 168 hours Actual = hours	Target = 24 hours Actual = hours	Target = 36 hours Actual = hours	Target = 24 hours Actual = hours	Target = 15 hours Actual = hours	Target = 15 hours Actual = hours

Staff Category & Monthly Target (Hrs)	Driver/ Team Leaders (6 hrs per employee)	Loaders (6 hrs per employee)	Class 2 Drivers (SC) (6 hrs per employee)	Driver/ Operatives (SC) (6 hrs per employee)	Operatives (SC) (6 hrs per employee)	Ops Mgmt. & Admin Staff (3 hrs per employee)	Waste Mgmt. Team (3 hrs per employee)
Number of Staff	18	28	4	6	4	5	4
March	Target = 108 hours Actual = hours	Target = 168 hours Actual = hours	Target = 24 hours Actual = hours	Target = 36 hours Actual = hours	Target = 24 hours Actual = hours	Target = 15 hours Actual = hours	Target = 15 hours Actual = hours
Cumulative Performance – June 2018 <ul style="list-style-type: none"> Cumulative Target = number of months x the monthly target; Cumulative Actual = the totalling of each months actual. 	Cumulative Target = 684 hours Cumulative Actual = 372 hours	Cumulative Target = 1,008 hours Cumulative Actual = 1,122 hours	Cumulative Target = 144 hours Cumulative Actual = 48 hours	Cumulative Target = 216 hours Cumulative Actual = 84 hours	Cumulative Target = 144 hours Cumulative Actual = 30 hours	Cumulative Target = 90 hours Cumulative Actual = 171 hours	Cumulative Target = 90 hours Cumulative Actual = 21 hours
Trend (RAG Rating): <ul style="list-style-type: none"> Green rating = Actual is less the Cumulative Target; Amber rating = Actual is up to 2 days greater than the Cumulative Target; Red rating = Actual is 3+ days greater that the Cumulative Target. 							

4.6 Detailed below in Table 4 is a summary of the total tonnage of waste collected and the total tonnage of waste collected for April 2018 to August 2018.

Month	Tonnage All Waste Collected	Tonnage All Waste Recycled (Recyclates + Garden Waste)	% of Waste Recycled	Trend (Target = 57% of Waste being Recycled) - RAG
April	2,789	1,638	58.73%	
May	3,224	2,052	63.65%	
June	2,949	1,845	62.56%	
July	2,370	1,306	55.11%	
August	2,658	1,550	58.31%	
September				
October				
November				
December				
January				
February				
March				
Total	13,990	8,391	59.98%	

5.0 ARGUMENTS/CONCLUSIONS

5.1 The Quarter 2 Performance Report highlights the significant improvements made in the delivery of the waste and street cleansing services since the implementation of the remedial action plan. The focus is now on improving the following areas based on performance to date:

- a) Embedding the new cleansing regimes and ensuring the full deployment of the resources for street cleaning.
- b) Resolving the outstanding service requests for the annual supply of black sacks.
- c) Clearing outstanding incidents of flytipping.
- d) Reducing the number of incidents of inappropriate behaviour by frontline staff through training and reinforcement of behavioural standards, as part of the cultural change within the services that requires a consistent focus on the customer and the deliver of services correctly first time.
- e) Reviewing the service requests reported as waste enquiries to resolve any persistent failures in service delivery and to resolve any problematical policy issues. The latter may have to resolved as part of further awareness work with particular groups of residents.

6.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

6.1 The waste and street cleansing services are being delivered within the Council's revenue budget for the services.

6.2 In Quarter 4 (January to March 2019) it is planned that an equalities impact assessment for the waste and street cleansing services will be undertaken to reflect the improvements that have been made in the delivery of the services over the previous three quarters.

7.0 APPENDICES

Appendix 1: Summary of ECSS's Performance Against the Annual Stretch Target for Resolving Service Requests: July to September 2018 (Service Requests through the Call Centre and Website Closed off (80%) within the Specified Response Time).

BACKGROUND PAPERS

LOCATION

CONTACT OFFICER

Room 101B

Jo Brooks

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Appendix 1: Summary of ECSS’s Performance Against the Annual Stretch Target for Resolving Service Requests: July to September 2018 (Service Requests through the Call Centre and Website Closed off (80%) within the Specified Response Time).

Performance Summary – April to September 2018	Monthly				Cumulative			Trend
	Service Requests Received	Service Requests Closed	Service Requests Closed off within the Specified Response Time	Performance against Annual Stretch Target (80%)	Service Requests Received	Service Requests Closed off within the Specified Response Time	Performance against Stretch Target (80%)	
April Total Service Requests for the Domestic Collection Service.	187	159	49	30.82%				
May Total Service Requests for the Domestic Collection Service.	180	178	48	26.97%	367	97	26.43%	▼
June Total Service Requests for the Domestic Collection Service.	145	159	68	42.77%	512	165	32.23%	▲
July Total Service Requests for the Domestic Collection Service.	185	179	159	86.59%	692	453	65.46%	▲
August Total Service Requests for the Domestic Collection Service.	213	158	130	82.27%	850	583	68.58%	▲

September Total Service Requests for the Domestic Collection Service.	331	288	244	84.72%	1,138	827	72.67%	▲
April Total Service Requests for Recycling Collection Services.	212	141	18	12.76%				
May Total Service Requests for Recycling Collection Services.	191	208	32	15.38%	403	50	12.41%	▲
June Total Service Requests for Recycling Collection Services.	153	166	36	21.69%	578	86	14.88%	▲
July Total Service Requests for Recycling Collection Services.	167	173	129	74.56%	693	364	52.52%	▲
August Total Service Requests for Recycling Collection Services.	173	159	131	82.38%	852	495	58.09%	▲
September Total Service Requests for Recycling Collection Services.	145	140	119	85.00%	992	614	61.89%	▲
April Total Service Requests for Garden Waste Collections.	124	90	28	31.11%				
May Total Service Requests for Garden Waste Collections.	226	218	54	24.77%	350	82	23.43%	

June Total Service Requests for Garden Waste Collections.	140	156	44	28.20%	490	126	25.71%	▲
July Total Service Requests for Garden Waste Collections.	116	112	83	74.10%	402	297	73.88%	▲
August Total Service Requests for Garden Waste Collections.	111	121	98	80.99%	713	444	62.27%	▲
September Total Service Requests for Garden Waste Collections.	122	118	104	88.13%	831	548	65.94%	▲
April Total Service Requests for Bulky and Clinical Collections.	141	89	56	62.92%				
May Total Service Requests for Bulky and Clinical Collections.	129	147	72	48.98%	270	128	47.41%	▼
June Total Service Requests for Bulky and Clinical Collections.	125	113	42	37.17%	395	170	43.04%	▼
July Total Service Requests for Bulky and Clinical Collections.	151	124	101	81.45%	494	380	76.92%	▲
August Total Service Requests for Bulky and Clinical Collections.	135	142	119	83.80%	639	499	78.45%	▲

September Total Service Requests for Bulky and Clinical Collections.	133	146	134	91.78%	782	633	80.94%	▲
April Total Service Requests for Street Cleansing.	6	6	2	33.33%				
May Total Service Requests for Street Cleansing.	188	163	20	12.27%	373	34	9.12%	▼
June Total Service Requests for Street Cleansing.	159	152	25	16.45%	532	59	11.09%	▲
July Total Service Requests for Street Cleansing.	206	192	64	33.33%	919	230	25.02%	▲
August Total Service Requests for Street Cleansing.	206	202	85	42.07%	727	166	22.83%	▼
September Total Service Requests for Street Cleansing.	171	175	96	54.85%	1,094	326	29.79%	▲

Note: Set Response Times for Services Request:

Waste Collection Services
<ul style="list-style-type: none">• Missed waste, recycling and garden waste collections: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Missed waste, recycling and garden waste collections assisted collections: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Black Bags Not Left – Annual Delivery: Response time to close of the request is 10 working days.
<ul style="list-style-type: none">• Spillages all collection services: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Operative behaviour - collection services: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Refuse collection vehicle incidents: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Bins not returned to property – recycling and garden waste collections: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Replacement bin requests for recycling and garden waste services: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Additional blue bin requests: Response time to close of the request is ten working days from receipt of the request.
<ul style="list-style-type: none">• Additional clear sacks request for recycling collections: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Brown bags not left garden waste collections: Response time to close of the request is 5 working days
<ul style="list-style-type: none">• Second brown bin requests: Response time to close of the request is ten working days from receipt of the request.
<ul style="list-style-type: none">• Service requests for bulky items: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Service requests for clinical collections: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Missed collection for bulky items: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Missed collection for clinical waste: Response time to close of the request is 24 hours with requests received on a Friday having to be closed the following Monday.

Street Cleansing
<ul style="list-style-type: none"> • Litter picking and manual sweeping: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Mechanical Sweeping: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Emptying Litterbins: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Emptying Dog waste bins: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Removal of Dead Animals and Birds: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Removal of Dog waste: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Hazardous Flytip Removal: (including Hazardous Spillages): Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Non-hazardous Flytip Removal: Response time to close of the request is 48 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Offensive Graffiti Removal: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Non-offensive Graffiti Removal: Response time to close of the request is 48 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Autumn Leafing Clearance: Response time to close of the request is 48 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Drug Paraphernalia clearance: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • New and replacement litterbins: Response time to close of the request is 10 working days from the receipt of the request.
<ul style="list-style-type: none"> • New and replacement dog waste bins: Response time to close of the request is 10 working days from the receipt of the request.
<ul style="list-style-type: none"> • Other: Response time to close of the request is 5 working days from the receipt of the request.

TITLE: BUDGET MONITORING REPORT

Committee: Regulatory Services Committee

Date: 5th November 2018

Author: Finance Manager

[T133]

1. ISSUE

- 1.1 This report provides Members with budget monitoring information for services under the Regulatory Services Committee.

2. RECOMMENDATION (S)

- 2.1 Members are requested to note that this Committee has a projected revenue underspend of £135,000 compared to its approved budget of £3,546,687.
- 2.2 Members are also requested to note that this Committee has a projected capital programme outturn of £2,380,799, which is in line with its revised capital budget for the year.

3. BACKGROUND/OPTIONS

- 3.1 Under Financial Regulations each policy committee is required to consider projections of financial performance against both its revenue and capital budget on a quarterly basis.
- 3.2 This is the second report for the 2018-19 financial year and details actual expenditure incurred as at 30th September 2018 and projections of the yearend position at this time. It should be noted that “underspend” is used as a general term for both spending lower than budget, but also income in excess of budget.
- 3.3 The revenue budget for each service that falls under the stewardship of this Committee has been reviewed with appendix 1 detailing the variance to-date and forecast outturn figure for each service line.
- 3.4 Explanations for the forecast outturn variances reported are detailed in the table on the following page.

Service	Variance £	Explanation
Building Regulations	(£15,000)	Fee levels in the first six months of the year have been in excess of that budgeted. It is unclear whether this trend will continue for the remainder of the year, so the forecast provides a prudent estimate.
Land Charges	(20,000)	Income for Land Charges were in excess of the budget for the first six months of the year. No allowance has been made for this continuing for the remainder of the year, but it is expected that this "one-off" excess of income will result in an overall excess at yearend.
Planning	(50,000)	Additional fee income earned during the first six months of the year partly as a consequence of new Government legislation increasing Planning fees by 20% from the 17 th January 2018. We are assuming that the additional income rate will continue over the remainder of the year; not least because, with the Council losing its 5-year land supply, it is probable that the number of planning applications will remain high.
Health & Safety (Work)	(15,000)	The Health & Safety function is being undertaken by an officer from another district council on a secondment basis, saving the authority £15,000 when compared to the original budget.
Homelessness	(£35,000)	This reported underspend is a combination of a saving on staffing; the Housing Team had two vacancies in the first half of the year (these are due to be filled shortly) and a saving on hotels and hostels during this period, as it has not been necessary to provide this kind of emergency accommodation.
Total	(135,000)	

4. ARGUMENTS/CONCLUSIONS

- 4.1 The projected net revenue expenditure for this Committee, as detailed in appendix 1, is £3,411,687, this being £135,000 less than the net budget of the Committee.

4.2 The revised capital budget for this Committee, with slippage from 2017-18 now added, is £2,380,799. At the mid-point in the year, we are forecasting that expenditure will be in line with budget.

5. FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There is a saving of £135,000 compared to this Committee's approved revenue budget.

5.2 Equality Impact Assessment (INRA) not required.

6. APPENDICES

6.1 Appendix 1 – Regulatory Services Committee Budget Monitoring Report – 30th September 2018.

Background Documents

Council Budget as approved by
Council 22nd February 2018

Location

Room 104
The Grange
Ely

Contact Officer

Ian Smith
Finance Manager
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REGULATORY SERVICES COMMITTEE BUDGET MONITORING REPORT - SEPTEMBER 2018

Revenue	Total Budget 2018-19 £	Profiled Budget to 30 Sept 2018 £	Actual to 30 Sept 2018 £	Variance to date £	Projected Outturn £	Variance between Total Budget & Projected Outturn £	Outturn Variance previous Quarter £
Building Regulations Non Fee Earning	100,809	50,405	48,392	(2,013)	100,809	--	--
Building Regulations	(83,241)	(41,619)	(60,103)	(18,484)	(98,241)	(15,000)	--
Civic Amenities Act	10,481	5,240	3,605	(1,635)	10,481	--	--
Con. Areas & Listed Buildings	58,754	29,377	20,852	(8,525)	58,754	--	--
Dog Warden Scheme	39,408	20,180	10,991	(9,189)	39,408	--	--
Environmental Health - Admin. & Misc.	339,346	173,196	180,095	6,899	339,346	--	--
Environmental Issues	45,210	15,497	23,771	8,274	45,210	--	--
Land Charges Admin.	(44,212)	(19,315)	(50,800)	(31,485)	(64,212)	(20,000)	(10,000)
Licensing	(10,902)	(15,135)	(24,114)	(8,979)	(10,902)	--	--
Nuisance Investigation	58,001	29,025	26,652	(2,373)	58,001	--	--
Pest Control	9,098	4,549	6,368	1,819	9,098	--	--
Planning	(114,002)	(55,946)	(84,153)	(28,207)	(164,002)	(50,000)	(50,000)
Refuse Recycling	803,493	518,320	465,680	(52,640)	803,493	--	--
Refuse Collection	1,184,270	440,172	497,785	57,613	1,184,270	--	--
Street Cleansing	586,158	244,105	239,888	(4,217)	586,158	--	--
Street Naming & Numbering	3,371	1,686	(2,927)	(4,613)	3,371	--	--
Tree Preservation	99,131	48,935	40,672	(8,263)	99,131	--	--
Travellers Sites	(20,000)	(18,823)	19,080	37,903	(20,000)	--	--
Health & Safety (Work)	28,713	14,356	22	(14,334)	13,713	(15,000)	--
Homelessness	401,574	(169,722)	(224,827)	(55,105)	366,574	(35,000)	--
National Practitioners Support Programme	--	59,516	157,427	97,911	--	--	--
Community Land Trusts	20,000	--	--	--	20,000	--	--
Renovation Grants	31,227	15,614	15,311	(303)	31,227	--	--
Revenue Total	3,546,687	1,349,613	1,309,667	(39,946)	3,411,687	(135,000)	(60,000)

Capital	Published Budget 2018-19 £	Slippage from 2017-18 £	Approved Additions £	Revised Budget 2018-19 £	Actual to 30 Sept 2018 £	Forecast Outturn £	Variance between Revised Budget & Forecast Outturn £
Recycling and Organics Collection	10,000	--		10,000		10,000	--
Conservation Area Schemes - 2nd round	--	27,506		27,506		27,506	--
Refuse Vehicles	340,000	153,981		493,981	172,508	493,981	--
Depot	845,950			845,950		845,950	--
Mandatory Disabled Facilities Grants	847,299	44,283		891,582	301,814	891,582	--
Empty Properties, Discretionary DFGs, Minor Works, Home Repair Asst.	75,000	36,780		111,780	14,413	111,780	--
Total	2,118,249	262,550	--	2,380,799	488,735	2,380,799	--

REGULATORY SERVICES COMMITTEE

Lead Officer: Jo Brooks, Director, Operations

FORWARD AGENDA PLAN

Democratic Services Officer: Adrian Scaites-Stokes

21st January 2019 4:30pm		18th March 2019 4:30pm		TBC 4:30pm	
Agenda Planning Meeting #	To be agreed	Agenda Planning Meeting #	To be agreed	Agenda Planning Meeting #	TBC
Report Deadline:	9 th January 2019	Report Deadline:	6 th March 2019	Report Deadline:	TBC
Quarterly Update Waste Services	Jo Brooks Director, Operations	Quarterly Update Waste Services	Jo Brooks Director, Operations		
Budget Monitoring	Ian Smith Finance Manager	Budget Monitoring	Ian Smith Finance Manager		
Forward Agenda Plan	A Scaites-Stokes Democratic Services Officer	Forward Agenda Plan	A Scaites-Stokes Democratic Services Officer		