

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Cabinet

Date: **Thursday, 15th March, 2018**

Time: **6.30 pm**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Julie Robinson

j.robinson@ashfield.gov.uk

01623 457316

CABINET

Membership

Chairman: Councillor Cheryl Butler

Vice-Chairman: Councillor Don Davis

Councillors:

Amanda Brown

Jackie James

Nicolle Ndiweni

Tim Brown

Keir Morrison

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SUMMONS

You are hereby requested to attend a meeting of the Cabinet to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

Page

1. **To receive apologies for absence, if any.**
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non-Disclosable Pecuniary/Other Interests.**
3. **To receive and approve as a correct record the minutes of the meetings of the Cabinet held on 19th February and 5th March, 2018.** 5 - 14
4. **Corporate Scorecard - April to December 2017 Position.** 15 - 20

Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Cheryl Butler
5. **Change to Procurement Service.** 21 - 24

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Jackie James
6. **Mobile Home Sites - Consultation on the Implementation of Licence Fees.** 25 - 28

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Keir Morrison
7. **Homelessness Reduction Act 2017- Update.** 29 - 34

Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Keir Morrison
8. **Enforced Sale of Empty Properties.** 35 - 40

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holders: Councillors Keir Morrison and Nicolle Ndiweni

9. Exempt

A Member of the Cabinet is asked to move:-

“That in accordance with the provisions of Section 100A of the Local Government Act 1972, the press and public be now excluded from the meeting during the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and in respect of which the Proper Officer considers the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

10. HRA Acquisitions. 41 - 48

Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Keir Morrison

11. Write-Off Amounts over £5000 for Non-Domestic Rates. 49 - 52

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Jackie James

CABINET

Meeting held in the Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield,

on Monday, 19th February, 2018 at 6.30 pm

Present: Councillor Cheryl Butler in the Chair;

Councillors Amanda Brown, Tim Brown,
Don Davis, Jackie James, Keir Morrison and
Nicolle Ndiweni.

Officers Present: Craig Bonar, Sarah Daniel, Ruth Dennis,
Robert Mitchell, Paul Parkinson and
Julie Robinson.

CA.48 Declarations of Disclosable Pecuniary or Personal Interests and Non-Disclosable Pecuniary/Other Interests

There were no declarations of interest.

CA.49 Minutes

RESOLVED

that the minutes of the Cabinet meeting held on 18 January, 2018 be received
and approved as a correct record.

CA.50 Peer Challenge Update Report

Members were asked to consider the report outlining progress which has been
made since June 2017 against key recommendations of the Local Government
Association peer challenge.

Due to the expectation from the Local Government Association and the
Government that the findings would be used to support improvements there
were no alternative options for Members to consider.

RESOLVED

that Cabinet endorses the progress made since June 2017 in the
implementation of key recommendations arising from the Local Government
Association Peer Challenge.

Reason:

In June 2017 Cabinet endorsed the findings of the Local Government
Association Peer Challenge, whilst seeking approval for Overview and
Scrutiny Committee to monitor the implementation of approved actions arising
from the peer challenge for the municipal year 2017/18.

The Peer Challenge Review undertaken by the Local Government Association in March 2017 is designed to support Councils and is part of a sector led improvement programme. There is an expectation from the LGA and government that the findings will be used to support improvements. Cabinet sanctioned all actions arising from the LGA report.

CA.51 Leisure Transformation Programme – Replacement Leisure Centre for Kirkby in Ashfield

Members were updated on the Leisure Transformation Programme and asked to consider granting authorisation to proceed with the next steps towards delivering a new flagship leisure destination in Kirkby in Ashfield.

Members also considered the alternative option not to proceed with the Leisure Transformation Programme.

RESOLVED that

- a) delegated authority be granted to the Interim Director of Place and Communities to pursue match funding opportunities from Sport England and D2N2 Local Enterprise Partnership;
- b) it be noted that a further report would be tabled later in the year setting out a fully costed business case;
- c) approval be given to the progression of the project through RIBA Stage 3 (Developed Design Stage) and the allocation of £240k within the Capital Programme for consultancy fees;
- d) delegated authority be granted to the Interim Director of Place and Communities, in consultation with the Deputy Leader – Place and Economic Growth, to procure the consultancy work through the most favourable route for the Council.

Reasons:-

It enables the project to continue to be developed to the next stage. Once completed this will enable full costings of the capital and revenue implications to be finalised. In the longer term, the project seeks to deliver revenue savings through an invest to save approach resulting in a reduction in revenue costs when the Council re-tenders the Leisure Operator Contract.

CA.52 Refresh of Medium Term Financial Strategy

Members were asked to review the Medium Term Financial Strategy as part of the budget setting process to enable a savings target to be established.

Members also considered the alternative option of whether a different alignment of savings could be agreed as the more the Council saves in earlier years the less it would have to save overall.

RESOLVED that

- a) Cabinet note the continuing forecast budget gaps over the next five financial years and agree that a minimum savings target of £500k should be set for 2019/20;
- b) a further update of the Medium Term Financial Strategy be undertaken as soon as funding implications post 2019/20 are identified.

Reason:

In order to address the on-going gap between the Council's need to spend and its available funding, which will require net budget reductions of at least £2.65m over the next five years. In the worst case scenario, dependent on government decisions around future funding, this figure could climb to £4.5m over the five years.

CA.53 General Fund Revenue Budget Revised 2017/18 and 2018/19

Members were asked to consider the General Fund Revenue Estimates for 2017/18 (Revised) and 2018/19 and also the continuation of the Council's Local Council Tax Support Scheme.

An Addendum to the Agenda had previously been circulated to provide updated information with regard to Council Tax Options.

In view of the statutory requirements placed upon the Council, there were no alternative options to consider.

RESOLVED that

- a) the General Fund Revenue Estimates for 2017/18 (Revised) and 2018/19, as outlined in the report and Addendum, be noted and recommended to Council for approval;
- b) approval be given to the Council's Local Tax Support Scheme continuing in its current form for 2018/19.

Reason:

In order to set a balanced budget for 2018/19 which reduces the net cost of the Council's General Fund services in line with future predictions of resources.

CA.54 Housing Revenue Account (HRA) Budgets 2018/19 and Rent Setting 2018/19

Members were asked to consider the Housing Revenue Account (HRA) Original Estimate for 2018/19.

Members also considered the alternative option not to approve the budgets and refer the estimates back to the appropriate Portfolio Holder and officers for reconsideration.

RESOLVED

that approval be given to the following:-

- a) the HRA budgets for 2018/19, as detailed in the report;
- b) an average rent decrease of 1% being set for all council house rents for 2018/19;
- c) a garage rent increase of 4% (average 27p per week) being set for 2018/19;
- d) a weekly amenity charge of 70p being set for 2018/19;
- e) the communal heating charges being kept at the current rate for 2018/19;
- f) the water charges at Brook Street Court being kept at the current rate for 2018/19;
- g) the movements in earmarked reserves, as detailed in the report.

Reasons:

To approve the budgets for the HRA for 2018/19. To set a 1% rent decrease as detailed in Section 21-28 of the Welfare Reform and Work Act 2016.

CA.55 Proposed Capital Strategy 2017/18 to 2021/22

Members were asked to consider the proposed Capital Strategy 2017/18 to 2021/22.

Members also considered the alternative option of declining to approve the proposed Capital Strategy.

RESOLVED

that the following be agreed and recommended to Council for approval:-

- a) the proposed increase in Capital borrowing of £3.8m for 2020/21 and 2021/22;
- b) the potential use of Capital borrowing of £6m (estimated figure) to part fund the new Kirkby Leisure Centre;
- c) the carry forward of unused borrowing of £254k from 2016/17 into 2017/18.

Reason:

To ensure that the proposed capital expenditure could continue to be funded from borrowing to the end of 2021/22.

CA.56 Proposed Capital Programme 2017/18 to 2021/22

Members were updated on the proposed expenditure for existing projects and asked to consider the requirements for the Capital Programme over the period 2017/18 to 2021/22.

Members also considered the alternative option of declining to approve changes to existing projects and the Capital Programme.

RESOLVED

that the proposed changes to the strategies and revised Capital Programme for 2017/18 to 2021/22, as outlined in the report, be agreed and recommended to Council for approval.

Reason:

To approve changes to projects and to extend capital investment in projects for the years 2020/21 to 2021/22.

**CA.57 Section 100A Local Government Act 1972
(Exclusion of the Press and Public)**

RESOLVED

that in accordance with the provisions of Section 100A of the Local Government Act 1972, the press and public be now excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act and in respect of which the Proper Officer considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**CA.58 Proposed Sale of Broomhill Cemetery Lodge
(Exempt by virtue of paragraph 3)**

Members were asked to consider the sale of Broomhill Cemetery Lodge, Hucknall to raise capital for re-investment in affordable rented housing to be held in the Housing Revenue Account.

Members also considered the following alternative options:-

1. To refurbish Broomhill Cemetery Lodge and re-let to families on the waiting list. This option was considered but the high costs of refurbishment meant that this would not be the most cost effective option. Also, it is considered that the potential value of this property is such that up to two, more suitable, affordable homes could be provided with the receipts.
2. To refurbish Broomhill Cemetery Lodge and convert to office accommodation. This option was investigated but it quickly became apparent that significant costs would be incurred in providing good quality commercial premises which met with planning requirements. It is also likely that due to its location the offices would have limited appeal and the income generated would be so low that refurbishments costs might never be recovered.

3. To demolish Broomhill Cemetery Lodge and prepare the land for eventual use as additional burial plots to meet future demand. This was not pursued as the Council has now secured sufficient capacity elsewhere in the District.

RESOLVED that

- a) approval be given to the disposal of Broomhill Cemetery Lodge, Hucknall to raise capital for re-investment in affordable rented accommodation within the HRA;
- b) Council approval be sought, under Article 4 (4.01(c)) of the Constitution, to submit an application to the Secretary of State for consent to dispose of Broomhill Cemetery Lodge under Section 32 of the Housing Act 1985;
- c) subject to Council approval, delegated authority to the Director of Housing and Assets to submit an application for consent to the Secretary of State and, in the event of receiving consent, to proceed to dispose of Broomhill Cemetery lodge complying with any conditions imposed. Furthermore, subject to any conditions imposed, the delegation arrangements would include determining the most appropriate method of disposal and to agree the asking price for Broomhill Cemetery Lodge;
- d) the Director Legal and Governance be authorised to carry out all necessary legal transactions to complete the disposal.

Reasons:

Broomhill Cemetery Lodge has been empty for a number of years. In that time it has fallen into disrepair to such an extent that it would take some time to recoup the cost of refurbishment through rental income.

It is also incurring monthly costs and taking up officer time to keep it secure.

The fact that this property is detached, and in a good location, means that it is considered more cost effective to sell at market rates so that the receipts can be used to provide affordable homes for rent. These properties would be held within the Housing Revenue Account and let to eligible families on the housing register.

CA.59 Proposed Sale of Lawn House (Exempt by virtue of paragraph 3)

Members were asked to consider the sale of Lawn House to raise capital for re-investment in affordable rented housing to be held in the Housing Revenue Account.

Members also considered the alternative option to refurbish Lawn House and let to a family on the housing register. This option was considered but the high cost of refurbishment meant that this would not be the most cost effective option. Also, it is considered that the potential value of this property is such that at up to two, more suitable, affordable homes could be provided with the receipts.

RESOLVED that

- a) approval be given to the disposal of Lawn House, Sutton in Ashfield to raise capital for re-investment in affordable rented accommodation within the HRA;
- b) Council approval be sought, under Article 4 (4.01(c)) of the Constitution, to submit an application to the Secretary of State for consent to dispose of Lawn House under Section 32 of the Housing Act 1985;
- c) subject to Council approval, delegated authority to the Director of Housing and Assets to submit an application for consent to the Secretary of State and, in the event of receiving consent, to proceed to dispose of Lawn House complying with any conditions imposed. Furthermore, subject to any conditions imposed, the delegation arrangements would include determining the most appropriate method of disposal and to agree the asking price for Lawn House;
- d) the Director Legal and Governance be authorised to carry out all necessary legal transactions to complete the disposal.

Reason:

Lawn House has been empty for a number of years and has fallen into disrepair. Due to the extent of the remedial repairs required it would take some time for costs to be recouped through rental income. It is also incurring costs and taking up officer time to keep it secure. The fact that this property is detached, and in a good location, means that it is considered more cost effective to sell at market rates so that the receipts can be used to provide affordable homes for rent. These properties would be held within the Housing Revenue Account and let to eligible families on the housing register.

The meeting closed at 7.05 p.m.

Chairman.

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EXTRAORDINARY MEETING OF THE CABINET (TAX SETTING)

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Monday, 5th March, 2018 at 6.00 pm

Present: Councillor Cheryl Butler in the Chair;

Councillors Amanda Brown, Tim Brown,
Don Davis and Keir Morrison.

Apologies for Absence: Councillors Jackie James and Nicolle Ndiweni.

Officers Present: Craig Bonar, Ruth Dennis, Katherine Green
Sharon Lynch, Robert Mitchell and
Julie Robinson.

In Attendance: Councillors Lachlan Morrison, Helen-Ann Smith,
John Wilmott and Jason Zadrozny.

CA.60 Declarations of Disclosable Pecuniary or Personal Interests and Non-Disclosable Pecuniary/Other Interests

There were no declarations of interest.

CA.61 Council Tax 2018/19

Members considered the Council Tax level for 2018/19.

Members also considered a number of alternative options, as set out in the report, with regard to the level of Council Tax.

RESOLVED

that Council be recommended to approve the Council Tax levels for 2018/19 on the basis of a band "D" tax level for the District Council's own expenditure of £185.46 (a 2.77% increase).

Reason:

In order to set a balanced budget for 2018/19 in the context of the Council's Medium Term Financial Strategy.

(Councillor Keir Morrison entered the meeting at 6.02 p.m. during consideration of the above item.)

CA.62 Council's Treasury Management Strategy

Members were asked to consider the Council's Treasury Management Strategy which underpins the Council's approach to its Treasury Management activities and also the proposed Prudential Indicators.

Due to the requirements placed on the Authority by the CIPFA Code of Practice for Treasury Management, there were no alternative options for Members to consider.

RESOLVED

that the Treasury Management Strategy Statement (Section 5) and the Prudential Indicators (Section 6), as outlined in the report, be agreed and recommended to Council for approval.

Reason:

The Treasury Management Strategy Statement recommendations will allow for effective Treasury Management operations within the Authority and the Prudential Indicator ratios offer a benchmark by which any future capital expenditure decisions should be made.

The meeting closed at 6.05 p.m.

Chairman.

| | | | |
|----------------------------|--|--------------|----------------------|
| Report To: | CABINET | DATE: | 15 MARCH 2018 |
| Heading: | CORPORATE SCORECARD – APRIL TO DECEMBER 2017 POSITION | | |
| Portfolio Holder: | LEADER | | |
| Ward/s: | | | |
| Key Decision: | NO | | |
| Subject to Call-In: | YES | | |

Purpose of Report

This report presents to Cabinet the Quarter 3, April to December 2017 outturn for the corporate performance scorecard, which is aligned with the Corporate Priorities.

Recommendation(s)

For Cabinet to consider and proactively review the levels of performance achieved against the Corporate Scorecard as at Quarter 3 2017/18 in order to facilitate delivery of the Corporate Plan and improved performance of the organisation.

Reasons for Recommendation(s)

The Council's ambitions for the next three years are clearly identified in the Corporate Priorities which are presented in the Corporate Plan 2016 - 2019. In March 2016 Cabinet agreed the use of a balanced scorecard methodology to enhance the organisations performance framework and ability to understand how successfully the Corporate Priorities are being delivered, the approach providing a more rounded view on performance with a greater emphasis on customer satisfaction and quality.

The Corporate Scorecard has previously been agreed by Cabinet.

Performance outturn for the Corporate Scorecard will be monitored and managed at CLT, Cabinet and Scrutiny.

Alternative Options Considered

(with reasons why not adopted)

None

Detailed Information

Ashfield's Corporate Scorecard

The corporate scorecard structure enables measuring of organisational performance adopting typical balanced scorecard perspectives of:-

- Community and Customer
- Funding the Future
- Organisational Effectiveness
- Our People

The Organisation Effectiveness perspective is particularly focussed on the measurement of delivery against the Corporate Priorities through 'output' measures.

April to September Corporate Scorecard Performance

2016/17 year-end performance position was very positive with 80% improvement across the corporate scorecard and 91% achievement against targets.

Overall, the outturn for Quarter 3 2017/18 also indicates a positive position:-

- 75% of measures indicating an improved position compared to the same period in the previous year, with a further 10% of performance levels only 5% (or less) lower than last year.
- 85% of measures achieving or exceeding target, with a further 4% within 10% variance of target.

Areas of improved performance are:-

- Rent collection levels are at the highest comparative quarter 2 position
- Planning applications continue to be processed well above nationally prescribed standard targets, whilst also improving on last year's performance outturns.
- Only 0.2% of council housing stock is non-decent, which are the lowest levels achieved.
- Tenants assisted with money advice continues to increase and is greater than target
- 25% more households have been prevented from becoming homeless during the last 12 months, quarter 3 out-turn is more than three times higher than levels of prevention achieved just two years ago with 69 households assisted between October and December 2017. Homelessness levels due to domestic violence are also 40% lower than quarter 3 last year. Providing an exact explanation for this is difficult but local work to raise awareness of the issue and the support available, plus new local refuge provision, will contribute towards the reduction.
- Service requests regarding litter and dog fouling are in total 18% lower than last year and a third lower than 13/14 levels. A number of campaigns have been delivered across the district in partnership with the Dog's Trust and Keep Britain tidy to raise awareness of dog fouling and littering behaviours.
- Recycling levels have maintained at around 41% since the roll out of the new bin scheme, with levels hitting or exceeding 50% in the summer months.

- The number of payments made online have nearly doubled compared to last year, whilst direct debit payments for council tax and business rates have also increased by 5%. We are continuing to review payment channels and digital accessibility for customers. Our initial target is to increase direct debit payments by 10%.
- This year, decisions have now been made to release over £300,000 efficiencies identified through service reviews, significantly higher level than quarter 3 2016/17. Future decisions following the completion of two further services reviews are expected before year end.

However, recognised areas for improvement are:-

- Number new affordable homes levels continue to be significantly less than 2016/17. Affordable homes which are built on new developments are usually purchased by Registered Providers (Housing Associations) at a heavily discounted rates so that they can be let to people on our waiting list. However, in recent years take up from the RPs has been reduced due to financial pressures such as the 1% annual rent reduction which also affects the Council. Where there are no takers for affordable homes the developers can request that their planning obligations are varied so that they can offer different types of 'affordable' homes such as discount for sale or starter homes. Neither of these tenures are recorded in our affordable figures.

There have been delays with some affordable homes being handed over, which were expected around November/December. In total there are 23 further units expected before year end.

- Service requests for fly tipping continue to be higher (23%) compared to the previous year, however, this trend has shown improvement since quarter 2. It is acknowledged that comparatively there are also increasing trends being experienced by our nearest neighbours and nationally with increases of over 40% from 2015/16 to 2016/17. The District Councils Network ran a recent East Midlands event on the subject. Ashfield District Council was one of the organisers of the event which confirmed that this is a significant issue across all types of Local Authorities. The event has identified some key actions, which include the creation of a task and finish group to drive change at a national level to help local authorities deal effectively with fly tipping and waste carriers.
- Customer satisfaction with the action the council has taken in respect of ASB and nuisance is 26% lower than the same period last year. Outcomes of a recent service review of the community protection integrated hub highlighted that officers were undertaking visits for most cases referred to the Council, leading to high levels of demands and ineffective use of resources. A new triage approach has been developed for dealing with complex need whereby a duty officer (ASB and Nuisance) will attempt to solve a range of issues through the provision of advice over the phone, or arranging the visit of a caseworker if the circumstances require. Analysis of the approach has shown that the majority of advice given is acted upon by the resident reporting the issue. In 67% of cases the problem has not reoccurred, potentially as a result of the advice given, and 90% of respondents have stated they would contact the community protection hub again to report a similar issue. However satisfaction has dropped as a result of some residents indicating they prefer a visit. This will be considered in more detail to ensure the service standards are maintained.
- The number of new environmental volunteers actively engaged are less than last year, which was the first year of the programme and attracted initially high levels of volunteer take up. The programme continues to be promoted extensively to attract new volunteers, for example through All About Ashfield and through national initiatives such as Keep Britain Tidy's Great British Spring Clean and Volunteers Week.

- Sickness absence is currently slightly over target. HR are continuing to support managers and CLT to reduce sickness and manage employees with early return to work through the Attendance Management Policy. Monitoring reports are considered monthly by CLT
- Inspection and enforcement to mitigate cold hazards are 26% lower than levels achieved in quarter 3 2016/17. This is due to the implementation of the selective licensing regime just over 12 months ago which has seen as significant improvement in heating installations and thermal insulation. It has also focused the work of the wider PSE team on targeting poorer quality properties and improving the conditions which will be demonstrated in the increase in Q4. This work also has a positive impact on the Damp and Mould figures due to the reduction of this hazard as they are closely linked.
- The number of disabled facilities grants delivered are 26% lower than last year, This in part can be attributed to the referrals received and an increase in the number of large scale adaptation requests.

Implications

Corporate Plan:

The report relates to delivery of the Corporate Plan Priorities. It covers performance for the period April to December 2017

Legal:

No direct legal implications

Finance:

| Budget Area | Implication |
|---|--|
| General Fund – Revenue Budget | Financial performance is included within a detailed corporate scorecard report |
| General Fund – Capital Programme | |
| Housing Revenue Account – Revenue Budget | |
| Housing Revenue Account – Capital Programme | |

Risk:

| Risk | Mitigation |
|---|---|
| Poor performance would potentially result in inability to deliver the corporate priorities as specified in the corporate plan | Regular monitoring of performance and robust performance management through the authority's performance framework |

Human Resources:

High levels of performance can have a positive impact upon employee engagement and retention which in turn can enhance performance further.

Equalities:

No direct equalities implications

Other Implications:

None

Reason(s) for Urgency**Reason(s) for Exemption****Background Papers**

Detailed Corporate Scorecard – Quarter 3 Performance 2017/18

Report Author and Contact Officer

Jo Froggatt, Corporate Performance and Improvement Manager,
01623 457328
j.froggatt@ashfield-dc.gov.uk

Rob Mitchell
CHIEF EXECUTIVE

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|----------------------------|--|--------------|----------------------|
| Report To: | CABINET | Date: | 15 MARCH 2018 |
| Heading: | CHANGE TO PROCUREMENT SERVICE | | |
| Portfolio Holder: | CORPORATE RESOURCES AND FINANCE | | |
| Ward/s: | N/A | | |
| Key Decision: | YES | | |
| Subject to Call-In: | YES | | |

Purpose of Report

This report seeks delegated authority to enter into a Service Level Agreement (SLA) for procurement services provided by Nottingham City Council, effective from 1 April 2018.

Recommendation(s)

To delegate authority to the Director of Resources and Business Transformation to negotiate and agree a Service Level Agreement (SLA) with representatives of Nottingham City Council for the provision of procurement services to Ashfield in line with the details contained in the report.

Reasons for Recommendation(s)

Officers have investigated several potential lead authorities with regard to providing the service and delivering on the core objectives of spend efficiency and efficacy. Of those investigated, Nottingham City Council demonstrated the greatest ability to add value and expertise, with tangible evidence of delivery.

Alternative Options Considered

The only alternative to the service provision method currently in place is to bring the service in-house. Given the financial constraints facing the MTFs now and in the future, bringing the service in-house would necessitate the employment of staff to run the service. The costs of doing so would far exceed the costs of sourcing the service externally.

Detailed Information

Ashfield District Council is party to the Nottinghamshire Derbyshire Procurement Unit (NDPU), a shared procurement unit hosted by Bassetlaw District Council. Under the terms of agreement, the NDPU would disband after 1 year of a member Council submitting 12 months' notice of its intention to leave the agreement. In April 2017, Erewash Borough Council submitted notice to leave the NDPU, thereby effecting the cessation of the service on 31 March 2018.

Bassetlaw District Council have attempted to address maintaining the Procurement service for the benefit of its members by commissioning a consultant to review the service.

It was determined that the service was not fit for purpose, and Bassetlaw attempted a restructure, predominantly by employing additional resource. Attempts at recruitment into the new structure failed.

Bassetlaw are currently reviewing their options around procurement moving forward.

Officers are working to formally agree a transition agreement with Bassetlaw to overlap the start of the new service with Nottingham City in order to ensure that Ashfield District Council are fully supported, i.e. if Ashfield have procurement exercises underway and it is not practical to move these to City's team, the exercises can be managed through to their conclusion by Bassetlaw.

Options Appraisal

Officers have been aware of this activity from the outset and have been investigating alternative options for Ashfield. Dialogue has taken place with:

- **Chesterfield Royal Hospital Trust (NHS)**
- **Bolsover/NE Derbyshire Councils**
- **Nottinghamshire County Council**
- **Nottingham City Council**

Each potential provider has been provided with Ashfield's work plan and influenceable spend in order to evaluate fit.

The outcomes by provider:

- **Chesterfield Royal Hospital Trust (NHS)** – The majority of the procurement service at CRHT is focussed on serving the needs of the NHS, while a small contingent (2 staff members) focus on the Local Authority clients. Demonstrable proof of benefits/ability was requested but not delivered. While other Local Authorities have signed up to this service, Ashfield's view is that the fit would be better with a provider operating 100% in the Local Government sector.
- **Bolsover/NE Derbyshire Councils** – The service is very much nascent concept rather than a defined service, and it will be some time before the service, if approved, would be running at full strength. As such, Ashfield's interests would be better served elsewhere currently.
- **Nottinghamshire County Council** – Operating in the same sector, albeit at Upper Tier, County has the levels of influenceable spend and frameworks to deliver real benefit. In conversations with Ashfield, County officers admitted very low purchasing activity in areas that would benefit Ashfield; however remained open to future partnership working on specific projects.
- **Nottingham City Council** – City have evaluated Ashfield's work plan and spend, and have found high levels of crossover (which would naturally occur, given their unitary status and the provision of similar services). Furthermore, City have a dedicated team of 15+ qualified procurement officers focussing on activities other than Social Care and Education, providing a clear focus and emphasis. City's spend levels will also serve as leverage where Ashfield and City joint procurement is possible (City's total influenceable spend is in excess of £240M). Whilst they have no current experience of such an arrangement, the will and desire is present amongst senior officers to forge a partnership. As evidence of effectiveness, City's procurement teams have delivered 8% year-on-year savings since 2014.

Officers recommend entering a SLA with Nottingham City Council with City to provide procurement services to Ashfield.

Outline details of the agreement

Whilst the minutiae of the SLA have yet to be finalised, the principals that underpin the agreement are known:

1. The term of the agreement would be three years, with 12 months' notice by either party to terminate.
2. A flat fee of £35,000 per annum for the service. The flat fee is in line with that currently paid to Bassetlaw, and as such, will not increase the financial burden on Ashfield.
3. A gainsharing agreement of 10% for cashable savings to City. This performance related pay would be payable on cashable savings, i.e. spend reductions (savings) to existing budgets, and not on obtaining the lowest cost for products/services where the service/product has not been acquired before. For example, if savings were delivered on a previously existing printer/copier contract, this would qualify for gainshare. It would not apply to situations such as a new Leisure Centre.

Implications

Corporate Plan:

Legal:

Ashfield District Council and Nottingham City Council are local authorities for the purposes of the Local Government Act 1972 and best value authorities for the purposes of the Local Government Act 1999. Pursuant to the Local Authority (Goods and Services) Act 1970 local authorities may provide services for other public authorities. The proposed arrangement will be established pursuant to the 1970 Act. Legal Services will provide advice and assistance as part of the transfer to the new arrangements and will ensure a suitable Service Level Agreement is entered into. As an interim measure, Legal Services will also assist in the preparation of a Memorandum of Understanding if this is the most expedient approach to formalising interim arrangements.

As noted in the HR comments, potential employment issues have not yet been agreed with Bassetlaw, accordingly legal services will provide advice and assistance as part of these ongoing negotiations.

Finance:

| Budget Area | Implication |
|---|---|
| General Fund – Revenue Budget | The 2018/19 budget provision currently allocated to pay for procurement services from Bassetlaw DC will be sufficient to cover the £35k charge from Nottingham City Council. This assumes that no additional fees will be payable to Bassetlaw DC during the transition period. |
| General Fund – Capital Programme | None |
| Housing Revenue Account – Revenue Budget | None |
| Housing Revenue Account – Capital Programme | None |

Risk:

| Risk | Mitigation |
|--|--|
| SLA cannot be agreed and signed on/before 1 April 2018 | A memorandum of understanding can be implemented as a mitigating action to formalise the process until the SLA is in place. |
| Procurement exercises currently underway may be delayed or otherwise effected. | Third tier officers have been notified that the service will be moving and have been asked to provide details of current/ongoing exercises. If approved, workshops will be planned in for the last two weeks of March for officers to meet the new representatives and discuss ongoing requirements. |

Human Resources:

The Service Level Agreement governing the relationship with Bassetlaw and Ashfield was silent on the topics of redundancy pay and Ashfield's liability. Potentially TUPE could also apply if it is determined that a Bassetlaw employee in the Procurement Unit is working predominantly or wholly for Ashfield. A formal statement of intent with regard to both Redundancy and TUPE has been requested of Bassetlaw, but not yet officially delivered. Officers understand through informal conversations that Bassetlaw will seek no support for redundancy and will retain all employees post-agreement. The report indicates that in transferring to a new SLA with Nottingham City, no additional resources will be employed.

HR will provide advice and assistance in the event that negotiations are tabled.

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

N/A

Report Author and Contact Officer

Justin Henry

COMMERCIAL DEVELOPMENT MANAGER

j.henry@ashfield.gov.uk

Craig Bonar

DIRECTOR RESOURCES AND BUSINESS TRANSFORMATION

c.bonar@ashfield.gov.uk

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|----------------------------|---|--------------|----------------------|
| Report To: | CABINET | Date: | 15 MARCH 2018 |
| Heading: | MOBILE HOME SITES – CONSULTATION ON THE IMPLEMENTATION OF LICENCE FEES | | |
| Portfolio Holder: | HOUSING AND ASSETS | | |
| Ward/s: | ALL | | |
| Key Decision: | YES | | |
| Subject to Call-In: | YES | | |

Purpose of Report

To advise Members of the process the Council follows in respect of licensing mobile home sites and the need to consider introducing licensing fees to cover the costs incurred by the Council for delivering this process.

Recommendation(s)

To endorse the content of this report, specifically the role of the Council in licensing mobile home sites.

To approve consultation with mobile home site owners and other stakeholders regarding the proposed implementation of licensing fees to cover the costs incurred by the Council in administering the licensing scheme.

Reasons for Recommendation(s)

The Council has a duty to licence mobile home sites within the district. In addition to administering the licensing process, officers conduct two site visits per year and provide advice and assistance to site owners to ensure sites are correctly managed.

In view of the costs incurred by the Council it is reasonable to consider introducing a licence fee. This is in line with other Local Authorities in Nottinghamshire. As part of the consideration process the Council is obliged to consult with site owners and stakeholders, including site residents. Consultation should last for a period of 3 months.

Alternative Options Considered

Not to consider the introduction of licensing fees. This was not considered as the Council is incurring costs in respect of managing the licensing process and it is important that the Council considers recouping these costs by way of a licence fee. Currently residents Council Tax is used to subsidise this work rather than a fee paid by the recipients of the service.

Detailed Information

The Council has granted Caravan site licenses under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The CSCDA has now been amended by the Mobile Homes Act 2013 (MHA). The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years.

The MHA introduced some important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is a statutory requirement that councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions. The council can also now charge a fee for different licensing functions, serve enforcement notices and publish any new site rules relating to a site as well as re issuing a site licence to bring them up to the current legislative requirements. The fee generated by the MHA 2013 is not designed to include investigation of harassment or matters not related to the Site Licence – these should be dealt with through Residents Associations or other appropriate channels.

There are 6 licensed sites within the Ashfield District

| Site Name | Type | Pitches |
|--|---------------------------|---------|
| Ashfield Mobile Homes Park, Sutton in Ashfield | Residential | 25 |
| David Street, Kirkby in Ashfield | Residential | 6 |
| Teversal Camping & Caravanning Club, Teversal | Residential holiday homes | 2 |
| | Static Caravans | 10 |
| | Touring | 126 |
| The Willows Mobile Home Park, Selston | Residential | 4 |
| Hodgkinson Road, Kirkby in Ashfield | Residential | 7 |
| Oak Tree Paddocks, Kirkby in Ashfield | Residential | 2 |

Total number : 182

To date the Council has not charged a licence fee. This decision has been at the discretion of the local authority; some have chosen to exercise their right to levy a fee whereas others have continued with the long standing practice of not charging.

As standard, Private Sector Enforcement Officers conduct 2 site inspections each year. The inspections relate to fire safety, mobile home conditions, etc. However, issues relating to the sites mean more frequent licence enforcement visits are undertaken.

The purpose of a licence fees is to recover some of the cost associated with the management of the licences contribute towards officer time to manage the licensing of the sites.

The Nottinghamshire County Districts have discussed licence fees to ensure there is consistent pricing. A typical fee structure could look like the following;

| | |
|--|---------------------------------------|
| Application for a NEW Licence | £407 plus £8 per pitch |
| EXISTING Licence holders – Annual Fee | £12 per pitch |
| Transfer/Variation of a Site Licence of Site Rules | £152 or £274 for complex applications |
| Deposit of Site Rules – one off fee for NEW and EXISTING | £126 |

Existing licence holders **will not** be charged an initial one-off fee, they will be charged an annual pitch fee and for the deposit of site rules.

The site owner, who in respect of the 6 sites listed above is also the licence holder, will be liable for paying the licence fee. Any unpaid fees must be recovered through the Residential Property Tribunal. The Tribunal may issue an order requiring the licence holder to pay the amount due by a specified date. Failure to comply could result in the Council applying to the Tribunal for an order to revoke the site licence.

Following the consultation period the comments will be considered and if the recommendation is that a licence fee should be introduced another report will be submitted to Cabinet, this will include further information regarding a proposed fee structure.

Implications

Corporate Plan:

The recommendations link to the Council’s priority in respect of Corporate Improvement, specifically;

- Implement a financial strategy that prioritises income generation balanced with efficiencies to sustain the Council’s finances
- Match priorities with resources to deliver our corporate objectives
- Become a more enterprising, productive and commercial organisation, exploring and delivering income generation and business development opportunities

Legal:

The relevant legal provisions are detailed in the body of the report.

Finance:

| Budget Area | Implication |
|---|--|
| General Fund – Revenue Budget | No financial implications at consultation stage. If fees are levied this shall provide revenue to cover costs currently incurred. Prior to setting fees, consideration of VAT should take place and an income budget agreed. |
| General Fund – Capital Programme | None |
| Housing Revenue Account – Revenue Budget | None |
| Housing Revenue Account – Capital Programme | None |

Risk:

| Risk | Mitigation |
|--|--|
| Failure of licence holders to pay their fees – financial loss to the Council | Clear procedure in place for dealing with the payment of licence fees and clear process of prompt escalation |

Human Resources:

No additional staff resources are required. The proposals will require action by existing officers within the Private Sector Enforcement Team.

Equalities:

An equalities screening assessment will take place as part of the consultation process and be considered prior to any recommendation to implement.

Other Implications:

None identified

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

N/A

Report Author and Contact Officer

Phil Warrington
Lettings & Strategic Housing Manager
Tel 01623 608893
Email p.warrington@ashfield.gov.uk

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|----------------------------|---|--------------|----------------------|
| Report To: | CABINET | Date: | 15 MARCH 2018 |
| Heading: | HOMELESSNESS REDUCTION ACT 2017 – UPDATE | | |
| Portfolio Holder: | HOUSING AND ASSETS | | |
| Ward/s: | ALL | | |
| Key Decision: | NO | | |
| Subject to Call-In: | YES | | |

Purpose of Report

This report provides an update to Members on the Homeless Reduction Act 2017 ('the Act') which will bring about fundamental change to the way in which homelessness services are accessed and delivered. This report will identify the main changes and summarise what action the Council, in partnership, via the shared Housing Options Service with Mansfield District Council (MDC), is taking to ensure our service is compliant with the Act.

Recommendation(s)

1. That Members endorse the content of this report and the proposed amendments to the delivery of the Council's statutory homelessness service
2. That delegated authority is granted to the Director of Housing and Assets to implement the proposals in this report and make use of the additional grant allocation to ensure the Council's service is compliant with the Act.

Reasons for Recommendation(s)

The Homelessness Reduction Act 2017 comes into force in April 2018 and places additional responsibilities on local authorities. Our existing shared homelessness service, provided by MDC, needs to adapt to ensure it reflects the new requirements.

The Council has been awarded an additional £228,545 grant funding by MHCLG for the period 2017-2020 to implement the Act.

It is important that Members understand the changes that are being made to the service and the new statutory duties placed on the Council. Scrutiny Panel B received an update in November 2017 on the Act and the action the Council will take to ensure compliance.

The above recommendations will enable the Council's services to respond to these new requirements and ensure the service provided via MDC is compliant with the Act.

Alternative Options Considered

(with reasons why not adopted)

Not to update Members or enable the grant funding to be utilised to meet the new requirements of the Act – Not considered as Members wish to be kept informed of the new requirements and the actions required to ensure the shared homelessness service provided via MDC remains compliant with all homelessness legislation.

Detailed Information

The Homelessness Reduction Act 2017, originated as a private Members Bill, tabled by Conservative back bencher Bob Blackman, focuses on the need for increased prevention of homelessness. The Act amends Part 7 of the Housing Act 1996 and takes effect from 1st April 2018.

The main changes to existing legislation / policy are summarised below:

- The Act extends the period during which someone might qualify as threatened with homelessness from 28 days to 56 days.
- There will be a duty to consider an applicant as threatened with homelessness if they present a valid section 21 notice. Such notices are normally served on tenants with an assured shorthold tenancy (where they have not violated the terms of their tenancy agreement).
- Where an applicant is homeless or threatened with homelessness an assessment must be conducted and a personal housing plan agreed. The Council must work with the applicant on the agreed actions with the aim of ensuring the applicant has, and is able to retain suitable accommodation.
- For applicants who are threatened with homelessness, regardless of priority need, the Council will have a duty to take reasonable steps to prevent their homelessness. The prevention duty will last for 56 days.
- For those applicants who become homeless the Council will have a duty to relieve their homelessness. This will apply to all applicants irrespective of their priority need. The relief duty will last for 56 days.
- Free homelessness advice and information should be available to any person in the local authority area. Services should be designed to meet the needs of vulnerable groups, including care leavers, victims of domestic abuse, people released from prison, former HM Armed Forces personnel, etc.
- There will be a duty requiring all specified public authorities to notify the Council of service users they think may be homeless or at risk of homelessness.
- There is an extension to the applicant's right to request a review of homelessness decisions in relation to the new duties.

As a result of these changes, it is anticipated that a greater number of people will be assisted to prevent or relieve their homelessness before reaching crisis point. Whilst the Council does not anticipate a significant increase in the number of people seeking assistance, a significant increase in casework is expected as the Council is required to agree a personal housing plan with every applicant and to work with them for up to 112 days, longer if they are owed the main housing duty and placed in temporary accommodation. Evidence from a pilot of the Act in Southwark suggests a 30% increase in applicants, who spend on average 85 days in the prevention stage and 51 days in the relief stage.

It is also anticipated that there will be a greater demand for temporary accommodation, at least in the short term. This is as a result of the extended duty to relieve an applicant's homelessness for 56 days prior to accepting a main duty towards them. However, in the long term it is expected that the use of temporary accommodation will decrease as applicants are prevented from becoming homeless and as the shared homeless service increases its work with the private rented sector and others to offer a range of housing options to applicants. As such it is expected that there will be a reduction in the number of applicants owed the main housing duty as their case is successfully prevented or relieved during the 112 days.

In order to meet these new responsibilities, the shared homelessness service will require additional staffing, training, new procedures and also IT software, particularly to complete the additional administrative work such as personal housing plans and to record the monitoring information required by MHCLG. The additional burden on local authorities to deliver the requirements of the Act has been recognised and the Council has been awarded additional grant funding as follows:

| Funding | 2017/18 | 2018/19 | 2019/20 | Total |
|------------------------------------|----------------|----------------|----------------|-----------------|
| Flexible homelessness grant | £51,501 | £54,762 | TBC | £105,000 |
| New burdens | £36,983 | £33,877 | £43,685 | £114,545 |
| ICT Development | £9,202 | £0 | £0 | £9,000 |
| Total | £97,686 | £88,639 | £43,685 | £230,010 |

The Council is working with MDC to agree how this additional grant funding should be allocated to ensure the shared homeless service will be able to meet the new requirements of the Act. The current proposal is to fund:

- 3.5 additional members of staff (x3 Early Intervention Officers and x 0.5 Housing Solutions Administrator)
- Purchase of the Homelessness and Enhanced Housing Options module from Abris, who currently provide the Council's Choice Based Lettings (CBL) system software
- A homelessness prevention fund

The homelessness prevention fund would adopt a spend to save approach and focus on priority need applicants in order to avoid the use of expensive temporary accommodation. As appropriate to each case, the fund could be used for deposits, rent in advance, letting agent fees, static arrears, travel costs, payments to friends and family, etc. To maintain the fund and support as many applicants as possible, wherever appropriate, monies will be recovered and recycled.

The Council will also be working with MDC and Newark & Sherwood District Council to monitor the impact of the Act and to develop a joint Homelessness Strategy in the coming months.

To respond to the above changes, the Director of Housing and Assets is recommending the appointment of (in conjunction with the shared service) additional staffing resources, the funding of new prevention initiatives and the introduction of a new IT system to ensure the shared homelessness service can meet the requirements of the new Act. The cost associated with these additional resources will be met within the existing shared service budget and the additional grant monies received.

Implications

Corporate Plan:

The content of this report has a direct positive impact on the following commitment to;

'Ensure that we understand the reasons for homelessness and adopt measures to assist those affected and prevent where possible.'

Legal:

The Homelessness Reduction Act amends Part 7 of the 1996 Housing Act. From April 2018, local authorities will have to work to the requirements of the new legislation, as Ashfield has a shared service with MDC, the Council need to ensure that the SLA and its staffing structure are prepared and financially resourced to deal with the increased number of applicants and reviews as ADC still retain the statutory obligations and duties towards homeless households in the district.

Finance:

| Budget Area | Implication |
|---|--|
| General Fund – Revenue Budget | <p>The Flexible Homelessness Grant of £51k for 2017/18 has been received. A further £54k will be forthcoming in 2018/19. It is not yet known if funding will be available beyond 2018/19.</p> <p>In addition, the Council has received New Burdens funding of £37k in 2017/18, with a further £34k due in 2018/19 and £44k due in 2019/20. There will be no further funding from New Burdens beyond 2019/20.</p> <p>A one-off payment of £9k has been received in 2017/18 to help towards ICT development costs.</p> |
| General Fund – Capital Programme | Not applicable |
| Housing Revenue Account – Revenue Budget | Not applicable |
| Housing Revenue Account – Capital Programme | Not applicable |

Risk:

| Risk | Mitigation |
|--|--|
| The Council not being in a position to fulfil its statutory homelessness duties. | Effective project planning and management is in place with MDC. Clear priorities agreed and action plan in place with challenging but achievable milestones. |

Human Resources:

Additional staff will be required within the shared service to ensure the service complies with the additional requirements of the Act. Any recruitment will be undertaken in accordance with the Host Authority's policies and procedures and will be employed by the Host (MDC) under their terms and conditions.

Existing posts may also need to be reviewed and in the event of changes being recommended there will be appropriate consultation with the post holders in line with the Host's Restructuring Policy.

Equalities:

(to be completed by the author)

No identified issues.

Other Implications:

(if applicable)

Reason(s) for Urgency

(if applicable)

Reason(s) for Exemption

(if applicable)

Background Papers

(if applicable)

Report Author and Contact Officer

Emma Lindley

Housing Strategy Lead Officer

e.lindley@ashfield.gov.uk

01623 457211

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Agenda Item 8



| | | | |
|----------------------------|--|--------------|----------------------|
| Report To: | CABINET | Date: | 15 MARCH 2018 |
| Heading: | ENFORCED SALE OF EMPTY PROPERTIES | | |
| Portfolio Holder: | HOUSING AND ASSETS AND SAFER AND STRONGER COMMUNITIES | | |
| Ward/s: | ALL | | |
| Key Decision: | YES | | |
| Subject to Call-In: | YES | | |

Purpose of Report

To advise Members about the Enforced Sales Procedure (ESP), a process that can be used to recover costs incurred by the Council when dealing with long term empty properties. As a consequence of this action, the ESP will assist in reducing the number of empty properties in the District.

To request approval of a budget of £20,000 to implement the ESP. The budget will enable the Private Sector Enforcement Team (PSE) to undertake minor works on long term empty properties where the owner has failed to act and a statutory notice has been served.

Recommendation(s)

To note the content of this report, specifically the new Enforced Sales Procedure.

To approve a budget of £20,000 for the year 2018/19 to implement and administer the Enforced Sales Procedure. The budget will be used for the purpose of undertaking minor works to properties in disrepair, including empty and derelict properties and for other costs associated with operating the procedure.

Reasons for Recommendation(s)

The Council has a responsibility to ensure that empty properties in the District are maintained in a good condition and that prompt action is taken if a property owner fails in their obligation to maintain their home(s).

The Council has a number of statutory powers to deal with disrepair associated with empty properties and officers normally work alongside property owners to ensure works are completed in a timely manner. However, if a property owner fails to comply with requests the Council may need to take action including undertaking minor works at the property. It is important the Council is able to

recover all costs associated with such action. The ESP will be the mechanism for ensuring the Council is fully reimbursed if the property owner fails to pay the debt.

As a consequence of action to recover monies owed the empty property will be sold and so brought back in to use.

The Council has a commitment to reduce the number of empty properties in the District. Members have recently highlighted, via a Substantive Motion put to Council on 1st February 2018, that the housing and homelessness crisis is worsening and it is important the Council continues to take a pro-active approach to dealing with empty homes.

The Homelessness Reduction Act 2017, that becomes law in April 2018, will intensify this need as the Council will be obliged to assist more homeless applicants' access accommodation suitable for their long term needs. The more properties that are available for occupation in the district, the better chance we have of assisting those in need.

Alternative Options Considered

Not to introduce the ESP. This was not considered as it is important the Council seeks to recover debts owed and that empty properties are brought back in to use.

Detailed Information

The Council has made empty homes and properties a focus and has set up a cross departmental working group to ensure that all the relevant knowledge and powers are considered in dealing with empty properties.

The Council's PSE Team works hard to identify vacant properties and work with the owners to bring the properties back into use. In recent years the Team has been successful in reducing the number of vacant properties in the District. There are currently 507 properties in the District that have been vacant for 6 months or more. During the last 3 months 210 empty properties have been brought back in to use.

The role of the team is primarily one of advice and support as on most occasions this is successful in bringing about the desired outcome. When a property owner fails to engage or act on the advice a Notice may be served under the relevant Act. Some of the most commonly used include;

- Section 4 Prevention of Damage by Pests Act 1949 - Requires land to be kept free of rats and mice
- Section 79 Building Act 1984 - Requiring works to remedy ruinous and dilapidated buildings and neglected sites
- Section 80 Environmental Protection Act 1990 - Requiring abatement of statutory nuisance
- Section 215 Town and Country Planning Act 1990 - Requiring steps to be taken for the purpose of remedying the adverse effect on amenity caused by detrimental condition of land and buildings
- Housing Act 2004 - Requiring the taking of action to deal with category 1 or 2 hazards in residential premises

Failure to comply with a Notice amounts to an offence and the Council may have a right to carry out the works in default and recover the cost.

If the cost of works are not repaid within a specified period of time they can be placed as a Local Land Charge against the property. The charge takes effect as if created by a deed of charge by way of legal mortgage within the meaning of the Law of Property Act 1925. This is what provides the power of sale.

At this stage a letter will be sent to the owner to advise them of the existence of the charge and that if it is not paid off the Council will take steps to sell the property.

If this letter is ignored a Notice under section 103 of the Law of Property Act 1925 will be served. This is a legal requirement before a power of sale is exercised under a mortgage/charge. The notice explains that money is owed under a mortgage/charge and that if it is not paid off within 3 months, the Council may then sell the property to recover the money.

If a property is sold it is common to sell via auction. It is important the Council seek to obtain the best price as a duty is owed to the owner of the property not to sell at under value.

When the property has been sold the Council will deduct from the sale proceeds the original works in default costs, the legal costs in undertaking the enforced sale procedure, conveyancing costs in connection with the sale, auctioneer's or other marketing costs, and other officer time in relation to the enforced sale process. If there are any other debts owed to the council these can be deducted too. The balance is then paid over the ex-owner of the property or, if there is another mortgage on the property, the Council will pay them off first before handing the balance over.

Additional benefits of the Enforced Sales Procedure are the likelihood that a new owner will refurbish the property and increase the chance that it will become reoccupied and improve the local amenity. The Council may also consider buying the property itself if it is in the interest of the neighbourhood to do so, suitable budgets are available and set viability parameters are met.

The above is a brief summary of how the ESP will work. A more comprehensive procedure, including other rules and guidelines has been developed for officer use.

The ESP is another option the Council may wish to utilise when dealing with empty properties. As an alternative it may be more appropriate for the Council to consider an Empty Property Management Order (EDMO). An EDMO is issued under Part 4 of the Housing Act 2004 and gives the Council the power to take over the management of a vacant property for a set period and recovers its costs from the ongoing rental income.

Whilst the focus of this report is on the new ESP, it is important that Members are aware this is just one of a number of powers available to the Council when dealing with empty properties. On some occasions it may be appropriate, at other times an EDMO or other may be the best course of action. Each empty property and each empty property owner is dealt with individually and wherever possible the PSE Team work with and in support of the owner to bring their home back into use.

Implications

Corporate Plan:

Housing is a priority within the Corporate Plan. The recommendations within this report will help with the following aims within the Plan;

- Bring more empty homes back into use
- Ensure that new housing is sustainable and fuel efficient
- Support the delivery of energy efficiency in existing homes
- Deal with disrepair in the private sector by encouraging owners to improve their properties

Legal:

The Council will be exercising a statutory power of sale under Section 103 of the Law of Property Act 1925 in order to recover costs that it has incurred in carrying out works in default thus enabling the sale of the property to an organisation committed to ensuring that it is improved and brought back into occupation.

Finance:

| Budget Area | Implication |
|---|--|
| General Fund – Revenue Budget | A budget of £20,000 will be released from the Economic Development & Place Reserve for the year 2018/19. Subject to the performance of the budget this year and the recovery of costs it will be considered for inclusion in the annual budget from 2019/20. |
| General Fund – Capital Programme | None |
| Housing Revenue Account – Revenue Budget | None |
| Housing Revenue Account – Capital Programme | None |

The actual requirement will be monitored throughout 2018/19 when the new process as had time to produce results. Then look to review the financial position to see if the process of recouping costs from the enforced sale produces a nil overall cost to the Council.

Risk:

| Risk | Mitigation |
|---|--|
| Potential failure to recover Council monies spent | Robust process and procedure is in place and that it is effectively monitored to ensure prompt action is taken to recover monies owed. |

Human Resources:

No additional staff resources are required. The proposals will require action by existing officers within the Planning, Private Sector Enforcement and Community Protection teams.

Equalities:

An Equalities Impact Assessment Screening Form has been completed and has not identified any equality related issues.

Other Implications:

None

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

None

Report Author and Contact Officer

Phil Warrington
Lettings & Strategic Housing Manager
p.warrington@ashfield.gov.uk
01623 608893

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